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# Foreign Relations of the United States

# 1945

## Volume I

## GENERAL: THE UNITED NATIONS

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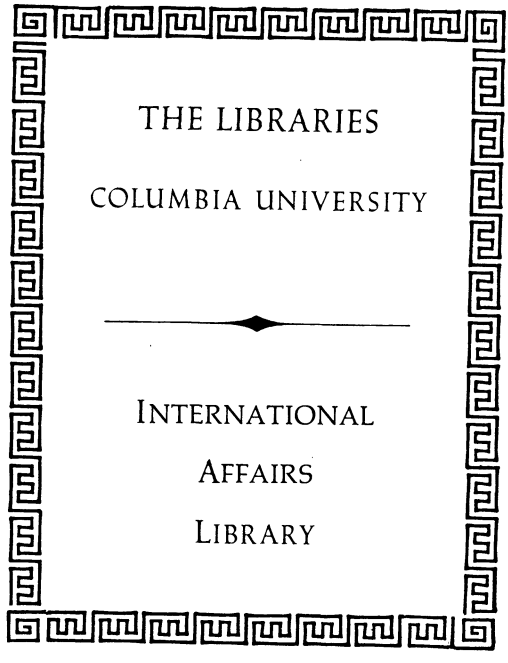
Washington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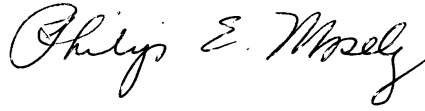

# Foreign Relations
## of the
# United States
## Diplomatic Papers
## 1945

### Volume I
### General:
### The United Nations

United States
Government Printing Office
Washington : 1967

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# PREFACE

This volume was prepared under the direct supervision of the former Chief of the Foreign Relations Division, E. Ralph Perkins, assisted by the present head of the division, S. Everett Gleason, and by Fredrick Aandahl. The compilers of the volume were Velma Hastings Cassidy, Ralph R. Goodwin, and a former member of the Division, George H. Dengler.

The Publishing and Reproduction Services Division (Jerome H. Perlmutter, Chief) was responsible for the technical editing of the volume. This function was performed in the Historical Editing Section under the direct supervision of Elizabeth A. Vary, Chief, and Ouida J. Ward, Assistant Chief.

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

MARCH 1, 1967

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## 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 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 current regulation is printed below:

1350 DOCUMENTARY RECORD OF AMERICAN DIPLOMACY

1351 *Scope of Documentation*

The publication *Foreign Relations of the United States, Diplomatic Papers*, 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, Diplomatic Papers*, shall be edited by the Historical Office, Bureau of Public Affairs of the Department of State. The editing of the record shall be guided by the principles of historical objectivity. There shall 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 shall be omitted for the purpose of concealing or glossing over what might be regarded by some as a defect of policy. However, certain omissions of documents are permissible for the following reasons:

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

1353 *Clearance*

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

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

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# INTRODUCTORY NOTE

## AMERICAN FOREIGN POLICY: SELECTED PUBLIC DOCUMENTS

Beginning with the year 1950, *American Foreign Policy*, a companion series to *Foreign Relations of the United States*, provides systematic coverage of the principal messages, addresses, statements, reports, and of certain of the diplomatic notes exchanged and treaties made in a given period that indicate the scope, goals, and implementation of the foreign policy of the United States. For the immediately preceding years, 1945–1949 inclusive, the present series, *Foreign Relations*, will provide under this heading a brief indication of certain major documents in these categories. This listing does not purport to be complete, of course, and as a rule items dealing primarily with United States relations with particular countries will be noted in the compilations for those countries. Many of the items cited below are also referred to in appropriate compilations in the various volumes for the year.

### I. Major Public Statements of American Foreign Policy

The State of the Union: Annual Message of the President (Roosevelt) to the Congress, January 6, 1945. The portions of the address dealing with foreign affairs are printed in the Department of State *Bulletin* (hereinafter cited as *Bulletin*), January 7, 1945, pp. 22–28. The complete text is printed as House Document 1, 79th Congress.

America's Place in World Affairs: Address by the Under Secretary of State (Grew) at the New York Times Hall, New York, January 17, 1945. *Bulletin*, January 21, 1945, pp. 87–90.

Report on the Crimean (Yalta) Conference: Message delivered by the President (Roosevelt) before a joint session of the Congress, March 1, 1945. *Bulletin*, March 4, 1945, pp. 321–326, 361.

Statement by the Secretary of State (Stettinius) Upon Return From Conferences in the Crimea and at Mexico City, March 10, 1945. *Bulletin*, March 11, 1945, pp. 393–394.

United Nations Will Write Charter for a World Organization: Address by the Secretary of State (Stettinius) before the Council on Foreign Relations at New York, April 6, 1945. *Ibid.*, April 8, 1945, pp. 605–607.

The Economic Basis for Lasting Peace: Address by the Secretary of State (Stettinius), April 4, 1945. *Ibid.*, pp. 593–599.

Address by the President (Truman) before a joint session of the Congress, April 16, 1945. Address delivered on the day following the funeral of President Roosevelt. *Public Papers of the Presidents of the United States: Harry S. Truman, April 12 to December 31, 1945* (Washington, Government Printing Office, 1961), pp. 1–6. For text of a Proclamation by President

Truman, and for other statements relating to the death of President Roosevelt, see *Bulletin*, issue of April 15, 1945.

Address by the President (Truman) to the United Nations Conference in San Francisco, April 25, 1945. Delivered from the White House by direct wire. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 20–23.

Unconditional Surrender of Germany: Radio Address by the President (Truman), May 8, 1945, with related statements and a Proclamation. *Bulletin*, May 13, 1945, pp. 885–889.

Report on the San Francisco Conference: Address by the Secretary of State (Stettinius), broadcast May 28, 1945. *Ibid.*, June 3, 1945, pp. 1007–1013.

Special Message of the President (Truman) to the Congress on Winning the War With Japan: Message read before the Senate and the House of Representatives on June 1, 1945. *Ibid.*, pp. 999–1006.

Letter from the President (Truman) to the Speaker of the House of Representatives on the Defense Aid Program, June 4, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 102–103.

Statement by Cordell Hull, Senior Adviser to the United States Delegation to the United Nations Conference. Issued to the press on June 26, 1945, at Bethesda, Maryland. *Bulletin*, July 1, 1945, pp. 13–14.

Address by the President (Truman) in San Francisco at the Closing Session of the United Nations Conference, June 26, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 138–144.

Address by the President (Truman) Before the Senate Urging Ratification of the Charter of the United Nations, July 2, 1945. *Ibid.*, pp. 153–155.

Statement by the President (Truman) Announcing the Use of the Atomic Bomb at Hiroshima, August 6, 1945. *Ibid.*, pp. 197–200.

Radio Report by the President (Truman) to the American People on the Potsdam Conference, August 9, 1945. Delivered from the White House. *Ibid.*, pp. 205–214.

Radio Address by the President (Truman) to the American People After the Signing of the Terms of Unconditional Surrender by Japan, September 1, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 254–257.

Special Message of the President (Truman) to the Congress on Atomic Energy, October 3, 1945. *Ibid.*, pp. 362–366.

Report on First Session of the Council of Foreign Ministers: Address by the Secretary of State (Byrnes), October 5, 1945. Radio broadcast from Washington. *Bulletin*, October 7, 1945, pp. 507–512. Statement by the Secretary of State (Byrnes) on the Meetings of the Council of Foreign Ministers, London, October 2, 1945. Released to the press on October 3. *Ibid.*, p. 513.

Restatement of Foreign Policy of the United States: Address by the President (Truman), October 27, 1945. Delivered in Central Park, New York, in connection with the celebration of Navy Day. *Bulletin*, October 28, 1945, pp. 653–656.

Neighboring Nations in One World: Address by the Secretary of State (Byrnes), New York, October 31, 1945. *Ibid.*, November 4, 1945, pp. 709–711.

World Cooperation: Address by the Secretary of State (Byrnes), Charleston, South Carolina, November 18, 1945. *Ibid.*, November 18, 1945, pp. 783–786.

America's Policy in China: Statement by the Secretary of State (Byrnes) on December 7, 1945, before the Senate Committee on Foreign Relations, answering charges made by Patrick J. Hurley, former Ambassador to China, against the Department of State and the Foreign Service. *Ibid.*, December 9,

1945, pp. 930–933. See also Mr. Byrnes' statement at a news conference on November 28, *ibid.*, December 2, 1945, pp. 882–883.

United States Policy Toward China: Statement by the President (Truman), released to the press by the White House on December 16, 1945. *Bulletin*, December 16, 1945, pp. 945–946.

Special Message of the President (Truman) to the Congress Recommending the Establishment of a Department of National Defense, December 19, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 546–560.

Statement and Directive by the President (Truman) on Immigration to the United States of Certain Displaced Persons and Refugees in Europe, December 22, 1945. *Ibid.*, pp. 572–578.

## II. The Implementation of American Foreign Policy

### A. The Organization and Activities of the Department of State

A chart showing the organization of the Department as of May 1, 1945, is printed in the *Bulletin*, May 13, 1945, pp. 898–899.

The resignation of Edward R. Stettinius, Jr., as Secretary of State was accepted by President Truman on June 27; for texts of a letter by the President and a statement by Mr. Stettinius on accepting appointment as Representative of the United States to the United Nations, both dated June 27, 1945, see *ibid.*, July 1, 1945, pp. 15–16.

Arrangements for recruitment of commissioned Foreign Service officers from among men and women of the armed forces were announced by the Department on June 29; *ibid.*, pp. 38–39.

James F. Byrnes, of South Carolina, was commissioned as Secretary of State on July 2 and entered upon duties July 3. For text of remarks by Mr. Byrnes on taking the oath of office at the White House, see *ibid.*, July 8, 1945, p. 45.

For information concerning the representation by the United States of foreign interests, as of July 28, with tables arranged according to countries represented and according to United States diplomatic and consular offices, see *ibid.*, July 29, 1945, pp. 144–149. For additional information, see William M. Franklin, *Protection of Foreign Interests: A Study in Diplomatic and Consular Practice* (Department of State publication 2693; 1947).

The resignation of Joseph C. Grew as Under Secretary of State was accepted by President Truman on August 16; for texts of letters by the President, Secretary of State Byrnes, and Mr. Grew, see the *Bulletin*, August 19, 1945, p. 271.

Dean G. Acheson, of Connecticut, was commissioned Under Secretary of State on August 16 and entered upon duties the same day.

Patrick J. Hurley resigned as Ambassador to China on November 27.

On November 27 the White House announced that the President had appointed General of the Army George C. Marshall as his personal envoy to China with personal rank of Ambassador.

The former Secretary of State, Cordell Hull, was awarded the Nobel Peace Prize in Oslo on December 10. A message from Mr. Hull, read by Lithgow Osborne, American Ambassador in Norway, to the president and members of the Nobel Committee of the Storting, was issued to the press by the Department of State on December 10, 1945.

For a general discussion of the situation of the Department and the Foreign Service in the immediate postwar period, see "The Future of the Foreign Service", a radio broadcast of December 29, *Bulletin*, December 30, 1945, pp. 1048–1054.

B. ASSIGNMENT OF ADDITIONAL DUTIES TO THE DEPARTMENT OF STATE

1. *International Information.*

By Executive Order 9608 (10 *Federal Register* 11223), August 31, 1945, President Truman provided for the termination of the Office of War Information and the transfer to the Department of State of its international information functions as well as the foreign information functions of the Office of Inter-American Affairs. In a statement released to the press on that date the President noted that "the nature of present-day foreign relations makes it essential for the United States to maintain informational activities abroad as an integral part of the conduct of our foreign affairs" (*Bulletin*, September 2, 1945, pp. 306–307).

For statements on the role of an international information service in the conduct of foreign relations, by William Benton, Assistant Secretary of State for Public Affairs, before the House Committee on Foreign Affairs (on October 16) and the House Appropriations Committee (on October 17), see *ibid.*, October 21, 1945, pp. 589–595. For text of a radio broadcast by Mr. Benton and others on "Our International Information Policy", December 15, see *ibid.*, December 16, 1945, pp. 947–954, and for a statement by Mr. Benton, "Plans for International Information Service", released to the press on December 28, see *ibid.*, December 30, 1945, pp. 1045–1047.

On December 31 Secretary of State Byrnes addressed to President Truman a letter describing certain proposals for an overseas information service; for text, see *ibid.*, January 20, 1946, pp. 57–58.

2. *Research and Intelligence.*

President Truman wrote on September 20, 1945, to Secretary of State Byrnes that he had that day signed an Executive Order (No. 9621; 10 *Federal Register* 12033) transferring to the Department of State the activities of the Research and Analysis Branch and the Presentation Branch of the Office of Strategic Services. The order, effective October 1, abolished the O.S.S. and transferred its remaining activities to the War Department. The President added that the trans-

fer would provide the Secretary of State "with the resources which we have agreed you will need to aid in the development of our foreign policy, and will assure that pertinent experience accumulated during the war will be preserved and used in meeting the problems of the peace." The President further stated that he particularly desired the Secretary of State "to take the lead in developing a comprehensive and coordinated foreign intelligence program for all Federal agencies concerned with that type of activity . . . through the creation of an interdepartmental group, heading up under the State Department, which would formulate plans for my approval." For texts of the Executive Order and of the President's letters of September 20 to the Secretary of State and to Major General William J. Donovan, Director of the Office of Strategic Services, see the *Bulletin*, September 22, 1945, pp. 449–450.

The appointment of Colonel Alfred McCormack as Special Assistant to the Secretary of State in Charge of Research and Intelligence was announced on September 27, 1945 (*ibid.*, September 30, 1945, p. 499).

For additional information, see "A National Intelligence Program", a radio broadcast of December 22, *ibid.*, December 23, 1945, pp. 987 ff.

3. *Foreign Economic Functions, and Functions with Respect to Surplus Property in Foreign Areas.*

By Part I of Executive Order 9630, September 27, 1945, President Truman terminated the Foreign Economic Administration (established by Executive Order 9380 of September 25, 1943) and transferred to the Department of State all functions of the F.E.A. and its agencies with respect to:

"(*a*) The administration of the Act of March 11, 1941, as amended, entitled 'An Act further to promote the defense of the United States and for other purposes.'

"(*b*) The participation of the United States in the United Nations Relief and Rehabilitation Administration, as defined in Executive Order No. 9453 of July 6, 1944.

"(*c*) Activities in liberated areas with respect to supplying the requirements of and procuring materials in such areas under paragraph 4 of the said Executive Order No. 9380.

"(*d*) The gathering, analysis, and reporting of economic and commercial information, insofar as such functions are performed abroad.

"(*e*) The planning of measures for the control of occupied territories.

"(*f*) The administration of Allocation No. 42/398 of February 1, 1943 from the appropriation, 'Emergency Fund for the President, National Defense, 1942 and 1943.'"

The remaining functions of the F.E.A. were transferred to the Reconstruction Finance Corporation, the Department of Commerce, and the Department of Agriculture.

Part II of Executive Order 9630 assigned to the Department of State additional functions as a disposal agency for all surplus property in foreign areas, excepting certain vessels.

For text of the Executive Order, see 10 *Federal Register* 12245, or *Bulletin*, September 30, 1945, pp. 491–492.

### C. FOREIGN ECONOMIC POLICY—TRADE AND TARIFFS

#### 1. *Lend-Lease.*

Documents relating to Lend-Lease operations in connection with particular countries are printed in the compilations for those countries. On the program as a whole, see:

Proposed Extension of the Lend-Lease Act: Statement by the Assistant Secretary of State for Congressional Relations and International Conferences (Acheson), February 8, 1945, before the Committee on Foreign Relations of the House of Representatives. *Bulletin*, February 11, 1945, p. 189.

Signing of the Third Lend-Lease Act: Statement by the President (Truman), April 17, 1945. *Ibid.*, April 22, 1945, p. 773.

Current Lend-Lease Problems: Statements by the Acting Secretary of State (Grew), May 14, and the Secretary of State (Stettinius), May 15, 1945. *Ibid.*, May 20, 1945, pp. 940–941.

The President's News Conference of May 23, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 67–68.

Lend-Lease Matters: Defense-Aid Appropriation Estimate: Letter from the President (Truman) to the Speaker of the House of Representatives, June 4, transmitting letter of June 1 from the Director of the Bureau of the Budget to the President. *Bulletin*, June 10, 1945, pp. 1061–1063.

Discontinuance of Lend-Lease Operations: White House press release, August 21, 1945. *Ibid.*, August 26, 1945, p. 284.

Statement by the Secretary of State (Byrnes), August 31, 1945. *Ibid.*, September 2, 1945, pp. 332–333.

The President's News Conference of August 23, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 234–235.

Lend-Lease and Postwar Reconstruction. Section 18 of Special Message of the President (Truman) to the Congress Presenting a 21-Point Program for the Reconversion Period, September 6, 1945. *Ibid.*, pp. 305–307.

The 19th, 20th, 21st, and 22nd quarterly reports of operations under the Lend-Lease Act transmitted by the President to the Congress, covering the year 1945. House documents 189, 279, 432, and 663, 79th Congress.

#### 2. *International Finance.*

The Bretton Woods Proposals: International Monetary Fund and International Bank for Reconstruction and Development. Message of the President (Roosevelt) to the Congress, February 12, 1945. *Bulletin*, February 18, 1945, pp. 220–222.

International Monetary Fund and International Bank for Reconstruction and Development: Statement by the Assistant Secretary of State for Congressional Relations and International Conferences (Acheson) before the Committee on Banking and Currency of the House of Representatives, March 7, 1945. *Bulletin*, March 11, 1945, pp. 409–410.

Bretton Woods: A Monetary Basis for Trade: Address by Mr. Acheson, April 16, 1945. *Ibid.*, April 23, 1945, pp. 738–742.

General Policy Statement of the Export-Import Bank of Washington. Released to the press September 11, 1945. *Ibid.*, September 23, 1945, pp. 441–446.

The Necessity for Foreign Investment: Address by Willard L. Thorp, Deputy to the Assistant Secretary of State for Economic Affairs, at New York, November 20, 1945. *Ibid.*, November 25, 1945, pp. 829–832.

On December 27 there were signed in the Department of State the Articles of Agreement of the International Monetary Fund and the Articles of Agreement of the International Bank for Reconstruction and Development. Fred M. Vinson, Secretary of the Treasury, signed the two agreements on behalf of the United States. For a description of the ceremony and for text of a statement by Mr. Vinson, see *ibid.*, December 30, 1945, pp. 1058–1059.

3. *International Trade.*

Recommendation for Renewal of Trade Agreements Act: Message of the President (Roosevelt) to the Congress, March 26, 1945. *Bulletin*, April 1, 1945, pp. 531–533.

United States Policy Regarding Commodity Agreements: Address by the Director of the Office of International Trade Policy (Haley), at New York, April 5, 1945. *Ibid.*, April 8, 1945, pp. 638–642.

Renewal of Trade Agreements: Statements by the Secretary of State (Stettinius) and the Assistant Secretaries of State for Economic Affairs (Clayton) and for American Republic Affairs (Rockefeller) before the Ways and Means Committee of the House of Representatives, April 18, 1945. *Ibid.*, April 22, 1945, pp. 748–759. Testimony of Charles P. Taft, Director of the Office of Transport and Communications Policy, May 12, 1945. *Ibid.*, May 13, 1945, pp. 905–910.

Private Barriers to International Trade: Statement by the Assistant Secretary of State for Economic Affairs (Clayton) before a joint session of the Senate special committee investigating petroleum resources and the subcommittee of the Senate Judiciary Committee on S. 11, 79th Congress, May 17, 1945. *Ibid.*, May 20, 1945, pp. 933–938.

Statements by the Acting Secretary of State (Grew) on May 26 and June 20 concerning the approval of the trade-agreements bill by the House of Representatives and the Senate. *Ibid.*, May 27, 1945, p. 955, and June 24, 1945, p. 1149.

Renewal of Trade Agreements Act: Statement by the Assistant Secretary of State for Economic Affairs (Clayton) before the Finance Committee of the Senate, May 30, 1945. *Ibid.*, June 3, 1945, pp. 1024 ff.

Relaxation of Export Controls: Statement released to the press by the Foreign Economic Administration, September 10, 1945. *Ibid.*, September 16, 1945, pp. 397–400.

The Future of International Economic Relations: Address by Clair Wilcox, Director of the Office of International Trade Policy, at Milwaukee Wisconsin, November 22, 1945. *Ibid.*, November 25, 1945, pp. 833–836.

4. *Foreign Oil Policies.*

Formulation and Implementation of Foreign Oil Policies: Assignment of Petroleum Officers on a Global Basis. Letters exchanged between the Petroleum Administrator for War (Ickes) and the Secretary of State (Byrnes); letters dated September 10 and November 21, respectively. *Ibid.*, December 2, 1945, pp. 894–895.

### D. FOREIGN WAR RELIEF ACTIVITIES

Letter from the President (Truman) to the President of the Senate and to the Speaker of the House of Representatives Transmitting Reports on Foreign War Relief Activities, July 17, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman 1945*, pp. 173–174. The reports of the American Red Cross and the War Refugee Board and the report on status of appropriations and allocations are printed in House Document 262, 79th Congress.

The Repatriation Program: Statement by the Acting Secretary of State (Grew), August 5, 1945. *Bulletin*, August 5, 1945, pp. 162–164.

Letter from the President (Truman) to the Commanding General, United States Forces, European Theater (Eisenhower), Transmitting Report of Earl G. Harrison on Displaced Persons in Europe, Especially in Germany and Austria, August 31, 1945. *Ibid.*, September 30, 1945, pp. 455–463. Reply by General Eisenhower, October 8, 1945. *Ibid.*, October 21, 1945, pp. 607–609.

Statement by the President (Truman) on the European Relief and Rehabilitation Program, September 17, 1945. *Public Papers of the Presidents of the United States: Harry S. Truman, 1945*, pp. 321–324.

Special Message of the President (Truman) to the Congress on United States Participation in the United Nations Relief and Rehabilitation Administration, November 13, 1945. *Ibid.*, pp. 464–467.

Statement by the President (Truman) on the Problem of Jewish Refugees in Europe, November 13, 1945. *Ibid.*, pp. 467–469.

Letter from the President (Truman) to the British Prime Minister (Attlee) Concerning the Need for Resettlement of Jewish Refugees in Palestine, November 13, 1945. *Ibid.*, pp. 469–470.

Immigration to the United States of Certain Displaced Persons and Refugees in Europe: Statement by the President (Truman), with attached Directive by the President. Released to the press by the White House on December 22. *Bulletin*, December 23, 1945, pp. 981–984.

### E. REPORT ON ATROCITIES AND WAR CRIMES

Report from Justice Robert H. Jackson, Chief of Counsel for the United States in the Prosecution of Axis War Criminals, to the President (Truman). Released to the press by the White House on June 7, 1945. *Bulletin*, June 10, 1945, pp. 1071–1078. For additional information, see *Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials, London, 1945* (Department of State publication 3080; 1949).

### F. REPORT ON THE STATUS OF COUNTRIES IN RELATION TO THE WAR

Status of Countries in Relation to the War, August 12, 1945. Compiled by Katherine Elizabeth Crane, Division of Research and Publication. *Bulletin*, August 12, 1945, pp. 230–241. Lists countries at war; signatories of the Declaration by United Nations, January 1, 1942, and adherents to the Declaration; signatories to the Charter of the United Nations; and countries in a state of armistice relations and in a state of surrender.

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| Apr. 13 | *Minutes of the Third Meeting of the Informal Organizing Group on Arrangements for the San Francisco Conference, Held at Washington, Friday, April 13, 1945, noon*<br>Allocation of Conference positions, chairmanship of Conference, languages, nationality of unofficial observers from inter-governmental organizations (reference to representatives of ILO and League of Nations), initial membership of the Soviet Republics in the UN; permanent adjournment of the Informal Organizing Group. | 283 |
| Apr. 13 | *Memorandum by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*<br>Status of the trusteeship problem. | 288 |
| Apr. 13 | *The Ambassador in the Soviet Union (Harriman) to the Secretary of State*<br>Premier Stalin's agreement to send Mr. Molotov to Washington and then to San Francisco as head of Soviet Delegation. | 289 |
| Apr. 14 | *Memorandum by the Secretary of State*<br>Trusteeship issue. | 290 |
| Apr. 14 | *The Secretary of State to the Soviet Ambassador (Gromyko)*<br>Chairmanship of the Jurists' Committee and the Conference. | 291 |
| Apr. 14 | *Memorandum of Conversation, by Mr. Cabot Coville of the Office of Special Political Affairs*<br>Soviet views on various aspects of Conference arrangements. | 291 |
| Apr. 15–23 | *Extracts From the Diary of Edward R. Stettinius, Jr., Secretary of State, December 1, 1944–July 3, 1945*<br>Polish representation; initial membership of Soviet Republics. | 292 |
| Apr. 16 | *Memorandum of Conversation, by the Assistant Secretary of State (Dunn)*<br>Plans for preliminary conversations on trusteeship. | 295 |
| Apr. 16 | *Minutes of the Tenth Meeting of the United States Delegation, Held at Washington, Monday, April 16, 1945, 9 a.m.*<br>Allocation of Conference assignments for other countries; general discussion on the character of changes to be proposed by United States Delegation; V, B(6), General Assembly: Vandenberg proposal on adjustment of treaties; VIII, C, Regional Arrangements, XII, Transitional Arrangements; and VIII, A(7), Pacific Settlement of Disputes. | 296 |
| Apr. 17 | *The Ambassador in France (Caffery) to the Secretary of State*<br>France declines invitation to act as fifth sponsoring nation. | 310 |

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| Apr. 17 | *Minutes of the Eleventh Meeting (Executive Session) of the United States Delegation, Held at Washington, Tuesday, April 17, 1945, 9 a.m.*<br>Meeting of Secretaries of War and Navy with the Delegation to discuss trusteeship; language of report of Jurists' Committee. |
| Apr. 17 | *Memorandum of Conversation, by the Secretary of State*<br>Discussion between Mr. Stettinius and Mr. Eden on various plans for the Conference: Chairmanship, Committee memberships, languages, Steering Committee procedure, Poland, and Argentina. |
| Apr. 17 | *The Secretary of State to the Ambassador in the Soviet Union (Harriman)*<br>Soviet proposal regarding nationality of unofficial observers representing inter-Governmental organizations. |
| Apr. 17 | *The Soviet Embassy to the Department of State*<br>Soviet insistence on inviting to the Conference the Polish Provisional Government functioning in Poland. |
| Apr. 18 | *Minutes of the Twelfth Meeting of the United States Delegation, Held at Washington, Wednesday, April 18, 1945, 9:10 a.m.*<br>VIII, A(7), Pacific Settlement of Disputes: domestic jurisdiction; XI, Amendments; III Membership: withdrawal; IX, A(1), Economic and Social Cooperation; review of decisions tentatively reached for suggestions on the Proposals: Preamble, Chapters I through VI, VIII, A(5, 7) and B(1), and XII; text of draft proposal on trusteeship. |
| Apr. 18 | *Memorandum by the Secretary of State to the Under Secretary of State (Grew)*<br>Meeting of the Secretaries of State, War, and Navy with President Truman on trusteeship. |
| Apr. 18 | *Memorandum by the Secretaries of State, War, and Navy to President Truman*<br>Policy directive on trusteeship, approved by President Truman. |
| Apr. 18 | *The Chargé in the Soviet Union (Kennan) to the Secretary of State*<br>Text of Mr. Molotov's note of March 31 approving invitations to non-official representatives of five inter-Governmental organizations. |
| Apr. 18 | *Memorandum of Conversation, by the Secretary of State*<br>Soviet attitude on questions of chairmanship, nationality of representatives of international organizations, and submission of proposed amendments through the various delegations rather than individuals. |
| Apr. 19 | *Memorandum by the Secretary of State to President Truman*<br>Conclusion of review by the American Delegation of the Proposals; tentative U.S. revisions of the Proposals with respect to Purposes, Principles, General Assembly, Security Council, Maintenance of Peace and Security, and Amendments; questions deferred: Preamble, definition of the right of self-defense, the chapter on economic and social cooperation, and a possible withdrawal provision. |

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| Apr. 21 | *Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*<br>Views of the Mexican Delegation on proposed modifications of the Dumbarton Oaks Proposals, and Mr. Pasvolsky's comments on their four major points. | 355 |
| Apr. 23 | *Minutes of the Thirteenth Meeting of the United States Delegation, Held at San Francisco, Monday, April 23, 1945, 11 a.m.*<br>Summary statement on administrative and procedural subjects discussed. | 360 |
| Apr. 23 | *The Secretary of State to the Ambassador in the United Kingdom (Winant)*<br>Denial of Danish request to be represented by an observer at the Conference. | 361 |
| Apr. 23 | *Memorandum by the Secretary of State to President Truman*<br>Report on recommendations of the Committee of Jurists concerning the statute of the new Court. | 362 |
| Apr. 23 | *Minutes of the First Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at Washington, Monday, April 23, 1945, 9:35 p.m.*<br>Questions of organization and admission of States to the Conference: Soviet Republics, chairmanship, commissions and committees, languages, nationality of observers or advisers to the Conference, Soviet promise of support of Chinese proposals to be discussed with other proposed changes in the Dumbarton Oaks Proposals. | 363 |
| Apr. 24 | *Minutes of the Fourteenth Meeting of the United States Delegation, Held at San Francisco, Tuesday, April 24, 1945, 9:30 a.m.*<br>Principal proposals by other Governments and arguments against them: II, Principles, III, Membership, V, B, General Assembly, VI, Security Council; press policy. | 374 |
| Apr. 24 | *Minutes of the Fifteenth Meeting of the United States Delegation, Held at San Francisco, Tuesday, April 24, 1945, 3:35 p.m.*<br>Summary statement on subjects discussed. | 379 |
| Apr. 24 | *The Department of State to the Embassy of the Soviet Union*<br>Reiteration of United States position that it could not agree to extension of an invitation to the Provisional Government functioning in Warsaw. | 379 |
| Apr. 24 | *Memorandum by Mr. Charles E. Bohlen, Assistant to the Secretary of State, of a Conversation Held at San Francisco, April 24, 1945, 5:45 p.m.*<br>Discussion of Secretary Stettinius with Soviet Foreign Minister Molotov and Ambassador Gromyko on problems of chairmanship, admission of the Soviet Republics, and invitation to Poland. | 380 |


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| 1945<br>Apr. 25 | *Minutes of the Sixteenth Meeting of the United States Delegation (A), Held at San Francisco, Wednesday, April 25, 1945, 8:35 a.m.*<br>Miscellaneous announcements. | 385 |

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| Apr. 25 | *Minutes of the Sixteenth Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Wednesday, April 25, 1945, 9:30 a.m.*<br>US relations with the USSR on question of Poland and on the problem of votes for the two additional Soviet Republics; Argentina. | 386 |
| Apr. 25 | *Minutes of the Second Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 25, 1945, 11 a.m.*<br>Plans for opening session of the Conference. | 402 |
| Apr. 25 | *Minutes of the Seventeenth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Wednesday, April 25, 1945, 8:40 p.m.*<br>Questions of presidency of the Conference, Argentina, and admission of Soviet Republics. | 407 |
| Apr. 26 | *Minutes of the Eighteenth Meeting of the United States Delegation, Held at San Francisco, April 26, 1945, 9:30 a.m.*<br>Discussion on Argentina and admission of two Soviet Republics; proposed revisions II(4,8, and unnumbered paragraph), Principles; III(1), Membership; V,B(1), General Assembly; VIII,B(1), Threats to the Peace; X(1–6), Secretariat; and XI (2, and new paragraph), Amendments: withdrawal provision. | 414 |
| Apr. 26 | *Memorandum by Mr. Charles E. Bohlen, Member of the United States Delegation, of a Conversation Held at San Francisco, April 26, 1945, 10:20 a.m.*<br>Secretary Stettinius informs Mr. Molotov of his optimism on question of Steering Committee approval of admission of Soviet Republics as initial members of the proposed UN. | 444 |
| Apr. 26 | *Minutes of the Nineteenth Meeting of the United States Delegation (A), Held at San Francisco, Thursday, April 26, 1945, 8:40 p.m.*<br>Charter XII and XIII, Trusteeship system: United States proposed draft approved by the Delegation as a basis for discussion in the Conference. | 445 |
| Apr. 26 | *Minutes of the Nineteenth Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Thursday, April 26, 1945, 9:05 p.m.*<br>Presidency of the Conference. | 452 |
| Apr. 26 | *Draft United States Proposals for Trusteeship*<br>Charter, XII and XIII, Text of draft proposals. | 459 |
| Apr. 27 | *Minutes of the Twentieth Meeting of the United States Delegation (A), Held at San Francisco, April 27, 1945, 9:30 a.m.*<br>IX, Economic and Social Cooperation. | 460 |
| Apr. 27 | *Minutes of the Third Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 27, 1945, 10 a.m.*<br>Chairmanship of the Conference. | 472 |
| Apr. 27 | *Minutes of the Twenty-First Meeting of the United States Delegation, Held at San Francisco, Friday, April 27, 1945, 8:30 p.m.*<br>IX, Economic and Social Cooperation; VIII,B (1–3), Threats to the Peace; Preamble; VIII,C(1–3), Regional Arrangements; Charter XVI (102, 103), Registration of Treaties, and Inconsistent Obligations; III, Membership: withdrawal. | 473 |

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| Apr. 27 | *Minutes of the Twenty-First Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Friday, April 27, 1945, 8:55 p.m.*<br>Secretary Stettinius' report on meeting of the Conference Steering Committee and conversations with the President and Mr. Hull; Dumbarton Oaks Proposals constituted the agenda of the Conference and proposed amendments to these Proposals to be submitted by midnight May 4; Soviet Republics, Poland, and Argentina. | 481 |
| Apr. 28 | *Minutes of the Twenty-Second Meeting of the United States Delegation, Held at San Francisco, Saturday, April 28, 1945, 9:30 a.m.*<br>List of subjects discussed. | 485 |
| Apr. 28 | *Minutes of the Fourth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, Saturday, April 28, 1945, 6:45 p.m.*<br>Soviet Republics, Poland, Argentina. | 486 |
| Apr. 28 | *The Soviet Embassy to the Department of State*<br>Soviet insistence on inviting the Warsaw Government of Poland. | 488 |
| Apr. 30 | *Minutes of the Twenty-Third Meeting of the United States Delegation, Held at San Francisco, Monday, April 30, 1945, 9:30 a.m.*<br>Proposed statement of press policy for the American Delegation; Charter XII, Trusteeship; S.36/2, Compulsory Jurisdiction, S.2–7, Nomination of Judges of the Court, S.1, Continuity of the Court. | 488 |
| Apr. 30 | *The Acting Secretary of State to the Chairman of the United States Delegation at San Francisco (Stettinius)*<br>Recommendation that the question of Italy's participation in UNCIO be reopened. | 499 |
| Apr. 30 | *Minutes of the Twenty-Fourth Meeting of the United States Delegation, Held at San Francisco, Monday, April 30, 1945, 6:20 p.m.*<br>Admission of the two Soviet Republics and Argentina approved by the Steering Committee and the Conference in Plenary session; assignment of positions on Commissions and Committees. | 500 |
| Apr. 30 | *Minutes of the Fifth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 30, 1945*<br>Approval of a list (not printed) of officerships of the commissions and committees. | 505 |
| May 1 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>Report to President Truman on alterations in the Dumbarton Oaks Proposals which the Delegation had agreed should be proposed and certain other alterations proposed by other governments which should be supported. | 506 |
| May 1 | *Minutes of the Sixth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, May 1, 1945, 7:15 p.m.*<br>VIII,C, Enforcement action under regional arrangements. | 509 |

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| May 2 | *Minutes of the Twenty-Fifth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 2, 1945, 9 a.m.*<br>S.1, Continuity of the Court, S.4–7, Nomination of Judges of the Court, VIII,A(6), reference of justiciable disputes to the Court; VIII,A(1), application of veto power to the investigation procedure of the Security Council; VIII,A(6) and Charter Article 96/1 and 2; Advisory Opinions; comments by U.K., U.S.S.R., China, and France on U.S. Proposals; IX,A(1), Economic and social cooperation and Charter article 8, Organs: equal opportunity for men and women; XI, Amendments: revisionary conference and withdrawal from membership. | 511 |
| May 2 | *Minutes of the Twenty-Sixth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 2, 1945, 5:30 p.m.*<br>Voting procedure in public meetings of the Conference; statements by Consultants; review of U.S. proposals in light of consultation developments: I (1–3), Purposes; II (1,5,6, and unn. par.), Principles; V, B (1,2,5, and 6), General Assembly; VI, D(2), Security Council; VIII, A(5 and 7), Pacific Settlement of Disputes; VIII,B (1–4), Threats to the Peace and Action with Respect Thereto; IX, A(1) and D(1), Economic and Social Cooperation; X, Secretariat (new par.); XI (new par.), Amendments; Preamble; III and XI, provisions on withdrawal charter article 102, registration of treaties; Review of Amendments to Dumbarton Oaks Proposals as suggested by the United Kingdom Delegation: IX,C(1,d), Functions of the Economic and Social Council; V,B(7), new par., Functions of the General Assembly; VI,A, Composition of the Security Council; VIII,A (1 and 7), Pacific Settlement of Disputes; Review of amendments to Dumbarton Oaks Proposals as suggested by the Soviet Delegation: I(1–3), Purposes; V,B (6), Functions of the General Assembly; VIII,C (2), Regional Arrangements; IX,A (1), Economic and Social Cooperation, Purpose and Relationships; X (1) Secretariat; XII (new par. after 1), Transitional Arrangements. | 528 |
| May 2 | *Minutes of the First Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 2, 1945, 9 p.m.*<br>VIII, B (2, 3), Threats to the peace; VII(6), International Court of Justice; VI, A, and D(5), Security Council; VIII, A(2), Pacific Settlement of Disputes; I (1–3), Purposes; II (1–5), Principles: members; V,B(1,2,5,6), General Assembly. | 548 |
| May 3 | *Minutes of the Twenty-Seventh Meeting of the United States Delegation, Held at San Francisco, Thursday, May 3, 1945, 9 a.m.*<br>I(3), Purposes: equal rights for all people; V,B(6), General Assembly's functions: proposal on revision of treaties. | 558 |
| May 3 | *Minutes of the Second Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 3, 1945, 10 a.m.*<br>VI,D (2,5), Security Council: Procedure; VIII, A(1, new par., 2, 4, 7), Pacific Settlement of Disputes, B (1–2, new par.), Threats to the Peace; C (2), Regional Arrangements; VII(6), Enforcement of Judgments of the Court; IX A(1), D(1), Economic and Social Cooperation, Purpose, and Organization; X (1, new par. 4), Secretariat; XI (1, 2), Amendments; and V,B (7, new par.), General Assembly, functions. | 562 |

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| May 3 | *Minutes of the Twenty-Eighth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 3, 1945, 6:20 p.m.*<br>Draft covering statement for joint submission to the Conference of amendments agreed upon by the four sponsoring nations; amendments which had been deferred for further study: VI,A, Security Council, proposal of the UK, VII, ICJ, Chinese Proposal, VIII,A(2), and VIII,A(4), Pacific settlement of disputes, Chinese and British Proposals, respectively, VIII,B and VIII,B(9), Threats to the Peace, Chinese Proposal, IX, Economic and Social Cooperation, British Proposal, and X, Secretariat, Soviet Proposal; Interim Economic Commission. Reports on subcommittees: VIII,A(1), Charter article 2(7), V,B(6), VIII,C(2), XII(2), and IX,D. | 574 |
| May 3 | *Minutes of the Third Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 3, 1945, 9:40 p.m.*<br>Question of France's participation in discussions of sponsoring Powers; discussion of subcommittee reports on domestic jurisdiction, revision of treaties; IX,A(1) and C(1), Economic and Social Council; VI,A, Security Council, election of non-permanent members; VIII,A(2) rights of non-member states; VIII,A(4), Security Council recommendations of terms of settlement; VIII,B(1), and B(2), new paragraph, and B(9), Threats to the Peace; specific reference to the ILO; X, Secretary General. | 581 |
| May 4 | *Minutes of the Twenty-Ninth Meeting of the United States Delegation, Held at San Francisco, Friday, May 4, 1945, 9:05 a.m.*<br>Consideration of deferred questions: VIII,A(4) and B(1), Pacific Settlement of Disputes, and Threats to the Peace; VIII, C, Regional Arrangements; XII (2), Transitional Arrangements; Charter XII, trusteeship. | 588 |
| May 4 | *Minutes of the Fourth Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 4, 1945, 12:15 p.m.*<br>II(7), Principles: Domestic jurisdiction; V,B(6), General Assembly, Functions; VIII,A(4), Pacific Settlement of Disputes; VIII, B(1), Threats to the Peace; VII, International Court of Justice; International trusteeship; draft press release to cover presentation of the joint Four-Power amendments; Preamble. | 598 |
| May 4 | *Minutes of the Fifth Four-Power Consultative Meeting on Charter Proposals (Part I), Held at San Francisco, Friday, May 4, 1945, 6:30 p.m.*<br>V,B (6), General Assembly; VIII,C(2), Regional Arrangements; XII (2), Transitional Arrangements. | 603 |
| May 4 | *Minutes of the Thirtieth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Friday, May 4, 1945, 7:10 p.m.*<br>VIII,C(2), Regional Arrangements. | 607 |
| May 4 | *Minutes of the Fifth Four-Power Consultative Meeting on Charter Proposals (Part II), Held at San Francisco, Friday, May 4, 1945, 10 p.m.*<br>VIII,C(2), Regional Arrangements; separate and individual submission to the Conference by each of the Sponsoring Powers of those amendments upon which they had found themselves in disagreement, citation to UNCIO Documents for texts. | 610 |

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| May 6 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>Message to the President, Mr. Hull and the Acting Secretary of State: Press conference, three statements given out, one describing the joint amendments submitted to the Conference by the four Sponsoring Powers, second, quoting amendments submitted by the United States alone (V,B(6), VIII,C(2), and trusteeship arrangements), and third, dealing with arrest of the Polish underground leaders; projected attempts to reconcile remaining differences among the four Sponsoring Powers, to whose consultations France would be added; Latin American attitudes regarding regional pacts. | 612 |
| May 7 | *Minutes of the Thirty-First Meeting of the United States Delegation, Held at San Francisco, Monday, May 7, 1945, 9 a.m.*<br>Question of unofficial representatives of official organizations; VIII,C(2), Regional Arrangements (charter art. 53/1). | 615 |
| May 7 | *Minutes of the First Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 7, 1945, 3 p.m.*<br>Procedure to be followed in review of proposed amendments to the Dumbarton Oaks Proposals submitted by other nations represented at the Conference; Soviet action on two proposed amendments to V,B (6) and VIII,C(2) (charter articles 13/1 and 53/1). | 628 |
| May 7 | *Minutes of the Thirty-Second Meeting of the United States Delegation, Held at San Francisco, Monday, May 7, 1945, 6:18 p.m.*<br>VIII,C(2), Regional arrangements (charter art. 53/1). | 631 |
| May 7 | *The Acting Secretary of State to the Minister in Iceland (Dreyfus)*<br>Question of Iceland's membership in the UN. | 640 |


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| 1945<br>May 8 | *Minutes of the Thirty-Third Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 8, 1945, 5 p.m.*<br>VIII, C, Regional Arrangements. | 641 |
| May 8 | *Memorandum by Mr. Charles E. Bohlen, Member of the United States Delegation, of a Conversation Held at San Francisco, May 8, 1945, 8:30 p.m.*<br>Conversation of Secretary Stettinius with Mr. Molotov before his departure (Ambassador Gromyko to remain as his deputy); Soviet views on dealing with amendments proposed by other countries. | 650 |
| May 8 | *The Acting Secretary of State to the Chairman of the United States Delegation (Stettinius)*<br>Molotov's press statement on self-government for dependent peoples. | 652 |

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| May 9 | *Minutes of the Second Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 9, 1945, 3:05 p.m.*<br>Suggested procedure for drafting final Charter. | 652 |
| May 9 | *Minutes of the Thirty-Fourth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 9, 1945, 5:30 p.m.*<br>VI, A, Security Council, Composition; Charter XII, Commander Stassen's progress report on trusteeship. | 654 |
| May 10 | *Minutes of the Thirty-Fifth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 10, 1945, 6:30 p.m.*<br>VIII, C, Regional problem; decision to await recommendations by the Preparatory Commission on questions of location of the UN and place of first meeting of the General Assembly; V, B (2 and 3), and III (1), Membership. | 657 |
| May 11 | *Minutes of the Thirty-Sixth Meeting of the United States Delegation, Held at San Francisco, Firday, May 11, 1945, 2:30 p.m.*<br>VIII, C, Regional Arrangements; Charter article 51: Right of self defense, draft new par. to be added to VIII, B, as par. 12; departure of Mr. Eden from the Conference: voting procedure in Committees. | 663 |
| May 12 | *Minutes of the Thirty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, May 12, 1945, 9 a.m*<br>VIII, C, Regional Arrangements; Navy views; VIII, B (12), Right of self defense, Charter article 51, British reaction; Mr. Hull's views; agreement of Delegation on 11:20 draft on regional arrangements; Charter XII, draft proposed Working Paper on trusteeship discussed; IX, Economic and Social Cooperation. | 674 |
| May 12 | *Minutes of the Third Five-Power Informal Consultative Meeting on Proposed Amendments (Part I), Held at San Francisco, Saturday, May 12, 1945, 2:30 p.m.*<br>VIII,B(12), Right of self defense; and VIII, C(2), Regional Arrangements; draft texts of VIII,B, new par. 12, and VIII, C(1). | 691 |
| May 12 | *Minutes of the Third Five-Power Informal Consultative Meeting on Proposed Amendments (Part II), Held at San Francisco, Saturday, May 12, 1945, 6 p.m.*<br>VIII,B(12), Right of self defense; and VIII,C(2), Regional Arrangements. | 706 |
| May 14 | *Minutes of the Thirty-Eighth Meeting of the United States Delegation, Held at San Francisco, Monday, May 14, 1945, 9:05 a.m.*<br>VIII,B(12), Right of self defense; VIII,C(1), Regional Arrangements; X(1), Secretariat; V,B, role of General Assembly in enforcement action. | 707 |
| May 14 | *Record of First Informal Consultative Meeting With Chairmen of Delegations of Certain American Republics, Held at San Francisco, May 14, 1945, 2:30 p.m.*<br>VIII,C(1), Regional Arrangements; VIII,B(12), Right of self-defense. | 712 |

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| May 15 | *Minutes of the Thirty-Ninth Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 15, 1945, 9 a.m.*<br>VIII,B, Enforcement Arrangements; VIII,C, Regional Arrangements; III, Membership (withdrawal); V,B(1), security powers of the General Assembly: Charter article 2(4), Purposes and Principles: territorial integrity. | 719 |
| May 15 | *Notes on Second Informal Consultative Meeting With Chairmen of Delegations of Certain American Republics, Held at San Francisco, May 15, 1945, 2:45 p.m.*<br>VIII, A(3), Pacific Settlement of Disputes; VIII,B(12), Right of self-defense; VIII,C, Regional Arrangements. | 730 |
| May 15 | *Minutes of the Fourth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 15, 1945, 5 p.m.*<br>VIII,A(3), Pacific Settlement of Disputes: Regional Arrangements; VIII,C(1), Regional Arrangements; VIII,B(12), Right of self-defense. | 737 |
| May 15 | *Minutes of the Fortieth Meeting of the United States Delegation, Held at San Francisco, May 15, 1945, 6 p.m.*<br>X(1), Secretary General and Deputy Secretaries General; Preamble, "due respect for treaties"; I, Purposes; Charter article 2(4) Purposes and Principles: territorial integrity; press statement on regional areas. | 740 |
| May 15 | *Memorandum of Conversation, by the Acting Secretary of State*<br>Relation of Switzerland to the proposed UN. | 749 |
| May 16 | *Minutes of the Forty-First Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 16, 1945, 9 a.m.*<br>Consideration of amendments proposed by other countries: Preamble; I, Purposes; and II, Principles: human rights; recommendations on III, Membership (withdrawal, expulsion, and suspension); XI, Charter amendments; X, Secretariat; VII, New Court vs. Old Court; VI A, Security Council, Composition: election of non-permanent members to the Security Council; Charter XII, the Delegation's working paper accepted by the Committee on Trusteeship as basis for its discussions. | 749 |
| May 16 | *Minutes of the Fifth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 16, 1945, 3 p.m.*<br>Completion of Five-Power consultation on regional formula awaiting Soviet approval before submission to the Conference Commission III/4. | 758 |
| May 16 | *Minutes of the Forty-Second Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 16, 1945, 6 p.m.*<br>Consideration of recommendations to American Delegation on basic issues: V,B,C,D, General Assembly: structure, voting, procedures, political and security functions; IX, Economic and Social Cooperation. | 761 |
| May 17 | *Minutes of the Forty-Third Meeting of the United States Delegation, Held at San Francisco, Thursday, May 17, 1945, 8:30 a.m.*<br>V,B(4), Election of Secretary General; Procedural questions; VI, Security Council; VIII,B, Voting procedure on enforcement action; VIII,A, Pacific Settlement of Disputes. | 768 |

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| May 17 | *Minutes of the Forty-Third Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Thursday, May 17, 1945, 10:20 a.m.*<br>X(1), Deputies, Secretary General; VIII,C, Regional Arrangements; II, Principles: Atlantic Charter, freedom of information and communication. | 774 |
| May 17 | *Minutes of the Forty-Fourth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 17, 1945, 6 p.m.*<br>VI, Security Council: Yalta voting agreement; VIII,B(12), Enforcement arrangements: Collective measures in self-defense; Decisions reached by the Committee of Five: Preamble, I and II, Purposes and Principles; III Membership, X, Secretariat; V,B(3), and B,C(1–2), General Assembly: suspension of voting rights as penalty of non-payment of contribution; Charter articles 8, Organs and 101(3), Secretariat: Participation of men and women on an equal basis in UN; VII, International Court of Justice: Judges—nomination and election; V,B(1), General Assembly: functions and powers; IX, Economic and Social Cooperation: IX,A(2), ILO, IX,A(1), Right to work; Charter article 55(a), Full employment; IX,A, new paragraphs (Australian pledge); IX,B and C, Economic and Social Council, composition and functions; Charter article 76(b), International Trusteeship System, "independence" as a goal. | 778 |
| May 18 | *Minutes of the Forty-Fifth Meeting of the United States Delegation, Held at San Francisco, Friday, May 18, 1945, 9 a.m.*<br>Recommendations to U.S. Delegation on basic issues; Legal problems: Charter article 105(1–2), privileges and immunities (UN); Charter article 102(1–2), registration and publication of treaties; Charter article 103, conflict of international agreements with Charter; Charter article 13(1a), General Assembly: development of international law, General Assembly role; dissolution of League of Nations; Charter article 76(b), Trusteeship: "independence" for dependent peoples as a goal; Charter article 62(1), Economic and Social Council: reference to "education". | 790 |
| May 18 | *Minutes of the Forty-Sixth Meeting of the United States Delegation, Held at San Francisco, Friday, May 18, 1945, 6 p.m.*<br>VIII,B, Enforcement arrangements; XII, Transitional Arrangements; IX,A(1), Economic and Social Cooperation: reference to "education". | 799 |
| May 19 | *Minutes of the Forty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, May 19, 1945, 9 a.m.*<br>IX,C, Economic and Social Council, functions and powers; IX,A(1), full employment; VI,D(5), and Charter article 44, Security Council, *ad hoc* voting membership; VIII,C, Regional Arrangements: mention of "Act of Chapultepec"; VIII,C(2), Charter article 53, exception for action against enemy states; VIII,B, Enforcement arrangements: definition of aggression, and agreements for supply of forces and facilities; XII(2), Transitional Arrangements; and VIII,A(2), Pacific Settlement of Disputes: Right of enemy states to appeal to the Security Council or the General Assembly; I(1), Purposes and III(1), Membership: Neutrality. | 803 |

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| May 19 | *Minutes of the Sixth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 19, 1945*<br>VIII,A(3), Pacific Settlement of Disputes: Regional Arrangements; VIII,B(12), Enforcement arrangements: right to self-defense; VIII,C, Regional Arrangements: reply of the USSR to revisions proposed by the other four Governments on the paragraphs dealing with regional arrangements in relation to the UN. | 812 |
| May 20 | *Minutes of the Forty-Eighth Meeting (Executive Session), of the United States Delegation, Held at San Francisco, Sunday, May 20, 1945, 12 Noon*<br>Discussion of Soviet regional drafts (VIII,B(12), VIII,C); May 19 draft text of VIII,B(12); VI, Security Council: voting procedure. | 813 |
| May 20 | *Minutes of the Seventh Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, Sunday, May 20, 1945, 6 p.m.*<br>Consideration of report of Subcommittee of Five on Soviet proposals regarding the three drafts on regional arrangements (VIII,B(12), VIII,C(1), VIII,A(3)). | 823 |
| May 20 | *Record of Third Informal Consultative Meeting With Ambassadors of Certain American Republics, Held at San Francisco, May 20, 1945, 9 p.m.*<br>Presentation to the Ambassadors of three drafts to the Regional Committee the following day (VIII,A(3), VIII, B(12), and VIII,C(1); no dissent from the drafts expressed. | 825 |
| May 21 | *Minutes of the Forty-Ninth Meeting of the United States Delegation, Held at San Francisco, Monday, May 21, 1945, 9 a.m.*<br>VI,C(1–3), Voting procedure in the Security Council: Yalta voting formula interpreted by Mr. Hiss; Charter article 71, relations of Economic and Social Council with non-governmental organizations; Charter article 62(4), calling of international conference by the Economic and Social Council; IX,A(1a), Full employment as an objective of UN. | 826 |
| May 21 | *The Acting Secretary of State to Diplomatic Representatives in the American Republics*<br>Background information on the regional arrangements issue (VIII,C, XII(2), VIII,B(12), VIII,A(3)). | 831 |
| May 22 | *Minutes of the Fiftieth Meeting of the United States Delegation (A), Held at San Francisco, Tuesday, May 22, 1945, 9:05 a.m.*<br>IX,A(1a), "full employment"; Charter article 56, cooperation of members on economic and social matters; UNCIO: establishment and composition of Advisory Committee of Jurists (US, UK, USSR, China, France, and Mexico); VII, International Court of Justice; Charter XII, Trusteeship; review proposal on a Preparatory Commission; Charter Preamble: provision on respect for treaties. | 837 |
| May 22 | *Minutes of the Fiftieth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Tuesday, May 22, 1945, 10:50 a.m.*<br>Charter article 108, Amendments: Withdrawal from membership. | 847 |

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| May 23 | *Minutes of the Fifty-First Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 23, 1945, 9 a.m.*<br>Charter article 108, Withdrawal provision; IX,A, Economic and Social Cooperation: Purpose and relationships; full employment; V,B(6), General Assembly, objectives; VIII,C(2), Regional Arrangements: French draft amendment; Charter Preamble; respect for treaties; Charter XII, 77(2), Trusteeship System: future arrangements concerning individual territories, Arab League proposal freezing status of Palestine. | 849 |
| May 24 | *Minutes of the Fifty-Second Meeting of the United States Delegation, Held at San Francisco, Thursday, May 24, 1945, 9:05 a.m.*<br>VIII,B(5), Enforcement arrangements: conclusion of military agreements, registration of military agreements; VIII, C(2), Regional arrangements, enforcement action-proposed change in Sponsoring Governments' amendments; XI, Amendments; II(7), Principles: Domestic jurisdiction; V,B(3) membership; expulsion, suspension; IX,A(1), Economic and social cooperation: full employment. | 862 |
| May 25 | *Minutes of the Fifty-Third Meeting of the United States Delegation, Held at San Francisco, Friday, May 25, 1945, 9:05 a.m.*<br>VI,C (Charter art. 27(3)), Security Council, voting (Yalta voting formula); IX,A(1), Economic and Social Cooperation; full employment, and Australian amendment; Charter article 103, compatibility of treaties with Charter; Charter XII, Trusteeship: Arab League's amendments, Palestinian situation. | 873 |
| May 25 | *Minutes of the Eighth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 25, 1945, 11 a.m.*<br>IX,A(2), Economic and Social Cooperation: specialized agencies (ILO, etc.) brought into relationship with UN; VIII, C(2), Regional Arrangements, French amendment. | 889 |
| May 26 | *Minutes of the Fifty-Fourth Meeting of the United States Delegation, Held at San Francisco, Saturday, May 26, 1945, 9:03 a.m.*<br>IX, A(1), Economic and Social Cooperation: Australian amendment; VI,C, Security Council, voting: proposed statement on USDEL interpretation of Yalta formula; VIII,A, Pacific settlement of disputes: rearrangement order of paragraphs in Charter language as altered by Four Power amendments; Charter Preamble; respect for treaties; VIII,C(2), Regional arrangements: French treaty question. | 892 |
| May 26 | *Minutes of the Fifty-Fifth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Saturday, May 26, 1945, 2:30 p.m.*<br>VI,C, Security Council: Yalta voting formula; VIII,B (5,6,9), Determination of threats to the peace: French amendments, armed forces and national air force contingents made available to the Secuirty Council, and Military Staff Committee; V,B(3), V,C(2) General Assembly: Membership, expulsion; X, Secretariat: deputy secretary general; V,B General Assembly: functions and powers, Australian porposal; Charter XI, XII, XIII, Trusteeship, Iraqi, Egyptian, and Arab League proposals involving A mandates, Palestine. | 911 |

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| May 26 | *Minutes of the Ninth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, Saturday, May 26, 1945, 9:15 p.m.*<br>VI,C, Security Council: Voting procedure. | 926 |
| May 28 | *Minutes of the Fifty-Sixth Meeting of the United States Delegation, Held at San Francisco, Monday, May 28, 1945, 9 a.m.*<br>VI,C, Security Council: voting; VIII,B(7), Determination of threats to the peace, Charter article 4(1), membership: French amendment on neutrality; VIII, B(5), Threats to the peace: procedure on agreements for supply of forces; IX, Economic and Social Cooperation, Charter article 56, Australian "pledge" agreement; VIII, B (5,6,9), French amendments regarding military agreements; Charter XII, Trusteeship: amendments proposed by Arab League and by Iraq involving Palestine. | 935 |
| May 29 | *Minutes of the Fifty-Seventh Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 29, 1945, 9 a.m.*<br>Proposed invitation to Denmark to participate in Conference; VIII,C(2), Regional arrangements: French treaty question; question of acceptance of Italy into the UN; Preamble; Charter XII, Trusteeship; S36, Statute of the International Court of Justice: Compulsory jurisdiction; VIII,B (new par. between pars. 5 and 6), enforcement measures: representation in Security Council of non-member states contributing armed forces, Canadian amendment; VIII,B(5) Enforcement measures: Participation of Security Council in conclusion of agreements for supply of forces to the UN: XII, Transitional arrangements: French participation in interim arrangements. | 954 |
| May 29 | *Minutes of the Tenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 29, 1945, 11 a.m.*<br>VIII,C(2), Regional arrangements: utilization regional agencies for enforcement action; VI,C, Security Council: voting; Conference procedures: time schedule. | 968 |
| May 30 | *Minutes of the Fifty-Eighth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 30, 1945, 9:05 a.m.*<br>Problems of inviting Denmark, Korea, Iceland, Poland, Albania, Palestine, Italy; IX,A(1), Economic and Social Cooperation: raw materials; S36, Statute of the ICJ: compulsory jurisdiction; VIII,C(2), Regional arrangements and XII(2), action with respect to enemy states: French treaty amendment; VIII,B(5), Determination of threats to peace: procedure on agreements for supply of forces, Australian amendment; XI, Amendment procedure; X, Secretariat: election Secretary General. | 974 |
| May 31 | *Minutes of the Fifty-Ninth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 31, 1945, 9:02 a.m.*<br>U.S. note on Syria and Lebanon to France; XI, Charter amendment procedure; Charter article 109, revisionary conference; invitation of Denmark; X, Secretariat; S4–15, ICJ: election of judges; V,B(3), V,C(2), Membership: expulsion; VIII,B(5), Determination of threats to peace: supply of forces; IX, Economic and Social Council; VIII,C(2), Regional arrangements: French treaty amendment; Preamble. | 989 |

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| May 31 | *Memorandum by the Chairman of the American Delegation (Stettinius) of a Conversation With the Acting Chairman of the Soviet Delegation (Gromyko), Held at San Francisco, Thursday, May 31, 1945, 12:25 p.m.* Discussion of major issues requiring decisions; interpretation of voting procedure; election of judges; election of secretary general and deputies; amendment process; expulsion; agreements for armed forces; French amendment on regional arrangements; preparatory commission; trusteeship; transitional arrangements (XIII); powers of the General Assembly; position of the Soviet Delegation; proposed Big Five meeting. | 1011 |
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| 1945 June 1 | *Minutes of the Sixtieth Meeting of the United States Delegation, Held at San Francisco, Friday, June 1, 1945, 9 a.m.* XII, transtional arrangements; Charter article 56, Economic and Social Cooperation: Australian pledge amendment and IX,A(1(b)), Purpose: raw materials amendment; Preamble; X, Secretariat: Secretary General and Deputy Secretaries General; procedural voting arrangements applicable to VI,D; VIII,A; XI, revisionary conference; and S4–15, ICJ: election of judges of the World Court; VIII,C(2), Regional arrangements: French treaty amendment; XII(2), Enforcement action against enemies of Charter signatories; V,B(8), General Assembly, functions and powers: annual reports from UN bodies; Charter XII, Trusteeship. | 1022 |
| June 1 | *Minutes of the Sixty-First Meeting of the United States Delegation, Held at San Francisco, Friday, June 1, 1945, 6:04 p.m.* Discussion of a paper, position on open questions: VI,C, Security Council, voting; XI, Charter amendments; X(1), Secretariat: election of the Secretary General and the Deputy Secretaries General; ICJ, S4–15: election of judges; V,B(3) Membership: expulsion; VIII, B(5), provision of armed forces; Charter article 56, Economic and Social Cooperation: Australian pledge amendment; IX,A(1), raw materials; IX, reconstruction; VIII,C(2), and XII, Enforcement arrangements; revised draft; V,B(8), action by the General Assembly on reports of the Security Council; V,B(1), right of the General Assembly to discuss any matter within the sphere of international relations; V,B(6), revision of treaties; Charter article 96(1) ICJ, advisory opinions; Charter XII, trusteeship; Charter article 69, ECOSOC: participation of non-members. | 1056 |
| June 1 | *Minutes of the Eleventh Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 1, 1945, 9 p.m.* VI,C, Security Council: voting, new draft Four-Power statement; VIII,B(5), provision of armed forces; VIII,C(2), enforcement arrangements, and enforcement measures against enemy states under XII(2); XI, convocation of a general conference for review of the Charter; report on progress of the Conference; question of inviting Denmark to the Conference; X(1), Secretariat; V,B(3), membership: expulsion. | 1071 |

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| June 2 | *Minutes of the Sixty-Second Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Saturday, June 2, 1945, 9 a.m.*<br>VIII,C(2), Regional arrangements: French treaty amendment; XI, Charter amendment procedure; VI,C, Yalta voting formula. | 1087 |
| June 2 | *Minutes of the Twelfth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 2, 1945, 10 a.m.*<br>VIII,C(2), Regional arrangements: French proposal; VI,C, and VIII, A, Voting in the Security Council; XII(1), Transitional arrangements; XI, Amendments: Conference for review of Charter; S4–15, ICJ: election of judges; X(1) Secretary General. | 1094 |
| June 2 | *Minutes of the Thirteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 2, 1945, 5:30 p.m.*<br>X(1) Secretariat: election of Deputy Secretaries-General; Charter article 96(1) and VIII, A(6), ICJ, advisory opinion; IX, Economic cooperation: Australian pledge, raw materials, and reconstruction; Charter articles 76(b), 80, 86, and 91, Trusteeship questions: objectives, the "conservatory clause", and Council composition and procedure; V, B(8), General Assembly action on Security Council reports. | 1106 |
| June 2 | *The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*<br>VI,C, Security Council: Soviet opinion on the Yalta agreement on voting procedure. | 1117 |
| June 3 | *The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*<br>Yalta voting formula. | 1119 |
| June 3 | *The Ambassador in the Soviet Union (Harriman) to the Acting Secretary of State*<br>Questions on Soviet position on voting in the Security Council. | 1119 |
| June 3 | *Minutes of the Fourteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 3, 1945, 4 p.m.*<br>VIII,C(2), Regional arrangements: French proposal; XI, Charter amending procedure; X, Secretariat: election of Deputy Secretaries General; V,B(8), General Assembly action on Security Council reports; V,B(6), General Assembly right to revise treaties; V,B (1,2) Right of General Assembly to discuss any matter within the sphere of international relations; IX,A(1), Australian pledge for separate action. | 1120 |
| June 3 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>Draft text of statement, by the Sponsors' subcommittee, on voting procedure in the Security Council, together with Soviet-proposed substitution of certain paragraphs. | 1131 |
| June 3 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>Secretary Stettinius' reply to Ambassador Harriman's telegram 1882 of June 3 on votlng procedure in the Security Council. | 1136 |

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| June 4 | *Minutes of the Sixty-Third Meeting of the United States Delegation, Held at San Francisco, Monday, June 4, 1945, 9 a.m.*<br>XII, Transitional arrangements; VIII,A(7), Charter article 2 (7), domestic jurisdiction, and VIII,B, enforcement measures; V,B(1), Right of the General Assembly to discuss any matter within the sphere of international relations; Preparatory Commission. | 1137 |
| June 4 | *Minutes of the Fifteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 4, 1945, 12 noon*<br>VIII,C(2), Regional arrangements: French proposal; XI, Amendments: Conference for revision of Charter; V,B(1), Powers of General Assembly; IX, Economic cooperation: raw materials; Interim arrangements: Preparatory Commission; VIII,B(9), Regional subcommittees of the Military Staff Committee. | 1145 |
| June 4 | *Memorandum by Mr. Robert W. Hartley of the United States Delegation, of a Conversation Held at San Francisco, Monday, June 4, 1945, 3:30 p.m.*<br>Exchange of views between members of delegations of the United States and the Soviet Union on Charter article 27, voting in the Security Council. | 1152 |
| June 4 | *Mr. Hugh S. Cumming, Jr., Political and Liaison Officer for Europe, to Mr. G. Hayden Raynor, Special Assistant to the Chairman of the American Delegation (Stettinius)*<br>Question of Danish participation in the UN. | 1159 |
| June 5 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>US-Soviet views on possible locations of permanent seat of the UN. | 1159 |
| June 5 | *Minutes of the Sixty-Fourth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 5, 1945, 9:01 a.m.*<br>XII, Transitional arrangements; II(3 and 4), Principles; X, Secretariat; ICJ Statute, authority: proposed amendment to allow the Court to settle disputes among international agencies; VIII,B(9), Military Staff Committee; Charter XII, trusteeship: art. 76(b), objctives, art. 80(1), the "conservatory clause"; VIII,C(2), French treaty amendment. | 1160 |
| June 5 | *The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*<br>VI,C, Voting procedure in the Security Council. | 1170 |
| June 6 | *Minutes of the Sixty-Fifth Meeting of the United States Delegation, Held at San Francisco, Wednesday, June 6, 1945, 9:03 a.m.*<br>Invitation to Denmark to participate in UNCIO; press leak on the veto question; V,B(5), power of the General Assembly to apportion UN expenses among UN members; VIII,C(2), French treaty amendment for the purpose of safeguarding French bilateral regional arrangements; VIII,B and II(7), domestic jurisdiction. | 1171 |

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| June 6 | *Minutes of the Sixteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 6, 1945, 4:40 p.m.*<br>VIII, C (2) and XII (2), Regional arrangements: agreement reached on text; XI Amendments, Charter article 109(3), the calling of a conference for review of the Charter; II(7) and VIII, B, domestic jurisdiction; III, Membership: withdrawal. | 1176 |
| June 7 | *Minutes of the Seventeenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 7, 1945, 3 p.m.*<br>VI, C and D, VIII, A, Voting in the Security Council, and draft text of Four-Power interpretive statement on voting; proposed seat of the Preparatory Commission. | 1189 |
| June 8 | *Minutes of the Sixty-Sixth Meeting of the United States Delegation, Held at San Francisco, Friday, June 8, 1945, 9:02 a.m.*<br>V, B(8), General Assembly's power to consider reports by the Security Council; XI, Amendments, calling of a special conference to revise the Charter; VI, C, Yalta formula controversy and text of statement of the Soviet Delegation on the veto question; UNCIO: procedure for signing the Charter; Preamble: title of the organization; III, and V, B(3), Membership: expulsion and withdrawal; Charter XII, Trusteeship, articles 76(b), 80, and 86(1), and text of statement of views by Secretary Ickes; UNCIO: Delegation's report to President Truman. | 1197 |
| June 8 | *Minutes of the Eighteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 8, 1945, 9:30 p.m.*<br>XI, Amendments: calling a general conference to review the Charter, and the rights of withdrawal. | 1211 |
| June 9 | *Minutes of the Sixty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, June 9, 1945, 9:02 a.m.*<br>Charter article 86, Trusteeship Council: membership; Charter articles 1(2), 76(b), and 55, use of the language of the Atlantic Charter with respect to self-determination; Preamble; XI, Amendments: Soviet proposal for a withdrawal provision. | 1222 |
| June 9 | *Memorandum of Conversation, by Mr. O. Benjamin Gerig, Member of the United States Delegation*<br>Charter article 80(2), Trusteeship: delay or postponement of agreements, and Soviet eligibility as a potential administering authority. | 1235 |
| June 11 | *Minutes of the Sixty-Eighth Meeting of the United States Delegation, Held at San Francisco, Monday, June 11, 1945, 12:06 p.m.*<br>Italy: question of admission to UNCIO; VI, C, Voting; XI, Amendments: withdrawal from the UN, draft statement on withdrawal presented by Mr. Dulles; UNCIO: abstention from any vote; VIII, C, Regional arrangements: the Rapporteur's report. | 1236 |
| June 11 | *Minutes of the Nineteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 11, 1945, 3 p.m.*<br>Interim Arrangements (Preparatory Commission); VI, C, voting procedure; abstention from voting in the Security Council; abstention from voting under VIII, A, Pacific settlement of disputes; XI, Amendments: questions of withdrawal and special conference to review the Charter. | 1256 |

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| June 12 | *Minutes of the Sixty-Ninth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 12, 1945, 9:05 a.m.*<br>XI, Amendments: withdrawal. | 1266 |
| June 12 | *Minutes of the Twentieth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 12, 1945, 6 p.m.*<br>UNCIO: procedure for preparation and signing of five-language texts of the Charter; VIII, B and Charter 2(7), Domestic Jurisdiction. | 1269 |
| June 13 | *Minutes of the Seventieth Meeting of the United States Delegation, Held at San Francisco, June 13, 1945, 9 a.m.*<br>XI, Amendments: withdrawal; XII (1), transitional arrangements; VIII,B and Charter article 2(7), Domestic Jurisdiction; Charter article 47(4), Military Staff Committee consultations with regional agencies; Charter XII, Trusteeship. | 1273 |
| June 13 | *Minutes of the Twenty-First Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 13, 1945, 2:30 p.m.*<br>UNCIO: Procedure for signing language texts of the Charter; XII(1) Transitional arrangements; VI,D(2), and Charter article 47(4), Threats to the peace: Military Staff Committee; V,B(1), General Assembly rights to discuss any matter within sphere of international relations; XI, Amendments: withdrawal, draft statement of views. | 1280 |
| June 14 | *Minutes of the Seventy-First Meeting of the United States Delegation, Held at San Francisco, Thursday, June 14, 1945*<br>XI, Charter amendments; withdrawal; X, Secretariat: Secretary General; Charter article 2(7), Domestic jurisdiction; Charter article 6, Membership: Expulsion; Charter XII, Trusteeship; tentative Conference schedule. | 1288 |
| June 15 | *Minutes of the Seventy-Second Meeting of the United States Delegation, Held at San Francisco, Friday, June 15, 1945, 9 a.m.*<br>XI, Amendment procedure; Preamble; Charter XII, Trusteeship: Egyptian amendment on termination and transfer of trust areas. | 1302 |
| June 16 | *Minutes of the Seventy-Third Meeting of the United States Delegation, Held at San Francisco, Saturday, June 16, 1945, 9:04 a.m.*<br>XI, Amendments: Revisionary conference; V,B, General Assembly: Right to discuss any matter within sphere of international relations; Interim arrangements. | 1304 |
| June 16 | *Minutes of the Twenty-Second Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 16, 1945, 9:45 a.m.*<br>XI, Amendments: revisionary conference; Interim arrangements; V,B, General Assembly right to discuss any matter within sphere of international relations; XII(1), Transitional arrangements. | 1313 |
| June 16 | *Minutes of the Seventy-Fourth Meeting of the United States Delegation, Held at San Francisco, Saturday, June 16, 1945, 7:30 p.m.*<br>V,B(1), General Assembly, right to discuss any matter within sphere of international relations. | 1328 |

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| June 17 | *Minutes of the Twenty-Third Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 17, 1945, 6 p.m.*<br>XII, Transitional arrangements; X(1), Secretariat: election of deputy secretaries general; VIII,B, VI,D(2), and Charter article 47(4), Threats to the peace: Peruvian amendment concerning consultation by the Military Staff Committee with regional agencies; V,B(1), right of discussion in the General Assembly; VI,C(3), Charter article 27(3), Security Council, voting. | 1331 |
| June 18 | *Minutes of the Seventy-Fifth Meeting of the United States Delegation, Held at San Francisco, Monday, June 18, 1945, 9 a.m.*<br>Charter XII, Trusteeship; IX, Economic and social cooperation: opium traffic, International Labor Organization; V,B (1), General Assembly, powers of discussion; V,B(3), and Charter article 108, Membership: expulsion, and withdrawal; XI, Amendments: revisionary conference; X, Secretariat: term of Secretary-General; VII, International Court of Justice; VIII,A(7), Domestic jurisdiction. | 1339 |
| June 18 | *Minutes of the Twenty-Fourth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 18, 1945, 12 noon*<br>V,B, General Assembly's right of discussion. | 1348 |
| June 18 | *The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*<br>Text of telegram from Secretary Stettinius to be transmitted to the Ambassador in the Soviet Union (Harriman) requesting that he discuss with Mr. Molotov the status of the problem concerning V,B(1), the General Assembly's right of discussion. | 1353 |
| June 19 | *Minutes of the Seventy-Sixth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 19, 1945, 9:03 a.m.*<br>UNCIO: Military endorsement of the Charter in its military aspects; V,B(1), Discussion by the General Assembly; Charter XII, Trusteeship; Spain: question of participation in the UN; representation of Poland at the Conference; VIII,A(2), Pacific Settlement of Disputes; and XII(2), Transitional Arrangements: recourse of enemy states to the General Assembly or the Security Council; Preamble. | 1355 |
| June 19 | *Minutes of the Twenty-Fifth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 19, 1945, 7:30 a.m.*<br>XII(2), Transitional arrangements and VIII,A(2), Pacific settlement of disputes: Greek amendment concerning right of enemy states to have recourse to the General Assembly and the Security Council; XI, Amendments: withdrawal from membership; VI,B(2), Security Council: Functions. | 1367 |
| June 19 | *Minutes of the Twenty-Sixth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 19, 1945, 5 p.m.*<br>V,B(1), General Assembly, right of discussion; VIII,B, and VI,B(2), functions of Security Council; IX, Functions of Economic and Social Council. | 1377 |

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# THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION, SAN FRANCISCO, CALIFORNIA, APRIL 25–JUNE 26, 1945

## INTRODUCTORY NOTE BY THE EDITOR

*Historical Note*

For documentation on arrangements for exploratory discussions on world security organization (including the Dumbarton Oaks conversations August 21–October 7, 1944), see *Foreign Relations*, 1944, volume I, pages 614 ff.

The Conference of the United Nations was called to meet in San Francisco on April 25, 1945, for the sole purpose of drafting the charter of a world security organization, and concluded on June 26, 1945, after fifty-one days of debate, negotiation, and drafting. The delegates of fifty governments unanimously approved the Charter of the United Nations, the Statute of the International Court of Justice, and the "Interim Arrangements" for the establishment of the Preparatory Commission of the United Nations in plenary session on June 25. On the following day the Charter was signed by 153 delegates, and a space was left for the signature of Poland, whose government was not represented at the Conference.

The United States Senate gave advice and consent to ratification of the Charter of the United Nations and annexed Statute of the International Court of Justice on July 28. President Truman ratified the Charter with the Statute on August 8 and signed the United Nations Participation Act of 1945 providing for United States participation in the United Nations on December 20. The Charter came into force on October 24, 1945, when the five major powers and twenty-four other signatory states had ratified the Charter. The original Protocol of Deposit of Ratifications of the Charter of the United Nations, signed by Secretary of State James F. Byrnes, was deposited, with the original signed copy of the Charter and the Statute, in the Archives of the Government of the United States.

*Conference Structure and Documentation*

The Dumbarton Oaks Proposals, supplemented by later agreements, amendments, comments, and proposals submitted by participating

governments, constituted the agenda of the Conference. The permanent organization of the Conference comprised four commissions, twelve technical committees, and four general committees. The International Secretariat, headed by the Secretary General of the Conference, provided secretaries and clerical assistance for the committees, as well as translating, documentation, communications, and other facilities for them and the Conference as a whole.

The Charter was drafted in closed meetings of the twelve technical committees and their subcommittees. Recommendations of each committee formulated on the various parts of the agenda assigned to it were submitted on completion of its work to the appropriate commission, and, in turn, each commission, after consideration of the recommendations of its technical committees, recommended to the Conference in plenary session proposed texts for adoption as parts of the Charter. Nearly all of the important records of the Conference were issued in mimeographed form and distributed daily. About half a million sheets were reproduced each day. Documents of the commissions and committees, in general, include agenda, summary reports of meetings, and working documents. Verbatim minutes of the plenary sessions only were freely distributed, although verbatim minutes of other meetings were available for reference.

The principal documents of the United Nations Conference were published by the United Nations Information Organizations (London and New York) in cooperation with the Library of Congress in the 22-volume series entitled *Documents of the United Nations Conference on International Organization.* The series is available from the United Nations, New York. This material, reproduced photolithographically, without textual editing, from the mimeographed, printed, or photolithographed originals, is presented in the two working languages of the Conference, English and French. The final documents, however, the Charter, Statute of the International Court of Justice, and the Interim Arrangements are presented in the five official languages, Chinese, English, French, Russian, and Spanish. An index covering the complete official documentation is contained in volume 21. This volume provides a chronological legislative history of each article of the Charter, an alphabetical subject key, tables of correspondence between articles of the Charter of the United Nations and the Dumbarton Oaks Proposals, and a list of abbreviations used. An explanation of the numbering and classification system for Conference documentation is provided in volume 2 of the series, on pages 19, 27, and 31.

Reports of participating governments include the following English versions: *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference by the Chairman of the*

*United States Delegation, the Secretary of State, June 26, 1945* (Department of State publication No. 2349, Conference Series 71); *A Commentary on the Charter of the United Nations Signed at San Francisco on the 26th June, 1945*, presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty (British Cmd. 6666, Miscellaneous No. 9 (1945)); *Materials for the History of the United Nations*, S. B. Krylov: Volume I, "Framing of the Text of the Charter of the United Nations" (published by the Academy of Sciences of the USSR, 1949); *Report on the United Nations Conference on International Organization Held at San Francisco, 25th April–26th June, 1945* (Canadian Department of External Affairs, Conference Series, 1945, No. 2); Commonwealth of Australia, *United Nations Conference on International Organization, Held at San Francisco, U.S.A., from 25th April to 26th June, 1945: Report by the Australian Delegates;* and *United Nations Conference on International Organization; Report on the Conference Held at San Francisco 25th April–26th June 1945 by the Rt. Hon. Peter Fraser, Chairman of the New Zealand Delegation* (Wellington, Department of External Affairs, publication No. 11, 1945).

*Purpose and Scope of This Compilation*

This compilation constitutes a bridge between the Dumbarton Oaks Proposals and the Charter of the United Nations. It concentrates on the role of the United States in establishing the legal framework of the United Nations Organization.

The underlying purpose is to present the American Delegation's position in relation to the various issues, discussions, and decisions at different levels, such as informal diplomatic meetings, in Conference committees and subcommittees, and informal meetings of individuals, with emphasis on the why and how, and the atmosphere in which agreements were reached informally among the major Powers on the various issues, rather than on what transpired in the formal meetings of the Conference.

The preparation of United States policy recommendations for a general international organization is traced chronologically from the first of the year to completion on May 2, 1945, and issuance in the documentary form of "Changes in the Dumbarton Oaks Proposals as Suggested by the United States Delegation", and on May 4 in the form of "Amendments Proposed by the Governments of the United States, United Kingdom, Soviet Union, and China."

Substantive work of the Conference, which awaited availability of the joint proposals of the Sponsors, began on May 7 with study of the Dumbarton Oaks Proposals and the amendments presented by the Sponsors and other nations at the Conference. From this point on to

the signing of the Charter on June 26, the documentation presented herein focuses on four phases of Conference activities: policy development, negotiation, debates, and drafting. The evolution of United States policy on the various subjects may be traced through the minutes of the seventy-nine meetings of the United States Delegation. Informal negotiation outside formal meetings, and coordination of proposed policies of the United States with other major powers, may be traced through minutes of the twelve meetings of the "Big Four" and twenty-nine meetings of the "Big Five", as well as minutes of a series of informal meetings with representatives of the other American Republics. This documentation, unpublished heretofore, is coordinated with the published documentation on Conference proceedings by use of footnote citations at the appropriate points in order to trace action taken by the American delegates in the various technical committees of the Conference in accordance with the agreed position established within the delegation as a whole for their guidance.

Many of the records of meetings included in this volume were informal notes rather than official verbatim minutes approved by the participants.

Additional selected documentation printed herein includes extracts from the daily record of Secretary of State Stettinius, memoranda of conversations of the Secretary with other delegates, daily reports of the Secretary to the Department on Conference developments, instructions to the Secretary from the Department, Departmental correspondence, memoranda, diplomatic notes, policy statements, and Presidential correspondence.

Occasional deletions of less important data have been made, necessarily, within certain documents to save space but not without indications in the text.

The documents were gathered from the central indexed files and the office and post lot files of the Department of State, as well as from the Manuscript Division of the Library of Congress, from the Department of the Interior, from the United States Mission to the United Nations, from the Franklin D. Roosevelt Library at Hyde Park, New York, and from various Department of State publications.

## LIST OF PERSONS[1]

ACHESON, Dean G., Assistant Secretary of State.

ALLING, Paul H., Deputy Director, Office of Near Eastern and African Affairs; Political and Liaison Officer for Europe, United States Delegation.

ANDRADE, Victor, Bolivian Ambassador in the United States; Acting Chairman of the Bolivian Delegation.

ARMSTRONG, Hamilton Fish, Special Adviser to the Secretary of State; Adviser, United States Delegation.

ATTLEE, Clement R., British Deputy Prime Minister; British Delegate.

BADAWI, Abdel Hamid Pasha, Egyptian Minister for Foreign Affairs; Chairman of Egyptian Delegation.

BAILEY, Prof. K. H., Adviser, Australian Delegation.

BASDEVANT, Jules, French Representative, Committee of Jurists; French Assistant Delegate.

BELT RAMÍREZ, Guillermo, Cuban Ambassador in the United States; Chairman of the Cuban Delegation.

BIDAULT, Georges, Minister for Foreign Affairs of the Provisional Government of France; Chairman of the French Delegation.

BLAISDELL, Donald C., Associate Chief, Division of International Security Affairs; Technical Expert, United States Delegation.

BLOOM, Sol, Representative, New York; Chairman of the House Committee on Foreign Affairs; United States Delegate.

BOHLEN, Charles E., Assistant to the Secretary of State for White House Liaison; Political and Liaison Officer for Europe, United States Delegation.

BONCOUR. *See* Paul-Boncour.

BONILLA LARA, Alvaro, Costa Rican Delegate.

BONNET, Henri, Ambassador in the United States; French Delegate.

BOUCHINET-SERREULES, Claude, Technical Adviser and Expert, French Delegation.

BOWMAN, Isaiah, Special Adviser to the Secretary of State; Adviser, United States Delegation.

BRANNAN, Charles F., Assistant Secretary of Agriculture; Adviser, United States Delegation.

BRUNAUER, Esther C., Division of International Organization Affairs; Technical Expert, United States Delegation.

BUNDY, Harvey H., Special Assistant to the Secretary of War.

BYINGTON, Homer M., Jr., Executive Assistant to the Special Assistant in Charge of Press Relations (McDermott); Press Officer, United States Delegation.

CÁCERES, Julián R., Honduran Ambassador in the United States; Chairman of the Honduran Delegation.

CADOGAN, Sir Alexander, British Permanent Under-Secretary of State for Foreign Affairs; Adviser, British Delegation.

CAPEL-DUNN, Colonel Dennis Cuthbert, Member of the British Delegation.

CASTILLO NÁJERA, Francisco, Mexican Ambassador in the United States; Mexican Auxiliary Delegate.

CLARK KERR. *See* Kerr.

CONNALLY, Tom, Senator, Texas; Chairman of the Senate Committee on Foreign Relations; United States Delegate.

CORREA, Major Mathias F., Special Assistant to the Secretary of the Navy.

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[1] The list of selected names represents those persons who appear prominently and frequently in the course of this documentary account of the Conference.

COVILLE, Cabot, Foreign Service Officer, temporarily detailed to Office of Special Political Affairs; Technical Expert, United States Delegation.

COX, Oscar, Deputy Administrator, Foreign Economic Administration; Adviser, United States Delegation.

CRANBORNE, The Viscount, Secretary of State for Dominion Affairs; British Delegate.

DEJEAN, Maurice, Assistant Delegate, French Delegation.

DENNERY, Etienne, Technical Adviser and Expert, French Delegation.

DENNIS, Lieutenant Commander Lloyd, Division of Public Liaison; Special Assistant to the Public Liaison Officer, United States Delegation.

DICKEY, John S., Director, Office of Public Affairs; Public Liaison Officer, United States Delegation.

DULLES, John Foster, Adviser, United States Delegation.

DUNN, James C., Assistant Secretary of State; Adviser, United States Delegation.

DUPARC. *See* Fouques-Duparc.

EATON, Charles A., Representative, New Jersey; United States Delegate.

EDEN, Anthony, British Secretary of State for Foreign Affairs; Chairman of British Delegation.

EMBICK, Lieutenant General Stanley D., Adviser, United States Delegation.

EVATT, Herbert Vere, Australian Minister for External Affairs; Australian Delegate.

FAHY, Charles, Solicitor General of the United States; Adviser, Committee of Jurists; Adviser, United States Delegation.

FAIRCHILD, Major General Muir S., Adviser, United States Delegation.

FERNÁNDEZ, Joaquín, Chilean Minister for Foreign Affairs; Chairman of Chilean Delegation.

FITZMAURICE, Gerald Gray, Legal Adviser, British Delegation.

FORTAS, Abe, Under Secretary of the Interior; Adviser, United States Delegation.

FOSDICK, Dorothy, Division of International Organization Affairs; Special Assistant to the Secretary-General of the United States Delegation.

FOUQUES-DUPARC, Jacques, Secretary-General, French Delegation.

FRASER, Peter, Prime Minister and Minister of External Affairs; Chairman of Delegation of New Zealand.

GALLAGHER, Manuel C., Peruvian Minister for Foreign Affairs; Chairman of Peruvian Delegation.

GATES, Artemus, Assistant Secretary of the Navy; Adviser, United States Delegation.

GERIG, O. Benjamin, Chief, Division of Dependent Area Affairs; Deputy Secretary-General of the United States Delegation and one of the three Chief Technical Experts of the Delegation.

GILDERSLEEVE, Virginia C., Dean, Barnard College; United States Delegate.

GOLUNSKY, Sergey Aleksandrovich, Soviet Professor of International Law; Adviser, United Nations Committee of Jurists; Soviet Delegate.

GORSE, Georges, Technical Adviser and Expert, French Delegation.

GREW, Joseph C., Under Secretary of State.

GROMYKO, Andrey Andreyevich, Soviet Ambassador in the United States; Soviet Delegate; Acting Chairman of the Soviet Delegation.

GUERRERO, J. Gustavo, of El Salvador, President, Permanent Court of International Justice; unofficial observer for the Court at the Conference.

HACKWORTH, Green H., Legal Adviser; Adviser, United States Delegation; U.S. Representative, Committee of Jurists; Chairman, Advisory Committee of Jurists.

HALIFAX, The Earl of, British Ambassador in the United States; British Delegate; Acting Chairman of the British Delegation.

HAMILTON, Colonel P. M., Technical Expert, United States Delegation.

HARRIMAN, W. Averell, American Ambassador in the Soviet Union; Adviser, United States Delegation.

HARTLEY, Robert W., Executive Assistant, Office of the Special Assistant to the Secretary of State for International Organization and Security Affairs (Pasvolsky); Technical Expert, United States Delegation.

HEPBURN, Admiral Arthur J., Adviser, United States Delegation.

HERTFORD, Brigadier General Kenner, Adviser, United States Delegation.

HICKERSON, John D., Deputy Director, Office of European Affairs; Adviser, United States Delegation.

HISS, Alger, Director, Office of Special Political Affairs (Deputy Director, November 1944 to March 1945); Secretary-General, International Secretariat.

HOLMES, Brigadier General Julius C., Assistant Secretary of State; Adviser, United States Delegation.

HOO, Victor Chi-tsai, Vice Minister for Foreign Affairs; Adviser to Chinese Representative, United Nations Committee of Jurists; Secretary-General, Chinese Delegation.

HOYDE, Bryn J., Chief, Division of Cultural Cooperation; Technical Expert, United States Delegation.

HSU MO, Chinese Ambassador in Turkey; Adviser, United Nations Committee of Jurists; Adviser, Chinese Delegation.

HUDSON, Manley O., of the United States, Judge of the Permanent Court of International Justice; unofficial observer for the Court at the Conference.

HULL, Cordell, former Secretary of State; United States Delegate, and Senior Adviser, United States Delegation.

ICKES, Harold L., Secretary of the Interior.

JEBB, H. M. Gladwyn, Adviser, British Delegation.

JESSUP, Philip C., Assistant on Judicial Organization; Technical Expert, United States Delegation.

JOHNSON, Joseph E., Acting Chief, Division of International Security Affairs; one of the three Chief Technical Experts, United States Delegation.

KANE, R. Keith, Special Assistant to the Secretary of the Navy; Aide, United States Delegation.

KERR, Sir Archibald Clark, British Ambassador in the Soviet Union; Adviser, British Delegation.

KING, W. L. Mackenzie, Prime Minister of Canada; Chairman of Canadian Delegation.

Koo, V. K. Wellington, Chinese Ambassador in the United Kingdom; Chinese Delegate; Acting Chairman of the Chinese Delegation.

KOTSCHNIG, Walter M., Associate Chief, Division of International Organization Affairs; Technical Expert, United States Delegation.

KRYLOV, S. B., Soviet Professor of International Law; Adviser, United Nations Committee of Jurists; Soviet Delegate.

KUZNETSOV, Vasili Vasilevich, Chairman of the All-Union Central Council of Trade Unions of the USSR; Soviet Delegate.

LIANG, Yuen-li, Counselor, Chinese Embassy in the United Kingdom; Technical Counselor, Chinese Delegation.

LIE, Trygve, Norwegian Minister for Foreign Affairs; Chairman of Norwegian Delegation.

LIU, Chieh, Chinese Minister and Counselor of Embassy in the United States; Deputy Secretary-General, Chinese Delegation.

LLERAS CAMARGO, Alberto, Colombian Minister for Foreign Affairs; Chairman, Colombian Delegation.

LOUDON, Alexander, Netherlands Ambassador in the United States; Vice Chairman, Delegation of the Netherlands.

LYNCH, Robert J., Special Assistant to the Secretary of State; Special Assistant to the Chairman of the United States Delegation.

MACKENZIE KING. *See* King.

MACLEISH, Archibald, Assistant Secretary of State; Adviser, United States Delegation.

MALKIN, Sir William, Legal Adviser, British Delegation.

MARTINS, Carlos, Brazilian Ambassador in the United States; Vice Chairman of the Brazilian Delegation.

MCCLOY, John J., Assistant Secretary of War; Adviser, United States Delegation.

MOLOTOV, Vyacheslav Mikhailovich, People's Commissar for Foreign Affairs of the Soviet Union; Chairman of Soviet Delegation.

MORGENSTIERNE, Wilhelm M., Norwegian Ambassador in the United States; Acting Chairman of Norwegian Delegation.

MULLIKEN, Otis E., Chief, Division of International Labor, Social and Health Affairs; Technical Expert, United States Delegation.

NAGGIAR, Paul-Emile, French Assistant Delegate.

NOTTER, Harley A., Adviser, Office of Special Political Affairs; Adviser, United States Delegation.

NOVIKOV, Kirill Vasilyevich, Chief of the British Department of the Soviet Foreign Office; Soviet Delegate; Secretary-General of the Soviet Delegation.

NOVIKOV, Nikolai Vasilyevich, Minister-Counselor, Soviet Embassy in the United States; Soviet Representative, United Nations Committee of Jurists.

PADILLA, Ezequiel, Mexican Minister for Foreign Affairs; Chairman of Mexican Delegation.

PARRA-PÉREZ, Caracciolo, Venezuelan Minister for Foreign Affairs; Chairman of Venezuelan Delegation.

PASVOLSKY, Leo, Special Assistant to the Secretary of State; Adviser, United States Delegation.

PAUL-BONCOUR, Joseph, French Delegate; Acting Chairman of French Delegation.

QUINTANILLA, Luis, Mexican Ambassador; Adviser, Mexican Delegation.

RAYNOR, G. Hayden, Special Assistant to the Secretary of State; Special Assistant to the Chairman of the United States Delegation.

REIFF, Henry, Legal specialist on international organization.

ROCKEFELLER, Nelson A., Assistant Secretary of State; Adviser, United States Delegation.

RODIONOV, Rear Admiral Konstantin Konstantinovich, Soviet Delegate.

ROLIN, Lieutenant Colonel Henri, Member of the Belgian Delegation.

SANDIFER, Durward V., Chief, Division of International Organization Affairs; Secretary General of the United States Delegation, and one of the three Chief Technical Experts of the Delegation.

SAVAGE, Carlton, Assistant to the Secretary of State; Technical Expert, United States Delegation.

SERRATO, José, Uruguayan Minister for Foreign Affairs; Chairman of Uruguayan Delegation.

SMUTS, Field Marshal Jan Christian, South African Prime Minister and Minister of External Affairs and Defense; Chairman of Delegation of the Union of South Africa.

SOBOLEV, Arkadii Aleksandrovich, Minister-Counselor of the Soviet Embassy in the United Kingdom; Soviet Delegate.

SOONG, T. V., Chinese Minister for Foreign Affairs and Acting President of the Executive Yuan; Chairman of Chinese Delegation.

SPAAK, Paul-Henri, Belgian Minister for Foreign Affairs; Chairman of Belgian Delegation.

STASSEN, Commander Harold E., U.S.N.R., United States Delegate.

STETTINIUS, Edward R., Jr., Secretary of State; United States Delegate and Chairman of United States Delegation.

STEVENSON, Adlai E., Special Assistant to the Secretary of State; Special Assistant to the Chairman, United States Delegation.

STINEBOWER, Leroy D., Deputy Director, Office of International Trade Policy; Adviser, United States Delegation.

SWEETSER, Arthur, Deputy Director, Office of War Information; Adviser, United States Delegation.

TAFT, Charles P., Special Assistant to the Assistant Secretary of State for Economic Affairs (Clayton).

TAUSSIG, Charles W., Chairman, United States Section, Anglo-American Caribbean Commission; Adviser, United States Delegation.

THOMPSON, Llewellyn E., Acting Chief of the Division of Eastern European Affairs; Political and Liaison Officer for Europe, United States Delegation.

TOMLINSON, George, Assistant Delegate, British Delegation.

TOMLINSON, John D., Specialist, Division of International Organization Affairs; Technical Expert, United States Delegation.

TRACY, Daniel W., Assistant Secretary of Labor; Adviser, United States Delegation.

TRAIN, Rear Admiral Harold C., Adviser, United States Delegation.

TSARAPKIN, Semen Konstantinovich, Chief of the American Section of the Soviet Foreign Office; Soviet Delegate.

VANDENBERG, Arthur H., Senator, Michigan; United States Delegate; Vice Chairman of the United States Delegation.

VASILIEV, Lieutenant General Alexander Filipovich, Soviet Delegate.

VELLOSO, Pedro Leão, Brazilian Acting Minister for Foreign Affairs; Chairman of Brazilian Delegation.

WANG, Chung-hui, Chinese Representative, United Nations Committee of Jurists.

WARING, Frank A., Special Assistant to the Secretary of Commerce; Adviser, United States Delegation.

WARREN, Avra M., Director, Office of American Republic Affairs; Adviser, United States Delegation.

WEBSTER, Charles Kingsley, Adviser, British Delegation.

WHITE, Harry D., Assistant Secretary of the Treasury; Adviser, United States Delegation.

WILCOX, Francis O., Assistant to the Congressional members of the United States Delegation.

WILLSON, Vice Admiral Russell, Adviser, United States Delegation.

WRONG, H. H., Canadian Associate Under Secretary of State for External Affairs; Senior Adviser, Canadian Delegation.

YOST, Charles W., Executive Secretary, Secretary's Staff Committee and Coordinating Committee; Special Assistant to Chairman of United States Delegation.

ZARAPKIN. *See* Tsarapkin.

## CHAPTER I: JANUARY 1–MARCH 8, 1945

**Consultations of the United States with the United Kingdom, the Soviet Union, China, and France on questions not settled at Dumbarton Oaks and decisions taken at the Yalta Conference; consideration of views on the Dumbarton Oaks Proposals submitted by the American Republics, other Governments, members of the United States Congress and the general public; extension of Conference invitations to Governments of 39 United Nations.**

500.CC/1–245 : Circular telegram

### *The Secretary of State to Diplomatic Officers in Certain American Republics* [2]

WASHINGTON, January 2, 1945—4 p. m.

At a fourth meeting of the Secretary with Heads of Mission of American Republics held on December 29 [3] to continue discussions concerning international organization a compilation of memoranda regarding Dumbarton Oaks proposals [4] submitted by nine governments—Brazil, Chile, Costa Rica, Guatemala, Haiti, Mexico, Panama, Uruguay and Venezuela—was presented by Coordination Committee for discussion.[5]

Secretary pointed out that progress appeared to have been made for convening of Conference of American Republics associated in the

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[2] Sent to diplomatic officers in 10 American Republics and repeated in circular airgram of January 3 to 10 additional American Republics.

[3] For memoranda on the meeting of December 29, 1944, and previous meetings held to discuss international organization, see *Foreign Relations*, 1944, vol. I, pp. 937, 941, and 954. For data on these discussions, see also *Postwar Foreign Policy Preparation, 1939–1945* (Department of State publication No. 3580), pp. 399–401. For summaries of discussions at meetings held in the Department of State, January 26 and 31, and February 5 and 9, 1945, see *post*, pp. 27, 39, 46, and 60, respectively.

[4] For documentation on the conversations between representatives of the United States, the United Kingdom, the Soviet Union, and China held at Dumbarton Oaks in Washington, August 21–October 7, 1944, and the text of the Proposals, see *Foreign Relations*, 1944, vol. I, pp. 713 ff.; text of Proposals also printed in Department of State publication No. 2223, Conference Series No. 60.

[5] In addition to the American Republics, the views of the Governments of other United Nations, as well as various other Governments, were received in a series of informal conversations of Departmental officers with individual Chiefs of Mission in Washington and through United States diplomatic missions abroad; these comments and criticisms were taken into consideration in further review and study of the Dumbarton Oaks Proposals. For proposals, comments, and amendments proposed by certain participating Governments concerning the Proposals, see volume 3 of the series entitled *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, published by the United Nations Information Organizations (London and New York) in cooperation with the Library of Congress (hereinafter cited as UNCIO Documents). For a guide to proposed amendments, see Doc. 288, G/38, May 14, in UNCIO Documents, vol. 3, pp. 637–710.

war [6] to consider major issues and that these meetings of the heads of mission and forthcoming Conference would enable American Republics to attend the general conference on international organization with full understanding of each other's view-points and therefore with greater effectiveness to cooperate in building enduring international peace structure.

Commenting on memoranda from other governments Secretary suggested that all would wish to go to general conference with open minds and as few formal commitments as possible. He noted that if formal positions were taken it would be harder to change later and he urged that a flexible rather than a crystallized approach be kept. He said that it had been sought to make Dumbarton Oaks proposals informal, in recognition of fact that they might require modifications.

Meeting covered comments and suggestions regarding proposed name of new international organization in view of objections voiced to name "United Nations".[7]

Discussion regarding Chapter I centered on question of specific enumeration of principles, viz. assurance of respect for international treaties, juridical equality of nations, respect of territorial integrity, et cetera.

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STETTINIUS

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[6] For documentation on the Inter-American Conference on Problems of War and Peace, held at Mexico City, February 21–March 8, 1945, see vol. IX, pp. 1 ff. With particular reference to the establishment of the United Nations, see summary account of the work of Committees II (World Organization) and III (Inter-American system) and pertinent resolutions referred to in these sections, in Department of State, *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Washington, Government Printing Office, 1946).

[7] The term "United Nations" came into being on December 31, 1941, when President Roosevelt suggested to British Prime Minister Winston Churchill its use in the title of the joint declaration of January 1, 1942 (Cordell Hull, *The Memoirs of Cordell Hull*, vol. II, p. 1124).

For data on Presidential approval of the name "The United Nations" in relation to the new international organization and Soviet, British, and Chinese approval in the course of the Dumbarton Oaks Conversations, see *Foreign Relations*, 1944, vol. I, paragraph numbered 8, p. 731; section entitled "Meeting of Subcommittee on Organization," p. 767; section (*b*) on p. 795; and paragraph beginning "Dr. Koo said that he noticed . . .", p. 857.

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*Extracts From the Diary of Edward R. Stettinius, Jr., Secretary of State, December 1, 1944–July 3, 1945* [9]

7–23 JANUARY, 1945.
(Section Six)

INTRODUCTION

During these weeks I was busy arranging the big trip to Russia for the Yalta Conference [10] and to Mexico City for the Meeting of Foreign Ministers.

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PAN AMERICAN

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At the meeting of my Staff Committee on Wednesday, January 10th, I urged immediate action to inform the six Latin American "associated nations" [11] that they might be excluded from initial participation in the forthcoming United Nations Conference, unless they declared war on one or both of the enemies and so qualified as United Nations. I suggested messages be sent at once to our appropriate Embassies instructing them to convey this information. Next day our missions in Montevideo, Asunción, Lima, and Santiago, were instructed to present the situation at once to the respective Presidents or Foreign Ministers and were advised that we had taken similar action toward all the other "associated nations" of South America. Otherwise, as I told the Staff, Stalin might have said "Let us invite the countries fighting the war and bring in the others later."

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[9] The record, in diary form, of the principal official activities of Secretary Stettinius which was maintained during this period, was based on personal conversations, correspondence, telegrams, press reports, minutes of meetings, and other documents. Extracts from the record (hereinafter cited as the *Diary*) are limited to subjects relating to the United Nations Conference on International Organization, held at San Francisco in 1945.

[10] For documentation on the meeting of President Roosevelt, British Prime Minister Churchill, and Marshal Stalin, Chairman of the Council of People's Commissars of the Soviet Union, see *Foreign Relations*, The Conferences at Malta and Yalta, 1945 (hereinafter cited as *Conferences at Malta and Yalta*).

Secretary Stettinius noted in his *Diary* for the week of 11–17 March, 1945: "The Yalta Conference was the first meeting between the chiefs of state to which the Secretary of State had been invited and it was of high importance" that his Crimea notes be kept in the vault for a month longer so that "no breach of security should endanger the repetition of such an invitation." His Crimea notes are not found in Department files.

[11] For list of "States or Authorities Associated with the United Nations in the War", and memorandum entitled "Nations to be Invited to the United Nations Conference", see *Conferences at Malta and Yalta*, pp. 53 and 91, respectively.

## United Nations

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On Wednesday the tenth I told the members of my Staff Committee to speed up preparation of memoranda for the President to take to the meeting of the Big-Three [12]. . . . (By January 19th, I was able to arrange an appointment with the White House for Mr. Bohlen to present the completed binder, including the ten points.[13])

I told Mr. Rockefeller in answer to his question at a Staff meeting that the memoranda should not only be background, but contain policy guidance. . . .

On the same occasion I explained that if things went well at the Big-Three meeting, I wanted to be able to cable Mr. Pasvolsky to start the machinery for calling a United Nations Conference. Assuming the President could clear up unsettled issues, I wanted to have the make-up of the American Delegation all ready and the proposed date and place agreed upon in advance so that there would be no delay later. I passed on to the Committee my impressions from the President of how encouraged he felt about pressing the American view on voting procedure with Stalin,[14] as well as his general determination to see that we actually got a world organization.

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Of course, the major matter outstanding from the Dumbarton Oaks Conference to be considered at the conference was the procedure for voting,[15] . . . I wrote President Roosevelt on the seventeenth [16] informing him the British would accept the proposed compromise formula on voting in the Security Council as sent to the Prime Minister

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[12] The preparation of numerous memoranda on a wide range of subjects for the background information and policy guidance of President Roosevelt and the American delegation in their discussions at the Malta and Yalta Conferences (January 30–February 11, 1945), was completed on January 16, 1945. The black binder of material, the so-called "Yalta Briefing Book", was presented shortly thereafter to the President to be taken to the Three-Power meeting.

For four memoranda, Nos. I, II, III, and V, in a series of seven on "World Security", see *Conferences at Malta and Yalta*, pp. 85 (No. I is printed on p. 85, with attachments on pp. 77 and 89), 90, 91, and 92. For memoranda Nos. IV, VI, and VII, see *post*, pp. 35, 37, and 38, respectively.

[13] See memorandum for the President, with attachment entitled "United States Political Desiderata in Regard to the Forthcoming Meeting", in *Conferences at Malta and Yalta*, pp. 42–43.

[14] See memorandum of conversation by Mr. Pasvolsky, January 8, 1945, *ibid.*, p. 66.

[15] For draft compromise proposal on voting, submitted at Dumbarton Oaks on September 13, 1944, see *Foreign Relations*, 1944, vol. I, p. 805.

For text of proposal concerning voting procedure in the Security Council made by President Roosevelt in telegram 2784 of December 5, and for reply by Marshal Stalin in telegram of December 27, 1944, see *Conferences at Malta and Yalta*, pp. 58 and 63, respectively.

[16] See letter of January 14 from the Counselor of the British Embassy (Wright), *ibid.*, p. 77; for Mr. Pasvolsky's reply, January 17, see *post*, p. 22.

some time ago. However, in a meeting which the President had with certain members of the Senate Foreign Relations Committee on January 11th,[18] he had been said by Mr. Acheson to have gone "further than expected towards agreement with the Russian view . . .[19] of requiring unanimity." The President felt we would probably have to yield to the Russians on this point but that they would yield on their proposals for seventeen votes. . . .

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500.CC/1–1345

*Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

[WASHINGTON,] January 13, 1945.

Subject: Second Conversation with the Soviet Ambassador[20] on the Dumbarton Oaks Documents

At the Ambassador's request, we met again today to continue the conversation which took place on January 11.[21] Our meeting lasted over two and one-half hours, and the conversation ranged over a large variety of subjects related to the Dumbarton Oaks proposals.

The Ambassador opened the conversation by saying that he had given a great deal of thought to the points brought out in our previous discussion and had re-read the President's proposal. He was puzzled by the reference to Chapter VIII, Section C, paragraph 1, and proceeded to read that paragraph from the Russian text of the Dumbarton Oaks documents which he had in his hands. I told him that what we had in mind was the question of whether or not the Council should encourage a regional group or agency to undertake peaceful settlement of a local or regional dispute. He thought that was logical in terms of our general formula.

He said that he was anxious to have another talk because, in view of his imminent departure for Moscow, it had occurred to him that this would be a good opportunity to clarify his mind on a number of points.

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[18] For a summary of conferences of President Roosevelt with a sub-committee of the Senate Foreign Relations Committee on January 11, and of Secretary Stettinius with the Committee as a whole on January 17, see *Postwar Foreign Policy Preparation*, p. 384.

[19] Omission indicated in the original.

[20] Andrey Andreyevich Gromyko.

[21] For memorandum of conversation of January 11, see *Conferences at Malta and Yalta*, p. 68. For draft memorandum from the Secretary of State to President Roosevelt, January 20, 1945, summarizing the two conversations between Ambassador Gromyko and Mr. Pasvolsky, with marginal notation indicating that it was not submitted to the President but was taken on the trip to Yalta, see *ibid.*, p. 77.

There ensued another long discussion of the voting formula, which did not, however, bring out any new points. His evident purpose was to fix clearly in his mind our arguments in favor of the formula.

He then asked me if I would be willing to go over with him the other open items,[22] and proceeded to enumerate them as they occurred to him:

1. The International Court of Justice [23]
2. Dependent areas and international trusteeships [24]
3. Liquidation of the League of Nations [25]
4. Initial membership [26]

With regard to the Court, he said that he considered the matter settled in substance and that agreement on details should not be difficult to reach. The whole subject is being studied in Moscow on the basis of our documents which were discussed at Dumbarton Oaks.[27]

The discussion of the dependent areas matter was rather lengthy. He said that he had been very much interested in the few informal conversations we had on this subject at Dumbarton Oaks, but had never had the opportunity to make a more systematic examination of the subject. He mentioned the memorandum which Secretary Hull had presented at the Moscow Conference [28] and (as Sobolev had told me in September [29]) said that the Soviet Government was very favorably impressed by it. He repeated the statement made by Sobolev that, while the Soviet Government has neither colonies nor experience in colonial administration, it is greatly interested in the subject. He asked me if I would care to outline for him the principal problems in this field as we see them.

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[22] For a series of memoranda on open questions prepared for a conference with the President on November 15, 1944, see *Conferences at Malta and Yalta*, pp. 48–57. For a memorandum of January 23, 1945, prepared for the Secretary of State concerning recommended action on points to be decided at the Three-Power meeting, see *ibid.*, p. 81.

[23] See policy paper VI in the Yalta Briefing Book, *post*, p. 37.

[24] See policy paper V in the Yalta Briefing Book, *Conferences at Malta and Yalta*, p. 92.

[25] See policy paper VII in the Yalta Briefing Book, *post*, p. 38.

[26] For conversations at Dumbarton Oaks on the question of initial membership, see memoranda by the Under Secretary, August 29, September 13, 19, and 20, and minutes of meetings of the Joint Steering Committee, Ocober 2, 4 p.m., and October 5, 3 p. m., *Foreign Relations*, 1944, vol. I, pp. 748, 796, 824, 828, 862, and 871, respectively; see also policy paper III in the Yalta Briefing Book, *Conferences at Malta and Yalta*, p. 91.

[27] See footnotes to policy paper VI, p. 37.

[28] Conference Document No. 44 entitled "U.S. Draft of a Declaration by the United Nations on National Independence", dated March 9, 1943, discussed at the eleventh session of the Tripartite Conference at Moscow, October 29, 1943, 4 p. m.; for summary of proceedings of the eleventh session, see *Foreign Relations*, 1943, vol. I, p. 662. See also *The Memoirs of Cordell Hull*, vol. II, pp. 1304–1305.

[29] Arkady Sobolev, Minister-Counselor of the Soviet Embassy in the United Kingdom and one of the Soviet representatives who took part in the Dumbarton Oaks Conversations. See memorandum by Mr. Pasvolsky, September 28, 1944, *Foreign Relations*, 1944, vol. I, p. 846.

I summarized for him the various alternative approaches to such problems as the distinction between trust and colonial areas;[30] the possible declaration of general principles applicable to both; the machinery of international trusteeship for detached areas; the possibilities and structure of regional commissions for colonial areas; the question of international accountability; and the relation between the international organization and the possible regional commissions. I said that our basic thought runs generally in terms of the ideas expressed in Secretary Hull's memorandum, and that we consider our treatment of the Philippines as a desirable type of attitude toward dependent areas.

In reply to his question as to whether all of these problems would have to be discussed at the United Nations Conference, I said that only questions relating to international trusteeship properly belong on the agenda of the conference. Colonial problems as such might be touched upon, but probably ought to be taken up in earnest at some special conference or by some other means.

He inquired whether such a discussion of colonial problems would involve only the colonial powers or also the other important powers. Might it not even be appropriate, he asked, that such a discussion be arranged by the future international organization, since the problems raised might well come within the scope of the General Assembly and the Economic and Social Council? I said that any one of these procedures was possible.

He then said that he was certain that some trusteeship arrangements for detached areas must be provided for in the Charter, and that the matter really ought to be of direct concern to his Government. After all, he pointed out, as a country at war with Italy, the Soviet Union will have to assume responsibilities with regard to Italian colonies, and it may well have to assume responsibilities with regard to territories detached from Japan.

His next question related to the position of Great Britain and of other countries on this subject. I said that we have a tentative arrangement with the British to exchange documents relating to this question, and it is our intention to make our documents available to the Russians. I said I was sure that the British intended to proceed similarly. I recalled the fact that there are very interesting passages on this subject in the Chinese memorandum.[31] He said that they had found the ideas of the Chinese very interesting and would be very glad to study whatever documents we might give them.

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[30] See memorandum of January 13, *infra*.

[31] For text of tentative Chinese proposals for a General International Organization, August 23, 1944, see *Foreign Relations*, 1944, vol. I, p. 718.

We readily agreed that the initiative on the question of the liquidation of the League of Nations should be taken by the members of the League.

On the subject of initial membership, he repeated that the Soviet Government still wishes the Soviet Republics to be included [32] while it wishes the associated nations, as well as the neutrals, to be excluded. I made no attempt to argue the point, saying merely that we have had no new thoughts on either the Soviet Republics or the associated nations.

He then raised the question of the seat of the organization. We talked briefly about the Pays de Gex idea,[33] which he had heard about and found quite interesting, except that a part of the territory would be Swiss. He characterized Switzerland rather contemptuously as a neutral, and not a good neutral at that, and hence ineligible. I asked him what ideas he had, and he said he had none. The subject was not pursued further, except that we explored jokingly the possibility of placing the organization in the Caucasus.

After that he turned to the summary of views expressed by certain Latin American governments [34] which I had given him. He said that he had studied it carefully and thought that there should be little difficulty in accepting some of the suggestions. For example, the ideas of political independence, of territorial integrity (with proper provision for possible adjustments), of peaceful change, of revision of treaties, and of promotion of international law could all be worked into the document. He agreed that many of them could be embodied in the preamble.

He said, however, that he was somewhat perturbed by the various suggestions for strengthening the Assembly and the Court at the

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[32] For the Soviet proposal for inclusion of all 16 Soviet Republics among the initial members of the Organization, see last paragraph of minutes of meeting No. 6 of the Joint Steering Committee at Dumbarton Oaks, August 28, 1944, *Foreign Relations*, 1944, vol. I, p. 738.

In the Constitution of the Soviet Union of December 5, 1936, article 18*a* (which was enacted in February 1944) reads as follows: "Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them." See also telegram 347, February 2, 1944, from Moscow, concerning the autonomy of the constituent Soviet Republics in foreign affairs, *Foreign Relations*, 1944, vol. IV, p. 810.

[33] It had been proposed that the Organization be located in an internationalized district to be composed of a part or all of the Free Zone of the Pays de Gex and of that section of the Canton of Geneva in which the buildings of the League of Nations were situated.

For discussions of Under Secretary Stettinius with President Roosevelt on the question of location of the Organization on August 28 and September 6, 1944, see extracts from the Stettinius *Diary* of those dates, *Foreign Relations*, 1944, vol. I, pp. 743 and 772, respectively. See also memorandum for the President, November 15, 1944, *Conferences at Malta and Yalta*, p. 53.

[34] Memorandum of January 5, 1945, entitled "Summary of principal comments and suggestions so far made by the Latin American Governments with respect to the Dumbarton Oaks Proposals", not printed.

expense of the Council, since such changes would completely alter the character of our proposals. I agreed. I also agreed that it would be impracticable to make the decisions of the Court enforceable by the Council because the Council would, for one thing, deal only with peace and security, whereas the Court might render decisions on a large variety of subjects. In answer to his inquiry, I explained to him the meaning of compulsory jurisdiction,[35] which he had misunderstood completely.

When he came to the statement that the Latin American countries are against voting by the permanent members on disputes in which they are involved, he again plunged into the subject of how "unrealistic" the smaller countries are in making that demand. I said that we must expect all of the countries at the Conference to urge many ideas of the kind that have emerged in our discussions with the Latin American countries, but that it seems to us that the advocacy of most of them would be greatly weakened by the acceptance of our voting formula. He said he would like to think about that possibility, and then asked if it would be possible for me to give him our analysis of the functions of the Council from the point of view of the voting procedure proposed in the President's formula.[36] I said that I would be glad to put down on paper the points in this respect which I brought out in the discussion.

In conclusion, he again said that our two conversations had been both interesting and useful to him and would certainly be helpful in making his report to his Government. I responded in kind, and we parted on a very friendly note.

LEO PASVOLSKY

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844.00/1–1345

*Memorandum by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

[WASHINGTON,] January 13, 1945.

MEMORANDUM FOR THE PRESIDENT

Subject: The Forthcoming Conversations with Colonel Stanley, British Secretary of State for the Colonies.

Mr. Taussig has advised the Department that you desire to confer with Colonel Oliver Stanley, Secretary of State for the Colonies, dur-

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[35] See article 36 of the Statute of the Permanent Court of International Justice, printed in Conference Series No. 84: *The International Court of Justice: Selected Documents Relating to the Drafting of the Statute* (Department of State publication No. 2491), p. 8.

[36] See policy paper I in the Yalta Briefing Book, entitled "The Problem of Voting in the Security Council", *Conferences at Malta and Yalta*, p. 85.

ing his forthcoming visit to Washington. Colonel Stanley is expected to be here from January 15 to January 18, inclusive.[37]

Colonel Stanley's visit is concerned mainly with the future program of the Anglo-American Caribbean Commission. Mr. Taussig will have informed you of the questions involved, which he has discussed fully with the Department.

Although the Anglo-American Caribbean Commission is the only topic which Colonel Stanley is prepared to discuss officially, other questions relating to dependent territories generally may become the subject of informal conversations. We propose to have only exploratory discussions with Colonel Stanley, since we are not ready as yet for definitive expressions of view. We understand that he is in a similar position, although we are told that he may make available to us, unofficially, a paper on regional advisory commissions prepared by the Colonial Office but which still requires clearance with the Dominions.

The principal questions which may arise in our informal discussions with Colonel Stanley are as follows:

1. *Differentiation in status between trust territories and colonies generally.*

*British View.*—British thinking tends to assimilate trust or mandated territories to colonies generally with single-nation administration and responsibility. They seem to be prepared to accept the principle of consultation through regional advisory commissions.

*Our Proposed View.*—Our thinking to date favors retention of the distinction between trust territories which have an international status and ordinary colonies. In our usage, "trusteeship" has an international significance whereas the British apply it in a national sense, with themselves as trustees. We favor the establishment of international trusteeship for certain areas and have expressed our willingness to accept the principle of regional advisory commissions for colonial areas.

2. *Independence or self-government as the ultimate goal for dependent peoples.*

*British View.*—In British opinion the goal should be self-government within the framework of empire.

*Our Proposed View.*—Our thinking to date favors independence as the goal of those dependencies capable of enjoying it. We think, however, that permitting such territories the option of freely choosing whether to be independent or to remain within an empire, might be acceptable.

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[37] For a press release of January 16 on Colonel Stanley's visit, see Department of State *Bulletin*, January 21, 1945, p. 107. Memorandum of the conversation of Colonel Stanley with Departmental officials on January 18 not printed.

3. *Application of the principle of "international accountability".*

*British View.*—The British are apparently willing to accept the principle of limited international accountability for their dependent territories but insist that responsibility cannot be divorced from control.

*Our Proposed View.*—Our thinking to date has been in favor of the principle of some new form of international accountability for the administration of all dependent territories, colonies and trust territories alike that should gain universal acceptance. The precise form and extent of accountability still remain to be decided.

4. *Adoption of a Declaration of Standards.*

*British View.*—The British appear to oppose a general declaration but supported the Recommendation on Social Policy at the Philadelphia Labor Conference.[38]

*Our Proposed View.*—Our thinking to date has favored a general declaration for the guidance of all authorities administering dependencies.

5. *Participation in Regional Advisory Commissions.*

*British View.*—The British are inclined to favor the development of regional commissions, of a strictly advisory nature, for dependent areas.

*Our Proposed View.*—Our thinking to date has favored the principle of such commissions, but the extent to which the United States should participate still remains to be decided.

6. *Relation of Regional Advisory Commissions to the General International Organization.*

*British View.*—The British view is unknown.

*Our Proposed View.*—This problem still remains to be worked out.

There is attached hereto a memorandum setting forth the background of recent work by the Department regarding dependent areas.

[Annex—Memorandum]

JANUARY 13, 1945.

Subject: The Background of Recent Department Work Regarding Dependent Areas

Our broad objectives with respect to dependent areas have been to promote the advancement of dependent peoples through international collaboration in the interest of both the dependent peoples and of the

[38] For text of recommendation (No. 70) concerning minimum standards of social policy in dependent territories, adopted by the International Labor Conference at its twenty-sixth session held at Philadelphia, April 20–May 12, 1944, see International Labour Conference, Twenty-sixth Session, Philadelphia, 1944, *Record of Proceedings*, p. 585. For correspondence on United States participation in the Conference, see pp. 1530 ff.

world at large, and, to that end, to encourage and assist dependent peoples to govern and sustain themselves and to attain higher economic and social standards, to safeguard the security interests of dependent areas and the world at large, and to apply the principle of non-discriminatory treatment in dependent territories to the nationals of all peace-loving states.

On March 9, 1943, in a "Draft Declaration by the United Nations on National Independence", prepared by the Secretary of State and his advisers and submitted by the Secretary to the President,[39] a clear distinction was drawn between mandated or detached territories and colonial territories. It was proposed that the former only be placed under international trusteeship. The draft also embodied an earlier British suggestion for regional commissions for colonial areas.[40] Perhaps the most significant proposal, however, was the stipulation that colonial peoples should be granted progressive measures of self-government and should be given full independence in accordance with a fixed time schedule. The draft was discussed with the British at Quebec [41] and with the British and the Russians at Moscow.[42]

British objections to the American proposals were noted at the Quebec Conference in August 1943, at the Moscow Conference in October 1943, as well as during the talks with the Stettinius Mission in London in April 1944.[43]

The Department's proposals with respect to dependent territories were further refined during the months preceding the Dumbarton Oaks Conversations.[44] They have retained the basic ideas of the March 9 Draft Declaration with modifications and elaborations suggested by the Quebec and Moscow Conversations and by the London talks of the Stettinius Mission. The plans are incorporated in the three following documents:[45]

[39] For text of draft declaration of March 9, presented to President Roosevelt on March 17, 1943, see *Foreign Relations*, 1943, vol. I, p. 747.

[40] For summary statement on the draft joint declaration on colonial policy, presented by the British Ambassador (Halifax) to Secretary Hull on February 4, 1943, see numbered paragraph 4 of bracketed note, *ibid.*, p. 1051.

[41] Documentation on the First Quebec Conference, August 17–24, 1943, is scheduled for publication in a subsequent volume of *Foreign Relations*.

[42] For documentation on the Moscow Conference, October 18–November 1, 1943, see *Foreign Relations*, 1943, vol. I, pp. 513 ff.

[43] For the report of Under Secretary Stettinius to Secretary Hull on conversations held in London, April 7–April 29, 1944, see *ibid.*, 1944, vol. III, p. 1.

[44] For projected chapter IX, "Arrangements for Territorial Trusteeships", as prepared prior to the Dumbarton Oaks Conversations, see "United States Tentative Proposals for a General International Organization, July 18, 1944," *ibid.*, vol. I, p. 653. The text of the United States proposals was handed on July 18, 1944, to representatives of the British, Soviet, and Chinese Ambassadors, but chapted IX (printed *ibid.*, p. 665) was omitted from the document.

[45] None printed; for information on the preparation of these papers, see *Postwar Foreign Policy Preparation*, pp. 387 ff., and 428 ff.

1. "A Draft Declaration Regarding Administration of Dependent Areas", designed to establish minimum political, economic, and social standards for *all* non-self-governing territories, whether colonies, protectorates, or trust territories.
2. "A Draft Plan for Territorial Trusteeships", designed to supersede the League Mandates System [46] and to be attached to the general international organization. This mechanism would apply to existing mandated territories and to such former Italian and Japanese possessions as may be placed under it.
3. "A Draft Plan for Regional Advisory Commissions for Dependent Areas", similar to the Anglo-American Caribbean Commission, which might be set up in the Pacific and in Africa. These would be independent of the trusteeship mechanism.

Our draft plans on dependent areas have not been revealed to other interested governments. Just before the American Tentative Proposals for a general international organization were transmitted to the British, Soviet, and Chinese governments, it was agreed, at the instance of the Joint Chiefs of Staff, to delete the chapter on international trusteeship on the ground that discussion of this chapter might involve difficult territorial questions.[47] The problem of dependent territories, therefore, was not discussed during the Dumbarton Oaks Conversations, although the British, Soviet, and Chinese governments expressed interest in the subject. It was understood, however, that the issue would be considered in subsequent negotiations.

The three documents described above are now being revised in the light of the Dumbarton Oaks Proposals. They are to be submitted to the President for his approval before being discussed with other governments.

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500.CC/1–1445

*Mr. Leo Pasvolsky, Special Assistant to the Secretary of State, to the Counselor of the British Embassy (Wright)*

[WASHINGTON,] January 17, 1945.

DEAR MICHAEL: I wish to acknowledge the receipt of your note to me, of January 14, 1945,[48] in which you say that His Majesty's Government is prepared to accept the President's proposal, as communi-

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[46] See summary statement, "Background of United States Policy" on dependent territories, 1918–1943, in Conference Series No. 71: *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State, June 26, 1945* (Department of State publication No. 2349), p. 126.

[47] See letter of August 3, 1944, from Gen. George C. Marshall to the Secretary of State, conveying the views of the Joint Chiefs of Staff, and the Secretary's letter of December 30, 1944, to the Secretary of War (Stimson), *Foreign Relations*, 1944, vol. I, pp. 700 and 922, respectively.

[48] *Conferences at Malta and Yalta*, p. 77.

cated to Prime Minister Churchill on December 5, 1944,[49] with respect to voting in the Security Council of the United Nations Organization. With respect to paragraph 1 of Chapter 8, Section C, the reference is to the second sentence of that paragraph.

I have been asked to tell you of the gratification which we feel at this indication that the views of our two governments are in accord on this extremely important question.

We are bearing in mind the points covered in the third paragraph of your note under reference.

Sincerely yours, LEO PASVOLSKY

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500.CC/1–2345

*Memorandum by the Secretary of War (Stimson) to the Secretary of State*[50]

WASHINGTON, January 23, 1945.

Here is the list of points I tried to make at our meeting yesterday:[51]

FIRST

1. The Moscow Conference of November 1, 1943, contemplated two organizations:

*a.* A general international organization based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small" etc.

*b.* An interim consultative organization of the four large powers for "maintaining international peace and security pending the re-establishment of law and order and the inauguration of a system of general security".[52]

2. This recognized the self-evident fact that these large powers who have won the war for law and justice will be obliged to maintain the security of the world which they have saved during the time necessary to establish a permanent organization of the whole world, and for that purpose they will have to consult and decide on many questions necessary to the security of the world and primarily their own safety in establishing that security. I have always thought that this interim

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[49] See telegram 2784, December 5, 1944, to Moscow, *Conferences at Malta and Yalta*, p. 58.

[50] For additional information on Secretary Stimson's attitude regarding this memorandum and the general subject "Bases and Big Powers", see Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, pp. 599–605. See also Walter Millis (ed.), *The Forrestal Diaries*, pp. 28–29.

[51] No record of conversation found in Department files; possibly this was one of regular weekly meetings which was held by the Secretary of State with the Secretaries of War (Stimson) and the Navy (Forrestal).

[52] For the Declaration of Four Nations (United States, United Kingdom, Soviet Union, and China) on General Security, see *Foreign Relations*, 1943, vol. I, p. 755.

organization should be formal, subject to rules of consultation similar to Article XI of the old League,[53] and actively at work until the world had gotten stabilized enough to establish and turn loose the large world organization which includes the small nations.

3. The job of the four big nations is principally to establish a guarantee of peace in the atmosphere of which the world organization can be set going.

This will necessarily include the settlement of all territorial acquisitions in the shape of defense posts which each of these four powers may deem to be necessary for their own safety in carrying out such a guarantee of world peace.

4. For substantially this purpose, at the end of the last war President Wilson proposed a joint covenant of guarantee by Britain and America of the security of France as the pillar of western Europe.[54] But the mistake was made of not securing that guarantee before the second step of creating the League of Nations whose safety was in large part to be dependent upon such a guarantee. As a result the League of Nations lacked a foundation of security which ultimately proved fatal to it.

5. I think we are in danger of making a similar mistake by attempting to formulate the Dumbarton organization before we have discussed and ironed out the realities which may exist to enable the four powers to carry out their mission, and I was much interested to read Senator Vandenberg's recent speech [55] in which he took practically the same ground.

6. Any attempt to finally organize a Dumbarton organization will necessarily take place in an atmosphere of unreality until these preliminary foundations are established. The attitude of the numerous minor nations who have no real responsibility but plenty of vocal power and logical arguments will necessarily be different from that of the large powers who have to furnish the real security.

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[53] Article XI of the Covenant of the League of Nations noted that any war or threat of war was a matter of concern to the whole League and that in case any such emergency should arise the Secretary General should on the request of any member of the League forthwith summon a meeting of the Council. For text of the Covenant (pt. I of Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles June 28, 1919), see *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, p. 69.

[54] See agreement between the United States and France signed at Versailles June 28, 1919, regarding assistance to France in the event of unprovoked aggression by Germany, with annexed treaty in similar terms between Great Britain and the French Republic, *ibid.*, pp. 757–762.

[55] For a speech on American foreign policy by Senator Arthur H. Vandenberg in the United States Senate on January 10, 1945, see *Congressional Record*, vol. 91, pt. 1, pp. 164–167. For a summary account, see Arthur H. Vandenberg, Jr. (ed.), *The Private Papers of Senator Vandenberg*, pp. 132–138.

SECOND

1. An example of one of these difficulties has already appeared in the problem of the mandated islands.[56] You are proposing to include them under your future principles of "trusteeship" or "mandates". They do not really belong in such a classification. Acquisition of them by the United States does not represent an attempt at colonization or exploitation. Instead it is merely the acquisition by the United States of the necessary bases for the defense of the security of the Pacific for the future world. To serve such a purpose they must belong to the United States with absolute power to rule and fortify them.[57] They are not colonies; they are outposts, and their acquisition is appropriate under the general doctrine of self-defense by the power which guarantees the safety of that area of the world.

2. For that reason you will get into needless mazes if you try to set up a form of trusteeship which will include them before the necessity of their acquisition by the United States is established and recognized.

3. They are of an entirely different nature from the German colonies in various parts of the world, quite unessential to the defense of any protecting power, to which was applied the doctrine of mandates under the League of Nations formula.

THIRD

1. You will find the same clash of fundamental ideas and interests with Russia in regard to certain more difficult problems. She will claim that, in the light of her bitter experience with Germany, her own self-defense as a guarantor of the peace of the world will depend on relations with buffer countries like Poland, Bulgaria, and Rumania, which will be quite different from complete independence on the part of those countries.

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[56] Reference is made to the Japanese mandated islands in the Pacific; in the Cairo Declaration of December 1, 1943, President Roosevelt, Generalissimo Chiang Kai-shek (President of the National Government of the Republic of China), and Prime Minister Churchill stated: "The Three Great Allies . . . covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914 . . .". (*Foreign Relations*, The Conferences at Cairo and Tehran, 1943, p. 448.)

For memorandum of conversation with President Roosevelt, by the Special Assistant to the Secretary of State (Pasvolsky), November 15, 1944, which outlines the President's views in relation to those of the Secretaries of War and the Navy on international trusteeship, see *Conferences at Malta and Yalta*, p. 56.

[57] President Roosevelt, in a memorandum of July 10, 1944, not printed, reminded the Joint Chiefs of Staff that "we have agreed that we are seeking no additional territory as a result of the war". He added, however, that he was working on the idea that the United Nations would ask the United States to act as trustee for the Japanese Mandated Islands; he assumed that with this authority would also go the military authority to protect or fortify them. The War and Navy representatives argued on the basis of this that the trustee should retain rigid controls over a trust territory when that territory had been designated as a strategic area.

2. It is my suggestion that such fundamental problems should be at least discussed and if possible an understanding reached between the big guarantor nations before you endeavor to set up principles in a world organization which may clash with realities.

For all these reasons I think we should not put the cart before the horse. We should by thorough discussion between the three or four great powers endeavor to settle, so far as we can, an accord upon the general area of these fundamental problems. We should endeavor to secure a covenant of guarantee of peace or at least an understanding of the conditions upon which such a general undertaking of mutual guarantee could be based.

If there is a general understanding reached among the larger powers I do not fear any lack of enthusiasm on the part of the lesser fry to follow through with the world organization whenever a general meeting may be called.

The foregoing constitutes a consideration which I believe to be fundamental yet it is no more than the common prudence one would exercise in preparing for the success of any general assembly or meeting in business or political life.

There is another point, however, which relates to the advisability of raising any territorial questions at all during the course of the war or, at least, until after the Russians have clearly committed themselves to their participation in the Pacific war.[58] Any discussions of territorial matters, whether they be in the nature of security acquisitions, trusteeships or outright territorial adjustments, are almost certain to induce controversies which put at risk a united and vigorous prosecution of the war itself. The introduction of these subjects into any general meeting would be most inadvisable, almost certainly provoke a welter of opinion and great jockeying for position. In my judgment it is fanciful to suppose that the subject of "trusteeships" could be introduced with a limitation of the discussion to the mere form of the trust organization. No such discussion could usefully proceed without a consideration of the nature of the specific areas to be trusteed. Immediately the subject is introduced, the various powers would certainly consider the subject in the light of how it would affect the areas in which they are interested or which they covet.

I feel that for us to raise the subject, on the proviso that no areas in the Pacific in which we are interested could be discussed is even

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[58] For text of agreement regarding entry of the Soviet Union into the war against Japan, signed on February 11, 1945, by Marshal Stalin, President Roosevelt, and Prime Minister Churchill, see *Conferences at Malta and Yalta*, p. 984 (also printed as Department of State Executive Agreement Series No. 498, 59 Stat. (pt. 2) 1823). With regard to this subject, see *Conferences at Malta and Yalta*, pp. 361–400; Cordell Hull, *The Memoirs of Cordell Hull*, vol. II, pp. 1309–1310; and U.S. Department of Defense, *The Entry of the Soviet Union into the War Against Japan: Military Plans*, Press Release (Sept. 1955).

more unwise. This would immediately provoke a sense of distrust and discrimination among the other parties to the discussion which would both call marked attention to our aims and poison the general atmosphere of the discussion.

It is my conclusion, therefore, that we should not bring up the subject of territorial adjustments, including "trusteeships" for discussion in any form, at least until the war is much further along and Russian participation in the Pacific war is accomplished. We should also make a determined effort to avoid a discussion of the subject. I realize that some discussion of territorial matters may be inevitable but we should not bring it up and we should avoid it if we can. The subject of "trusteeships" could certainly be avoided until a more suitable time, on the very sound ground that no satisfactory discussion can possibly take place without full knowledge of the types and character of the territories to be dealt with.

HENRY L. STIMSON

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500.CC/1–2645

*Record of Informal Meeting With Diplomatic Representatives of Certain American Republics, Held at Washington, January 26, 1945, 3 p. m.*[59]

[Informal Notes]

In the absence of the Secretary the meeting was convened by the Under Secretary. MR. GREW, after expressing his pleasure in greeting the Chiefs of Mission, gave a short address in which he stated that, as the Chiefs of Mission were aware, plans had become definite for a conference to meet next month at Mexico City; that during the period before and at the conference he felt that all would wish to give most careful study to the matter of international organization and to the important place of the traditional inter-American system with relation to it; that with respect to the latter it was believed that the way should be paved at Mexico City through exchange of views and recommendations made to take, at the appropriate forum which would appear to be the Ninth International Conference of American States, formal and definitive action to develop and strengthen the Inter-American System in order that it might play its proper role in the postwar world; that a more immediate and no less important matter was to complete at these meetings of the Chiefs of Mission, the exchanges of views regarding the general international organization;

[59] Present at this meeting were Under Secretary Grew, Assistant Secretary Rockefeller, certain other American officials, and Chiefs of Diplomatic Missions of the American Republics, except Argentina and El Salvador. Copy of this document obtained from the Library of Congress, Manuscript Division, papers of Mr. Leo Pasvolsky, Special Assistant to the Secretary of State.

that ten American republics had provided most useful and interesting comments on the Dumbarton Oaks Proposals—a memorandum from the Honduran Government [60] having just been received in addition to the others previously sent to this government—; and that this government welcomed the opportunity, in order that there might be a full understanding of the various positions, of being informed of the views of the other governments, and to explain the basic reasons which underlie certain provisions of the Dumbarton Oaks proposals, not only regarding those questions which have been raised in the memoranda but also with respect to other points which the governments might wish to make.

MR. GREW then said he would like to add a few further words on the World Organization. He stated that much hard work had been put in at Dumbarton Oaks and the results had been more successful than had been anticipated but that there was a great deal still to be done. He then said that he believed that there were two important points that should be kept in mind.

He stated that in the first place there was much to be learned from history as to the necessity of taking full measures for the preservation of peace. He said that efforts had been made almost from time immemorial to attain this end but that all had failed because they were superficial. He likened the measures demanded for assuring peace to those for the cure of cancer in that cancer could not be temporized with and required the most drastic methods in its treatment. Thus, he said, in the organization for peace and security in the world it was necessary to be prepared to use all means at our disposal, including force; although he hoped, of course, that force would not be necessary.

His second point was that no matter how much hard work—and no work was more important than this—was put into the formulation of the World Organization and whatever plans for the organization emerged from the United Nations Conference some nations would not think them perfect. The world, he said, should not for that reason be discouraged. He said that as an illustration when the American Constitution was drafted there was practically no one at the time who was satisfied with it; yet it has lasted over 150 years, been developed and amended, and has served as a very successful institution. We should, he said, all make up our minds to give the world organization a chance to succeed and an opportunity for it to develop and grow. He admonished that unless we did so and if it did not succeed the next war through scientific developments in the machinery of destruction might well blot out whole peoples and civilizations. We could not therefore permit another war to happen and it was

[60] Doc. 2, G/7(*m*), UNCIO Documents, vol. 3, p. 349.

incumbent upon us to draw up by hard work a good document and thereafter support it.

MR. GREW then reiterated his previous remark that all possible should be done to strengthen the inter-American system.

MR. GREW concluded his comments by stating that he regretted that due to other important engagements he would not be able to remain at the meeting as he would like to do and that therefore he would ask Mr. Rockefeller to preside in his place.

At the request of the Ambassador of Chile, the discussion began with paragraph 5 of Chapter II. AMBASSADOR MORA read the proposal of his Government to amend paragraph 5 that "whenever disputes affect a Continent or region and do not constitute a danger to the general world peace, the States of other Continents or regions shall not be obligated to participate in operations of a military nature decided upon by the Council and the Assembly". He explained that it would be exceedingly difficult to stir up the feelings of a people in one part of the world over a dispute in another part of the world far removed from it or to make the effort to send troops to intervene in a controversy in some other remote area that had no direct effect on the state sending the troops or which did not endanger world peace, particularly if the Government requested to send troops had had no voice in the decision to send them.

DR. PASVOLSKY remarked with respect to Ambassador Mora's proposal that the proposed charter of the world organization provided that the use of armed forces would be subject to special agreements after the organization is created; the agreements to be negotiated between various states, subject to the approval of the Security Council. He said that the basic objective was to assure the maintenance of peace and security. He pointed out that peace could be said to be indivisible. For this reason, he explained, the Security Council must decide whether a dispute was of local or worldwide significance. Provision was made in the Dumbarton Oaks proposals to encourage regional boards to settle regional disputes [61] but the Council would have to decide whether all nations would give assistance in helping to settle specific disputes or only some nations would be called upon to render such assistance.

THE AMBASSADOR OF MEXICO [62] stated that it was very difficult to decide when a particular dispute might or might not constitute a danger to world peace, and it would be extremely dangerous to leave this decision to a group of countries or a region. He stated that in his belief, when force was used, it should not be that of neighboring

[61] Chapter VIII, section C, "Regional Arrangements", *Foreign Relations*, 1944, vol. I, p. 898.

[62] Francisco Castillo Nájera.

countries because this would engender hate and retaliation. He cited the action taken under the League of Nations in handling the Saar plebiscite [63] as a case in point. There the controversy directly concerned France and Germany and it was found best not to use the troops of either country but forces of other nations not directly involved (i.e. Swedish, Dutch, and English forces). He recommended that there be left to the decision of the Security Council the forces to be used in each case. He said that the word "continent" was useful as a matter of descriptive geography, but was useless in a political sense; that while Canada geographically might be said to belong to the Western Hemisphere, politically it was part of the British Commonwealth of Nations; that the only permanent division would be north and south because the equator could not be changed.

THE AMBASSADOR OF HONDURAS [64] spoke in favor of extending to the whole world the principle of Inter-American solidarity in the sense that an attack on one American republic was considered an attack on all of them.

AMBASSADOR MORA said that the discussion had covered his point. He said that he would like, however, to have the subject left open for further future discussion.

DR. PASVOLSKY here suggested that new points raised at the meeting should, because of their difficulty, be studied and discussed later.

The discussion thereafter was led by THE AMBASSADOR OF MEXICO who read aloud the articles of the Dumbarton Oaks Proposals beginning with article 1 of Chapter III and who called attention to the suggestions for amendments made in the various memoranda.

DR. PASVOLSKY explained that the term "peace-loving states" used in Chapter III had been chosen as a criteria of membership in preference to other terms in order to emphasize the "peace" aspect of the organization; the most basic concept of the term being that of nations devoted to peace and determined to do what was necessary to make it possible for all nations to live at peace. He said that the determination of which were the peace-loving states (to be settled when the final Charter is drawn up) was involved with the problem of what nations would constitute the initial members, and that it was proposed in

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[63] In accordance with provisions of the Treaty of Versailles, June 28, 1919, at the end of 15 years from the coming into force of the Treaty, a plebiscite was held in the Saar on January 13, 1935, to allow the inhabitants to indicate the sovereignty under which they desired to be placed; the electors voted for reunion of the territory with Germany as against union with France or continuation of League administration. The maintenance of order was entrusted to international contingents (among which neither France nor Germany would be represented) composed of forces of the United Kingdom, Italy, Netherlands, and Sweden. (League of Nations, Information Section, Geneva, 1935, *The Saar Plebiscite.*)

[64] Julian R. Cáceres.

the Dumbarton Oaks document that the Assembly should admit new states on recommendation of the Security Council,[65] it being the joint responsibility of the two bodies to decide whether or not a non-member state should be admitted in accordance with the judgment as to whether such state was a peace-loving state. He mentioned that although the Council could not decide this matter by itself and could only make a recommendation to the Assembly, it was thought it would be better to initiate action in the smaller rather than in the larger body but that the latter of course would not have to admit a state applying for admission. He concluded his remarks on this topic by stating that it undoubtedly would require further discussion.

THE AMBASSADOR OF MEXICO stated that the attaining of permanent peace through cooperation of all States was an ideal to be achieved and that Chapter III should be drawn up with this ideal in mind. He believed that an organization should be worked out now which would not commit the same errors as the one set up after the last war but that admittedly the question of admission of new states was a complicated one.

Chapter IV was then discussed. THE AMBASSADOR OF MEXICO read the comments of his country and Venezuela[66] with regard to this chapter. He pointed out that provision was made in the chapter for the organization to have as many subsidiary groups as necessary.

DR. PASVOLSKY stated that the chapter was designed to give only an indication of the principal organs. He mentioned that the Economic and Social Council could or could not have been included. He explained that the reason for omitting that Council and the Military Staff Committee was to focus attention on the fact that in the Security Council were vested the principal functions of the organization in so far as they related to peace and security; that in the General Assembly were centered those relating to the creation of conditions conducive to peace; and that the International Court of Justice would be responsible for dealing with legal problems. He added that although, as the document now stands, the Economic and Social Council is under the authority of the Assembly, in the final document this could be changed.

Chapter V on the General Assembly was next discussed. Referring to the opening sentence of the chapter ("All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter."), AMBASSADOR CASTILLO NÁJERA presented the Mexican commentary limiting membership to the General Assembly to three delegates from each

[65] Chapter V, section B (2), *Foreign Relations*, 1944, vol. I, p. 892.

[66] For observations of the Government of Venezuela, October 31, 1944, see doc. 2, G/7(*d*) (1), UNCIO Documents, vol. 3, p. 189.

country but he stated that he personally believed that more than three might be necessary if the work of the Assembly was divided into more than 3 commissions. He also noted that the other commentaries supported the view that the number of members of each country in the Assembly not be limited.

DR. PASVOLSKY stated that various criticisms had been voiced regarding the limited powers of the Assembly. He explained that in all the discussions he had tried to make clear the point that in building the organization, an attempt had been made to plan it (for effectiveness of action) on the principle that the functions of the organization would not be assigned to two bodies at the same time, but that each would have its own responsibilities. He stated that the word "primary" in connection with the Security Council meant that there would be some functions relating to the maintenance of peace and security which would rest with the General Assembly, and that therefore there had been included the sentence reading . . . "Any question relating to the maintenance of international peace and security . . . and to make recommendations with regard to any such principles or questions." He said the Assembly was completely free to deal in its discussions with any question arising in the field of international peace and security and could take up on its own initiative and make any recommendations it wished to on questions referred to it by the Security Council; that the Security Council also had the right to bring before the Assembly questions with which it was concerned and to make recommendations; that there were however two limitations: (1) responsibility was divided according to the body competent to take action—i.e. in a case where the Council was dealing with a matter serious enough for the Council to be concerned with it, then the Assembly should make it possible for the Council to carry out its heavy responsibility; (2) in the light of past experience it seemed very necessary to establish a system for the maintenance of peace and security which would place primary responsibility for action in a body at all times prepared to carry out this responsibility and one, as the Security Council was designed to be, which would remain in continuous session and not meet only periodically as would the Assembly. He then said that it was obvious that peace and security would be maintained only if the nations of the world should develop among themselves relations requiring a minimum of adjustments; that most of them must be willing to behave—with only a few law-breakers. He pointed out that obviously if most countries were not willing to support the principles of the world organization it would be a complete failure; that in this respect the problems of international relations would constitute a very important function of the Assembly and that if the Assembly failed to meet them, the Security Council would be powerless.

THE AMBASSADOR OF ECUADOR [67] mentioned that he appreciated hearing the comments of Dr. Pasvolsky on the points that had been raised as he felt that the most useful purpose served by these meetings was an explanation of the meaning and significance of the Dumbarton Oaks Proposals which Dr. Pasvolsky was undertaking to impart.

THE AMBASSADOR OF MEXICO, referring to article 1, Section B, Chapter V of the Dumbarton Oaks Proposals, brought up the question of withdrawal of members from the organization.

DR. PASVOLSKY stated that universal membership was based on the principle that the organization was an association of nations with common ideals and common standards of behavior. They must, he said, be agreed to undertake certain actions as obligations. He stated that States by accepting certain common principles would be thereby eligible to membership in the organization and that therefore membership had not been made to rest on the fact that a nation exists, but rather that a nation lived by certain principles. He stressed that it was clear that if peace and security were to be maintained, all nations must act in accordance with these principles. He said that when, however, a nation did not wish to accept these obligations once it had entered the organization, when it habitually violated obligations, it was no longer a part of the community of nations, but it was not thereby absolved from its obligations. He mentioned that all nations had certain obligations, whether they were members of the organization or not.

With regard to the Brazilian commentary [68] on Section B of Article V as a whole, DR. PASVOLSKY said that the important question was how much authority the organization should have. He said that if we were to assume that the organization would become permanently established over the next 10 years or more, and found that its functions were being well performed and the world was getting into the habit of looking to this organization for authority it might well be that no modification would be necessary. He said that the whole matter could be reconsidered during the transitional period but that it was important not to cast any doubt now.

THE VENEZUELAN AMBASSADOR [69] brought up the question of unanimity. MR. PASVOLSKY stated that there was no provision for unanimity of decision in the Assembly.

The discussions terminated on Section B of Article V and the meeting adjourned at 5:00 P. M.

MR. ROCKEFELLER stated that if it would be convenient for the Chiefs of Mission the next meeting would be held next Wednesday, January 31, at 3:00 P. M.

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[67] Galo Plaza.

[68] For Brazilian comments on Dumbarton Oaks Proposals, November 4, 1944, see doc. 2, G/7(*e*), May 2, UNCIO Documents, vol. 3, p. 232.

[69] Diógenes Escalante.

500.CC/1–2745 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)* [70]

WASHINGTON, January 27, 1945—11 p. m.

184. ReEmbs 4951, December 21; and 4963, December 22.[71] The Department appreciates the importance of the article by H. Malinin which appeared in *War and the Working Class* No. 24 of December 15. For your guidance if the matter arises for informal discussion, the Department recognizes that the provisions on Regional Arrangements in Chapter VIII, Section C will need further elaboration and definition.

The Department agrees with the point of view that regional "blocs" or "spheres of influence" as defined in the article are undesirable. In other words the Department does not favor regional blocs directed potentially or in fact against other states or associations of states. Similarly it is opposed to the establishment of spheres of influence created by exclusive agreements of rival powers.

The "Security Zones" proposed by Malinin would require close scrutiny. Their acceptability would have to be determined by their conformity with the text laid down in Chapter VIII, Section C. That is, in their purposes and activities they would have to be consistent with the purposes and principles of the organization. In keeping with this consideration their primary purpose should be the maintenance through mutual action of peace and security within the respective regions. It would be an absolute condition of their acceptability that there must be no interference with the independence of the states within the zones.

The second condition put forward by Malinin for the establishment of security zones is open to serious question. According to him demarkation of frontiers and areas as between zones should only be achieved as a result of agreement between the chief powers of a particular continent. While there might be no objection to delimitation of areas by voluntary agreement of the states concerned (not only the leading ones) for purposes of fixing responsibility for security action on a regional basis, it should be recalled that under Chapter

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[70] Summary of this telegram was transmitted by Acting Secretary Grew to Secretary Stettinius at Yalta in telegram of February 5 [6]; for text, see *Conferences at Malta and Yalta*, p. 954.

[71] Neither printed. Telegram 4951, December 21, transmitted the translation of an article, "On the Question of the Creation of an International Security Organization", signed by Nikolai Malinin (500.CC/12–2144); in telegram 4963, December 22, Ambassador Harriman requested the Department's reaction to the article in the event that the question of regional security should come up informally with the Assistant People's Commissar for Foreign Affairs of the Soviet Union, Maxim Maximovich Litvinov, or other Soviet officials. The article, Ambassador Harriman indicated, evidently emanated from high Soviet circles and the signature "Malinin" was probably a pseudonym for Litvinov. (500.CC/12–2244)

VIII, Section C, Paragraph 3 the Security Council is to be kept fully informed regarding the security aspects of regional arrangements. The firm implication is that all such arrangements should be consonant with the responsibility of the Security Council to maintain peace and security and it is furthermore clear that the Security Council would always have the power to take cognizance of any situation within any region which might lead to a threat to the peace and that no regional arrangement could undertake enforcement action without authorization by the Security Council. Any regional arrangement or understanding which did not make clear provision to this effect would in our opinion violate the intent of the Dumbarton Oaks Proposals.

In the light of a preliminary study the Department thinks it would be unwise to divide the General Assembly of the Organization into four sections. The founding of general international organization upon regional substructures would be of doubtful service to security. While some form of regional assembly committees might possibly be found convenient for certain purposes any definite proposals at this time are regarded as premature. The Department's primary concern is the creation of a strong and effective overall international organization. It is to be feared that the proposal of plans for a decentralization of the international organization or its organs along the lines advanced in the article under discussion would complicate the problem of achieving the establishment of the Organization and would impair its effectiveness. Thus it would appear advisable to postpone any discussion of moves toward decentralization certainly until after the international organization is firmly established.

GREW

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Lot 58 D 191

*Policy Papers for President Roosevelt*

[WASHINGTON, January 30, 1945.]

WORLD SECURITY [72]

IV

CONFERENCE OF AMERICAN REPUBLICS IN MEXICO CITY AND DISCUSSIONS WITH LATIN AMERICAN AMBASSADORS IN WASHINGTON

Should Prime Minister Churchill or Marshal Stalin raise any question about either of the above subjects, the following background material may be helpful.

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[72] For policy papers I, II, III, and V in this series on "World Security" in the Yalta Briefing Book, see *Conferences at Malta and Yalta*, pp. 85, 90, 91, and 92; attachments to No. I are printed *ibid.*, pp. 77 and 89.

*Mexico City Conference*

The Conference, which will convene February 21, is not a regular Consultative Meeting of American Foreign Ministers. It is being held, however, in accordance with the practice of the American republics to consult together on matters of mutual interest. No such general meeting having been held since that at Rio de Janeiro in January, 1942,[73] a demand for a meeting has been growing during the past year in the other American republics. The agenda for the Conference is as follows:

I. Further cooperative measures for the prosecution of the war to complete victory.

II. Consideration of problems of international organization for peace and security.

A. World organization

B. The further development of the inter-American system, and its relations to world organization.

III. Consideration of the economic and social problems of the Americas.

A. War and transitional Economic cooperation

B. Consideration of methods of further cooperation for the improvement of economic and social conditions of the peoples of the Americas with the end of raising their general standard of living.

IV. Other factors of general and immediate concern to the participating Governments.

Attention may be given to the Argentine problem.

With respect to plans for world organization, it is the objective of this Government to have a full discussion of the Dumbarton Oaks proposals at the Conference, and no commitment inconsistent with the proposals will be assumed by this Government at the Conference.

*Discussions with Latin American Ambassadors*

This Government has followed the same policy in discussing the Dumbarton Oaks proposals with the Ambassadors of the other American republics in Washington at a series of meetings during the fall and winter which have had the same objective of enabling the other republics to express their views, and of winning support for the proposals.

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[73] For documentation on the Third Meeting of the Ministers of Foreign Affairs of the American Republics, held at Rio de Janeiro, January 15–28, 1942, see *Foreign Relations*, 1942, vol. v, pp. 6 ff.

## VI

## The International Court of Justice

*Provisions of the proposals*

The Dumbarton Oaks Proposals [74] provide that: (1) an international court of justice should be established as the principal judicial organ of the Organization; (2) the court should have a statute which should be annexed to the Charter of the Organization; (3) all members of the Organization should *ipso facto* be parties to the statute; (4) states not members of the Organization should be permitted to become parties to the statute upon conditions laid down by the General Assembly upon recommendation by the Security Council; and (5) the statute should be either (*a*) the statute of the present Permanent Court of International Justice [75] with such modifications as may be desirable, or (*b*) a new statute based upon the present Statute.

*Present status of the problem*

It was suggested informally during the Conversations [76] that prior to the United Nations Conference a preliminary meeting of jurists be held for the purpose of drafting the statute of the court and formulating plans for its establishment, to be submitted to that conference. No definite agreement was reached on this suggestion, and there was no detailed discussion of the content of the proposed statute nor of the possible means by which it might be put into effect. The United States delegation handed informally to the other delegations a tentative revised draft of the Statute of the Permanent Court of International Justice [77] as a possible basis for future consideration.

The preliminary meeting of jurists, and, subsequently, the Conference, will therefore be faced with complex legal and practical problems resulting from the fact that the Permanent Court of International Justice is still an organization in being, and that the adoption either of a new statute or a revision of the present Statute will necessarily involve the interests of states which will not be initial members of the organization. These include eight enemy states or states under

[74] For provisions in the Dumbarton Oaks Proposals relating to the International Court of Justice, see ch. VII, secs. 1–5; also, ch. IV, sec. 1(*c*) : ch. V, sec. B(4) ; and VIII, sec. A(6), *Foreign Relations*, 1944, vol. I, pp. 895, 891, 892, and 896, respectively.

[75] For text, see *The International Court of Justice*, p. 1.

[76] See progress report of September 6 on the Dumbarton Oaks Conversations by Under Secretary of State Stettinius, *Foreign Relations*, 1944, vol. I, p. 771.

[77] For text of this draft, dated August 15, 1944, see *Postwar Foreign Policy Preparation*, p. 666; text with some variation in nomenclature is printed in *The International Court of Justice*, p. 57. For an account of the drafting of early proposals for an international court of justice by the Department of State, see *Postwar Foreign Policy Preparation*, pp. 114–117 and 485–491; for documentation regarding a British proposal for a joint study by the British and the Allied Governments of the future of the Permanent Court of International Justice, see *Foreign Relations*, 1942, vol. I, pp. 39 ff.

armistice, and six neutral states. Since no decision was reached during the Conversations on the time for the proposed meeting of jurists, on its composition, or on its terms of reference, these questions will presumably be decided by agreement between the Governments of the United States, the United Kingdom, the Soviet Union and China.

*Recommended procedure*

If this matter arises for consideration, it is recommended that the following procedure be favored: (1) the convening of the meeting of jurists immediately upon the issuance of invitations to the United Nations Conference; (2) the meeting to consist of about fifteen jurists selected on the basis of technical competence by agreement among the four powers; (3) their terms of reference to be (*a*) the preparation for submission to the Conference of a statute for the court, on the basis of the present Statute, leaving for decision at the United Nations Conference the question whether it is to be treated as a revision of the present Statute, or as a new one, and (*b*) the preparation for submission to the Conference of alternative procedures for putting the statute into effect.

## VII

### Liquidation of the League of Nations

*Action at Dumbarton Oaks*

The question of the dissolution of the League of Nations and the transition from it to the United Nations Organization was discussed informally by the representatives of the United States, Great Britain, and China at Dumbarton Oaks, October 7, 1944.[78] It was informally agreed that papers on the subject should be exchanged, no date being set for the exchange. As this Government is not a member of the League it has preferred to await the initiative of the other Governments in this matter. No papers have been received. A copy of a paper prepared in the Department is attached.[79]

*Action of the League's Supervisory Committee*

Early in December 1944 the Supervisory Committee of the League met in London and appointed a committee of three consisting of Mr. Hambro (Norway), Mr. Bruce (Australia), and Mr. Castillo Nájera (Mexico), to select a Conciliation Committee for the purpose of conferring with such group as might be designated by the United Nations

[78] See informal record of the fourth meeting of the Joint Formulation Group, *Foreign Relations*, 1944, vol. I, p. 885.

[79] Not attached to file copy of document; reference may be to a memorandum of November 21, 1944, by Henry Reiff, Legal Specialist on International Organization, *ibid.*, p. 915.

Conference to deal with questions arising out of the dissolution of the League and the transfer of functions to the new Organization.

Previous to this London meeting, on November 23 the Mexican Ambassador, Chairman of the Supervisory Committee, expressed the hope to Mr. Stettinius that when the contemplated Conciliation Committee should meet with the designated United Nations group at the forthcoming United Nations Conference, the United States would appoint an expert to consult with the Committee.[80] The Acting Secretary made no commitment on this point, but said the matter would be borne in mind.

After the London meeting, on December 23 the Mexican Ambassador informed Mr. Stettinius of the action taken by the Supervisory Committee and stated that the Conciliation Committee would be ready to meet with the designated United Nations group at their convenience. The Secretary made no comment and explained that no plans could be made for such a meeting until a time had been set for a United Nations Conference to consider the Dumbarton Oaks Proposals.

It is expected that the League Supervisory Committee at a meeting scheduled for January 19, 1945 in London will discuss the matter of the liquidation of the League generally and decide what preparatory work should be undertaken for a further meeting to be held probably in July at which a report will be presented for adoption.[81]

*Recommended procedure*

It is recommended that no initiative be taken by the United States with respect to the liquidation of the League. The question should be left for consideration at the United Nations Conference, unless a different procedure is initiated by the United Kingdom and/or by China, both of which are members of the League.

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RSC Lot 60–D 224, Box 54 : ISO Doc. 243

*Record of Informal Meeting With Diplomatic Representatives of Certain American Republics, Held at Washington, January 31, 1945, 3 p. m.*[82]

[Informal Notes]

THE ACTING SECRETARY began the meeting with a few remarks. He said that he would like to say first of all that all those who had taken part in the Dumbarton Oaks discussions realized that there were few

[80] Memorandum of conversation between Secretary Stettinius and the Mexican Ambassador, not printed.

[81] For summary of the March 1945 report of the Committee, see note No. 150, March 30, from the British Ambassador (Halifax) to the Secretary of State, p. 175.

[82] Present at this meeting were Acting Secretary Grew, Assistant Secretary Rockefeller, certain other American officials, and Chiefs of Diplomatic Missions of the American Republics except Argentina and El Salvador.

subjects more important today than that of establishing the postwar organization. He then said that because of the importance of the present discussions on the Dumbarton Oaks Proposals and of the short length of time before the Mexico City Conference, he hoped that good progress could be made at this meeting toward completing the discussion of the Proposals. He said that Dr. Pasvolsky would be happy to continue his comments on the views advanced by the various governments in as much as several of the Chiefs of Mission present had expressed the wish that Dr. Pasvolsky do so. He said that further comment of the Chiefs of Mission on each subject as it was taken up would be most welcome.

MR. GREW then said that he would have to request to be allowed to leave the meeting because of other appointments and he turned the meeting over to Assistant Secretary Rockefeller.

THE AMBASSADOR OF CHILE stated that he would like to have a correction made in the minutes of the meeting of December 29, 1944,[82a] concerning the discussion that took place on paragraph 1 of Chapter I of the Dumbarton Oaks Proposals. He said that he thought the record of the discussion had not been quite correctly given as regards the inclusion of a statement of the purpose of "assuring respect for international treaties." It was his recollection that although at that meeting no decision was made to include this phrase in the statement of purposes and principles, it was agreed that it was essential and that the only question was as to where it should be inserted. Following a brief discussion on this matter it was suggested by MR. ROCKEFELLER that Señor Mora and Dr. Pasvolsky discuss the point together and draft a statement for inclusion in the minutes of the meeting today. SEÑOR MORA said he believed it was not necessary to make a statement; that it would be sufficient to record his words in the minutes of the present meeting. The record of Dr. Pasvolsky's remarks in question is as follows:

DR. PASVOLSKY said that in his view the subject of respect for international obligations, including treaties, was inherent in the Dumbarton Oaks Proposals. He added, however, that it might be worthwhile to discuss at some stage the advisability of enumerating specifically this and similar points, and, if the conclusion reached favors such an enumeration, then decide in what precise place in the final document the point should be introduced.

THE AMBASSADOR OF HONDURAS commented that the memorandum of his Government also suggested that there be a stipulation in the Proposals concerning respect for treaties. He said that it was his recollection that at the meeting on December 29 the question was brought up as to whether or not this concept was included in the

[82a] *Foreign Relations*, 1944, vol. I, p. 954.

principles of International Law and that he at that time raised the question, if it were not, why the American republics had accepted and adhered to this principle. He said that it was then that Dr. Pasvolsky had agreed it would be convenient to include this phrase in the Proposal in some way.

THE AMBASSADOR OF CHILE agreed with the remarks of the Ambassador of Honduras but stated that he had not at the time agreed that the principle of "respect for international treaties" was included in the rules of international law, in as much as international law, not yet being clearly defined, could hardly be said to comprise this principle.

THE AMBASSADOR OF VENEZUELA called attention to a correction to be made on page 6 of the minutes of January 26. He stated that he did not recall having brought up the question of unanimity and believed this remark had been incorrectly attributed to him. With these corrections, the minutes of the last meeting were approved.

Discussion of the Proposals then began with Chapter VI. DR. PASVOLSKY referred to Section A on the composition of the Security Council remarking that several points had been brought out in the commentaries regarding the size of the Council, the number of permanent seats, and specific provisions for representation. He said that as regards the composition of the Council, two broad considerations must be taken into account: The Council must be efficient and effective, and it must be representative. He stated that the provision for permanent seats on the Council was related to the responsibilities in the performance of its principal functions, and was conditioned upon the ability and willingness of the powers who did have permanent seats to carry out the heavy responsibilities that would rest upon them. He said that the provision for the five countries specified as permanent members was related to the fact that those countries now represented the preponderance of military and industrial power in the world.

With reference to the number of nonpermanent states, DR. PASVOLSKY spoke of the original Council of the League of Nations, which had five permanent and four nonpermanent members at its inception, a total of nine which gradually increased until just before the war there were fifteen members on the Council. He explained that at the Dumbarton Oaks discussions it was concluded that one point must be established at the very start: The Council must have more nonpermanent than permanent members in order to avoid a situation in which a decision of the Council could be taken solely by the votes of the permanent members.[83] He stressed the points that the selection of

[83] See memorandum by the Under Secretary of State (Stettinius) to President Roosevelt, August 28, 1944, *Foreign Relations*, 1944, vol. I, p. 737.

members of the League Council was in general made on the basis of a careful consideration of its being representative of the various areas of the world; that the American Republics were always represented on that Council; and that he could not imagine any situation in which they would not be so represented again. DR. PASVOLSKY thought that it would be inadvisable, however, at this stage to prescribe rules for the selection by the Assembly of nonpermanent members, since other criteria than regional representation have already been proposed.

In reply to an inquiry from the Chairman as to whether there were any further questions, THE AMBASSADOR OF CHILE stated that there were no particular ones but that there was still a great deal to be said. He said that, however, since whatever there was to say had already been said and summarized by the Coordinating Committee, and since decisions were not to be arrived at in these meetings it would not be advisable to repeat what all already knew.

THE AMBASSADOR OF BRAZIL commented on the composition of the Council, suggesting that it was necessary that Latin America be permanently represented on that body. He then referred to Chapter I, paragraph 1, of the Proposals and emphasized the preventative purpose of the Organization.

MR. ROCKEFELLER and THE AMBASSADOR OF VENEZUELA suggested that the remarks of the Ambassador of Brazil should be recorded in the minutes of the meeting. The following are Ambassador Martins' remarks quoted in translation:

At the last meeting of the Governing Board of the Pan American Union, Chapter VI of the Dumbarton Oaks proposals being up for discussion, and MR. PASVOLSKY having declared that it would be desirable to discuss such matters as might be subject of negotiations at the forthcoming conferences of Mexico and of the United Nations, AMBASSADOR CARLOS MARTINS requested permission to make known the viewpoint of Brazil concerning such an important subject.

AMBASSADOR MARTINS stated that Latin America, from the Gulf of Mexico and the Caribbean Sea throughout the length of the coasts of the Republics of South America, constitutes the most accessible and effective zone for an attack by the European nations against the United States and the most vulnerable point of the entire continent.

It is intended that the Council of the International Organization should take immediate and effective measures to preserve and maintain peace.

Considering the vulnerability of Latin America, it would be inadmissible to exclude it from a permanent seat on the Council. Such exclusion would be equivalent to exposing the Latin American Republics to all the dangers and consequences of an attack or of a war without giving them any guarantee of permanent participation in the body which is vital for the preservation of peace.

In addition, according to the terms of Chapter I of the Dumbarton Oaks Proposals, the Council would be empowered to take effective collective measures to prevent and eliminate any threats to peace and, therefore, to take cognizance of all disagreements, essentially of a universal rather than local nature, which might constitute threats to peace.

The present war has shown in a very forceful way the dangers that threaten us when a conflict takes place in any part of the world. Latin America, therefore, cannot be absent from participation in the consideration of all questions when efforts are being made to settle international controversies which might lead to conflicts by peaceful means. The continued cooperation of Latin America in peace as well as in war requires that it be given a permanent seat on the Council.

These reasons become weightier when the action of the Council would envisage not only the maintenance of peace by force, but above all the avoidance of aggression and the outbreak of hostilities.

Referring to paragraph 1 of Section B, Chapter VI, DR. PASVOLSKY again explained the basic theory underlying the proposed separation of functions as between the two principal organs. He said that in order to achieve prompt and effective action by the organization in the field of security, the necessary powers must be assigned to a body which while representing the whole group of nations associated in the organization, will be in a position to act quickly and effectively when the need arises. The role to be played by the Assembly, he said, was to maintain harmonious conditions in which resort to measures for the maintenance of the peace will be less frequent and less necessary. In that connection he mentioned the difficulties created in the League by the fact that the same responsibilities were lodged in two bodies.

DR. PASVOLSKY said that the question raised in this paragraph was related to another point involved in the first paragraph of Section D of this Chapter on Procedure, i.e., that of the continuous functioning of the Security Council. He said that since, as pointed out by the Ambassador of Brazil, the primary function of the organization would be one of prevention, and the factors in the process of prevention were constant alertness, constant knowledge of what was happening, and a constant readiness to take hold of the situation before it went too far, such functioning was possible only in a body capable of being in continuous session. He pointed out the value of continuous meetings so indispensable to the performance by the Council of the duties assigned to it: i.e., they would provide the participants with the opportunity of working together on problems of mutual concern without being delayed by the necessity of calling special meetings. The special meetings would, however, permit the governments of the various members to be represented, if they so desired, by persons other than their permanent delegates.

THE AMBASSADOR OF CHILE repeated the recommendation of his Government,[84] that the primary responsibility of the Security Council for the maintenance of international peace and security be vested in the Council only during the periods when the Assembly was not in session.

Further discussion of paragraph 4 was deferred until consideration of the Court should be started.

In connection with paragraph 5, DR. PASVOLSKY called upon General Strong,[85] who explained that the problem of trying to specify all regulations of armaments was extremely complicated, involving as it did, considerations of such matters as production, distribution, use, character, and size of armaments. He said that considerations of what would constitute the field of armaments had for years plagued the League. Therefore, for the purposes of the Dumbarton Oaks Proposals, it had been decided that it would be much better to plan for a system of regulation and leave to the conference when called the decision as to limitations to be imposed in that particular field.[86]

As regards the additional paragraphs 6, 7, and 8, proposed in the Chilean memorandum (the first two of which had already been covered in general terms), it was decided, since paragraph 8 deals with the obligations to provide armed forces, requiring special agreements. that discussion of this point should be postponed. The same decision was made regarding the additional paragraph 9 on nonparticipation of members. It was also felt that Panama's comment on Section B as a whole did not require any discussion.

DR. PASVOLSKY explained that the Venezuelan comment[87] on Section B as a whole related to the long statement he had made before on the distribution of power between the Assembly and the Council and that obviously the whole question would have to be considered as a part of the broad problem of distribution of powers.

It was agreed that discussion of Section C, Voting, would be premature at this time.

With reference to Section D, Procedure, DR. PASVOLSKY stated that the first point had already been discussed together with the observations made by the governments of Mexico and Venezuela.

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[84] For text of memorandum from the Chilean Embassy, December 11, 1944, transmitting the comments of the Chilean Government on the Dumbarton Oaks Proposals, see doc. 2, G7(*i*), May 2, UNCIO Documents, vol. 3, p. 282.

[85] Maj. Gen. George V. Strong of the War Department.

[86] See memorandum by Under Secretary Stettinius, September 19, 1944, and chapter VI, section B, paragraph 5 of Dumbarton Oaks Proposals, *Foreign Relations*, 1944, vol. I, pp. 824 and 894, respectively.

[87] For a memorandum of October 31, 1944, transmitting the observations of the Government of Venezuela on the recommendations adopted at the Dumbarton Oaks Conference for the creation of a peace organization, see doc. 2, G/7(*d*), (1), UNCIO Documents, vol. 3, p. 189.

There followed a short discussion between Dr. Pasvolsky and the Ambassador of Mexico with reference to Mexico's proposal for paragraph 4. THE AMBASSADOR expressed his belief that a proposal such as that made by his Government was obviously just because a country had the right to defend itself in any matter of interest to it, and that the decision in this matter should be left to the country concerned. It was agreed that this was an important question requiring further consideration.

Chapter VII on the Court was next briefly touched upon. DR. PASVOLSKY stated that considerations of jurisdiction must be discussed in connection with the statute to be prepared for the Court. Referring to paragraph 3 of this chapter, he said that in as much as there was agreement that the statute should be either the existing one continuing in force or a new one, the question again had been left open and would come up in connection with the discussion of the definitive statute. He said that the fundamental principles connected with the Court were: (1) there would be a Court; (2) it would be a part of the general organization and would operate on the basis of a statute which was part of the basic charter; (3) all members of the organization would *ipso facto* be parties to the Court; (4) nonmembers might be permitted to adhere to the statute, but decision on when they would be permitted to do so would be made by the General Assembly upon recommendation of the Security Council.

MR. SANDIFER was requested to comment on the difference between alternatives (*a*) and (*b*) in paragraph 3. He stated that in the first alternative the principal question involved was whether the legal continuity of the Court should be maintained. One way to establish the Court was to take the present statute, revise it, and continue it in existence, on the basis of that statute, with such revisions, additions or changes as might be necessary. This would have the advantage of maintaining the organic continuity of the Court. As regards alternative (*b*), he explained that a new statute might be drafted, based substantially on the present one and of the same general framework. There would be no great departure from the present statute of the Court; this statute could be put into operation without having to go through the procedure of revision and of securing the consent of all the existing members.

THE AMBASSADOR OF MEXICO expressed an opinion that the fact that two alternatives had been included in paragraph 3 evidenced that the framers of the Proposals themselves had not yet reached a definite decision, and that since it was the fundamental principle which must be borne in mind, nothing would be accomplished by going into a lengthy academic discussion on the subject at this time.

DR. PASVOLSKY clarified a point in connection with the commentary by the government of Brazil. He stated that the statute of the Court

was to be annexed to and be a part of the Charter of the Organization, which meant that any country adhering to the Charter of the Organization would automatically adhere to the statute of the Court. He agreed that the Brazilian Government was right in saying that if left to a future agreement, it would lead to a contradiction.

Discussion of the proposals ended here and the meeting was adjourned at 4:35 p.m. It was agreed that the next meeting would be held on Monday, February 5, at 3:00 p.m.

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*Record of Informal Meeting With Diplomatic Representatives of Certain American Republics, Held at Washington, February 5, 1945, 3 p. m.*[88]

[Informal Notes]

In the absence of the Under Secretary the meeting was opened by the Assistant Secretary, Mr. Rockefeller.

The discussion began with Chapter VIII. In referring to the comments made by Mexico and Venezuela on paragraph 1 under Section A, Pacific Settlement of Disputes, Dr. Pasvolsky stated that those of Mexico again raised the question of whether the General Assembly should have the power of investigation. He believed that that body was under the present proposals empowered to investigate. He stated that the particular kind of investigation mentioned in paragraph 1 was solely for the purpose of determining whether or not a particular situation or dispute was of such a nature that its continuance was likely to endanger peace or international security. He referred again to the chapter on the Assembly in which that body was given the right to study and make recommendations concerning any situation likely to impair the general welfare. He said that in the light of the next paragraph (2) of Chapter VIII it was not necessary to specify that the Assembly would have the right to investigate.

With reference to the point raised by Venezuela, i.e. whether or not excessive investigation might not be undesirable, Dr. Pasvolsky pointed out that the Security Council will have to exercise its functions with a great deal of common sense. He said however that Venezuela's comment was a very useful kind of statement in that it constituted a warning of the difficulty which might be caused, under certain conditions, by too much investigation.

With reference to the commentary made by Mexico on paragraph 2, that there was a contradiction between this and the first paragraph,

[88] Present at this meeting were Assistant Secretary Rockefeller, certain American officials, and Chiefs of Diplomatic Missions of the American Republics except Argentina and El Salvador.

DR. PASVOLSKY said that if the interpretation he had just given was correct, it would seem then that the contradiction was more apparent than real.

THE AMBASSADOR OF CHILE stated that as no definite agreement was to be reached in these meetings, his government would reserve the right to present its views on the different points under discussion at the time when a definite agreement on the Dumbarton Oaks proposals was to be reached.

MR. ROCKEFELLER at this point introduced the question of whether it would be advisable to make available to the press the commentaries on the Dumbarton Oaks proposals which have been made by the various Latin American countries, saying he understood that some of them had already been given out. Following a discussion on this subject it was agreed that each government should decide whether its comments should or should not be made public.

Continuing with paragraph 3 of the document, DR. PASVOLSKY referred to the Chilean commentary [89] which proposed adding "investigation" and "examination" as means for the solution of disputes. He called the attention of the Ambassador of Chile to the fact that this paragraph related to settlement of disputes by means of the parties' own choice; that investigation would obviously have to be made by somebody else; and that the use of the word might lead to misunderstanding. He said it was difficult to define "examination". He said that presumably the process of investigation and examination would be performed by the Council or some other agency and that since the process of investigation was included in the chapter as a whole it is questionable whether it should be included in the peaceful means of each country's own choice.

Referring to Costa Rica's commentary [90] on this paragraph (3), DR. PASVOLSKY explained that the member countries assumed the basic obligation to settle differences by peaceful means and therefore it should not be necessary specifically to state that they were required to do so. The question again to be considered, he said, was whether at this stage of the procedure the Security Council should require, rather than simply call upon, the countries in a dispute to settle it—since requiring would mean some form of action. He added that in this part of the chapter, i.e. Section A, the Security Council was not given the power to impose a solution, but only to facilitate the solution.

With regard to the Mexican commentary on paragraph 3, DR. PASVOLSKY stated he believed the proposal made by Mexico was included in paragraph 5 which stated that the Council should be em-

[89] Doc. 2, G/7(*i*), May 2, 1945, UNCIO Documents, vol. 3, p. 282.
[90] Doc. 2, G/7(*h*), December 5, 1944, *ibid.*, p. 274.

powered at any stage of the dispute to recommend appropriate procedures and methods of adjustment.

With reference to the Uruguayan comment,[91] DR. PASVOLSKY said that a question might not be solved by arbitration and yet be of such a nature that it could not be handled by the Court because of its not being a justiciable question.

Returning to paragraph 3, the last sentence of which was considered unnecessary by Venezuela, DR. PASVOLSKY explained that the reason for its inclusion was to call attention to the fact that the Security Council should have authority to encourage countries to resort to means of their own choice. The sentence is not essential but its retention seems desirable. The question needing further study was whether the last sentence was unnecessary as it stood, and if retained, whether or not it should be strengthened, perhaps by substituting a provision for requiring the countries to settle their disputes.

DR. PASVOLSKY stated that paragraph 4 defines the obligations of the parties when they fail to settle a dispute under paragraph 3. With reference to Venezuela's commentary on this paragraph (4) which draws a distinction between justiciable and nonjusticiable disputes, he said that not much could be said on this now until the question of compulsory jurisdiction of the Court was settled.

DR. PASVOLSKY then pointed out that Mexico's commentary on paragraph 4 raised the question whether or not cases could be referred to the Court by the Assembly or the Council, which again was involved in the problem of jurisdiction. MR. SANDIFER corroborated this statement.

Referring to paragraph 5, DR. PASVOLSKY stated that the Council did not have to wait until a dispute was referred to it before it could recommend methods of adjustment; it could step into the situation in the event that the parties refused to utilize the various means of their own choice or in case it considered that the situation was being aggravated. He explained that the paragraph related to two kinds of situations: (1) those in which the parties appealed to the Council or (2) those for which the Council felt that it should recommend procedures.

With reference to Mexico's commentary on paragraph 5, DR. PASVOLSKY stated that he thought that this point was covered in paragraph 1 of Section B: He said that if the parties to a dispute failed to settle their differences in accordance with means of their own choice or on recommendations of the Council, the Council had to determine whether or not such a failure constituted a threat to the peace, in which latter case it was empowered to take whatever measures were necessary for the maintenance of peace and security. As regards the commentary made by Venezuela as to when the Council should

[91] Doc. 2, G/7(*a*), September 28, 1944, UNCIO Documents, vol. 3, p. 26.

intervene, DR. PASVOLSKY thought that intervention by the Council should not be limited to the situation in which the parties had failed to reach a settlement, but that it should have the authority to intervene if it considered that the procedures under paragraph 3 were not being carried out with sufficient vigor.

Touching again upon paragraph 6, he stated that the assumption there was that a justiciable dispute would go to the Court, and other types of dispute to the Security Council. In case of question as to whether a dispute was justiciable, he said it was intended that the Court would decide whether it should take jurisdiction. The Council could also request the opinion of the Court on legal questions connected with other disputes.

Referring to the Brazilian commentary on this paragraph DR. PASVOLSKY stated that here again two questions were involved: (1) could the Council refer a dispute to the Court and (2) could it refer a case to arbitration? He said it was important to keep in mind that at this stage the Council could recommend procedures and methods and not employ methods itself unless the parties to a dispute asked the Council to settle the case for them, in which event the Council would become an agency of mediation. With reference to the first question, he said that discussion must be deferred until the statute of the Court was determined; as to the second, that the Council had inherent rights in the matter but if it was found desirable to specify methods which the Council must employ, then that might be considered.

He explained that the point raised by Venezuela in connection with paragraph 6 brought up the question of whether the procedures described under paragraphs 4, 5, and 6 should be under the Assembly as well as the Security Council. The Venezuelan commentary on the same paragraph, DR. PASVOLSKY pointed out, related to the question of compulsory jurisdiction and therefore must also be held over for discussion in connection with the Court statute.

Paragraph 7, he said, referred to a problem which needed to be very thoroughly explored in later detailed discussions, particularly with respect to who should determine whether a particular matter lay solely within the domestic jurisdiction of the state concerned. He referred in this connection to Mexico's commentary to the effect that this paragraph should be eliminated. He inquired of the Ambassador of Chile what was meant by the phrase "already solved by treaties in force" as used in Chile's commentary on the paragraph in question. THE AMBASSADOR replied that it referred to the same question, already discussed, of respect for treaties.

Passing to Section B, DR. PASVOLSKY stated that Uruguay's commentary on the first paragraph was in line with the Proposals. With

reference to the Venezuelan commentary, he said that this involved a point already discussed: whether or not the Council should be given the duty of executing decisions of the International Court; this in turn being bound up with the kind of Court there will be.

DR. PASVOLSKY pointed out that paragraph 2 under Section B broadened the power of the Council and made it general. He pointed out that in paragraph 1 a transition from peaceful settlement to enforcement procedure was indicated. He stated that the commentary of Mexico on this paragraph referred to the question previously discussed: the distribution of power between the Assembly and the Council.

DR. PASVOLSKY then explained that paragraph 3 related to measures which the Council could use short of those involving armed forces. He stated that this was one of the places where measures had been enumerated, and that in doing so difficulties were created for the reason that all appropriate measures might not be stipulated, as illustrated by Mexico's commentary on this paragraph which suggested financial and commercial measures. It had been thought that these were included in economic measures.

DR. PASVOLSKY referred to the commentary of the Costa Rican Government on paragraph 4 and said that he was in full agreement with the statement made therein that use of armed forces collectively under this system was not an act of war.

Passing to paragraph 5 he stated that it established a system by which the Council would have placed at its disposal forces to be used for carrying out enforcement measures. With reference to Chile's commentary which would change the phrase *should contribute* to *may contribute*, he said that there was not very much difference between the two, unless it were one of principle. If it was meant that some of the members did not have to contribute, that would make a difference. He felt however that it was the joint responsibility of all members of the Organization to contribute.

THE AMBASSADOR OF CHILE stated that this referred to the Chilean Government's view with respect to the form in which the nations that were a part of the organization should contribute armed forces to avoid a violation of international peace and security. SENOR MORA said that Chile had maintained since the beginning of the discussions that all nations should not be bound in all cases to contribute armed forces. He felt that there were some cases in which some nations should not contribute or should be exempted from contributing armed forces. For example, in the case of a conflict arising in another continent, which did not threaten world peace, those nations which were very far away should not be compelled to contribute. So, the phrase "should contribute" ought to be substituted for the one now appearing in the Charter of the Organization.

DR. PASVOLSKY remarked that this question rests on the concept of who could determine whether a conflict was of world-wide or purely local significance. THE AMBASSADOR OF CHILE agreed that since this was a broad question, it was subject to further discussion.

As regards the statement of Guatemala [92] on paragraph 5 DR. PASVOLSKY said that this was involved in the concept of the special agreements to be negotiated.

With reference to the Mexican commentary he explained that this was a matter of domestic concern and responsibility in each country, although it was quite clear that if the Council was to be capable of performing its duties, it must know what it could count on—hence the reason for providing that the Council be given information in advance by each country on specified amounts and facilities at the Council's disposal.

With reference to the Venezuelan proposal regarding paragraph 5 DR. PASVOLSKY made two comments: (1) the obligation to furnish armed forces and facilities would be on the basis of the special agreement or agreements to be concluded; (2) the question of mutual assistance is dealt with in paragraphs 10 and 11. He explained that the thought underlying these three paragraphs was that they would, in conjunction, take care of the sort of situation envisaged in the Venezuelan proposal; if not, it would be necessary to discuss the matter further.

DR. PASVOLSKY said that the comments on the next paragraph (6) had already been discussed.

As regards paragraph 7, he said that it related to the question raised by Chile as to who should determine what countries would carry out the decisions of the Council. He inquired of the Ambassador of Chile whether he thought that the special agreements would specify obligations in that respect. THE AMBASSADOR OF CHILE answered in the affirmative, stating that this same problem appeared in connection with paragraph 10 later on; with respect to which paragraph his Government thought that the phrases "according as may be possible" and "in conformity with the Charter" should be added, since the possibility of some countries not being able to give assistance should be kept in mind. He added that it should be made clear when they should give assistance and when they should not.

In explanation of Chile's comment on this paragraph, i.e. that "the sense of the final part of this number needs to be clarified", he said that this introduced the question of the specialized agencies to be established—some of which were already in existence, some projected. He said that it was clear that the Council might determine on measures which could be nullified or impaired by the decisions

[92] Doc. 2, G/7(F), April 23, 1945, UNCIO Documents, vol. 3, p. 254.

of some special agency. If the Security Council undertook economic sanctions, the member governments should see to it that a specialized agency did not take measures contrary to those of the Council. He further explained that the relation between the general Organization and the specialized agencies would be made specific in the agreements to be negotiated.

Before touching on paragraph 9, DR. PASVOLSKY referred again to paragraphs 10 and 11 on mutual assistance, and read Chile's commentary on paragraph 10. He explained that the question of how much assistance each Member should provide in connection with the situation envisaged was left open, presumably for agreement among the countries concerned. As regards Mexico's proposal on paragraph 10 he remarked that the points therein were covered in the Dumbarton Oaks document.

With reference to the commentaries made on paragraph 11 he stated that they raised the important question as to how far the Security Council itself should be authorized to go in solving these problems; that here again the Proposals were left open, since the measures to be taken would have to be on the basis of agreement among the countries concerned.

Returning to paragraph 9, DR. PASVOLSKY requested the comments of General Strong and Admiral Train.

GENERAL STRONG stated that in considering paragraphs 5, 6 and 9 of Section B, Chapter VIII, paragraph 5 and Section B, of Chapter VI it should be borne in mind that these paragraphs set forth in a general way the purpose to be realized by establishing the Military Staff Committee referred to in paragraph 5, Section B, Chapter VI, the general intention having been to reduce to a minimum the burden of maintaining armaments and at the same time providing for the maintenance of international peace and security. He pointed out that the requirements for the Military Staff Committee first appear in paragraph 5 of Chapter VI in connection with the establishment of a system for regulation of armaments, and continue in paragraph 5 and 6, Section B of Chapter VIII, which provided for the furnishing of quotas of national contingents to be placed at the disposal of the Security Council and for furnishing facilities and assistance. GENERAL STRONG explained that, assuming that quotas have been established, then under paragraph 5 the Military Staff Committee would be the planning agency concerned with the furnishing of forces to the Council, regulation of armaments, and possible disarmament. Provisions in this connection had purposely been made of a general character for two reasons: (1) Because the implication of the general principles laid down, which are highly technical, should be discussed after the Charter had been established and the actual organization of

the Security Council and the Military Staff Committee completed; (2) because it was believed that no useful purpose would be served now by attempting to outline the multiplicity and complexity of the problems that would face the Council and the Committee when that time comes. Mentioning the rather complete studies made by the Preparatory Committee at Geneva of some of these questions, GENERAL STRONG expressed the opinion that that work could be accepted or modified or some simpler measures could be taken. He stated that the principal function of the Committee would be one of advising the Council on all technical questions relating either to regulation of armaments, the utilization of forces placed at the disposal of the Council, and possibly considering ultimately the question of disarmament.

ADMIRAL TRAIN emphasized the fact that a very important duty of the Committee would be one of advising the Council on regulations as to the amounts of armaments, forces, facilities, etc. to be furnished. He further remarked that General Strong had not covered the point brought out in the Chilean commentary on paragraph 9. He said that whereas the Dumbarton Oaks document stated in that paragraph that "any member of the Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work", the government of Chile proposed that members of the Organization not permanently represented on the Committee be invited to join it when the case or the measures that may be taken with respect thereto concern it or are bound to affect it. ADMIRAL TRAIN stated in this connection that paragraph 9 of the Dumbarton Oaks document took care of the Chilean proposal in that any country would naturally be consulted on a matter affecting it.

The discussion continued on Section C on Regional Arrangements. In discussing the Chilean commentary on paragraph 1, which proposed the addition of the words "functioning" and "continental" and the substitution of "agreements" for "arrangements", he said that it was difficult to see how the words "systems" and "agreements" were more specific than the words "arrangements" or "agencies"; that certainly the word "arrangements" included "agreements". He believed that a great deal of thought should be given to the word "continental" with respect not only to the addition of the word but also of some other word in addition to "regional". He said that "continental" would be the broadest interpretation of the word "regional".

THE AMBASSADOR OF CHILE stated that this amendment was submitted by his Government to broaden the scope of this article and that the word "functioning" was used in order to stress the fact that the

agreements should really function and not be purely theoretical. He said that the use of the word "continental" was suggested merely as a wider term, in as much as a continent may comprise several regions. He believed in this respect that his government had in mind the inter-American system which applied to the whole continent. He then said that there could of course be some qualification to this concept, as with respect to Canada not being included in the continent in the sense of its relationship with Great Britain.

Costa Rica's commentary on paragraph 1, DR. PASVOLSKY said, was precisely the reason for introducing this provision for regional arrangements, since regional arrangements may be useful in facilitating understanding for common purposes.

He remarked that the Guatemalan commentary referred to Inter-American arrangements.

He said that since the Venezuelan commentary raised the question of precise definition, this was a matter to be discussed further in the light of whether or not it would be advisable to prescribe precise criteria of what constituted a regional arrangement compatible with the purposes of the Organization. DR. PASVOLSKY explained that limitation of the field of application, was a problem covered in part in the proposals themselves and obviously the question remained open. He said that regional agencies would be completely free to engage in the processes of peaceful settlement, and the Security Council should encourage settlement of disputes by local agencies. Referring to paragraph 2 on limitation of enforcement measures, he explained that here the thought was that enforcement action should be entirely under the authority of the Security Council which should decide when a regional arrangement or enforcement action should take place. He stated that the Chilean commentary related to the question previously discussed, i.e. who decided that problem.

DR. PASVOLSKY remarked in connection with the Venezuelan commentary that this related to the problem of voting which was to be considered later.

He stated that paragraph 3 was very important since, in order to perform its duties effectively, the Council would have to be completely informed of activities undertaken or contemplated; and that the Brazilian comment related to the point already discussed: who decided whether a question endangers the peace of more than one region?

He said that it would perhaps be better to consider the Mexican comment later.

Referring to the Uruguayan commentary on Section C as a whole, which emphasized the fact that regional organizations should not engender opposition between continents and not represent isolation, he stated that this point was fundamental to the whole idea. With

respect to the two specific proposals by Uruguay he explained that the basic thought of those proposals had been included in the Dumbarton Oaks document and that they again raised the problem of how much rigid definition should be in the Charter and how much should be left to the wisdom of the people who run the Security Council "after we are gone."

THE CHARGÉ D'AFFAIRES OF COLOMBIA [93] stated that he would like to comment on this chapter, although his government had not, up to the present time, made any specific observations regarding the Dumbarton Oaks proposals. He then said that from his government's point of view the fundamental point in the Dumbarton Oaks proposals, as regards the countries of Latin America, was the one relating to the regional arrangements, that is, the adjustment of the Pan American system and its relation to the Dumbarton Oaks proposals. In Colombia's answer to Mexico's invitation, it was stated that in order to establish Latin America's capacity to relate the Pan American system to the Dumbarton Oaks proposals, it would be both desirable and convenient first to discuss the Pan American Organization, and that there should be consideration of means of making it more effective, more efficient and adaptable to the Dumbarton Oaks proposals. For this reason Colombia had suggested that in the agenda of the Mexican conference first consideration should be given to the adaptation of the Pan American system.

THE AMBASSADOR OF HONDURAS stated that if the adjustment of the Pan American system with the Dumbarton Oaks Proposals was to be considered, this question should be studied before going any further. He said that he wished to make this observation because it was stated in paragraph 1, Section C that regional arrangements could be undertaken provided that they were "consistent with the purposes and principles of the Organization". He said that the views expressed by the representative of Colombia brought to light an existing discrepancy, for if the regional arrangements were not in accord with the purposes and principles of the Organization, nothing could be done. It was therefore, he said, essential to deal in one way or another with this question as expressed by the representative of Colombia in order to reconcile it with the already established principles of this Organization. MR. PASVOLSKY stated that clearly this was a very important question.

Chapter IX was next considered. DR. PASVOLSKY explained that this chapter concerned the problem of international stability and the creation of conditions conducive to good relations among states. He said that no machinery had been set up here because it was thought that the whole subject was too new. At the same time it was thought

[93] Alberto Vargas Nariño.

very important to make specific reference to this function of the General Assembly by making clear that the Assembly, whether through the Economic and Social Council or through other mechanisms, would give its attention to this important question.

THE AMBASSADOR OF BOLIVIA [94] stated that he would like to make a minor comment. He said that he felt that the wording of paragraph 1 weakened the effectiveness of the Council in that the phrase "other humanitarian problems" implied that economic and social problems were also humanitarian problems, whereas in the modern sense of the words, economic, and especially social, problems have no relation with humanitarianism. He explained that this last concept refers to men's feelings, and since economic and social problems have nothing to do with men's feelings they should be solved without any humanitarian implication. He added that even modern medicine has ceased to be a humanitarian problem.

Referring to the commentary of Costa Rica regarding paragraph 2, DR. PASVOLSKY explained that the International Labor Office was thought of here as one of the specialized organizations provided for, to be brought into relationship with the general Organization by means yet to be determined by the Organization in agreement with the Labor Office itself. He also said that the relationship to the Organization of other specialized organizations and agencies that might be created was contemplated in the paragraph.

With respect to the Venezuela comment on paragraph 2 he remarked that this again raised the question of whether the problem should be determined now or left for future development. He said that since the agencies and organizations envisaged here would vary in character and size, the problems of relationship with the general Organization would differ.

Referring again to paragraph 1 under Section A, DR. PASVOLSKY said that "promote" did not mean "intervention". This, he said, was a problem of encouraging the creation of conditions under which respect for human rights and fundamental freedoms exists, and if necessary, of the general Organization's making recommendations, but not of interfering in the internal affairs of other countries.

As regards Section B, Composition and Voting, and the number of member countries to be represented on the Economic and Social Council, he explained that the number had been fixed at 18 because the specialized agencies to be created would be widely representative and therefore coordination should be in the hands of the highest representative body in the world, i.e. the General Assembly.

In answer to the inquiry of the Ambassador of Costa Rica, DR. PASVOLSKY then explained again that the International Labor Office

[94] Victor Andrade.

was thought of as one of the specialized agencies and that the determination of the terms on which that and other agencies would be brought into relationship with the general Organization was left for the future. He added that since the International Labor Office is now the principal existing agency of the sort, the terms of the relationship between it and the general Organization might be worked out at the United Nations Conference.

He remarked that the selection of members of the Economic and Social Council was left entirely to the Assembly. It was thought best not to set up any criteria in this connection. It was contemplated, however, that permanent membership for any country would not be provided. As regards the question raised by Venezuela he stated that the Economic and Social Council would not undertake to settle any question but would hand it over to the Assembly which obviously could be assembled at any time if a serious problem arose.

With respect to Venezuela's comment on Section D, paragraph 1, he said that the basic thought underlying the paragraph had been that the commissions to be set up by the Economic Council would consist of experts chosen for their competence and not necessarily for their national origin. It would be perfectly clear however, as was the case with the League of Nations, that the members of the commissions would be selected in such a way that competence should be considered not only on the basis of ability but also of knowledge of conditions and situations in the various parts of the world. He said it was safe to assume however that the proposal contained in the Venezuelan comment would be taken into account in setting up the commissions and other bodies created by the Economic and Social Council.

In connection with the Venezuelan comment on the second paragraph of this Section which is the same as for the second paragraph of Section A of Chapter IX, DR. PASVOLSKY said that there was the possibility of trying to establish the means of relationship between the existing bodies and the general Organization, at the United Nations Conference, or the whole question might be left for future determination.

MR. ROCKEFELLER expressed the gratitude of the group as a whole for Dr. Pasvolsky's exposition of the various items which had so far been discussed.

The next meeting was scheduled for Friday, February 9 at 4 p. m.

The meeting adjourned at 5:40 p. m.

500.CC/2-545

*Memoradum by the Chief of the Division of Eastern European Affairs (Durbrow) to the Chief of the Division of International Organization Affairs (Sandifer)*

[WASHINGTON,] February 5, 1945.

The Polish Ambassador [95] called this morning and left the attached memorandum outlining the Polish Government's preliminary views [96] regarding the Dumbarton Oaks proposals.

The Ambassador stated that he felt it might be helpful to submit this memorandum in advance in order that you might study it and thus be in a better position to discuss details with him at a later date. He emphasized that the ideas as expressed in the memorandum were submitted on an informal basis and were of a preliminary nature and that they did not represent the final views of the Polish Government on this question.

The Ambassador states that as soon as you had had an opportunity to study the document he would be pleased to come to the Department to discuss them with you and any of your associates.[97]

ELBRIDGE DURBROW

[Annex]

SUMMARY OF THE POLISH COMMENTARY OF FEBRUARY 5, 1945, ON THE DUMBARTON OAKS PROPOSALS

The Polish Government, in a memorandum of January [*February*] 5, 1945,[98] presents its "preliminary observations" on the Dumbarton Oaks proposals, but reserves the right to present at a later date, when its official views are requested, suggestions and proposals which will "go further" than those put forward in the present document.

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[95] Jan Ciechanowski.

[96] Attached memorandum not printed; see annex for summary of the Polish commentary.

For agreement at the Yalta Conference regarding the reorganization of the Polish Government, see section VI of the report of the Conference, February 12, 1945, *Conferences at Malta and Yalta*, p. 973; see also protocol of proceedings of the Conference (section VII, Poland), released to the press on March 24, 1947, *ibid.*, p. 980.

The Soviet Union announced recognition of the Lublin Committee as the provisional government of Poland on January 5, 1945; for President Roosevelt's attitude on this anticipated action, see telegram 153, December 30, 1944, to Marshal Stalin, *ibid.*, p. 224.

[97] In a memorandum of March 27 to the Acting Chief of the Division of Eastern European Affairs (Thompson) Mr. Sandifer stated:

"The announcement of the results of the Yalta Conference was made before there had been an opportunity to discuss with the Polish Ambassador the memorandum accompanying Mr. Durbrow's attached memorandum of February 5.

"In view of the present status of the Polish Government in London in relation to the San Francisco Conference, it would hardly be worthwhile to discuss the memorandum with the Ambassador now. I am sorry not to have returned it sooner." (500.CC/2-545)

[98] Not printed.

In general, the Polish Government takes the position that the Dumbarton Oaks proposals are not, in every respect, an improvement on the League Covenant, and in this connection, makes specific reference to the predominance of the Great Powers under the current proposals, stating that it would "welcome any modifications of the present Dumbarton Oaks text which would improve the situation of the smaller states and assure to them a role corresponding with their rights, interests and place in the world". To this end, the principal changes proposed in the Polish memorandum are:

1. Increase in the number of non-permanent seats on the Security Council to ten;
2. Adoption of a majority rule, including a majority of the permanent members, for council decisions (it is stated, however, that the application of the principle of unanimity would not be "unwelcome", provided this includes the non-permanent members);
3. Denial of a vote to any state party to a dispute before the Security Council or to any state accused of failing to act in accordance with the provisions of the Charter;
4. Obligatory representation of states not members of the Security Council when matters specially affecting their interest are under consideration by the council;
5. Removal of all limitations on the right of the General Assembly to discuss any question referred to it by a member state or by the Security Council;
6. Restoration of rights and privileges of suspended members to rest with the General Assembly on the recommendation of the Security Council;
7. Representation on the Military Staff Committee of member states, other than the Great Powers, whose permanent collaboration with the staff committee is deemed necessary by the Security Council.

Another group of Polish suggestions appears to stem directly from apprehensions with respect to the future security of Poland. In this connection, the Polish Government suggests the following changes in the Dumbarton Oaks proposals:

1. Deletion from the text of any reference to adjustment of international situations, restricting the organization's activities to international disputes (Chapter I, paragraph 1; Chapter V, Section B, paragraph 6; Chapter VIII, Section A, paragraphs 1, 2, 5, and 7);
2. Inclusion in Chapter I of a reference to the aims enunciated in Article 6 of the Atlantic Charter (all nations to have the means of dwelling within their own boundaries in freedom from fear and want);
3. Amendment of Chapter II to include the principles of respect for territorial integrity and political independence and of non-aggrandizement and non-intervention;
4. Amendment of Chapter II to include respect for treaty obligations and repeated reference to this principle in connection with the admission of new members (Chapter V, Section B, paragraph 2) and pacific settlement (Chapter VIII, Section A, paragraphs 1, 3, and 4);

5. Express recognition in Chapter II of the right of any state to oppose unauthorized use of force against it, subject to immediate reference to the organization;
6. Limitation of the assistance pledged the organization in Chapter II, paragraph 5 and Chapter VIII, Section B, paragraph 5 to that compatible with political independence and economic resources;
7. Deletion of all provisions with respect to disarmament and the regulation of armaments (the Polish draft, however, has only deleted these provisions from Chapter V, Section B);
8. Investigation of disputes by the Security Council, under Chapter VIII, Section A, to be contingent upon the request of a party to the dispute, and one party to a dispute to have the express right to request the council to give effect to the resulting settlement, award or judgment if the other party fails to observe it (omission of paragraph 2, Section A, Chapter VIII in the Polish draft deletes all reference to the General Assembly in this section);
9. Amendment of Chapter VIII, Section B, paragraph 7 to exclude from the procedures provided in this section disputes which concern the territorial status of member states;
10. Deletion of the last sentence of paragraph 1, Section C, Chapter VIII, relative to the settlement of local disputes regionally.

Two other significant amendments to the Dumbarton Oaks proposals advocated by the Polish memorandum are:

1. Inclusion of the Economic and Social Council among the principal organs enumerated in Chapter IV.
2. No provision for expulsion (Chapter V, Section B, paragraph 3; Section C, paragraph 2).

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*Record of Informal Meeting With Diplomatic Representatives of Certain American Republics, Held at Washington, February 9, 1945, 3 p. m.*[99]

[Informal Notes]

The meeting was opened by Assistant Secretary Rockefeller who first welcomed Señor Soto Harrison, Ministro de Gobernación of Costa Rica, as a guest at the meeting. Mr. Rockefeller then said that the discussion would begin with Chapter X of the Dumbarton Oaks Proposals on the Secretariat and he asked Dr. Pasvolsky to continue his comments on the Proposals.

With reference to the Venezuelan commentary on paragraph 1 of Chapter X, Dr. Pasvolsky said that in drafting the Proposals it had been thought best to leave the elaboration of details relating to the Secretariat either to the full United Nations Conference or to future determination by the Assembly; that it had obviously been necessary

[99] Present at this meeting were Assistant Secretary Rockefeller, certain American officials, and Chiefs of the Diplomatic Missions of the American Republics, except Argentina and El Salvador.

to provide for the existence of the Secretariat and for a chief administrative officer; and that the question of whether or not the naming of assistant secretaries should be incorporated in the Charter would be a matter for discussion at the conference in connection with whatever other elaboration might be desirable. Referring to the suggestion that the names of three instead of one candidate should be submitted, he remarked that this was a matter also to be discussed in connection with the procedure to be established. He said that it had not been thought necessary at this stage to amplify this point because it was a matter that would be discussed anyway by the conference in terms of how much of the future regulations should be embodied in the Charter.

In connection with paragraph 2 which proposes that the Secretary General "should act in that capacity" with regard to the General Assembly, the Security Council, and the Economic and Social Council, Dr. Pasvolsky explained that it had been necessary to provide for a single chief administrative officer, but that since obviously one man could not do the whole job, assistant secretaries would be necessary. He said that the term for which the Secretary General would be elected had not been specified, the thought having been that this was a matter which should also be discussed and determined at the Conference itself. As regards the Mexican commentary to the effect that the Secretary General be elected for ten years, Dr. Pasvolsky stated that many considerations were involved in this proposal and that if the Secretary General were a good man, it would be desirable to keep him for a long term.

Dr. Pasvolsky stated that the provision in paragraph 3 was something new, in that the Secretary General is given the right to bring to the attention of the Council any matter which may threaten international peace and security. He said he understood by the Venezuelan comment on this paragraph that the Secretary General should have the same right with regard to the Assembly, and commented that the right of the Secretary General to bring matters before both the Assembly and the Security Council might be considered in connection with proposal to increase the powers of the Assembly.

Referring to the Commentary on the Chapter as a whole, Dr. Pasvolsky stated that the first point related to the seat of the Organization which of course had not yet been determined or discussed; and that the next point was procedural and again a question of whether or not the Charter itself should contain this type of regulation or whether it should be left for future determination.

The next point, he said, related to diplomatic immunities and privileges, which again was a question that had been left out of the Dumbarton Oaks document because it was believed it was something to be discussed in connection with the drafting of the Charter, and that

since it did not raise a serious question of principle, it had been left for later discussion. Referring to the question raised at a previous meeting as to why the Secretary General should be elected by the Assembly and the Council, he explained that the answer was that the Secretary General would act as such not only to the Assembly but also to the Security Council. Therefore both bodies should participate in his selection, particularly since under paragraph 3 of this Chapter he was given rather extensive powers in connection with the right to bring to the attention of the Council and the Assembly questions relating to peace and security.

DR. PASVOLSKY explained that Chapter X was a skeleton chapter in which a great deal of material would need to be filled in later.

THE CHARGÉ D'AFFAIRES AD INTERIM OF MEXICO [1] said that there seemed to have been omitted in the commentaries on this chapter that of his government regarding registration and publication of treaties by the Secretariat. MR. PASVOLSKY informed him that he would find that the commentary was included on page 53 of the document and suggested that the matter be discussed when page 53 was reached.

Referring to the two commentaries on Chapter XI,[2] DR. PASVOLSKY remarked that the first proposed that amendments be adopted by a ⅔ majority vote; the second, that ratification should be by a ⅔ majority vote; and that he imagined both were related to the same part of the article since the recommendation for an amendment was to be made by a ⅔ vote of the General Assembly. He explained that the mechanism proposed here is that amendments should be adopted by a ⅔ vote of the Assembly and ratified by members of the organization having permanent membership in the Security Council and by a majority of the other members of the Organization; that it would be possible to make the same requirement for ratification as for initial adoption, which in effect was a recommendation; but that it had seemed best that ratification by a majority vote would expedite the process of amendment. He said that in considering the matter it should be kept in mind that there had to be a certain amount of flexibility in the amending of the document; but that at the same time amendment should not be made too easy. It had been thought that a ⅔ vote of the members of the Assembly was a necessary safeguard and also that ratification should be by a somewhat larger than a simple majority vote. DR. PASVOLSKY explained that it was of course open to discussion whether or not the majority should be ⅔, and that the question would have to be decided in terms of whether

[1] Vicente Sanchez Gavito.

[2] Reference apparently is to the Costa Rican proposal (memorandum of December 5, 1944, doc. 21, G/7(*h*), UNCIO Documents, vol. 3, p. 274) and the Venezuelan proposal (memorandum of October 31, 1944, doc. 2, G/7(*d*)(1), *ibid.*, pp. 189, 220).

or not this represented too much rigidity or too much flexibility with respect to amendments—a question which was a matter of judgment.

Passing to Chapter XII, DR. PASVOLSKY remarked with reference to the two provisions for transitional measures that it was open to discussion whether they would become a part of the Statute or be embodied in special protocols and that they had been introduced in this Chapter because of the necessity of completing the essential structure of the plan. He stated that paragraph 1 related to the fact that there would be two interim periods in the process of establishing the system envisaged in this document: between now (or whenever the Conference took place) and the ratification of the document and therefore, the time when the Organization could be set up—a period during which there would be a hiatus from the point of view of some sort of machinery for the maintenance of peace and security. He said that the hiatus was in part filled by the language of paragraph 5 of the Moscow Declaration which provided that pending the establishment of a general system of security, the signatories to the Declaration would consult with one another and, as the occasion arose, with other States as to measures necessary for joint action on behalf of the community of nations for the purpose of maintaining peace and security. He stated that the second interim period would exist between the time the Organization was established and went into effect, and the negotiation and putting into effect of the special agreement or agreements relating to the provision of armed forces and facilities.

With reference to the Mexican commentary to the effect that the four Powers signatory to the Declaration of Moscow mentioned in Article 1 be obligated . . .[2a] to adhere to the principles and aims stipulated in the Pact of the General International Organization, DR. PASVOLSKY said that that important point was inherent in the fact that the paragraph (1) would go into effect after the ratification of the Charter of the Organization, and would be taken care of by the fact that presumably the Signatories of the Four-Nation Declaration would by that time have ratified the Charter and therefore would be obligated to adhere to the principles and aims of the Organization.

Touching on point 3 of the Mexican commentary providing that a time limit should be fixed, DR. PASVOLSKY stated that this was a point which needed consideration, as to whether we wanted to provide a period during which the agreements would go into effect. We felt that there was a great deal to be said on both sides of the question.

DR. PASVOLSKY then referred to the last sentence of the Venezuelan commentary on paragraph 1, i.e., ". . .[2a] It is evident that if it were possible to include a general agreement as an annex to the

[2a] Omission indicated in the original.

Statute, it would be unnecessary to establish the aforementioned duty, for the Pact would begin to function in its entirety without waiting for any new agreements." He remarked that that of course was correct, the difficulty being in anticipating that the special agreements could be negotiated at the same time as the general Charter is put into effect. He said that if so, so much the better. However, he said, the question of armaments would still be left open. He explained that it had not seemed likely that even the special agreements for the provision of armed forces would be set up at the same time as the general Organization. Moreover, since it had been thought wise to make the special agreements subject to the approval of the Security Council which was to be given very heavy responsibility, it was considered advisable that the Council at least should participate in the discussions relating to the provisions for armed forces.

Referring to the second transitional provision in the Chapter, he remarked that that related to another subject: the question of whether the General Organization envisaged here would from the outset be given authority and power to take the action necessary with respect to measures such as the terms of surrender of the enemy countries. He explained that it was considered that the responsibility for taking these measures should continue to rest with the Powers responsible for setting up the machinery for such action. He said that whether or not the two lines of action should be merged later, i.e. those of the Governments having responsibility for action with those of the General Organization was a matter for later discussion, but that it had been thought that initially they should not.

Dr. Pasvolsky then explained that the Mexican comment on paragraph 2 called for a clarification of what was meant by that rather brief paragraph. He said that obviously the whole question as to whether it should be amplified and clarified was important.

After giving his interpretation of the Venezuelan comment on paragraph 2, Dr. Pasvolsky remarked that the intent of the paragraph was precisely the opposite, i.e. not to make the Organization as such responsible for that particular set of duties. He said that the responsibility for carrying out the measures growing out of the termination of the war rested on the nations responsible for bringing the war to a successful conclusion. He explained that the problem of "the revision of treaties or situations that may prove to be dangerous or unjust" had already been discussed and taken care of in two places: in connection with the right of the Council to deal with situations, and with the right of the Assembly to make recommendations with respect to situations which might impair the general welfare. He said that this commentary raised the very important issue as to whether or not it is desired to give the Organization at this stage the right to

impose settlements. Nobody had as yet proposed that the Organization be given any such powers, which come very close to being those of a super State.

DR. PASVOLSKY commented on the suggestions for three additional paragraphs to this Chapter made by Chile. He remarked that the first belonged in the category of amplification and clarification, stating that reference had been made there to both paragraph 1 and 2 of the Chapter, which opened up a question rather difficult to discuss now, it being a very large one.

Referring to the new paragraph 4 proposed by Chile, DR. PASVOLSKY said that the Document was based on the theory that all peace-loving nations were eligible to membership in the Organization, and that their admission to membership would be the responsibility of the Council and of the Assembly. A provision that the Organization should invite all States would need consideration from the point of view of whether or not that would mean the right of each state to be automatically included or that the Charter Members would determine future membership. He explained that the present setup provided the principle of eligibility for, but not of automatic, admission.

DR. PASVOLSKY stated that the question raised in the new paragraph 5 proposed by Chile was one of the problems left open as to the procedure by which the Organization should be set up, clearly a matter for discussion at the Conference. That this was in the same category as the questions referred to in the Note beginning immediately after Chapter XII.

Continuing with the proposals in the Note, DR. PASVOLSKY stated that the topics Publication of Treaties, Seat of the Organization, and Official Languages were in the same category in that they had not been considered at Dumbarton Oaks and certainly would be taken up in the process of formulating the actual Charter.

The question of Dependent Areas, he said, had been left out of the Dumbarton Oaks proposals not because it was considered inappropriate, but because it would need to be discussed as part of the process of completing the document, as it had been thought that the final Charter would need to contain some sort of machinery for dealing with this problem.

He stated that the topic, Dissolution of the League of Nations, raised a question which was initially the primary responsibility of the members of the League. It would be presumptuous for non-members to try to tell the League how to act. He remarked that it was anticipated that the League would either be merged with the Organization or dissolved, or some sort of transition for handling that problem would be made and that the whole question could not arise until there was a new Organization.

As regards the last point, Convocation of the General Assembly, DR. PASVOLSKY said he imagined it belonged in the same group of questions raised by the question of the establishment of the Organization; that one of the provisions to be agreed upon would have to relate to the question of how the General Assembly would be convoked, and by whom; that the Organization could not begin to function until the General Assembly had its first meetings, and that one of the first acts of the Assembly would be to elect the non-permanent members of the Security Council and all members of the Economic and Social Council. He concluded by saying that all of these questions had been left open in the document and would of course be put on the Agenda of the United Nations conference when it convened.

DR. PASVOLSKY said that this concluded his comments on the Proposals unless there were any further specific questions concerning them.

MR. ROCKEFELLER thanked Dr. Pasvolsky on behalf of the participants of the meeting for his assistance. MR. ROCKEFELLER then asked if there were further comments, particularly with respect to the last six pages of the document.

Attention was here called to the two points of the commentary of the Venezuelan Government regarding the statute of the court, appearing on page 62 of the document.

DR. PASVOLSKY stated that the first raised the very important question of whether the revision of treaties is a judicial or a political process. He believed that interpretation of treaties is judicial, whereas revision of them is customarily regarded as a political process. He stated again that the whole problem of the mechanism of treaties will need to be explored at the conference, and said that the second point made by Venezuela was clearly something to be discussed at the conference.

MR. ROCKEFELLER then stated that it had been suggested some weeks ago that it might be advisable to select for further consideration some of the most important points that had been raised at the meetings and he asked the Brazilian Ambassador or Chairman of the Coordinating Committee to comment. SEÑOR MARTINS said that there had been prepared a memorandum [3] of the "principal aspects of the Dumbarton Oaks plan regarding which the other American republics desire change" and he presented the memorandum to the meeting. This question was then discussed at some length but no conclusion was reached. It was decided that the Chiefs of Mission of the eleven American Governments which had submitted memoranda on the Proposals should meet in the Department of State on Tuesday, February 13, to study the matter.[4] The meeting adjourned at 4:45 p. m.

[3] Not printed.

[4] No record of this meeting found in Department files.

500.CC/2–1145 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)*[5]

WASHINGTON, February 11, 1945—11 p. m.

546. You are instructed to communicate to the Foreign Minister[6] without a moment's delay the substance of the following and to cable me at the earliest possible moment the reply of the French Government.

(*Begin communication*) The communiqué to be issued at the termination of the present meeting of the representatives of the United States, Great Britain and the Soviet Union[7] will contain an announcement to the effect that the three governments have agreed on the voting procedure in the Security Council[8] and that the United Nations Conference for the purpose of formulating the charter of the United Nations Organization for the Maintenance of Peace and Security will be called for April 25, 1945[9] at San Francisco, USA. The communiqué will also announce that the other two governments have authorized the President of the United States on behalf of all three governments to consult the Republic of China and the Provisional Government of France.

The foregoing is the substance of the communiqué.

The points on which the President has been authorized to consult the other two Governments are the following:

It is proposed that the invitations be issued by the Government of the United States for itself and on behalf of the United Kingdom, the Soviet Union, the Republic of China and the Provisional Govern-

[5] This telegram was sent on basis of telegram received from the Secretary of State at Yalta, ARGONAUT 147, 11 February 1945, printed in *Conferences at Malta and Yalta*, p. 943. The same message, *mutatis mutandis*, was transmitted as telegram 237 on the same date to Chungking. In telegram 214, February 13, 3 a. m., from Chungking, Ambassador Patrick J. Hurley sent the following message: "Chinese Government concurs in proposals in your 237, February 11 received February 13, 1 a. m., Chungking time." (500.CC/2–1345)

[6] Georges Bidault, Minister for Foreign Affairs of the Provisional Government of France.

[7] For text of communiqué, report of the Crimea (Yalta) Conference, released to the press on Monday, February 12, 1945, and the protocol of proceedings, released to the press on March 24, 1947, see *Conferences at Malta and Yalta*, pp. 968 and 982, respectively. See also report on the Conference delivered by President Roosevelt before a joint session of the Congress on March 1, 1945, Department of State *Bulletin*, March 4, 1945, p. 321.

[8] For a statement of the American position on voting in the Security Council as read by Secretary Stettinius at the third plenary meeting of the Yalta Conference, February 6, see *Conferences at Malta and Yalta*, p. 661.

[9] In his *Diary* of 11–17 March 1945, Secretary Stettinius noted with reference to his March 12 off-the-record meeting with the press: "I was asked about the duration of the United Nations conference and said that my best guess was a month. In answer to speculation about the significance of the opening date, April 25, when a USSR agreement with Japan would expire, I told the press group that the date was purely coincidental. For instance, I had suggested at Yalta that Wednesday was always a good day to begin a conference." (Reference was to the 5-year neutrality pact between the Soviet Union and Japan which was concluded April 13, 1941, entered into force from April 25, 1941, and was denounced by the Soviet Union on April 5, 1945. This agreement did not expire April 25, 1945, but would continue in force another 5 years from April 25, 1946, unless denounced by one party a year before this expiration date. For text, see telegram 763, April 13, 1941, 11 p. m., from Moscow, *Foreign Relations*, 1941, vol. IV, p. 944.)

ment of France. The invitations are to be issued to those nations which were signatories of the United Nations Declaration [10] on February 8, 1945 and those associated nations,[11] including Turkey, which will have declared war by March 1, 1945.

The text of the invitation as agreed upon reads as follows:

[Here follows text of invitation as transmitted in ARGONAUT 147, February 11, 1945, printed in *Conferences at Malta and Yalta*, page 943.]

It is further proposed that the five inviting governments would consult prior to the conference on the provisions to be included in the Charter for setting up a trusteeship system for existing mandates, for territories which may be detached from the enemy after this war, and for any other territories which may be voluntarily placed under trusteeship. Neither the preliminary consultation nor the discussion at the United Nations Conference would deal with specific territories, but would be restricted to the formulation of principles and provisions for machinery. The question of specific territories to be placed under trusteeship would be made subject to subsequent agreement.

The President has directed me to consult the Provisional Government of France and to express his earnest hope that it will concur in these proposals. The matter is extremely urgent because the Governments of the United States, Great Britain and the Soviet Union have arranged for the issuance on Monday night, February 12, for publication in the morning newspapers on Tuesday, February 13, of the communiqué referred to at the beginning. (*End communication*)

You should impress upon the French authorities that the matters under consultation are to be held entirely confidential until publication of the invitation is arranged.

GREW

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500.CC/2–1145

*Memorandum of Conversation, by the Acting Secretary of State*

[WASHINGTON,] February 11, 1945.

The French Ambassador [12] called at my house at my request this Sunday evening at 10:30 and I read to him, for his information, the telegram being sent this evening to Ambassador Caffery (No. 546, February 11, 11 p. m.) setting forth plans for the United Nations Conference. I emphasized to the Ambassador the great urgency of the matter and expressed the hope that he might feel like sending a flash telegram to his Government urging that a reply be given to us

[10] For list of signatories and adherents to the Declaration by United Nations, January 1, 1942, see *Status of Countries in Relation to the War, August 12, 1945* (Department of State publication No. 2389), p. 9; for documentation on the Declaration, see *Foreign Relations*, 1942, vol. I, pp. 1 ff.

[11] On January 1, 1945, the list of eight States or Authorities associated with the United Nations in the war included Egypt and Iceland and six American Republics (Chile, Ecuador, Paraguay, Peru, Uruguay, and Venezuela); for data on the adherence of the six American Republics to the Declaration by United Nations, (and adherence of France on January 1), see Department of State *Bulletin*, January 7, February 18 and 25, 1945, pp. 17, 231–233, 292, and 294.

[12] Henri Bonnet.

at the earliest possible moment. I pointed out that after the communiqué agreed upon by the United States, Great Britain and the Soviet Union is issued on Tuesday morning, February 13, there will be great speculation in the press with regard to the details of the agreement on voting procedure in the Security Council. We therefore hoped that our consultation with the Provisional Government of France could be carried through with the greatest possible dispatch.

The Ambassador asked me several questions regarding certain points in our communication which I clarified for him and he then expressed serious doubt as to whether a reply from his Government could be forthcoming within several days. He said that the question of voting in the Security Council, as well as other points, would have to be submitted to the Council of Ministers in Paris and that this would take time. It was also pointed out that according to press reports General de Gaulle,[13] was absent from Paris. Mr. Bonnet also pointed out the adverse feeling on the part of his Government which had been aroused by the fact that General de Gaulle had not received an invitation to attend the Big Three Conference.

I once again urged the Ambassador to do his best to ensure our receiving a reply from his Government at the earliest possible moment.

JOSEPH C. GREW

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500.CC/2–1245 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, February 12, 1945—2 p. m.

298. For the Secretary of State.

1. I discussed this morning with the [Secretary's] Staff Committee the question of our making public the fact that the voting procedure accepted at the Conference was proposed by us. It is the unanimous and emphatic opinion of the Committee that such a statement, if made at all, should be made at the time that the text of the agreed provisions is made public. To announce that the proposal was ours before we can announce what the proposal is would invite a press attack which could, and in our opinion should, be avoided.

2. Further we raise for consideration the question whether the statement should be made at all. While we realize, of course, that there were compelling reasons in the minds of the President and yourself for your decision, we feel strongly that the statement would place upon this country the onus of criticism on the part of those, here and abroad, who will not be satisfied with the solution of the problem.

3. If there is no opportunity to reconsider the decision and if

[13] Gen. Charles de Gaulle, President of the Council of Ministers of the Provisional Government of France.

Early [14] does not issue the statement, we are most anxious to have your authority, if you concur, not to make the statement until the voting provision is made public.

4. We were all thrilled and delighted by your telegram [15] and offer our warmest congratulations on your tremendous success.

GREW

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*Statement Released to the Press by the White House, February 13, 1945* [15a]

UNITED STATES DELEGATION [16]

The President announced on February 13 that he will invite the following to be the members of the United States Delegation to the United Nations Conference on April 25, 1945 at San Francisco: Secretary of State Stettinius, Chairman; the Honorable Cordell Hull; Senator Connally; Senator Vandenberg; Representative Bloom; Representative Eaton; Commander Harold Stassen; Dean Virginia Gildersleeve.

Mr. Hull also will serve as senior adviser to the United States Delegation.[17]

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500.CC/2–1345

*Memorandum by the Assistant Secretary of State (MacLeish)*

[WASHINGTON,] February 13, 1945.

POLICY OF THE DEPARTMENT OF STATE ON THE DEPARTMENT'S PRESENTATION TO THE COUNTRY OF THE DUMBARTON OAKS PROPOSALS

1. The Department of State is committed to the proposition that the only effective means of preserving peace in the contemporary world is through international organization.

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[14] Stephen Early, Secretary to President Roosevelt.

[15] ARGONAUT 147, February 11, *Conferences at Malta and Yalta*, p. 943.

[15a] Reprinted from Department of State *Bulletin*, February 18, 1945, p. 217.

[16] President Roosevelt, while at Yalta Conference, had approved on February 11 the recommended list of eight delegates; see *Conferences at Malta and Yalta*, pp. 795 and 941. Formal invitations were sent by President Roosevelt to the respective delegates several days after the public announcement, as he explained in his letter of February 28 to Secretary Stettinius, "due to the unavoidable delay in my return to Washington from the Crimea Conference." (500.CC/2–2845) For a complete list of American officials at the Conference, see *The United Nations Conference on International Organization, San Francisco, California, April 25 to June 26, 1945, Selected Documents* (Department of State publication No. 2490), pp. 25–34; also UNCIO Documents, vol. I, pp. 39–44. For additional information on the selection and work of the United States Delegation, see *Postwar Foreign Policy Preparation*, pp. 414–423.

[17] On account of ill health, Mr. Hull was unable to participate actively in the work of the Delegation either prior to, or during, the Conference; however, he was in close touch with the work of the Delegation and frequently offered his advice by telephone and telegraph.

2. The Department believes that the Dumbarton Oaks Proposals represent a practical effort to establish the foundations of such an organization.

3. The Department has no inclination to attempt to "sell" the Dumbarton Oaks Proposals to the country. In informing the country of the terms of the proposals, the Department will indicate not only their possibilities but their limitations. The people are entitled to know how far, and within what limits, the proposals, if adopted, would prevent war. Specifically, the international organization described in the Dumbarton Oaks Proposals would not constitute, in itself and of itself, a guarantee against all wars. Among other necessary correlatives to the proposed organization is the maintenance of good relations between the Great Powers. The proposals do, however, provide a machinery which gives the best present hope of peaceful settlement of disputes.

4. It is the Department's policy to welcome criticism of and comment upon, the Dumbarton Oaks Proposals.[18] The Department, however, wishes the public to realize that the proposals presented for comment and criticism are proposals developed in careful and extended conversations between representatives of this Government and of other Governments on the basis of studies undertaken over a long period of time by qualified experts. Furthermore, the proposals, to be practically effective, must be proposals such as the Powers constituting the United Nations can and will accept. The Department hopes that the criticisms and comments of the proposals will be made with these considerations in mind.

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500.CC/2–1345 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, February 13, 1945—1 p. m.
[Received 7:40 p. m.]

410. For Acting Secretary of State only from Secretary Stettinius. I do not insist upon making public immediately the fact that the provisions on voting procedure as adopted were advanced by us. This refers to your 298, February 12, 2 p.m.

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[18] For comment of Secretary Stettinius on the "unprecedented action by the four powers represented at Dumbarton Oaks" in publishing the proposals for world comment and criticism prior to the discussion of them at the proposed conference of the United Nations, see *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference . . . June 26, 1945*, p. 26. For additional information on this subject, see *Postwar Foreign Policy Preparation*, pp. 378–380.

However, I do not think it would be wise for you to take any steps directed toward stopping the White House release of this statement. All State Horseshoe [20] [Stettinius.]

HARRIMAN

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*Mr. Harry L. Hopkins, Special Assistant to President Roosevelt, to the Director of the Office of War Mobilization and Reconversion (Byrnes)* [21]

13 FEBRUARY, 1945.

"For Justice Byrnes from Mr. Hopkins.

"The President has received completely satisfactory replies from the Prime Minister and Marshal Stalin on additional votes to achieve parity for the United States, if necessary [22]. In view of the fact that nothing on this whole subject appears in the communiqué, the President is extremely anxious that no aspect of this question be discussed even privately.

"I hope you had a good trip home.[23] We are meeting oriental potentates [24] and you surely would be of no help in these circumstances."

[HOPKINS]

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500.CC/2–1545 : Telegram

*The Minister in Egypt (Tuck) to the Acting Secretary of State*

CAIRO, February 15, 1945—6 p. m.
[Received February 15—5 : 53 p. m.]

381. From Secretary Stettinius.[25] The pressure of events makes it necessary that the invitations to the San Francisco Conference be issued immediately. You should make it clear, therefore, to the Provisional Government that France must decide within the next 3 days

[20] An expression for information of the Secretary's family at his farm "The Horseshoe" to indicate that all was going well.

[21] Copy of radiogram obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y. Mr. Hopkins, with other members of the President's party, was en route home from the Yalta Conference on the U.S.S. *Quincy*, which was then at Great Bitter Lake, Egypt. The message was transmitted to Mr. Byrnes by the White House Map Room.

[22] See exchange of letters, President Roosevelt with Prime Minister Churchill and Marshal Stalin, February 10 and 11, 1945. *Conferences at Malta and Yalta*, pp. 966–968.

[23] Mr. Byrnes had attended the Yalta Conference; for his account of negotiations on the question of admission of Soviet Republics to the United Nations, see James F. Byrnes, *Speaking Frankly*, pp. 38–42.

[24] For documentation on this subject, see vol. VIII, pp. 1 ff.

[25] Secretary Stettinius was en route to Mexico City where he served as the American delegate to the Inter-American Conference on Problems of War and Peace, February 21–March 8, 1945.

whether she wishes to join as a sponsoring power prior to the issuance of invitations (she could, of course, join later if she so desires to become a fifth sponsoring power and in any event she would be invited to the Conference.)

Sent Paris; repeated Department as 381. [Stettinius.]

TUCK

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500.CC/2–1545 : Telegram

*The Acting Secretary of State to the Chargé in Brazil (Daniels)*

WASHINGTON, February 16, 1945—8 p. m.

438. For Secretary Stettinius. Reference your 381 February 15, 6 p. m. from Cairo. In accordance with previous instructions we have proceeded on the basis that invitations to the San Francisco Conference will be issued to those nations which were signatories of the United Nations Declaration on February 8, 1945, and those associated nations including Turkey which will have declared war by March 1, 1945.

To change this basis now and send out invitations before this group of nations have had an opportunity to declare war by March 1 would seriously disrupt existing arrangements.

You may be sure that we shall make every possible effort to issue the invitations as soon before March 1 as we can bring this group of nations within the definition qualifying them to receive invitations.

GREW

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500.CC/2–1745 : Telegram

*The Chargé in Brazil (Daniels) to the Acting Secretary of State*

RIO DE JANEIRO, February 17, 1945—8 p. m.
[Received 9 p. m.]

504. From Secretary Stettinius. Your number 60 of February 17 [26] refers to the agreed voting provisions as "the compromise". I have been impressing on the British and others with whom I have discussed the voting procedure the fact that it is not a compromise but the preferred American position which after careful consideration was adopted by the President and proposed by him on December 5 to Marshal Stalin and Prime Minister Churchill. It seems to me that particularly with respect to our public relations this is an important point. [Stettinius.]

DANIELS

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[26] Telegram 444 (message No. 60), February 17, 1 p. m., for the Secretary, not printed; the Acting Secretary reported on Congressional consultations and indicated that Senatorial groups were "well satisfied with the Compromise". (740.0011 EW/2–1745)

500.CC/2–1945 : Telegram

*The Acting Secretary of State to the Ambassador in Mexico (Messersmith)*

WASHINGTON, February 19, 1945—7 p. m.

322. No. 67. For the Secretary. I called the French Ambassador in today and told him that it was absolutely essential that we issue the invitations to the Conference at San Francisco as soon as possible and that we hoped very much indeed that France would join as one of the sponsoring nations. I pointed out that we had as yet received no reply from the French Government although China had accepted sponsorship and the three other nations were ready to go ahead with the invitations. I told the Ambassador that it would be difficult for us to delay acting on the invitations very much longer and it might be that within three or four days we would have to issue them even if we had not heard from the French Government. The Ambassador said that he had already warned his Government that we might have to act without France as I had intimated to him in a previous conversation that we could only wait a reasonably short time to hear from France and we hoped that it would not become necessary for us to go forward without her.

The Ambassador went on to say that he had the impression that France's not being invited to the regular meetings of Foreign Ministers[28] was probably causing some difficulty in the French attitude toward sponsoring the invitations. He felt quite sure that his Government would come along before very long and he expressed the earnest hope that the four other nations would not issue the invitations before hearing from France as it would add immeasurably to the difficulties of the present situation and that he felt although he had no authority or instructions to say so that issuing the invitations without France might result in France not going to San Francisco.

I was insistent that the Ambassador lay before his Government the necessity for giving us a reply to the question of joining in the invitations even though that reply might be made pending the receipt of further clarifications which he had already requested.[29]

I thought you should know of the difficulties we are having in connection with the issuing of the invitations.

GREW

[28] The Foreign Ministers did not hold regular meetings. Reference is apparently to the following meetings not attended by French representatives: The 1943 Moscow Conference, the 1944 Dumbarton Oaks Conversations, and the 1945 Yalta Conference.

[29] The French Ambassador had called on the Acting Secretary on February 17 and left with him a list of questions contained in an *aide-mémoire*, asking for clarifications relative to the Yalta communiqué. For texts of the French *aide-mémoire* of February 17 and the Department's memorandum of February 19 in reply, see vol. IV, pp. 669 and 671, respectively.

500.CC/2–2045 : Telegram

*The Ambassador in Guatemala (Long) to the Acting Secretary of State*

GUATEMALA, February 20, 1945—9 a. m.
[Received 3 : 52 p. m.]

128. [From Secretary Stettinius.] Please deliver the following message from me to the [White House] Map Room for forwarding to the President.[30]

1. Despite active efforts by the Department to expedite the matter, France has still not expressed agreement with the Dumbarton Oaks proposals as completed at the Crimea Conference. China accepted the new provisions immediately. You will recall that all of us at Yalta felt that the consultation with France and China should be concluded as promptly as possible so that the voting procedure provisions could be published and invitations to the San Francisco Conference be issued with a minimum of delay. We feel it particularly important that the publication of the voting provisions and the issuance of the invitations not be delayed later than the opening of the Mexico City Conference, regardless of whether France has by then agreed to be a fifth sponsoring power. Consequently, I have asked Grew to obtain British and Russian consent for our taking these steps on February 21, even though the consultation with France has not been completed by that time. I am making arrangements to have invitations to the United Nations Conference at San Francisco issued by you from the White House on the evening of February 21, and in order that we may have complete unity of the United Nations represented in Mexico City I will, in your name, include in my opening remarks the invitation to the United Nations Conference which will, of course, include the voting procedure in the Council, making clear that you are speaking for the Soviet Union, Great Britain, China and, if possible, France.

2. I had a pleasant visit today with the Governor of Trinidad, Sir Bede Clifford, on my way to Mexico City. Sir Bede asked that I send you his warmest greetings. Commodore Baughman took me on a tour of our naval base area and I was much impressed with the great value to us of the area we have leased. Stettinius.

LONG

[30] Marginal notation: "Sent to the President through Map Room February 20, 1945". President Roosevelt was en route home, on the U.S.S. *Quincy*, from the Yalta Conference, arriving in Washington February 28.

500.CC/2–2045 : Radiogram

*The Acting Secretary of State to President Roosevelt*[31]

[WASHINGTON,] February 20, 1945.

1. I believe that the French should be allowed additional time to consider the invitation to act as a joint sponsor of the San Francisco Conference and to concur in the proposals on voting procedure. However, I recommend that we seek approval by the British, Soviet and Chinese Governments of the issuance and public release on March 1 of the invitations to the Conference as agreed upon and containing the text of the proposals on voting procedure. If France has not accepted by that time then such invitations would be sponsored by the four governments instead of by five as originally contemplated. This date is selected since it was agreed at the Crimea Conference—and has been so reported to the French—that invitations are to be issued to those nations which were signatories of the United Nations Declaration on February 8 and to those associated nations, including Turkey, which will have declared war by March 1.

2. Also I recommend that we propose to the British, Soviet and Chinese Governments that in the event France accepts sufficiently in advance of March 1 to make it feasible, we will issue the invitations prior to that time, making clear, however, that subsequent invitations to the associated nations and to Turkey can be issued up to March 1.

3. In light of the foregoing, I recommend that Ambassador Caffery be informed of the substance of our contemplated proposals to the British, Soviet and Chinese Governments as outlined in paragraphs 1 and 2 above, and that he be advised to bring this information to the attention of Bidault and de Gaulle in such manner as he would consider best calculated to bring about favorable action by the French.

4. At the time of the public release of the text of the voting procedure, we recommend that I release a statement in explanation and interpretation thereof. Such statement would be communicated to the British, Soviet and Chinese Governments (and to the French if they accept) for their information. The text of this proposed statement is contained in a telegram that will follow.[31a]

5. Your immediate approval is respectfully requested of the procedure outlined in paragraphs 1, 2 and 3 above since it will facilitate our action here. Your approval of the proposal outlined in paragraph 4 can be given any time within the next few days after you have had an opportunity to review the proposed text of the statement.

[GREW]

[31] Text transmitted by Acting Secretary Grew to Mexico City for Secretary Stettinius in telegram 338, February 20, 9 p. m., not printed.

[31a] See unnumbered radiogram, February 21, p. 81.

500.CC/2–2045

*Memorandum of Telephone Conversations, by the Acting Secretary of State*

[WASHINGTON,] February 20, 1945.

Subjects: Invitations for United Nations Conference;
Announcement of Voting Procedure

Participants: Mr. Alger Hiss;
Acting Secretary, Mr. Grew

Secretary Stettinius;
Acting Secretary, Mr. Grew

I telephoned Mr. Alger Hiss at Mexico City and said that with regard to the question of issuing invitations to the United Nations for the forthcoming conference at San Francisco, we had gone into it very fully. I stated that, in the first place, it would have been physically impossible to have gotten clearance from London and Moscow for a deadline for the announcement. I added that the White House had received word from Judge Rosenman that the President does not want the announcements made of the voting procedure until he himself has approved the text of the release. I told Mr. Hiss that the instructions from the President on this point were definite. I said that I had been in touch with the French Ambassador regularly and had been doing everything in my power to get an answer; France had asked for certain clarifications, to which I had gotten out a reply in 24 hours,[32] and we were hopeful that we would get a definite answer in the next day or so. I said that if we went ahead with the invitations, I did not believe France would come in at all. To begin the United Nations Conference in this way would, I thought, be almost fatal. I went on to say that I had gone over the matter with Justice Byrnes, who stated he was not one hundred percent but one thousand percent in favor of our position. I told Mr. Hiss when he inquired if we could get an answer by February 22 that I did not think we would be able to get an agreement from London and Moscow by that date. I said that I was going to send to the President a message suggesting that if France does not reply before March 1, then we ought to select that date to issue the invitations whether she comes on board or not. Mr. Hiss thought that this would be a good idea. He wondered, however, if we ought not hold up the transmission of the Secretary's message to the President. I replied that if he were referring to the message sent from Guatemala,[33] I was afraid that it had already gone out. Mr. Hiss thought it would be a good idea to send a follow-up and then go on with the recommendation about March 1.

[32] See footnote 29, p. 74.
[33] Telegram 128, February 29, 9 p. m., from Guatemala, p. 75.

When I asked Mr. Hiss if he thought the Secretary would approve this, he replied that he was sure of it. If he did not call right back, Mr. Hiss said it would mean that the Secretary approved. I told him that, naturally, I wanted to come along with the Secretary on everything possible, but I did not want the conference started with a black eye.

(It was ascertained that this telegram had not yet been transmitted to the President, and it was accordingly withheld.[34])

When Mr. Hiss telephoned later, he said that with regard to France, the Secretary was glad that his message had gone straight through to the President and the Secretary did not want to countermand it. Mr. Hiss said that the Secretary wanted me to call Ambassador Caffery in Paris as soon as possible and say that France must agree within the next twenty-four hours. I stated that this was impossible since we had no direct telephone communication with Paris. Mr. Hiss added that the call could be made through SHAEF [35] from the Pentagon Building. Mr. Hiss added that the Secretary thought it was essential at the outset of the conference that the whole thing be made clear and public along the lines indicated in the telegram which reached the Department today. Mr. Hiss said that he had told the Secretary what I had said about France, but the Secretary had said that we had given the French Government all this time, and they could come along whenever they made up their mind. I told Mr. Hiss I did not see how we could deliver such an ultimatum in the light of instructions received from the President and that since I was in charge of the foreign affairs of this Government, I would not take this responsibility. Mr. Hiss asked if I would like to speak with the Secretary and I said I thought I had better.

I told Mr. Stettinius that I was faced with a very difficult problem; that while I knew he wanted to issue the invitations to the nations assembled at Mexico City, and disclose the voting procedure, the President's instructions, through Judge Rosenman and also Justice Byrnes were quite explicit. If we put France in a hole and delivered an ultimatum, de Gaulle would almost certainly refuse, and we would have a black eye at the very outset of the United Nations Conference.

The Secretary asked how long it would take France to comply, to which I replied that I had been at the Ambassador constantly trying to get an answer. Mr. Stettinius said that when they left the Crimea, it was understood that an answer would be forthcoming within forty-eight hours, and nearly a week had elapsed since that time. I stated that France had asked for certain clarifications on six points, I had

[34] The telegram was sent to President Roosevelt. For his reply, see memorandum of February 22, p. 85.

[35] Supreme Headquarters, Allied Expeditionary Force.

answered these points and the French Government had perhaps received our answer today. I added that we expected a reply within the next day or two. The Secretary said that representatives of twenty republics were meeting in Mexico to discuss the world security organization, and the first question which would be asked would be with regard to the voting procedure. He said that it would be most helpful if we could say that France was going to be a sponsoring member in issuing the invitations to the United Nations for the San Francisco conference, and could make our voting procedure public forty-eight hours hence. I asked the Secretary if he could not make known the voting procedure quietly by talking to the delegates there, but he replied that he did not think he could do that. I asked the Secretary how we could get around making our proposal to France not appear as an ultimatum, to which the Secretary replied that he thought France could be persuaded calmly that the three powers hoped that she could comply in the interest of harmony among the United Nations. I said that I had repeatedly put all this to the French Ambassador and the Ambassador had stated that while he realized the situation perfectly, it was very difficult to proceed since the Ministers on the Council did not know anything about the matter and it would take a little time. The Ambassador had stated further that he hoped very much to get an answer any minute.

The Secretary then said that he would leave the entire matter in my hands for me to work out in any way I felt best, adding that I should ignore the wire he had sent to me this morning regarding an ultimatum to France, and that anything I did would be entirely satisfactory to him.

I asked Mr. Stettinius again why he could not get in touch with the various delegations there and tell them confidentially about the voting procedure rather than make the announcement in his speech. Mr. Stettinius said that this would detract tremendously from the value of his speech.

I told the Secretary that if France comes through I would immediately give him a flash, but I added that we would have to consult with London and Moscow or they would be perfectly furious. The Secretary said that I should advise him of any formula that I worked out and he would abide by it.

JOSEPH C. GREW

500.CC/2-2045 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)* [36]

WASHINGTON, February 20, 1945—9 p. m.

686. News stories in today's *New York Times* and *Herald Tribune* and the *Baltimore Sun* by Harold Callender, Sonia Tomara and Philip Whitcomb, respectively, and apparently arising from a report by Bidault to the Foreign Affairs Committee of the French Consultative Assembly, together make it appear possible that the Provisional Government of France will not take part in the San Francisco Conference unless "it obtains satisfactory information about aims and the agenda". These reports also make it appear that a chief stumbling block in French acceptance to participate is the interpretation of the "trusteeship system". Moreover Callender's report has the relevant substance of our cablegram to you (reDeptel 546, February 11) covering this and some of the other subjects therein.

Apart from the fact that these reports state the term "trusteeship" does not readily translate into French, they also claim France is afraid that under the proposed trusteeship system (1) French rights in Syria and Lebanon would be affected, (2) any of their claims to the Rhineland might be prejudiced, and (3) questions may arise of "strategic bases", the latter of which particularly "aroused deep suspicions on the part of the French". In the event of a French decision not to participate in the San Francisco Conference we are particularly concerned that such an eventuality should not occur because of our failure to furnish full information regarding proposals to be studied there.

Therefore, should a convenient opportunity arise will you please again stress to Bidault and de Gaulle that in connection with the proposed trusteeship system neither the proposed preliminary consultations among the five powers nor the discussions at the United Nations Conference would deal with specific territories but would be restricted to the formulation of principles and provisions for machinery. Any question of the specific territories which may be placed under the trusteeship system would in each case be dealt with by subsequent agreement.

You should also recall to Bidault and de Gaulle that the five sponsoring nations are to consult each other prior to the United Nations Conference with a view to presenting agreed proposals as to machinery for dealing with trusteeships. As soon as France has agreed to become one of the sponsoring nations, we would expect to begin consultation among the five powers on this subject.

GREW

[36] Text transmitted to Mexico City for Secretary Stettinius and his Assistant, Leo Pasvolsky, in telegram 337, February 20, 9 p. m., not printed.

500.CC/2–2145 : Radiogram

*The Acting Secretary of State to President Roosevelt*[37]

[WASHINGTON,] February 21, 1945.

Referring to my radiogram to you yesterday, paragraph 4, the following is the text of the public statement that I propose to make in explanation and interpretation of the voting procedure at the time it is made public.

"The Governments of the United States, the United Kingdom, the Soviet Union and China, and the Provisional Government of France have now agreed to propose for consideration at the San Francisco conference the following voting procedure for the Security Council:

'1. Each member of the Security Council should have one vote. 2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members. 3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A and under the second sentence of paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting.'

The practical effect of these provisions, taken together, is that a difference is made, so far as voting is concerned, between the quasi-judicial function of the Security Council in promoting the pacific settlement of disputes and the political function of the Council in taking action for the maintenance of peace and security.

Where the Council is engaged in performing its quasi-judicial function of promoting pacific settlement of disputes, no nation, large or small, should be above the law. This means that no nation, large or small, if a party to a dispute, would participate in the decisions of the Security Council on questions like the following: (*a*) whether a matter should be investigated, (*b*) whether the dispute or situation is of such a nature that its continuation is likely to threaten the peace, (*c*) whether the Council should call on the parties to settle a dispute by means of their own choice, (*d*) whether, if the dispute is referred to the Council, a recommendation should be made as to methods and procedures of settlement, (*e*) whether the Council should make such recommendation before the dispute is referred to it, (*f*) what should be the nature of this recommendation, (*g*) whether the legal aspects of the dispute should be referred to the Court for advice, (*h*) whether a regional agency should be asked to concern itself with the dispute, and (*i*) whether the dispute should be referred to the General Assembly.

Where the Council is engaged in performing its political function of action for the maintenance of peace and security, a difference is made between the permanent members of the Council and other nations for the practical reason that the permanent members of the Council must, as a matter of necessity, bear the principal responsibility for action. Unanimous agreement among the permanent members of the Council is therefore requisite. In such matters, therefore, the

[37] Text transmitted to Secretary Stettinius in Mexico City in telegram 349, February 21, 7 p. m., not printed.

concurrence of all the permanent members would be required. Examples are: (*a*) determination of the existence of a threat or breach of the peace, (*b*) use of force or other enforcement measures, (*c*) approval of agreements for supply of armed forces, (*d*) matters relating to the regulation of armaments, and (*e*) matters concerning the suspension and expulsion of members, and the admission of new members."

In the event that France does not accept the proposal the introductory sentence to the foregoing text will be modified accordingly. Your approval of the foregoing statement is respectfully requested.[38]

GREW

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500.CC/2–2145 : Telegram

*The Ambassador in Mexico (Messersmith) to the Acting Secretary of State*

MEXICO CITY, February 21, 1945—4 p. m.
[Received February 22—1 : 20 a. m.]

217. From Secretary Stettinius. Have received your 338.[39] Will, of course, support your position in this as in all other matters. I want you to understand why I am pressing this matter so strongly. I am in a difficult and awkward position, having been elected this morning as Chairman of the Commission of World Organization at the Mexico Conference.

The matter of the voting procedure is on the minds of all delegates. From the standpoint of frank and fair dealing, feel that I must be able to discuss all angles of the world security proposals at the earliest possible moment. I am still hoping that somehow between now and tomorrow night at the time I will deliver my address that Caffery will be able to explain in Paris the fact that 20 republics are meeting to discuss the world security organization and that the French delay is proving most embarrassing to the United States and we ardently hope that they will give their prompt consent. I know that you and Jimmy [40] will do everything within your power to help me here in this difficult matter. [Stettinius.]

MESSERSMITH

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[38] The Department was informed, in telegram of February 24 (filed in Hyde Park Library) of Presidential approval of the proposed interpretive statement on voting procedure, subject to appropriate modification of the preamble in case France had not expressed agreement.

[39] See footnote 31, p. 76.

[40] James C. Dunn, Assistant Secretary of State.

500.CC/2–2145 : Telegram

*The Ambassador in France (Caffery) to the Acting Secretary of State*

PARIS, February 21, 1945—7 p. m.
[Received February 22—10:31 a. m.]

806. For Assistant Secretary Dunn. Bidault says that in any event France will attend the San Francisco meeting. He says that his personal views on the voting procedure are not different from the procedure proposed. He said: "There is just one point that is now holding up a little in regard to the sponsorship (we have sent telegrams today to Washington, London, and especially Moscow in an endeavor to clear it up quickly) and that is: Does Dumbarton Oaks as modified at Yalta clash with the recently signed Franco-Soviet treaty?" [41]

In other words: The French are not sure about the score at any point nowadays; in this specific case they are not sure about the Russians and this is a polite endeavor to smoke them out.

He made the usual aside: We were not at the Dumbarton Oaks Conference, the Chinese were; we were not at Yalta et cetera, and are forced to ask for some explanations.

He said that he might be interested in the preliminary talks—explanations, exchange of views—you mentioned in regard to the Dumbarton Oaks procedure.

He assured me again that he would do his level best to clear up the sponsorship matter at an early date.

CAFFERY

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500.CC/2–2245 : Telegram

*The Acting Secretary of State to the Ambassador in Mexico (Messersmith)*

WASHINGTON, February 22, 1945—9 p. m.

366. For Secretary Stettinius.

1. Since, in accordance with your instructions (paragraph 3 of your 45, February 16, from Dakar [42]), no invitation is to be issued to

[41] Treaty of alliance and mutual assistance between the Soviet Union and the Provisional Government of the French Republic, signed at Moscow, December 10, 1944. For text, see Department of State *Bulletin*, January 7, 1945, p. 39. For documentation on this subject, see *Foreign Relations*, 1944, vol. IV, pp. 937 ff.

Secretary Stettinius stated to the press on December 18, 1944, that "on the first reading this Government could find nothing in the pact that remains contrary or counter to the ideals of the world organization" and noted that the pact specifically mentioned the international organization (Radio Bulletin No. 303, December 18, 1944). Under Secretary Grew stated in an address on January 17, 1945, that after careful study of this pact, and various other international pacts recently concluded between several European nations, "we are satisfied that they were concluded in the spirit of what we all are trying to achieve through the Dumbarton Oaks proposals." (Department of State *Bulletin*, January 21, 1945, pp. 87, 89.)

[42] Not printed.

the London Polish Government to attend the San Francisco Conference, I am proposing to issue a public statement along the following lines if the question is raised (as it undoubtedly will be) when the invitations are made public:

*Begin text.* At the Crimea Conference it was agreed [43] that a Polish Provisional Government of National Unity is to be established through a reorganization on a broad democratic basis of the Provisional Government now functioning in Poland with the inclusion of democratic leaders from Poland itself and from Poles abroad. Furthermore, it was agreed at that Conference that when a Polish Provisional Government of National Unity has been properly formed in accordance with the steps that were outlined there, the Governments of the United States, Great Britain and the Soviet Union would establish diplomatic relations with it. It is our hope that by the time the United Nations Conference meets at San Francisco on April 25 the projected Polish Provisional Government of National Unity will have been formed and diplomatic relations with it will have been established by the major nations. In that event, an invitation to send representatives to the San Francisco Conference will, of course, be extended to the new Polish Provisional Government of National Unity. *End of text.*[44]

2. I would appreciate your approval or appropriate modification of the foregoing statement.[45] . . .

. . . . . .

GREW

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500.CC/2-2245 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, February 22, 1945—9 p. m.

391. British Embassy has just informed us that at Yalta Eden made a plea for Saudi Arabia to be given an opportunity to qualify for an invitation to the San Francisco Conference; [46] that Molotov

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[43] For text of agreement signed on February 11 at Yalta, see section VI of the communiqué issued at the end of the Conference, *Conferences at Malta and Yalta*, p. 973.

[44] On February 25, the text of the proposed public statement was transmitted by the Acting Secretary of State to the Ambassadors in the Soviet Union, China, and the United Kingdom (telegram 421, February 25, 4 p. m., to Moscow, repeated as telegram 328 to Chungking; and telegram 1454, February 25, 4 p. m., to the United Kingdom), with the request that it be communicated to the Foreign Ministers of the respective Governments and that their reactions be cabled promptly.

[45] In telegram 240, February 23, 4 p. m., from Mexico City, Secretary Stettinius informed Acting Secretary Grew of his approval of Mr. Grew's statement on the matter of issuing an invitation to Poland to attend the San Francisco Conference (500.CC/2-2345).

[46] See Bohlen Note on the meeting of the Foreign Ministers, February 11, 1945, *Conferences at Malta and Yalta*, p. 931.

was unable to agree then but promised to consider the matter; that Clark Kerr has been instructed to express the hope that Soviet Government will now agree Saudi Arabia be given hint that if she does declare a state of war and adhere to United Nations Declaration by March 1, she will be invited to San Francisco; that Mr. Eden hopes the Department will support this proposal.

We feel very strongly that Saudi Arabia, because of her firm friendship and valuable assistance to our cause, should be given an opportunity to qualify as a United Nation by entering into a state of war with Germany or Japan or both and permitted to attend San Francisco Conference. Please consult with Clark Kerr immediately and then make known to Molotov the view of this Government.

Secretary Stettinius concurs.

Because of the March 1 deadline it is important that we have a prompt reply.

GREW

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500.CC/2–2245

*Memorandum by Lieutenant George M. Elsey of the White House Map Room to the Acting Secretary of State* [47]

WASHINGTON, 22 February, 1945.

The White House Map Room has received the following message from the President, dated 21 February, 6:45 p. m., EWT: [48]

"From the President for the Secretary of State, Information: the Acting Secretary.

"In reply to your message dated 20 February from Guatemala City [49] and the Acting Secretary's message of the same day [50] on the subject of invitations to the United Nations Conference to be held in San Francisco on 25 April and the release of the text on voting procedure, I will let you make final decision without further reference to me. I prefer that invitations should be issued before March 1." [51]

It should be noted that the President had not received the Acting Secretary's radiogram of 21 February [52] on the text of the proposed public statement on voting procedure at the time he sent this message.

Respectfully,

GEORGE M. ELSEY
*Lieutenant, U.S.N.R.*

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[47] Text transmitted to Secretary Stettinius in Mexico City in telegram 388, February 23, 11 p. m., not printed.

[48] Eastern War Time.

[49] Telegram 128, p. 75.

[50] Unnumbered radiogram, p. 76.

[51] In radiogram of February 23, Acting Secretary Grew informed President Roosevelt that agreement had been reached to issue the invitations on March 1 and, consequently, a series of steps had been taken, which he enumerated for the latter's information (500.CC/2–2345).

[52] *Ante*, p. 81.

500.CC/2-2345 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, February 23, 1945—7 p. m.

402. Turkey and Egypt appear certain to enter into a state of war with Germany and Japan at once and adhere to the United Nations Declaration.[53] Iceland also may enter into a state of war with Germany and adhere. If and when each of these nations takes this action we shall accept its adherence on the understanding that this is in line with Yalta agreement.[54]

If the Soviet Government concurs in the proposal regarding Saudi Arabia, contained in our 391, February 22, 9 p. m., we shall, in the event that Saudi Arabia enters into a state of war, accept her adherence to United Nations Declaration.

Please communicate pertinent part of the above immediately to Foreign Office and make every effort to obtain by tomorrow a reply to our 391 regarding Saudi Arabia.[55]

GREW

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500.CC/2-2345 : Telegram

*The Acting Secretary of State to the Minister in Iceland (Dreyfus)*

WASHINGTON, February 23, 1945—8 p. m.

38. The Minister of Iceland [56] orally requested, under instructions from his government, that an exception be made for Iceland to attend San Francisco Conference without declaring a state of war.[57]

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[53] Acting Secretary Grew informed the Ambassador in Turkey (Steinhardt) and the Minister in Egypt (Tuck) (telegrams 218 and 439, February 19, 8 p. m., respectively), that it was understood the British were bringing to the attention of Turkey and Egypt the possibility that they might qualify for attendance at the San Francisco Conference and instructed them to consult with their British colleagues and thereafter discuss the matter informally with the Turkish and Egyptian Foreign Ministers. In each telegram Mr. Grew stressed that the decision on this question obviously was one for Turkey and Egypt to make and we should not urge them one way or another. (740.0011 E.W. 2-1945) The favorable responses of these Governments were reported to the Department in telegrams 245, February 20, 6 p. m., from Ankara, and 439, February 22, 5 p. m., from Cairo. (740.0011 EW/2-2045, /2-2245)

[54] *Conferences at Malta and Yalta*, pp. 773-774.

[55] Ambassador Harriman informed the Department in telegram 549, February 26, 1 p. m., from Moscow, that the Soviet Government had indicated approval of adherence of Saudi Arabia to the United Nations Declaration and her participation at San Francisco Conference on condition that she declare war against Germany by March 1st; also, the Soviet Government had no objection to the adherence to the declaration of the United Nations of Turkey, Egypt, and Iceland on the conditions established by the decision of the Crimea Conference (500.CC/2-2645).

[56] Thor Thors, Icelandic Minister in the United States.

[57] In a discussion at the fifth plenary meeting at the Yalta Conference, February 8, 1945, concerning a list of nations to be invited to the forthcoming United Nations Conference, President Roosevelt added the name of "Iceland, the newest of the United Nations Republics". (*Conferences at Malta and Yalta*, p. 774.)

He said that his Government was making similar representations at London and Moscow.[58]

We replied that the San Francisco Conference is a conference of United Nations; that the United Nations are those which have subscribed to the Declaration of January 1, 1942; that to be eligible to sign that Declaration a nation must be (1) "at war" and (2) "rendering material assistance and contributions"; that Iceland clearly is eligible as far as (2) is concerned but is not formally at war. We stated further that all the nations represented at San Francisco will have qualified as above indicated and therefore we do not feel it would be fair to those nations to make an exception in the case of Iceland, even though we appreciate greatly the definite contributions made by Iceland to the prosecution of the war. Finally, we said we hoped very much that Iceland would see her way clear to qualify as a United Nation.

Repeated to London and Moscow.[59]

GREW

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500.CC/2–2345 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)* [60]

WASHINGTON, February 23, 1945—midnight.

1407. Please communicate immediately and orally to the Foreign Minister the substance of the following:

*Begin communication.* 1. The communiqué issued at the termination of the Crimea Conference [61] stated that consultations were to be

[58] In telegram 37, February 14, 4 p. m., from Reykjavik, the Minister in Iceland (Dreyfus) reported on conversations of the British Minister and Foreign Minister Thors: "Thors said Iceland would be lacking in self respect if it abandoned its traditional policy at this late date when the defeat of the enemy appears imminent but he also expressed great interest in having Iceland represented at the conference." (500.CC/2–1445)

In telegram 56, March 1, 3 p. m., from Reykjavik, Minister Dreyfus reported on a conversation with Foreign Minister Thors: "He said the Soviet Minister called on him last evening to inform him of a cable from Moscow instructing him to inform the Government of Iceland that the Soviet Government shared the views of Britain and USA regarding invitations to the San Francisco Conference and it would be in Iceland's interest to become one of the United Nations. Thors told him the decision had already been taken but added in his jocose way that he would be willing to reconsider it after the Soviets declared war on Japan." (740.0011 EW 3–145) (For text of agreement of February 11, 1945, regarding entry of the Soviet Union into the war against Japan, see *Conferences at Malta and Yalta*, p. 984.)

[59] Telegrams 1403 and 403, respectively.

[60] Repeated on the same date as telegram 405 to Moscow and as telegram 315 to Chungking; repeated also to Mexico City as telegram 389 for attention of Secretary Stettinius.

In telegram 294, February 25, 4 p. m., from Chungking, the Chargé in China (Atcheson) indicated that the Chinese Government concurred fully in proposals in telegram 315, February 23, midnight (500.CC/2–2545). For the Soviet response, see telegram 570, February 27, midnight, from Moscow, p. 98.

[61] *Conferences at Malta and Yalta*, p. 968.

held with the Government of China and the Provisional Government of France with respect to (*a*) the text of the proposals on voting procedure in the Security Council of the general international organization proposed at the Dumbarton Oaks Conference, and (*b*) their joining the Governments of the United States, Great Britain, and the Soviet Union in sponsoring invitations to a conference of United Nations to be called to meet in San Francisco on April 25, 1945. While the Government of China has accepted the text of the voting procedure and has agreed to join in sponsoring invitations to the San Francisco Conference the Provisional Government of France, despite earnest and repeated representations from this Government on behalf of all three Governments participating in the Crimea Conference, has so far not indicated its agreement.

2. The Government of the United States believes that while the Provisional Government of France should be allowed some further time to consider the invitation to act as a joint sponsor at the San Francisco Conference and to concur in the proposals on voting procedure, there is, however, urgent need for making the text of the voting proposals public and for giving the United Nations as much time as possible to prepare for the Conference. Furthermore, in view of the fact that the French Provisional Government has had since February 12 to consider this matter, it would seem that the procedure regarding consultation agreed on at the Crimea Conference has in fact been carried out. Therefore, this Government proposes for the concurrence of the Governments of Great Britain, Soviet Union and China that it issue the invitations to the Conference on behalf of itself and the other three governments on March 1 at 12 o'clock noon, Washington time, the text of the invitations to be made public at that time simultaneously by the four governments in Washington, London, Moscow and Chungking. Representatives of the Government of the United States will be instructed to present the invitations formally to the Foreign Ministers of each of the United Nations in their respective capitals at that time. This date is selected since it was agreed at the Crimea Conference that invitations are to be issued to those nations which were signatories to the United Nations Declaration on February 8, 1945 and those associated nations, including Turkey, which will have declared war by March 1.

3. In the event that the Provisional Government of France agrees (*a*) with the proposals on voting procedure in the Security Council, and (*b*) to join in sponsoring the invitations to the San Francisco Conference by February 28 at 12 o'clock noon, Washington time, the Provisional Government of France would be included as one of the five governments sponsoring the invitations and would join in the simultaneous release on March 1 referred to in the preceding paragraph. On the other hand, if the Provisional Government does not indicate its agreement by February 28 at 12 o'clock noon, Washington time, then an invitation to the Conference will, of course, be issued to it as one of the United Nations.

4. The agreed text of the invitations to be issued is contained in the telegram immediately following along with the list of the United Nations to which it will subsequently be issued. In the event that the Governments of Egypt, Iceland, Uruguay, and Turkey declare war by March 1, invitations will also be issued to them. The same con-

sideration will apply to Saudi Arabia if the sponsoring Governments agree to the inclusion of that country. *End communication.*

You should tactfully impress upon the Foreign Minister that this Government assumes that in view of the agreement on procedure reached at the Crimea Conference this proposal will be accepted by his Government and that it will join in the simultaneous release of the text of the invitation. You should also stress that the matters under consultation are to be held entirely confidential until publication of the text of the invitations.[62] Please cable at the earliest possible moment the reaction to the foregoing communication, repeating your reply to the appropriate Amembassies so that Washington, London, Moscow, Chungking, and Paris are all kept informed of the progress of this proposal.

GREW

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500.CC/2–2345 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)* [63]

WASHINGTON, February 23, 1945—midnight.

1409. 1. The following is the text of the invitation referred to in the immediately preceding telegram:

(*Begin text*) The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of (Note: Insert name of Government to which invitation is being sent) to send representatives to a conference of the United Nations to be held on April 25, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security.

The above named governments suggest that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference, and which have now been supplemented by the following provisions for Section C of Chapter VI:—

> "C. Voting:—1. Each member of the Security Council should have one vote. 2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members. 3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the

[62] Acting Secretary Grew informed the Secretary in his telegram 445, February 28, noon, to Mexico City, that the White House had agreed that the announcement concerning the delivery of the invitations and the release of the text of the invitations should be a State Department release (500.CC/2–2845).

[63] Repeated on the same date as telegrams 406 to Moscow, 316 to Chungking, and 753 to Paris.

concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."

Further information as to arrangements will be transmitted subsequently. In the event that the Government of (Note: Insert name of Government to which invitation is being sent) desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating governments. (*End of text*)

2. In the event that the Provisional Government of the French Republic becomes one of the Governments sponsoring the invitation, and you are so advised of this fact, then insert in the first sentence of the text of the invitation after the words "Republic of China" the following: "and of the Provisional Government of the French Republic."

3. Invitations will be sent to the Governments of the following United Nations: Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Ethiopia, France (if it does not agree to join in sponsoring the Conference), Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippine Commonwealth, Union of South Africa, Venezuela, and Yugoslavia. Note that an invitation will not be sent to Poland.

GREW

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500.CC/2-2445

*Memorandum of Conversation, by the Acting Secretary of State*

[Extract]

[WASHINGTON,] February 24, 1945.

. . . . . .

I called Mr. Lacoste [64] on the telephone at three o'clock this afternoon and said that we had been in touch with Ambassador Caffery by telephone and that the Ambassador had not received our telegram of last night regarding the invitations for the United Nations Conference.[65] Mr. Caffery however reported that the Provisional French Government had already expressed its willingness to act as sponsor for the invitations to the United Nations Conference with one reservation—that it desires to reserve the right to present amendments to the Dum-

[64] Francis Lacoste, Counselor of the French Embassy.

[65] Telegram 752, February 23, midnight, not printed; it repeated text of telegram 1407 of the same date to London, p. 87.

barton Oaks proposals for consideration at San Francisco.[66] I told Mr. Lacoste that any of the Governments was free to bring up anything at the Conference. It was, of course, a little unfortunate that one of the sponsoring powers should record that, but we would consider the French reply and see whether we could accept the reservation.

. . . . . .

JOSEPH C. GREW

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500.CC/2–2545: Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)*

WASHINGTON, February 25, 1945—9 p. m.

780. Your 871, February 24, 4 p. m.[67] For your confidential information the following is a communication which we have transmitted to Amembassies London, Moscow and Chungking [68] with the request that it be communicated immediately to the Foreign Minister. If in your judgment it would be helpful you are authorized in your discretion to convey the substance of that communication to the French Foreign Office.

(*Begin communication*) While the Provisional Government of the French Republic has agreed to participate in the San Francisco Conference, it has stated that it could not join in sponsoring the invitations to the Conference "if it were not specified in the text of the invitations that France wishes the adoption of certain amendments" to the Dumbarton Oaks proposals and that "those amendments will serve as a basis for discussion at the San Francisco Conference". The texts of the proposed amendments are unknown, the formal reply from the Provisional Government merely stating that the list has been prepared and will be submitted "shortly".

The views of the United States Government covering the foregoing are as follows:

1. The assurance that France will participate in the San Francisco Conference is highly welcomed.

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[66] A memorandum of telephone conversations by the Acting Secretary of State with G. Hayden Raynor, Special Assistant to the U.S. Delegation at the Mexico City Conference, on February 24 reported the Secretary's approval of the acceptance of the reservation which the Provisional French Government desired, as well as immediate consultation with the other three Governments respecting it (500.CC/2–2445).

[67] Not printed; it transmitted text of French note responding to Ambassador Caffery's note sent to Foreign Minister Bidault in accordance with instruction in telegram 546, February 11, 11 p. m., to Paris, p. 67.

[68] Telegram 1455, February 25, 9 p. m., to London, repeated on the same date, *mutatis mutandis*, to Moscow as 423; to Chungking as 329; and to Mexico City for the Secretary of State as 415.

In telegram 317, February 27, 6 p. m., from Chungking, the Chargé in China (Atcheson) reported a statement by the Chinese Political Vice Minister (K. C. Wu) that the Chinese Government would go along with us in all these matters (500.CC/2–2745). For the Soviet response, see telegram 570, February 27, midnight, from Moscow, p. 98.

2. Obviously, the Provisional Government of France, as every other Government participating in that Conference, will be free to present comments and proposals for consideration at the Conference. It is not, however, believed that the Governments sponsoring the Conference could accept the conditions of the Provisional Government that the invitations specify that its proposed amendments be accepted "as a basis for discussion" at San Francisco. To do so would be contrary to the agreements reached at the Crimea Conference, subsequently approved by the Chinese Government, that the Dumbarton Oaks proposals—as supplemented by the text of the provisions on the voting procedure in the Security Council—should serve as the basis for discussion at the San Francisco Conference.

3. It is the view of this Government in jointly sponsoring the San Francisco Conference—as we assume that it is the view of the British, Soviet and Chinese Governments—that, prior to the issuance of the invitations, there must be mutual agreement among the sponsoring governments upon the proposals that are to serve as the basis for discussion at the San Francisco Conference. Such agreement in the form of the Dumbarton Oaks proposals as supplemented at the Crimea Conference now exists on the part of the Governments of the United States, Great Britain, the Soviet Union and China.

4. It would appear to be clear from the nature of the message from the Provisional Government of France that the latter is, in fact, not willing to become one of the sponsors of the invitations to the San Francisco Conference without a change in the proposals which are to serve as a basis for the San Francisco Conference. While this Government under normal circumstances would be willing to continue consultations with the French for the purpose of obtaining the agreement of the Provisional Government, such consultation might well prove lengthy and protracted, with the result that the issuance of invitations to the Conference would be greatly delayed and the date thereof indefinitely postponed.

5. In the light of the position of the Provisional Government of the French Republic as thus set forth in its communication, it appears to the Government of the United States that the four sponsoring powers must reluctantly accept the decision of the Provisional Government and proceed with the issuance of the invitations on March 1, 12 o'clock noon, Washington time, in the name of the Governments of the United States, the United Kingdom, the Soviet Union and the Republic of China as previously proposed (my 752, February 23, midnight [69]).

6. This Government is further of the opinion that at the time the text of the invitations to the San Francisco Conference is made public the position of the Provisional Government of France regarding the foregoing matters should be fully and sympathetically explained by this Government to the press.

7. It should be added that the Provisional Government of France stated in its communication to this Government that as regards the establishment of a "trusteeship" system, the Provisional Government is not in a position to pronounce itself on this question before receiving

[69] Not printed; it repeated text of instruction in telegram 1407, February 23, midnight, to London, p. 87.

complete information concerning the nature and methods of application of this system. This question does not appear to require comment at this time.

GREW

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RSC Lot 60–D224, Box 28: SWNCC 27/1

*Memorandum by the Chairman of the State–War–Navy Coordinating Committee*[70] *(Dunn) to the Secretary of State*

[WASHINGTON,] 26 February, 1945.

Subject: International Trusteeships

Reference is made to your identical letter of 30 December 1944 to the Secretaries of War and Navy[71] on the subject of international trusteeships, setting forth developments in this regard since the letters exchanged last August between the Joint Chiefs of Staff and yourself.

In their letter of 3 August 1944,[72] the Joint Chiefs of Staff expressed the opinion that:

"From the military point of view, it is highly desirable that discussions concerning the related subjects of territorial trusteeships and territorial settlements, particularly as they may adversely affect our relations with Russia, be delayed until after the defeat of Japan."

The Department of State now proposes that preparations be made to discuss the general principles of international trusteeships and the appropriate machinery therefor, leaving for future discussions all questions of specific territories. In support of this proposal it is stated:

*a.* That the Soviets, British and Chinese desire and will press for such discussions.

*b.* That the question will have to be discussed at the general conference, and that in all likelihood a chapter on general principles and machinery will have to be included in the final charter of the United Nations.

*c.* That it is entirely possible in dealing with this subject, to separate the formulation of general principles and of provisions for machinery from consideration of specific territories, the latter subject to be left for future determination.

Upon receipt of your letter, the proposal was submitted to the Joint Chiefs of Staff by the Secretary of War and the Secretary of the Navy. The Joint Chiefs have again considered the matter and have expressed the opinion that there is no objection, from the military point of view,

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[70] This Committee was established in December 1944 to reconcile and coordinate the views of the State, War, and Navy Departments in matters of common interest and to establish policies for these Departments on politico-military questions referred to it.

[71] *Foreign Relations*, 1944, vol. I, p. 922.

[72] *Ibid.*, p. 700.

to the proposed discussion of international trusteeships, provided such discussions:

*a.* Give full consideration to the future defense needs of the United States.

*b.* Exclude direct or indirect discussion of the disposition of any territory under the sovereignty of the United States, or any Japanese territory occupied by United States forces.

*c.* Consider no agreement that may eventually give to any foreign nation claim to any control of the "Japanese Mandated Islands" north of the Equator.

The Joint Chiefs of Staff further emphasize the fact that all studies and discussions of this subject should give full consideration to the policy, approved by the President 23 November 1943, that the Bonins and all Japanese Mandated Islands lie in the "Blue Area" described as "Required for the direct defense of the United States . . ." [73]

It is understood that, since the receipt of your letter, there has taken place within the State Department consideration of draft proposals, for possible discussion by the United States, Great Britain, Russia and China, relating to the general principles of international trusteeships and the machinery for their effectuation. It is further understood that appropriate military and naval representatives are taking part therein.[74]

The Secretaries of War and Navy are in accord with the desirability of endeavoring to formulate at the earliest possible moment proposals of this character which will recognize the basic military and political factors involved and are satisfactory to this Government as a basis for discussion with the other Dumbarton Oaks powers. If there are to be no direct acquisitions of security outposts by the United States or the other principal powers, such proposals should include a type of trusteeship, in respect to all or any part of these areas, which will assure the security interests of the several agreeing nations. As you point out, it is not unlikely that we shall be obliged, sooner or later, to enter into a discussion of this matter with other nations, and it is imperative that this Government explore the subject thoroughly among ourselves before considering it with others. It is hoped, therefore, that this work will proceed expeditiously, and the War and Navy Departments stand ready to be of any assistance that they can. You are assured that, when it has reached a point where there is a draft—or perhaps alternative drafts—suitable for submission as a basis for discussion within this Government, the War and Navy De-

[73] Omission indicated in the original memorandum.

[74] An Interdepartmental Committee on Dependent Areas, composed of representatives of the State, War, Navy, and Interior Departments was set up in response to a request by President Roosevelt that the Department of State work out its own ideas about an international arrangement for dependent territories.

partments and the Joint Chiefs of Staff will promptly supply their suggestions and recommendations covering the security interests of the country.

Until this project has advanced to a stage where it is possible to say that this Government has formulated its own position in reasonable detail, it seems to be premature to attempt to decide finally whether or not we shall institute discussions with other nations in this regard. If we are able to agree within our own Government upon proposals which we would be willing to discuss with other nations, then in the opinion of the Secretary of War and the Secretary of the Navy such discussions should be limited to the principal powers which took part in the Dumbarton Oaks conversations, and only after full examination and complete agreement among those powers should the subject be opened for consideration by a general conference of the United Nations.

In accordance with the views expressed above, it is suggested that the State Department proceed as promptly as may be possible with the drafting of its proposed paper on territorial trusteeships for possible discussion with the principal powers. As soon as this paper is received, arrangements will promptly be made whereby you will receive the views of the Secretary of War, the Secretary of the Navy, and the Joint Chiefs of Staff.

JAMES CLEMENT DUNN

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500.CC/2–2645 : Telegram

*The Ambassador in the United Kingdom (Winant) to the Secretary of State* [75]

LONDON, February 26, 1945—3 p. m.
[Received February 26—12:18 p. m.]

1970. We saw Sir Alexander Cadogan at the Foreign Office this morning at his request. He had with him Ambassador Massigli and Chauvel [76] who accompanied Bidault to London.

Cadogan explained that the French had proposed a change in the text of the invitation to the San Francisco Conference. Chauvel at this point said that his Government had informed Ambassador Caffery that it agreed in principle to act as one of the sponsors of the San Francisco Conference but that at the same time his Government

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[75] Text transmitted to Mexico City for the Secretary of State in telegram 427, February 26, 6 p. m., not printed.

[76] René Massigli, French Ambassador in the United Kingdom, and Jean Chauvel, Secretary General of the French Ministry of Foreign Affairs.

The French Foreign Minister spent three days in England as a guest of the British Government; conversations dealt chiefly with preparations for the San Francisco Conference.

had suggested that in the body of the invitations a clause be inserted to the effect that the French Government reserves the right to put forward certain amendments to the proposals for the establishment of a general international organization. (ReDept's 1409, February 23.)

Cadogan then said that to meet the French view he proposed, as an alternative, changing the wording of the second paragraph of the text of the invitation to read "the above named governments suggest that the conference take as a basis for discussion the proposals for the establishment of a general international organization, etc., etc., etc.". This wording, Massigli and Chauvel said they thought would be acceptable to their Government but they would have to refer the matter to Paris for final answer.

Cadogan asked us to inquire urgently of the Department whether either the French suggestion for amending the text of the invitation or his proposed change is acceptable to the Department. He also asked us to inquire whether the Department would not consider holding up the issuance of the invitations for a day or two beyond March 1st in case agreement on the wording of the text could not be reached immediately.

In asking us to make this inquiry of the Department Cadogan explained in the presence of Massigli and Chauvel that the Foreign Office regarded the text of the invitation as it stood as affording ample opportunity for proposing amendments during the Conference.

Repeated to Paris as 112, Moscow as 69 and Chungking as 3.

WINANT

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500.CC/2–2745 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, February 27, 1945—3 p. m.

1481. Please communicate immediately to Mr. Eden the following message from the Secretary in Mexico City:

"I enjoyed my conversation with you a few minutes ago. The purpose of my call was to appeal to you to impress upon the French the importance, from the standpoint of future world harmony, of their joining with the other four powers in sponsoring the San Francisco Conference. Second, that I am being placed in a very difficult and embarrassing position with 18 Foreign Ministers meeting in Mexico City where I have been a week, and it has not been possible for me to discuss with them any details of the voting procedure or the plans for the San Francisco Conference; that the Mexico City Conference will be completed in the next 2 or 3 days and from the

standpoint of frankness and harmony here it is most important to the great cause toward which we are all working for the invitations to be issued on March 1 as agreed upon at the Crimea Conference, thereby making it possible for me to make an explanation on Thursday, March 1, in Mexico City to the 18 Foreign Ministers before they complete their work on world security matters. Please assure the French Foreign Minister from me of my keen desire to work with him in close friendship and mutual confidence and that of course France, as well as any other country represented at the San Francisco Conference, will have every opportunity to present its views relative to world organization."

GREW

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500.CC/2–2745 : Telegram

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

LONDON, February 27, 1945—5 p. m.
[Received February 27—1:30 p. m.]

2015. British Embassy Washington telephoned Foreign Office this morning and said that the French proposal (which was outlined in paragraph 2 of our 1970, February 26) had been turned down by the Department [77] and that the alternative proposal which had been made by Cadogan (and which was quoted in paragraph 3 of our 1970, February 26) had been turned down by de Gaulle. British Embassy added that a third proposal had now been worked out in Washington which was acceptable to the Department.[78] Under this proposal the present text for the invitations (that is, as quoted in the Department's 1409, February 23) would be used but with the understanding that the French Government would be free to issue unilaterally a statement reserving the right to put forward amendments to the proposals for setting up a general international organization.

Foreign Office says it has put this third proposal to the French here who are communicating it to Paris. The French reply, according to

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[77] See telegram 780, February 25, 9 p. m., to Paris, p. 91.

[78] A memorandum of February 27 by the Counselor of Embassy (Gallman) stated:

"Mr. Dunn telephoned from Washington about a further proposal which has been drawn up with a view to bringing the French in as one of the sponsors of the San Francisco Conference.

This proposal is as follows:

After the word 'charter' in paragraph 2 of the text of the invitation, there is to be inserted '(but in no sense precluding full freedom of discussion and the right to propose amendments at the Conference)'.

Foreign Office is transmitting this proposal to the French and will let us here know what reply they make. We will then notify the Department. The Department will notify the Chinese, while the Foreign Office will notify the Russians. W. J. G." (London Embassy Files, Lot 56F28)

the Foreign Office, may be sent here or communicated directly to Washington.[79]

If this third proposal too is turned down by the French, Foreign Office says there would seem to be no other course open but for the American, British, Soviet and Chinese Governments to proceed with the invitations as sponsors of the Conference. The British position will be definitely confirmed as soon as the French have expressed themselves on this third proposal.[80]

Sent Department as 2015, repeated Paris as 117, Moscow as 74 and Chungking as 4.

WINANT

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500.CC/2–2745 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, February 27, 1945—midnight.
[Received February 27—9:40 p. m.]

570. ReEmbs 555, February 26, 10 p. m.[81] and 569, February 27, 11 p. m.[82] The Soviet reply to our proposals concerning the invitations to the San Francisco Conference has just now been received in the form of a memorandum handed to Kennan at the Foreign Office.

Referring to the communication which I left with Vyshinsky on February 26, the memorandum states that the Soviet Government has no objection to the position of our Government set forth therein, namely, that in view of the position taken by the French Government

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[79] In a memorandum of February 28, Mr. Gallman stated that the Counsellor in the British Foreign Office (Jebb) told him that morning "that he saw Massigli last night and that he was told by Massigli that he thought the French Government would agree to (*a*) the rephrasing of paragraph 2 of the text of the invitation so that the words 'consider as affording a basis for such a charter' would become 'take as a basis for discussion', together with (*b*) a separate declaration by the French Government to the effect that while the French associate themselves with the invitations they reserve the right to propose certain amendments to the text of the Dumbarton Oaks proposals.

"Jebb told me further that what Massigli had told him, as outlined above, had been communicated by the Foreign Office to the British Embassy in Washington and that a reply had been received to the effect that this French proposal would be acceptable to the State Department. W. J. G." (London Embassy Files, Lot 56 F28)

[80] In telegram 2044, February 27, 11 p. m., from London, Ambassador Winant reported that the French had asked for 24 hours' postponement, and that the French Cabinet would meet the next morning to consider the proposals that were suggested (500.CC/2–2745).

[81] Not printed; Mr. Harriman stated that he had seen the First Deputy People's Commissar for Foreign Affairs of the Soviet Union, Andrei Y. Vyshinksy, and covered all points in the Department's recent telegrams regarding the invitation to the San Francisco meeting, the French position thereto, and the proposed Polish release; Mr. Vyshinsky promised a reply the next day if possible (500.CC/2–2645).

[82] Not printed; it had reference to telegram 421, February 25, 4 p. m. See footnote 44, p. 84.

the invitation to the Conference should be sent out by the United States Government in its own name and in the name of the Governments of the Soviet Union, Great Britain and China. The Soviet Government agrees to the invitations being sent out at noon on March 1 Washington time and to the simultaneous publication by the four Governments in the four capitals of the text of the invitation as submitted with my communication, with the proposed modifications. There is no objection on the Soviet side to our Government's releasing to the press the explanatory statement mentioned in point 5 of my communication.

With respect to the statement which it was proposed that the Secretary should make in case the question of the inviting of Poland should be raised subsequent to the publication of the invitations, the Soviet Government considers that this question requires further consideration.

HARRIMAN

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500.CC/2–2845 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, February 28, 1945—11 a. m.
[Received March 1—12: 50 a. m.]

931. I saw Bidault after my conversation with Wilson and Matthews.[83] He said that two formulae had been discussed with the British and that the British had expressed a preference for the one Wilson gave me on the telephone: "(but in no sense precluding full freedom of discussion and the right to propose amendments at the Conference)"; but had not opposed a second.

"The above mentioned Governments suggest that the Conference take as the basis of discussion the proposals for the establishment of a general international organization which were made public last October after the Dumbarton Oaks Conference. These proposals have now been supplemented by the following provisions for Section C of Chapter VI:" (The foregoing would replace the first part of the second paragraph of the text in Department's 753, February 23, midnight.[84])

He said he would strongly support the first one at the Council of Ministers to be held this morning at 11: 30 but was not sure which one the Council would approve.[85]

CAFFERY

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[83] Telephone conversation with Edwin C. Wilson, Director, Office of Special Political Affairs, and H. Freeman Matthews, Director, Office of European Affairs, took place at midnight February 27, Paris time.

[84] Same as telegram 1409, February 23, midnight, to London, p. 89; see also telegram 1970, February 26, 3 p. m., from London, p. 95.

[85] Ambassador Caffery informed the Secretary of State in telegram 950, February 28, 6 p. m., from Paris, that the Council of Ministers had that morning approved the formula set out in the second paragraph of his 931 of February 28, and that the information was reported by Bidault (500.CC/2–2845).

500.CC/2–2845 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, February 28, 1945—3 p. m.

1518. Following is the text of the cablegram which I have sent to Amembassies Moscow and Chungking,[86] and which I am repeating to Ambassador Caffery [87] for his information:

"We are postponing temporarily the issuance of the invitations to the San Francisco Conference in order that the consultations may continue with the Provisional Government of France regarding the latter's joining in sponsoring the invitations to the Conference. Therefore, this Government will not issue invitations to the San Francisco Conference on March 1, 12 o'clock noon Washington time as previously planned, and it is taking the necessary steps to advise all American Missions accredited to those United Nations to be invited to the San Francisco Conference not to issue the invitations on that date as previously instructed.[88] When the present consultations are completed we will then suggest a new date for the issuance of the invitations.

Please convey the substance of the foregoing immediately to the Foreign Minister. You should also stress the fact that all matters relating to the issuance of the invitations should be held in strict confidence and you should note, of course, that no public release is to be given to any of the statements it was previously planned to issue.

Please await further instructions but be prepared to act immediately upon notification. Please acknowledge receipt of this telegram immediately."

Please bring the foregoing immediately to the attention of Foreign Minister Eden.

GREW

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500.CC/2–2845 : Telegram

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

LONDON, February 28, 1945—6 p. m.
[Received February 28—2:15 p. m.]

2061. For Assistant Secretary Dunn. Foreign Office has just informed us that French Cabinet has approved the following proposal: (*a*) The substitution in paragraph 2 of the text of the invitation [89] of the words "consider as affording a basis for such a charter" by the

[86] Telegram 433, February 27, 4 p. m., to Moscow; repeated on the same date to Chungking as No. 335.

[87] Telegram 811, February 28, noon.

[88] Telegram 1407, February 23, midnight, to London, p. 87.

[89] See telegram 1409, February 23, midnight, to London, p. 89; see also telegram 931, February 28, 11 a. m., from Paris, p. 99.

words "take as a basis for discussion" together with (*b*) the issuance of a separate declaration by the French Government stating that it associates itself with the invitations but reserves the right to propose amendments to the text of the Dumbarton Oaks proposals.

We have also been informed by the Foreign Office that according to the British Embassy in Washington this French proposal is acceptable to the Department.

Foreign Office is telegraphing proposal to the British Embassy at Moscow with instructions to inform the Soviet Government that it is acceptable to the British and American Governments and to urge prompt Soviet acceptance.

It is understood by United States [Embassy] and the Foreign Office that Department will approach the Chinese Government on similar lines.[90]

Repeated to Moscow, Paris and Chungking.

WINANT

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500.CC/2–2845 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*[91]

PARIS, February 28, 1945—8 p. m.
[Received March 1—4:44 p. m.]

952. Confirming my telephone conversation with Ambassador Edwin Wilson,[92] Bidault told me early this afternoon that he proposed to issue at the time of the announcement of his Government's participation in the San Francisco Conference a communiqué reading as follows:

"The Provisional Government of the French Republic which had accepted on the 23rd of this month the invitation to the San Francisco Conference which had been presented to me by the American Government in the name of three powers represented at the Yalta Conference, has decided to inform Washington that it also accepts to be, with the United States, Great Britain, the USSR and China among the inviting powers to this Conference.

It is specified on this occasion that the government which did not participate in the establishment of the Dumbarton Oaks plan, modified at Yalta, agrees that these texts be taken as the basis for discussion but desires to make known that in its opinion certain amends [*amendments*] would be necessary in order to attain the end sought. The

[90] Telegram 338, February 28, 5 p. m., to Chungking, not printed. The Chargé in China (Atcheson) reported in telegram 332, March 1, midnight (500.CC/3–145), that the Chinese Government was agreeable to proposed change in text of invitations and proposed French declaration as described in the Department's telegram 338 of February 28.

[91] Text repeated in telegram 470, March 2, 7 p. m., to Mexico City for the information of the Secretary of State.

[92] Teletype of conversation not printed.

Provisional Government will shortly address to all interested governments its proposals on this subject." [93]

CAFFERY

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500.CC/2–2845 : Telegram

*The Ambassador in the United Kingdom (Winant) to the Secretary of State* [94]

LONDON, February 28, 1945—midnight.
[Received February 28—9 : 18 p. m.]

2097. Since receiving Department's 1518, February 28 and giving your message to Mr. Eden (my 2096, February 28 [95]) the following letter which Mr. Eden had written earlier in the evening was delivered to the Embassy.

It is a reply to Secretary Stettinius' message contained in Department's 1481 of February 27:

"My dear Ambassador, Many thanks for your letter of today's date which I have just received, enclosing a message from Mr. Stettinius. As you know, the French asked for 24 hours' delay before giving their answer, but this was received in the Foreign Office after lunch today and we at once sent the telegram to Moscow which was agreed between your staff and mine.

I think it would be inadvisable for Mr. Stettinius, whatever his difficulties in Mexico City, to issue the invitations and to publish the voting procedure before the Russians have agreed to the amendments to the invitation now suggested by the French and have also said that they agree that the French should make a unilateral statement.

So far as I am concerned, I regret this delay but I do not see, in view of the French attitude, how it could have been avoided. In any case I would repeat that it is even more important to preserve harmony between the five sponsoring powers and to obtain general agreement that the French should be a sponsoring power also than it is to explain the position to Latin America.

If, however, as we hope, we get a telegram early tomorrow morning from Clark Kerr saying that the Russians agree, there should be ample time for Mr. Stettinius to issue and publish the invitation, and to have a profitable discussion with the representatives of Latin America in Mexico City, before the end of the conference in that town.

I should be greatly obliged if you could pass on my views to Mr. Stettinius as soon as possible and add that he has all my sympathy in the difficulties with which he is now contending.

Yours sincerely, Anthony Eden."

WINANT

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[93] In telegram 954, February 28, 10 p. m., from Paris, Ambassador Caffery reported: "I spoke to Bidault at 7 : 30 Paris time on the subject of not publishing his communiqué yet. He said he would see what could be done but I apprehend that he had jumped the gun. I have informed the Russians here of what we have been doing." (500.CC/2–2845)

[94] Text repeated in telegram 456, March 1, 1 p. m., to Mexico City for the Secretary of State.

[95] Not printed.

500.CC/3-245 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, March 2, 1945—6 a. m.
[Received 7:50 a. m.]

605. I have just received a letter from Molotov referring to the proposed modification of the text of paragraph 2 of the invitation to the San Francisco Conference as in Department's 444, February 28, 4 p. m.[96] and stating that the Soviet Government does not consider it possible to agree to this modification, since it is "equivalent to a change in the decision taken by the Crimea Conference on this question". Molotov concludes by stating that he has similarly informed the British Ambassador.

This letter came prior to receipt of the Acting Secretary's personal telegram 459, March 1, 1 p. m.[97] In the circumstances, I will take no further action unless so instructed. In any event, this decision was undoubtedly taken by the Soviet Government as a whole, and it is extremely doubtful that Molotov would be willing even to reopen the question with his associates.

Sent to Department as 605; repeated to London as 88; to Paris as 28 and to Chungking as 8.

HARRIMAN

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500.CC/3-245 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*[98]

WASHINGTON, March 2, 1945—7 p. m.

471. Your 605, March 2, 6 a. m. 1. At the request of the British Government, and after the greatest difficulties in view of commitments under previous plans to announce the text of the invitations on March 1 we are again postponing the issuance of invitations to the San Francisco Conference in order to allow the Provisional Government of France to present its case direct to the Soviet Government.[99]

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[96] Not printed; in it the Acting Secretary of State requested that Ambassador Harriman see Commissar Molotov at once and do everything possible to expedite Soviet acceptance of the modification of text of the invitation (500.CC/2-2845).

[97] Not printed; it transmitted a personal appeal from the Secretary to Molotov to act urgently and favorably on the proposed change in text of the invitation (500.CC/3-145).

[98] Repeated on the same date as telegrams 851 to Paris, and 473 to Mexico City for the information of the Secretary of State.

[99] The Ambassador in the United Kingdom was informed of this Government's agreement to the British request for a further brief postponement in telegram 1608, March 2, midnight, repeated as telegram 474 to Mexico City for the information of Secretary Stettinius (500.CC/3-245). The Ambassador in China was informed of developments to date on the issuance of invitations, in telegram 363, March 2, 10 p. m., repeated as telegram 475 to Mexico City for the information of the Secretary of State (500.CC/3-245).

2. We have instructed Caffery [1] to inform the French Foreign Office that we intend to issue and release the invitations on Monday, March 5, at 12 noon, Washington time, and that accordingly we must be informed by 12 noon on Sunday, March 4, whether or not the French will join in sponsoring the invitations.

3. Under no circumstances will this government agree to any further postponement.

4. Since we now regard this situation as one for action between the French and the Soviet Government, you should not associate yourself with the conversations between the French Ambassador and the Soviet Foreign Office. Therefore, you should not deliver the Acting Secretary's personal telegram to Molotov (our 459, March 1, 1 p. m.[2]).

GREW

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500.CC/3–345 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, March 3, 1945—1 p. m.
[Received 5:25 p. m.]

1004. For Assistant Secretary Dunn. Referring to our conversation last evening Bidault instructed Catroux [3] to endeavor to persuade the Russians to change their point of view, but he is not very optimistic as to the outcome.

Bidault himself is on the spot here because he obtained the approval of de Gaulle and the Council of Ministers for the Cadogan formula [4] under an impression he said he had received at London that it was acceptable to the Russians, although I warned him that the Russians had to be consulted first. There was opposition in the Council of Ministers to approving that formula but Bidault won out with de Gaulle's support. Now de Gaulle will not agree to his going back to the Council of Ministers and telling them the formula they had approved had not been cleared with the Russians. Bidault is in a bad jam and does not know what to do about it.

I explained the situation late last night to Bogomolov,[5] who came to see me, but he has nothing on the subject from Moscow; nor has Duff Cooper been kept very well informed from London.

Sent Department as 1004, repeated London and Moscow.

CAFFERY

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[1] Mr. Dunn informed Secretary Stettinius in a telephone conversation of March 2, 6 p. m., that he had talked to Mr. Caffery on the telephone and had made it absolutely clear that we were issuing the invitations on March 5 (memorandum of conversation not printed).

[2] See footnote 97, p. 103.

[3] Gen. Georges Catroux, French Ambassador in the Soviet Union.

[4] For text of formula, see telegram 1970, February 26, 3 p. m., from London, p. 95.

[5] Alexander Efremovich Bogomolov, Soviet Ambassador in France.

500.CC/3–445 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)* [6]

WASHINGTON, March 4, 1945—1 p. m.

1662. 1. The French will not join in sponsoring invitations to the San Francisco Conference. Therefore, in view of the consultations among the four Governments, we have instructed American Missions accredited to those United Nations to be invited to the Conference [7] to deliver the unmodified text of the invitation (see paragraph 1 of my 1409 to London, February 23, midnight, repeated to Moscow as No. 406, to Chungking as No. 316, and to Paris as No. 753) to the Foreign Ministers of those Governments on Monday, March 5, 12 o'clock noon, Washington time (Eastern War Time) without the French Provisional Government as one of the sponsoring Governments.

2. This Government will release the text of the invitation at the time specified in paragraph 1 above [8] and it hopes the British, Soviet and Chinese Governments will join in a simultaneous release in London, Moscow and Chungking. In addition to releasing the text of the invitation, this Government will, at that time, also make a public statement of the character indicated in paragraph 6 of my 1455 to London, February 25, 9 p. m. (repeated to Moscow as 423, to Chungking as 329, and sent separately to Paris as No. 780,[9] same date and time).

3. The Provisional Government of France, while not sponsoring the invitations,[10] has stated that it will attend the San Francisco Conference.

4. To the list of United Nations to be invited to the Conference (see paragraph 3 of Department's No. 1409 to London, February 23, mid-

[6] Repeated on the same date as telegrams 495 to Moscow, 369 to Chungking, 492 to Mexico City for information of Secretary Stettinius, and 874 to Paris. In telegram 875, March 4, 2 p. m., to Paris, Acting Secretary Grew instructed Ambassador Caffery to "make clear to the Foreign Minister that although France is not joining in sponsoring the invitations, we have welcomed the assurances, first expressed in Bidault's note to you (your 871, February 24, 4 p. m.), that the Provisional Government will participate in the Conference." (500.CC/3–445)

[7] Circular telegram, March 4, 3 p. m., not printed.

[8] For text of invitation released to the press on March 5 and list of Governments of the United Nations to whom the invitation was presented, see Department of State *Bulletin*, March 11, 1945, p. 394.

For statement to the press on March 5 by the Secretary of State regarding voting procedure in the Security Council, see *ibid.*, p. 396; for statement by Acting Secretary Grew, made in response to later inquiries and released to the press on March 24, concerning the operation of the proposed voting procedure in the Security Council, see *ibid.*, March 25, 1945, p. 479.

[9] *Ante*, p. 91.

[10] For a memorandum of a telephone conversation March 5, 11:45 a. m., between Acting Secretary Grew and Mr. George Conn, administrative officer, concerning statements by the Secretary and the Acting Secretary at press conferences with respect to the French situation, see Joseph C. Grew, *Turbulent Era: A Diplomatic Record of Forty Years, 1904–1945*, vol. II, p. 1504.

night, repeated to Moscow as No. 406, to Chungking as No. 316 and to Paris as No. 753) should be added Egypt, Saudi Arabia, Turkey, and Uruguay.[11]

5. Please convey the substance of the foregoing to the Foreign Minister. Until the release time specified all these matters should be maintained in strict confidence.

GREW

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500.CC/3–445 : Circular telegram

*The Acting Secretary of State to Certain Diplomatic Representatives* [12]

WASHINGTON, March 4, 1945—5 p. m.

1. In accordance with the agreement reached at the Crimea Conference and subsequent consultations, invitations to a conference of the United Nations at San Francisco meeting on April 25, 1945, will be issued by this Government on behalf of the Governments sponsoring the Conference on Monday, March 5, 12 o'clock noon, Washington time (Eastern War Time).

2. Since the Government to which you are accredited is not one of the United Nations, an invitation to attend the Conference will not be extended to it.

3. For your information, in the event that you receive inquiries, we have, in recent conversations and in answer to questions, taken the position that there will be no provision for observers from nations not invited to attend the Conference.

4. Until the release date and time specified in paragraph 1, all information contained in this telegram must be maintained in strict confidence.

GREW

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500.CC/3–545 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, March 5, 1945—2 p. m.
[Received 6:35 p. m.]

632. ReDepts 477, March 3, 2 p. m.[13] I informed Molotov on March 4 that my Government would release and issue the invitations

[11] For documents on the declaration of war and adherence to the Declaration by United Nations, by Uruguay, Egypt, Turkey, and Saudi Arabia, see Department of State *Bulletin*, February 25, 1945, p. 294; *ibid.*, March 4, 1945, pp. 373–375; and *ibid.*, April 15, 1945, pp. 681–682.

[12] The diplomatic representatives in Afghanistan, Iceland, Ireland, Italy, Morocco, Portugal, Spain, Sweden, and Switzerland; repeated for information only to the diplomatic representatives in Argentina, Bulgaria, Finland, Rumania, and the Personal Representative of President Roosevelt to Pope Pius XII.

[13] Not printed.

to the San Francisco Conference on March 5, noon. I stated that the text of the invitations would be that contained in the Department's 406, February 23, midnight,[14] unless we were advised before noon, March 4, of the willingness of the French Provisional Government to join as a sponsoring nation as a result of conversations which I understood were proceeding between the Soviet and French Governments on the matter.

In reply I received this morning a note from Molotov dated March 5 stating that the Soviet Government continued to support the form of invitation which was worked out in the Crimea Conference as described in my letter and that it had no objection to the date of issuance.

Molotov continued that no special conversations had been carried on between the Soviet and French Governments on this matter, although the following had taken place:

General Catroux had called on Dekanozov[15] last evening and had been informed of the Soviet position with respect to the amendment to the second paragraph of the invitation as proposed by the French Government. The Soviet Government could not agree to the amendment for the reasons set forth in my 605, March 2, 6:00 a. m., and also because it was undesirable to weaken the Dumbarton Oaks decisions which were made in the interests of postwar security. Catroux then expressed the personal wish that the time set for the final reply of his Government be extended somewhat in order that his Government might find it possible to give a definitive reply, it only having received from him preliminary information on the question. Although Dekanozov could not give a final answer to this request, Molotov stated in his letter that there were no objections on the part of the Soviet Government if the United States and British Governments should agree to postpone the date of issuance and release of the invitations one or two days.

Upon the receipt of the Department's 497, March 4, 4:00 p. m.,[16] I informed Molotov this morning that we were proceeding to release and issue the invitations today at 12 noon and stated that my Government assumed that the Soviet Government would simultaneously release the text in Moscow. I also gave Molotov a general outline of the Department's press statement[17] regarding the position of the

[14] See footnote 63, p. 89.
[15] Vladimir Georgiyevich Dekanozov, Assistant People's Commissar for Foreign Affairs of the Soviet Union.
[16] Not printed.
[17] Department of State *Bulletin*, March 11, 1945, p. 394.

French and of what the Acting Secretary intends to say for background only and not for attribution regarding Poland.[18]

Sent to Department as 632, repeated to London as 94, to Chungking as 10, and to Paris as 31.

HARRIMAN

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500.CC/3–545

*Memorandum of the Acting Secretary's Press and Radio News Conference* [19]

No. 20 [WASHINGTON,] Monday, March 5, 1945.

[Extract]

. . . . . .

Mr. Grew continued that, at the Crimea Conference, it had been agreed that the Republic of China and the Provisional Government of the French Republic would be invited to sponsor invitations jointly with the United States, Great Britain and the Soviet Union. He said that consultations had been held with the Government of the Republic of China, and that the Government of the Republic of China had agreed to it. Mr. Grew said that the Provisional Government of the French Republic had agreed to participate in the Conference, although it had not participated in the conversations at Dumbarton Oaks, and that now it had declined to join in the sponsoring of the invitations to the other United Nations. A correspondent asked the Acting Secretary if he anticipated that invitations would be sent to any countries not listed, and remarked that he had Poland specifically in mind. Mr. Grew replied that he would give the correspondents the following statement for background:

It is true that while Poland is a member of the United Nations, an invitation to the San Francisco Conference is not being extended at this time to either the London Polish Government or the provisional government now functioning in Poland. The situation is somewhat as follows:

You will recall that at Yalta it was agreed that "the provisional government which is now functioning in Poland should . . . be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poland abroad", and this new government would then be called the "Polish Provisional Government of National Unity."

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[18] Memorandum No. 20 of press and radio news conference, March 5, *infra*.

[19] Acting Secretary Grew informed the Ambassadors in the United Kingdom, the Soviet Union, France, and China (telegram 1665, March 4, 5 p. m., to London, repeated as 498 to Moscow, 372 to Chungking, and 877 to Paris) that the statement with respect to an invitation not being issued to Poland at the present time would not be released to the press but, instead, the Acting Secretary would, in response to press questions, give the correspondents the substance of it for background but not for quotation or attribution to the Department or any official thereof. (500.CC/3–445) For text of statement proposed, see telegram 366, February 22, 9 p. m., to Mexico City, p. 83.

Steps are now being taken to follow through on the agreement reached at the Crimea Conference to reorganize the present government along the above lines. Ambassador Harriman at Moscow is working on this with Soviet Foreign Minister Molotov and the British Ambassador, and these three form a commission on the question.

When the new Polish Provisional Government of National Unity has been properly formed in accordance with the agreements made at Yalta, this Government, Great Britain and the Soviet Union will establish diplomatic relations with the new Polish Provisional Government of National Unity. By the time the San Francisco Conference meets on April 25 it is our hope that the new Polish Provisional Government of National Unity will be in existence and that the major nations will have established diplomatic relations with it. Of course, in that event the new Polish Provisional Government of National Unity will receive an invitation to send representatives to the United Nations Conference at San Francisco. *End of background.*[20]

A correspondent asked the Acting Secretary if it could be assumed that no invitation to the conference would be issued to any Polish group if at that time the new Polish Provisional Government of National Unity were not yet in existence. Mr. Grew replied that he believed his statement to the effect that if the new Polish Government were in existence, it would receive an invitation to the Conference, covered the situation.

A correspondent asked whether this new Polish Government would have to be recognized by the major nations before the issuance of this invitation, and Mr. Grew replied that, off the record, he would say that the new Polish Government would be recognized prior to that time. End of off the record.

Mr. Grew then called attention to his background statement which he had just given to the corresponds [*correspondents*] (see above) in which he had said that it was our hope that the new Government of Poland would be in existence and that the major nations would have established diplomatic relations with it. He explained that by major nations he meant the sponsoring powers.

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500.CC/3–645 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, March 6, 1945.
[Received March 7—12 : 05 p. m.]

1063. The French press this morning carried the following communiqué of the Foreign Ministry:

"The Provisional Government of the French Republic had been happy to accept the invitation to act with the Governments of the

[20] See memorandum of March 22 from the Soviet Embassy, p. 147.

United States of America, Great Britain, of the Union of Soviet Socialist Republics and of China among the inviting powers at the San Francisco Conference.

The French Government desired in this respect that the proposed formula for the invitation include the indication that the Dumbarton Oaks plan would be considered as the basis of discussion for the conference, which was equivalent to specifying the possibility of amendments.

The French Government regrets that it has not been possible for the Governments of the United States, of Great Britain, of the USSR and of China to agree on the acceptance of such a formula within the time limit they had set.[21]

Firmly attached to the principle of collective security the Provisional Government of the French Republic as it made known to the Government of the United States of America on February 23,[22] will participate in the work of the conference. The French delegation, faithful to France's traditional views, will cooperate to the fullest extent in the elaboration of the new pact."

CAFFERY

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500.CC/3–545 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)* [23]

WASHINGTON, March 8, 1945—2 p. m.

923. Your 1040, March 5, 9 p. m.[24] The article by Harold Callender from Paris in the *New York Times* which appeared March 6 made the flat statement, attributed to official sources, that when you conveyed the invitation to the French they thought you were speaking for not only this Government but also for the British and Soviet Governments, and it was not until Bidault went to London that he discovered otherwise. While mindful of your recommendation that no statement be made temporarily, Callender's story—if not denied—was surely leading to further speculation as to this Government's role in the whole affair. Therefore, late in the afternoon of March 6 in response to a question from the press, a spokesman for the Department speaking for background purposes only and not for direct quotation or attribution to the Department made a statement on this point. This question and answer are contained in the telegram immediately following *en clair*.

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[21] See telegram 632, March 5, 2 p. m., from Moscow, p. 106; in telegram 1031, March 5, 5 p. m., from Paris, Ambassador Caffery reported that Foreign Minister Bidault told him that "an answer had finally come from Catroux at Moscow and it was 'no'." (500.CC/3–545)

[22] French note transmitted in telegram 871, February 24, 4 p. m., from Paris, not printed; see footnote 67, p. 91.

[23] Repeated on the same date as telegrams 1768 to London, 530 to Moscow, and 394 to Chungking.

[24] Not printed.

This is the last we will say on this point unless French official circles persist in keeping the question alive.

GREW

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500.CC/3-845 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)* [25]

WASHINGTON, March 8, 1945.

924. QUESTION: Reports from Paris indicate that the United States Government did not make clear to the Provisional Government of the French Republic the basis upon which it was conducting with France the consultations in connection with the Provisional Government's joining the other four Governments in sponsoring the San Francisco Conference. Could the Department of State throw any light upon the facts as related in this report?

ANSWER: Following the Crimea Conference, when Ambassador Caffery on February 12 presented the invitation to the Provisional Government to join in sponsoring the San Francisco Conference it was made clear that the United States Government was authorized to extend the invitation on behalf of itself and the British and Soviet Governments. The French reply—which was received almost two weeks later—was immediately transmitted by the United States Government to the other sponsoring Governments, including China, which had already stated its acceptance.

The Provisional Government was at that time informed by Ambassador Caffery that it was necessary for the United States Government to request the views of the other sponsoring nations with regard to the conditions laid down by the Provisional Government. During the ensuing days Ambassador Caffery continued to keep the French Foreign Office fully informed concerning the progress of the consultations.

GREW

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500.CC/3-845 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)* [26]

WASHINGTON, March 8, 1945—11 p. m.

1780. 1. Press rumors emanating from Paris (e.g., telegram 1047, March 6, 1 p. m. from Paris to the Department [27] repeated by Paris

[25] Repeated on the same date as telegrams 1769 to London, 531 to Moscow, and 395 to Chungking.

[26] Repeated on the same date as telegrams 928 to Paris, 535 to Moscow, 402 to Chungking, and 532 to Mexico City for the information of Secretary Stettinius and his Special Assistant, Leo Pasvolsky.

[27] Not printed.

to London and Moscow, repeated by the Department to Chungking) persist in reporting that one of the amendments to the Dumbarton Oaks proposals sought by the French concerns the jurisdiction of the Security Council [28] with respect to the Soviet-French alliance. Moreover, these reports allege that this was the real question underlying the French attitude in refusing to sponsor invitations to the San Francisco Conference. And in this same connection questions may be raised by the British, the French, the Soviet or the Chinese Governments as to whether there is a similar conflict between the Act of Chapultepec [29] just adopted by the Foreign Ministers of the American Republics at Mexico City, and the Dumbarton Oaks proposals.

2. In response to either official or unofficial inquiries on this point you are authorized to state unequivocally that there is no conflict between the Act of Chapultepec and the Dumbarton Oaks proposals. The Act specifically provides that arrangements, activities and procedures referred to therein "shall be consistent with the purposes and principles of the General International Organization, when established". Furthermore, you are especially to stress this point, if any effort is made to compare the Act of Chapultepec and the Soviet-French Alliance as regional security arrangements in an effort to excuse the alleged French position on the Dumbarton Oaks proposals.

3. The next time that you have conversations with top officials of the Foreign Office of the Government to which you are accredited you should in any event casually convey this information without making too much of a point of it. This telegram is being sent to Amembassies London, Paris, Moscow and Chungking.

GREW

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[28] Dumbarton Oaks Proposals, chapter VIII, section C, Regional Arrangements (*Foreign Relations*, 1944, vol. I, p. 898), specified that no enforcement action should be taken without authorization of the Security Council.

[29] Resolution VIII "Reciprocal Assistance and American Solidarity", known as the "Act of Chapultepec", approved at the plenary session, March 6, Inter-American Conference on Problems of War and Peace, Mexico City; for text, see Department of State, *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Washington, 1946), p. 72. For additional documentation on the Conference, see vol. IX, pp. 1 ff.

## CHAPTER II: MARCH 9–APRIL 9, 1945

**Preparatory work on draft United States proposals, and consultations with the other Sponsoring Powers on policy matters, administrative and organizational arrangements for the Conference; formulation of tentative views on Conference arrangements by the United States Delegation and commencement of review of the Dumbarton Oaks Proposals to arrive at recommendations on amendments to be submitted to the President; preparation of draft United States proposals on trusteeship by the Interdepartmental Committee and submission to the President; convening of the United Nations Committee of Jurists to prepare joint proposals for a draft Statute of the International Court of Justice.**

500.CC/3–1245

*The Soviet Embassy to the Department of State*

[Translation]

AIDE-MÉMOIRE

On February 26 the Ambassador of the United States in Moscow handed to the Soviet Government an *Aide-Mémoire* containing a draft of a public declaration by the American Government [30] in connection with the question of the invitation of representatives of Poland to the Conference of the United Nations in San Francisco. On February 28 [*27?*] in reply, an *Aide-Mémoire* of the Soviet Government was delivered to the Embassy of the United States in Moscow,[31] in which it was stated that the question of the invitation of Poland to the Conference in San Francisco requires additional discussion.

At the present time the Soviet Government deems it necessary to communicate the following in connection with this question:

The Soviet Government agrees that if by the time of the convening of the Conference in San Francisco the Provisional Government which is acting in Poland now is reorganized and a provisional Polish Government of National Unity as provided by the decisions of the Crimean Conference is created, an invitation to send its representatives to the conference indicated should be sent to this Government. At the same time the Soviet Government considers that if, due to the complication of this question, the reorganization of the Polish Provisional Government is not achieved or completed, then the representatives of the Provisional Polish government now acting in Warsaw should be invited, as those of one which exercises power over all the territory of Poland and enjoys the support of the Polish people. As is entirely comprehensible, the absence of the representatives of

[30] Telegram 421, February 25, 4 p. m., to Moscow, transmitted the text of the proposed public statement which had been sent to Secretary Stettinius in Mexico City for his approval in telegram 366, February 22, 9 p. m., p. 83.

[31] See telegram 570, February 27, midnight, p. 98.

Poland from a broad international Conference like the one at San Francisco could not be explained.

The Soviet Government considers as absolutely necessary the immediate discussion of the question mentioned by the Governments of the United States, the Soviet Union and Great Britain and the coming to an appropriate decision, keeping in view the circumstance that India, or such small countries as Haiti, Liberia, Paraguay, although they are not in diplomatic relations with the Soviet Union, have been invited to the conference in San Francisco, without objection on the part of the USSR.

A similar *Aide-Mémoire* is being forwarded to the Government of Great Britain.

[WASHINGTON, March 9, 1945.]

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500.CC/3–1145

*The Polish Ambassador (Ciechanowski) to the Secretary of State* [32]

245/I/SZ–t/57 [WASHINGTON,] March 11, 1945.

SIR: Acting on instructions of my Government, I have the honor to bring the following to your attention:

1.—The Polish Government learned through the press and radio on March 5th, 1945, that the United States Government, acting on its own behalf and on behalf of Great Britain, China and the USSR, sent out invitations to thirty-nine States to take part in a Conference of the United Nations, convened on April 25th, 1945, at San Francisco, for the purpose of preparing a general international organization for the maintenance of international peace and security.

The Polish Government notes that it has not received an invitation to take part in this Conference, despite the fact that it is one of the original signatories of the United Nations Declaration of January 1st, 1942.

2.—Considering that the Polish Nation was first to take up arms against German aggression on September 1st, 1939 [33] and that from that day up to the present moment it incessantly continues to fight in Poland and abroad on land, on sea and in the air; considering also that,

[32] Handed to the Under Secretary of State on March 13. In his memorandum of March 13 covering the conversation with the Polish Ambassador, Mr. Grew recorded that he reminded the Ambassador of the agreement reached at Yalta with respect to Poland and that the Department's reply would point out "that invitations to the United Nations Conference could be issued only by agreement of all the sponsoring nations". (500.CC/3–1145)

[33] See *Foreign Relations*, 1939, vol. I, p. 402.

in thus carrying on the fight in defense of ideals, the Polish Nation having fought longest has sustained in proportion to its possibilities greater sacrifices in human lives and property than any other nation; considering further that the war which started for Poland has created among the free nations of the world that feeling of solidarity which gradually led to the concept and the creation of the United Nations; and, finally, considering that at San Francisco the United Nations are to work out a permanent world organization of peace for the purpose of making aggression impossible in the future, and, that such an organization should be based on the respect of laws and of the sovereign equality of peace-loving nations,—the Polish Government, as the only legal and independent Representative of the Polish State, most emphatically and insistently asserts its inalienable right to take part in the world conference on security and most categorically protests against being omitted in the invitations to the said conference.

3.—The Polish Government begs to state that the fact that Poland, whose constitutional President [34] and Government are recognized by all the United Nations as well as by all neutral nations with the exception of one Power only, is not invited to the Conference at San Francisco,—is the first disturbing example of the application of the right of veto on the part of the Big Powers exercised by them even before the United Nations have agreed to and carried out the suggestions to be submitted to them relating to the future establishment of a world security organization.

4.—The Polish Government has already presented some preliminary amendments to the proposals prepared at Dumbarton Oaks [35] and intends fully to participate in the working out of an international security organization.

Under the circumstances, the Polish Government is deprived of the possibility of presenting at the Conference its final views both in relation to the Dumbarton Oaks proposals and to the proposal respecting the voting procedure in the Security Council formulated at the Crimea Conference.

Accept [etc.] J. CIECHANOWSKY

[34] Władysław Raczkiewicz, President of the Government of Poland established in England.

[35] See memorandum of February 5, with annex, p. 58.

RSC Lot 60–D 224, Box 96 : US Cr. Min. 1

*Minutes of the First Meeting of the United States Delegation, Held at Washington, Tuesday, March 13, 1945, 11 a. m.*[36]

[Informal Notes]

[Here follows list of names of persons (15) present (6 delegates and 9 Departmental officers) and preliminary announcements by the Secretary on arrangements for delegation meetings and for the Conference.]

THE SECRETARY said that he had outlined to the President the question of the publicity policy for the Conference. He had explained the need of a liberal and progressive policy in this respect, to which the President had agreed. THE SECRETARY suggested a formula along the following lines:

(1) The plenary sessions of the Conference would be open to the public, including the press, radio, and newsreels;
(2) The meetings of commissions would likewise be open to the public;
(3) The Chairman of the Conference would hold a press conference every day at noon to keep the press fully posted on developments;
(4) All other matters would be private. This would include meetings of subcommittees, the executive committee, and the steering committee.

THE SECRETARY said that an arrangement along these lines had worked well at Mexico City, and that at his press conference here yesterday the correspondents had passed a resolution expressing approval of the Mexican arrangements and expressing the hope that similar arrangements could be made at San Francisco.

SENATOR CONNALLY questioned having the meetings of Commissions open to the public on the ground that this would lengthen the Conference. COMMANDER STASSEN thought that while it might lengthen the Conference the price might be worth the benefits resulting from such a policy.

At this point as a result of a question concerning the commissions, MR. HISS explained briefly the tentative organization charts. He said that there probably would be five commissions as follows: (1) General Structure, (2) Security Problems, (3) Economic and Social Problems, (4) Judicial Organization and Legal Problems, (5) Trusteeship Arrangements. He pointed out that in addition there would be an executive committee consisting of the chairmen of the various delegations, a steering committee, and subcommittees of the various commissions.

[36] The United States delegation held 12 meetings in Washington, at the Department of State, before its departure for San Francisco on April 18; in San Francisco it held 67 meetings at the Fairmont Hotel, the first on April 23 and the last on June 23.

REPRESENTATIVE BLOOM asked what was meant by "trusteeship". It was explained that this had reference to the treatment of certain dependent territories, including the League mandates.[37] He inquired whether the people would be satisfied with such a title for this subject. Representative Eaton inquired whether "trusteeship" would include the treatment of colonial problems.

THE SECRETARY explained that at the San Francisco Conference it would be possible only to deal with arrangements for handling former League mandates and certain areas to be detached from the enemy powers. It would not be possible to deal with particular areas and there would be no consideration of the allocation or treatment of specific territories.

SENATOR VANDENBERG said that this suggested one important matter which ought to be cleared up in the minds of the public; that is at San Francisco we would be dealing only with the creation of an organization—we would not be dealing with specific problems of the peace settlement, such as territorial dispositions. SENATOR CONNALLY agreed with this and said that there was considerable confusion in the public mind as to the purpose of the Conference. There was general agreement that it was important to clarify the purpose of the Conference whenever opportunity offered.

Returning to the question of trusteeship, REPRESENTATIVE BLOOM inquired whether the proposals under consideration contemplated taking over the League mandates. MR. HISS said that this was so, but not as to the disposition to be made of specific mandated areas.

COMMANDER STASSEN expressed his approval of the use of the word "trusteeship", and there was general agreement with this view. REPRESENTATIVE BLOOM said that he had only brought the question up for the purposes of clarification.

REPRESENTATIVE EATON inquired what this meant as to the disposition of the League of Nations. THE SECRETARY pointed out that the League's Supervisory Commission had at a meeting in December appointed a committee of three members to negotiate with the new organization with respect to the disposition of the League's property and functions.[38] MR. PASVOLSKY said that the members of the League present at San Francisco might pass a resolution providing for the liquidation of the League. SENATOR CONNALLY remarked that it was self-evident that we could not have two general organizations in being at the same time.

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[37] See list of mandated territories and text (with annotations) of article 22 of the Covenant of the League of Nations, *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, pp. 93–104.

[38] For summary of report of the Commission, see note No. 150 of March 30, from the British Ambassador to the Secretary of State, p. 175.

THE SECRETARY said that the President had told him that he did not want alternates to the Delegates. The President had had some fifty or more suggestions for additions to the Delegation. He did not want to appoint any additional delegates or any alternates. This met with general approval.

At this point the meeting was adjourned to enable the Delegates to go to the White House.

Upon reconvening, a number of points concerning arrangements for the Conference were discussed.

[Here follows discussion of arrangements for Conference, such as transportation, office space, etc.]

*Publicity Policy*

Two questions as to policy with respect to publicity were raised: One as to statements by the Delegates at the Conference, and the second, statements preceding the Conference. It was agreed so far as the Conference period was concerned that no public statement should be made without consulting with the Delegation and the statements themselves would be released by the Delegation's press officer. As to the period preceding the Conference, there seemed to be a consensus of opinion that there should be no effort to put "a lid" on statements now. This should be left to the discretion of each individual. There was some feeling that a public statement should be made to the effect that any Delegate should have the right to make public statements preceding the Conference, such statements having been shown to the other Delegates. No agreement was reached on this point.

Upon the request of the Secretary, the Delegates approved his making a public statement as to the liberal publicity policy to be followed with respect to proceedings of the Conference.

*Committee of Jurists*

THE SECRETARY informed the Delegates that there had been an informal agreement at Dumbarton Oaks and later during informal conversations at Yalta that a committee of jurists should be convened prior to the Conference.[39] He said that we were taking steps to consult the other sponsoring governments with a view to inviting all the governments participating in the Conference to send representatives to a committee of jurists to meet two weeks or so before the Conference. Mr. Hackworth would represent this Government.

[39] See telegram 1944, March 13, 10 p. m., to London, *infra*.

500.CC/3-1345: Telegram

*The Secretary of State to the Ambassador in the United Kingdom (Winant)* [40]

WASHINGTON, March 13, 1945—10 p. m.

1944. With a view to the preparation of the statute of the international court of justice, as projected in Chapter VII of the Dumbarton Oaks Proposals,[41] please communicate the following immediately to the Foreign Office, stressing the urgent need for agreement on the procedure for dealing with this matter.

1. The statute of the international court of justice envisaged under Chapter VII, paragraph 3, of the Dumbarton Oaks Proposals, must be prepared by joint action of the interested states either in advance of or at the United Nations Conference, which is to meet at San Francisco on April 25, 1945.

2. It was suggested informally during the Dumbarton Oaks Conversations that prior to the Conference a preliminary meeting of jurists be held [42] for the purpose of drafting the statute and formulating plans for the establishment of the court. No definite agreement was reached on this suggestion, however, and there was no detailed discussion of the content of the proposed statute.

3. As a result of informal conversations during the course of the Crimea Conference,[43] it was understood that the United States should take the initiative in bringing about the convening of a committee of jurists prior to the Conference at San Francisco.

4. The Government of the United States feels that, in principle, a small expert group of jurists (possibly 15 or 20) selected by agreement among the sponsoring Governments might perhaps represent the most effective body for drafting the statute. However, in view of the pressure of time and the desirability of avoiding any impression that the sponsoring Governments may be seeking to exclude equal participation by other Governments in this important matter of general concern, it is believed that it would be preferable to invite each of the Governments participating in the United Nations Conference to name a representative on the committee of jurists.

5. The Government of the United States recommends that the four Governments sponsoring the San Francisco Conference agree on the following procedure:

[40] Repeated on the same date to Moscow and Chungking as telegrams 582 and 440, respectively.

[41] For text of proposals, see *Foreign Relations*, 1944, vol. I, p. 890; for provisions of these proposals relating to an International Court of Justice, see chapter IV, section 1(*c*); chapter V, section B(4); chapter VII, sections 1–5; chapter VIII, sections A(6) and C(1).

[42] See progress report of September 6 on the Dumbarton Oaks Conversations, by the Under Secretary of State, *ibid.*, p. 771.

[43] No record of these informal conversations found in Department files.

A. That the Governments of the United States, the United Kingdom, the Soviet Union, and China, by common agreement, convene a committee of jurists to prepare a draft statute of the international court of justice, as envisaged in Chapter VII of the Dumbarton Oaks Proposals.

B. That the committee of jurists should meet in the United States, preferably at or near Washington not later than April 9.

C. That each of the Governments invited to participate in the United Nations Conference should be invited to appoint one representative to the committee of jurists; and that each representative might be accompanied by not more than two advisers.

D. That the Government of the United States should be authorized, after agreement has been reached, to issue invitations on behalf of the sponsoring Governments to the Governments invited to participate in the committee of jurists.

E. That the terms of reference of the committee of jurists be to prepare a draft statute on the basis of Chapter VII of the Dumbarton Oaks Proposals.

F. That the draft prepared pursuant to paragraph E be submitted to the Conference for consideration.[44]

STETTINIUS

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500.CC/3–1745

*Memorandum by the Secretary of State to President Roosevelt*[45]

[WASHINGTON,] March 14, 1945.

Ambassador Hurley[46] has suggested that you might wish to send the attached telegram[47] to Chiang Kai-shek in regard to Chinese Communist representation on the Chinese delegation to the San Francisco conference. We have discussed the matter with General Hurley and find ourselves in full accord with his suggestion and with the objectives which have prompted him to make it.

Briefly, the suggestion is that you invite Chiang's attention to the advantages which might flow from the inclusion of representatives of the Chinese Communist and other political parties on the Chinese delegation to the San Francisco conference. Two advantages are mentioned: the favorable impression on the conference and the impetus to political unification in China.

E. R. STETTINIUS, JR.

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[44] In paragraph numbered 2 of telegram 2791, March 17, 7 p. m., from London, p. 138, Ambassador Winant indicated that the British Foreign Office was in general agreement with the views of the Department on this subject.

[45] Marginal notation: "OK FDR."

[46] Ambassador Hurley had left China on February 19, 1945, for consultation in Washington, where he remained until April 3.

[47] Telegram 447, March 15, 8 p. m., *infra*.

500.CC/3–1545 : Telegram

*The Secretary of State to the Chargé in China (Atcheson)*

WASHINGTON, March 15, 1945—8 p. m.

447. Please deliver a close paraphrase of the following message from the President to President Chiang Kai-shek:

"I have received from Ambassador Hurley a detailed report in regard to the situation in China and the various problems facing you and I am encouraged to learn that progress is being made.

In connection with the forthcoming United Nations security conference to be convened at San Francisco on April 25, for which the National Government of the Republic of China is a sponsor, General Hurley has informed me of the suggestion made to him by the Chinese Communist Party that the Chinese delegation be composed of representatives of the Kuomintang, the Democratic Federation, and the Communist Party on a basis of equality. I fully concur in General Hurley's reply to the effect that the conference at San Francisco is to be a conference of national governments and not of political parties.

At the same time, I would like to let you know that I can anticipate no disadvantage that would arise from the inclusion in the Chinese Government's delegation of representatives of the Communist Party or other political parties or groups. In fact, there might be distinct advantages in such a course. Undoubtedly a very favorable impression would be created at the conference and this democratic gesture by you might prove of real assistance in your task of unifying China.

As you no doubt know, the major political parties in this country will be represented on the United States delegation and I believe that Canada and other nations are following a similar course.

I send you my personal greetings and good wishes and earnestly hope for your continuing good health.

Franklin D. Roosevelt"

STETTINIUS

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Lot 60–D 224, Box 65

*Memorandum of Conversation, by the Adviser on Caribbean Affairs (Taussig)*

[WASHINGTON,] March 15, 1945.

The President opened the conversation with a reference to the Yalta Conference, saying that he had had a successful time. He then said, apparently referring to our last meeting at luncheon, "I liked Stanley".[48] He thought that Stanley was more liberal on colonial policy than Churchill. He then asked me if Stanley was going to San Francisco. I said I did not know. The President said he hoped he would. I told him that, although Stanley was hard-

[48] Col. Oliver Stanley, British Secretary of State for the Colonies, who had lunched with the President and Mr. Taussig on January 16; see memorandum of January 13 by Mr. Pasvolsky, p. 18.

boiled, I felt there was a genuine streak of liberalism in him, and that under his leadership, the British would make some substantial changes in their whole colonial policy. I told the President of the £120,000,000 appropriation that Parliament had made for Colonial Development over the next ten years, and gave him some little detail of the debate in Parliament (February 7, 1945).[50]

TRUSTEESHIP

I outlined to the President the discussion on the above subject between the General Staffs and the State Department as it had developed in the Committee on Dependent Area Aspects of International Organizations. I outlined the agreement that had been reached on the general category of strategic areas, and told the President that the military had indicated that they would interpret strategic areas as an entire area—for instance, all of the Japanese islands, north of the Equator, that might come under the administration of the United States. I told him that under their interpretation, the entire group of islands irrespective of whether they were fortified or not would be exempt from substantially all of the international agreements pertaining to civilian populations; that the military had been unwilling to agree to divide strategic areas into two categories—closed areas and open areas.

The President said that he would favor these two categories and that the open areas should be subject to international agreements.[51] He said that if the military wanted, at a later date due to change in strategy, to make all or part of the open area a closed area, it should be provided that this could be done with the approval of the Security Council.

The President then asked me, "What is the Navy's attitude in regard to territories? Are they trying to grab everything?" I replied that they did not seem to have much confidence in civilian controls. The President then asked me how I accounted for their attitude.

I said that I thought that the military had no confidence in the proposed United Nations Organization. The President replied that he thought that was so. I told the President of the letter that Admiral Willson showed me addressed to the Secretary of the Navy, referring to the need of sending representatives to San Francisco in order to protect themselves against "the international welfare boys". The President then said that neither the Army nor the Navy had any business administering the civilian government of territories; that they had no competence to do this.

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[50] *Parliamentary Debates*, House of Commons, 5th series, vol. 407, col. 2092.

[51] For a statement on some observations made by President Roosevelt at a Cabinet meeting of March 9, 1945, about his conception of the trusteeship idea, see *The Forrestal Diaries*, p. 33.

I then referred to the Cole Bill [52] which would turn over the administration of all our territories to the Navy. The President said that he had not been informed about this bill, and appeared to be interested.

I told the President about the conversations I had been having with the Under Secretary of the Interior, Abe Fortas, regarding the possibility of the United States, at an auspicious time, volunteering to have our own territories report to the Organization, and also to respond to requests from the Organization for specific information. The President said he would approve of this and that it might provide a useful trading point at San Francisco.

### Arabia

The President said that one of the most important goals we must have in mind for the post-war world is to increase the purchasing power of great masses of people who now have a negligible purchasing power. He said a case in point was Arabia.

He spoke of his meeting with Ibn Saud.[53] The President said that he had told Ibn Saud that essentially he, the President, was a businessman; that he had been the head of a big insurance company—the Maryland Casualty; that as a businessman he would be very much interested in Arabia. He told Ibn Saud that he knew considerable of the history of Arabia and had always been interested in that country; that Arabia needed irrigation projects; that it had plenty of water about sixty feet below the surface; that it had oil; that, using their own oil for fuel as operating pumps, they could develop an irrigation system in Arabia. He said that he told the King that if he, the President, were in the pump business, he would regard Arabia as a great potential market, and that the development of irrigation projects would increase the productivity of the land and considerably increase the purchasing power of the country which would be of great benefit to the world.

### Caribbean Bases

I told the President of my recent trip to the Caribbean bases with General Brett,[54] and outlined in brief to him the substance of my report to the State Department.[55] The President reacted to the report by saying, "We must keep the bases active and leave no room for doubt that we are there to stay."

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[52] H. J. Res. 55, providing for administration and protection of territories and possessions of the United States by the Navy Department, introduced by Representative W. Sterling Cole of New York; no action was taken on this Bill.

[53] For a report on the President's meeting with King Ibn Saud of Saudi Arabia, see Department of State *Bulletin*, February 25, 1945, p. 290. For documentation on this subject, see *Foreign Relations*, 1945, vol. VIII, pp. 1 ff.

[54] Lt. Gen. George H. Brett, Commanding General of the Caribbean Defense Command and of the Panama Canal Department.

[55] Not printed.

THE PEOPLES OF EAST ASIA

The President said he was concerned about the brown people in the East. He said that there are 1,100,000,000 brown people. In many Eastern countries, they are ruled by a handful of whites and they resent it. Our goal must be to help them achieve independence—1,100,000,000 potential enemies are dangerous. He said he included the 450,000,000 Chinese in that. He then added, Churchill doesn't understand this.

INDO-CHINA AND NEW CALEDONIA

The President said he thought we might have some difficulties with France in the matter of colonies. I said that I thought that was quite probable and it was also probable the British would use France as a "stalking horse".

I asked the President if he had changed his ideas on French Indo-China as he had expressed them to us at the luncheon with Stanley. He said no he had not changed his ideas; that French Indo-China and New Caledonia should be taken from France and put under a trusteeship. The President hesitated a moment and then said—well if we can get the proper pledge from France to assume for herself the obligations of a trustee, then I would agree to France retaining these colonies with the proviso that independence was the ultimate goal. I asked the President if he would settle for self-government. He said no. I asked him if he would settle for dominion status. He said no—it must be independence. He said that is to be the policy and you can quote me in the State Department.

CHARLES TAUSSIG

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500.CC/3–1545 : Telegram

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

WASHINGTON, March 15, 1945—midnight.

2018. Dept has received an *aide-mémoire* from the Soviet Embassy [57] stating that the Soviet Government agrees that the new Provisional Polish Government of National Unity be invited to be represented at the San Francisco Conference if the reorganization of the Polish Provisional Government is completed by the time that Conference is convened. The *aide-mémoire* states that if this is not achieved or completed by that time, the Soviet Government considers that the Polish Provisional Government now acting in Warsaw should be invited. Immediate discussion of the question is stated to be necessary and it is pointed out that the Soviet Government has not

[57] Dated March 9, p. 113.

objected to India or such small countries as Haiti, Liberia and Paraguay being invited to the Conference although they are not in diplomatic relations with the Soviet Union. We understand that a similar *aide-mémoire* has been delivered to the British Government.

We propose to instruct Harriman to inform Molotov that this Government could not agree to an invitation being extended to the Provisional Polish Government now acting in Warsaw as we believe that such action would make even more difficult the establishment of the Provisional Government of National Unity on the broad democratic basis that was agreed to at the Crimea Conference.[58] He will be authorized to state that we share Mr. Molotov's views as to the importance of having Poland represented at San Francisco and consider this an additional reason for expediting the formation of the Provisional Government of National Unity. Harriman will be instructed to point out that the case of the countries mentioned by Mr. Molotov which are not in diplomatic relation with the Soviet Union would not appear to be parallel as there are no rival governments of these countries recognized by any of the United Nations. In the event that a new Government has not been formed before the San Francisco Conference, the Soviet and American Governments would be in the position of recognizing different Polish Governments and the view of this Government is that Poland could not in these circumstances be represented. The United States Government would be agreeable, however, to the issuance of an invitation if the new Government should be formed while the San Francisco Conference is still in session.

Please discuss the foregoing with the ForOf and inform the Dept urgently of the British views. Please inform Schoenfeld.

Repeated to Moscow as Depts 610.

STETTINIUS

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500.CC/3–1645

*Memorandum by the Secretary of State to President Roosevelt*

[WASHINGTON,] March 16, 1945.

I have had a long talk with Senator Vandenberg as a result of which he has expressed his willingness to go along with us 100% on the world security organization[59] if we can work into the document

[58] See telegram 3117, March 26, 7 p. m., from London, p. 159.

[59] Senator Vandenberg wrote to President Roosevelt on February 15 (two days after the White House announced the names of persons to be invited to be members of the American delegation to the San Francisco Conference) inquiring as to his freedom of action as a member of the American delegation, and President Roosevelt responded on March 3 as follows:

"Dear Arthur: Of course, I expect you freely to present your views to your American colleagues in respect to all problems at San Francisco. We shall need

(Footnote continued on following page.)

two points which he feels are important. We believe we can do this.

The first point is to work more language into the charter on the subject of justice; the second is to write into the charter a provision empowering the organization to review and possibly make recommendations on past arrangements. This is to meet the point which is of overwhelming importance in his mind that otherwise the new International Organization would in effect freeze the *status quo* existing at the end of the war which, in his opinion, would have resulted, at least partially, from decisions made because of military expediency without complete regard for justice.

The Senator expressed the opinion that if we could get these two thoughts into the document, in addition to his personally going along, it would remove a considerable part of the opposition on the part of Senator LaFollette, and that there would be only negligible Republican opposition to the charter when it was presented to the Senate.

E. R. STETTINIUS, JR.

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500.CC/3–1645 : Telegram

*The Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, March 16, 1945—11 p. m.

619. Reference Department's 2051 to London [60] repeated to you, the following note was transmitted today to the Soviet Ambassador here: [61]

"During the second phase of the Dumbarton Oaks Conversations last fall,[62] representatives of the United States and the United Kingdom agreed that three points presented by the representatives of China were suitable for inclusion in the Proposals for the Establishment of

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(Footnote 59—continued.)
such free expression in the delegation, and in America before and after the conference.

"I am counting indeed on the wisdom I know you can add to our entire effort to secure a program for permanent peace." (Lot 60–D224)

For Senator Vandenberg's letters in this exchange of correspondence, see Arthur H. Vandenberg, Jr. (ed.), *The Private Papers of Senator Vandenberg*, pp. 149, 153–154.

[60] Dated March 16, not printed; this telegram (repeated to Chungking as No. 618) summarized the Secretary's note to the Soviet Ambassador (500.CC/3–1645).

[61] The note from the Secretary of State to Ambassador Gromyko was transmitted on March 17. The Chinese Minister and Counselor of Embassy, Liu Chieh, was informed on March 19 of this action taken by the Department; he said that this answered the question he had previously raised and that he was sure this action would be entirely satisfactory to his Government (500.CC/3–1945).

[62] The Dumbarton Oaks Conversations were held in two phases: The first, from August 21 to September 28, 1944, by representatives of the United States, the United Kingdom, and the Soviet Union; and the second, September 29 to October 7, by representatives of the United States, the United Kingdom, and China. See memorandum by Under Secretary Stettinius to Secretary Hull, October 3, 1944, *Foreign Relations*, 1944, vol. I, p. 863.

a General International Organization and would be held for further consideration at a later stage. The three points are as follows:

The Charter should provide specifically that adjustment or settlement of international disputes should be achieved with due regard for principles of justice and international law.

The Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law.

The Economic and Social Council should specifically provide for the promotion of educational and other forms of cultural cooperation.

The desirability of proceeding with issuing invitations for the United Nations Conference immediately after agreement among the sponsoring powers on the voting procedure in the Security Council made it inexpedient to consider any other changes in the Proposals prior to issuance of the invitations. However, this Government feels that the matter should now be brought to the attention of the Government of the Union of Soviet Socialist Republics.

This Government sees no objection to the incorporation of the substance of these three points in the charter of the general international organization to be prepared at San Francisco, and hopes that your Government will give the matter serious consideration. We will welcome your views on this subject."

STETTINIUS

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500.CC/3–1645

*Memorandum by the Secretary of State to President Roosevelt*

[WASHINGTON,] March 16, 1945.

Yesterday and today I have been meeting with Senator Connally's Senate Bi-partisan Group,[63] the B2–H2 Group from the Senate [64] and the House Bi-partisan Group [65] to review the world security organization developments which occurred at Yalta.

I also answered various questions on the Crimea and the Mexico City Conferences.

All of the meetings were most harmonious and, I believe, constructive.[66]

E. R. STETTINIUS, JR.

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[63] Senators Warren R. Austin (Republican) from Vermont; Alben W. Barkley (Democrat) from Kentucky; Guy M. Gillette (Democrat) from Iowa; Elbert D. Thomas (Democrat) from Utah; Wallace H. White, Jr. (Republican) from Maine.

[64] Senators Joseph H. Ball (Republican) from Minnesota; Harold H. Burton (Republican) from Ohio; Carl A. Hatch (Democrat) from New Mexico; Lister Hill (Democrat) from Alabama.

[65] Representatives Leslie C. Arends (Republican) from Illinois; Sol Bloom (Democrat) from New York; Charles A. Eaton (Republican) from New Jersey; Joseph W. Martin, Jr., Minority Leader (Republican) from Massachusetts; John W. McCormack, Majority Leader (Democrat) from Massachusetts; Robert Ramspeck (Democrat) from Georgia; Sam Rayburn, Speaker (Democrat) from Texas.

[66] At Secretary Hull's suggestion, a committee was set up in the Department on October 19, 1944, to give continuing attention to Congressional and party con-

(Footnote continued on following page.)

800.014/3–1645 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom (Winant)*[67]

WASHINGTON, March 16, 1945—midnight.

2049. Please consult with Foreign Office immediately concerning consultations on trusteeship questions as regards states to be consulted, the method for conducting consultations, whether through diplomatic channels or by special conversations, and if the latter, the time and place for holding a meeting.

Problem arises in connection with the Yalta agreement to the effect that the five governments with permanent seats in the Security Council should consult each other prior to the United Nations Conference on providing machinery in the world charter for dealing with territorial trusteeships. However, since France is not a co-sponsor, a question arises as to her inclusion in the preliminary consultations.

You might suggest that the Department's thought is to include France and to hold the consultations in the form of conversations preferably in Washington on the technical level as soon after the first of April as possible, following an exchange of papers which we hope will occur within a very short time.[68]

STETTINIUS

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500.CC/3–1645

*Memorandum of Conversation, by the Deputy Director of the Office of Special Political Affairs (Hiss)*

[WASHINGTON,] March 16, 1945.

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| Participants: | Mr. Stettinius | Mr. Dunn |
| | Lord Halifax | Mr. Raynor |
| | Ambassador Gromyko | Mr. Hiss |
| | Mr. Pasvolsky | |

(Footnote 66—continued.)
sultations for the purpose of avoiding partisanship and to keep the establishment of the general international organization out of politics. The three meetings of March 15 and 16 were the last of a series of organized Congressional consultations. *Ad hoc* consultations of Departmental officials and members of Congress continued during the pre-conference period; such meetings were frequently held with the two Senators and the two Representatives serving on the United States delegation.

For additional information on these meetings with members of Congress, see *The Memoirs of Cordell Hull*, vol. II, p. 1711, and *Postwar Foreign Policy Preparation*, pp. 380, 384, and 414.

[67] Repeated to Moscow on the same date as telegram 616, and to Chungking as telegram 454.

[68] The Ambassador in the Soviet Union informed the Department in telegram 868, March 23, 4 a. m., of agreement by the Soviet Government to preliminary discussions in Washington by representatives of the sponsoring powers and also to the participation of France in these consultations (800.014/3–2345). The Chargé in China informed the Department in telegram 459, March 19, 8 a.m., that the Chinese Government was in accord with Departmental thought on the question of trusteeships conversations (500.CC/3–1945).

For the observations reported by the Ambassador in the United Kingdom, see telegram 2791, March 17, 7 p. m., p. 138.

On the Secretary's invitation the two Ambassadors were received at about ten minutes after ten in the Secretary's office. The Secretary opened the conversation by referring to Ambassador Gromyko's request made earlier in the week [69] for a memorandum on tentative arrangements for the San Francisco Conference. The Secretary then handed to Ambassador Gromyko a copy of a memorandum on that subject and handed another copy to Lord Halifax.[70] A copy of the memorandum is attached hereto.[71]

The Secretary then said that it had occurred to him that there would be so many questions relating to the arrangements during the next few weeks that it would be very helpful if an informal steering committee composed of himself and the two Ambassadors could be formed.[72] He said that perhaps the Department could undertake related consultation with the Chinese Ambassador. He emphasized that he was making this suggestion from the point of view of convenience of the other sponsoring governments and he made it clear, in response to inquiries, that the committee would deal with questions of procedure and arrangements rather than of substance. It was agreed, however, that if the committee were established it would serve as a means of transmission and communication on matters of policy connected with the Conference.

Ambassador Gromyko said that the proposal seemed to him to be a good idea and Lord Halifax also indicated his agreement. They both said that they would take the matter up with their Governments and let us have a prompt reply. It was further understood that each of the Ambassadors would nominate a deputy for liaison with the Department on these matters.

The Secretary said that through the proposed informal steering committee and liaison with the nominated deputies of the Ambassadors it would be possible to go over maps, charts and other plans for the arrangements and later to discuss which countries might be proposed for various commission and committee positions. He said that he thought it would be helpful if the sponsoring governments could agree on these matters in advance of the Conference.

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[69] Memorandum of conversation, by the Secretary of State, March 13, not printed.

[70] A copy of the memorandum was transmitted also to the Chinese Ambassador (Wei).

The text of the memorandum was transmitted to London in telegram 2098, repeated on the same date to Moscow as telegram 637, and to Chungking as telegram 462.

[71] *Infra.*

[72] The so-called "Informal Organizing Group on Arrangements for the San Francisco Conference", composed of the Secretary of State and the British, Soviet, and Chinese Ambassadors, held its first meeting April 3, 1945, the second April 10, and last April 13.

Ambassador Gromyko asked who would take the initiative in calling meetings of the committee and the Secretary suggested that Mr. Hiss would be asked to undertake this responsibility. This seemed to be agreeable. In this connection the Secretary said that he had in mind that the Conference might select Mr. Hiss to act as Secretary-General.

The Secretary then said that, in the event that the two Governments agreed with his proposal, he hoped that it might be possible to have a prompt meeting of the steering committee. He explained that he would be away next week and he said that he hoped that a meeting of the committee could be arranged in his absence. It was agreed that as soon as the two Ambassadors have received comments of their respective Governments they would notify the Department and a meeting might be arranged immediately thereafter, if there seemed to be sufficient pending matters to warrant a meeting at that time. It was also agreed that in any event, as soon as they had received the comments of their Governments on the memorandum which had been handed to them, they would meet with appropriate officers of the Department.

At this point the Secretary said that he wondered whether the Ambassadors would not be agreeable to having the Chinese Ambassador join in as a member of the proposed committee, assuming that the committee will be agreeable to the British and Soviet Governments. Ambassador Gromyko asked whether any consultation on this matter had yet taken place with the Chinese Ambassador and the Secertary replied in the negative, saying that he had wished to take up the matter first with Lord Halifax and Ambassador Gromyko. Ambassador Gromyko indicated that he assumed there would be no objection to participation by the Chinese Ambassador in the committee if it is established. It was understood that he would ask his Government about this aspect of the matter also. Lord Halifax pointed out that the Chinese are one of the sponsors and indicated that he thought the Chinese Ambassador should participate in the proposed committee if it is created.

Ambassador Gromyko asked whether the Secretary had yet formulated proposals with respect to committees and subcommittees of the commissions. The Secretary replied in the negative and said that we hoped to have more concrete proposals on this point before the next meeting on the subject of the Conference.

500.CC/3-1545

*Memorandum Prepared in the Department of State* [73]

TENTATIVE SUGGESTIONS WITH RESPECT TO ARRANGEMENTS FOR THE SAN FRANCISCO CONFERENCE

Following the return of the Secretary of State from the Conference at Mexico City tentative proposals concerning the organization of the Conference at San Francisco have been formulated by the Department for the consideration of the other sponsoring Governments. We shall hope to communicate additional and more detailed proposals shortly.

1. *Procedure of Conference meetings*

We anticipate that the normal conference proceedings will be followed, with plenary sessions and meetings of principal commissions, committees and subcommittees.

We consider that it would be desirable to have four principal commissions which would, respectively, cover the following major topics: (*a*) general structure and powers of the United Nations organization including international trusteeship matters, (*b*) maintenance of peace and security, (*c*) economic and social cooperation, and (*d*) judicial organization.

We anticipate that the initial meetings of the Conference would be held in plenary session and that after the organizing of the Conference has been completed the Conference would resolve itself into meetings of the commissions. The commissions in turn, after agreeing upon their own agenda and such general discussions as they might desire, would resolve themselves into committees and subcommittees. We would anticipate that most of the discussion and drafting would take place in these committees and subcommittees. Coordination and joint periodic review by the heads of delegation would be achieved by the steering committee and the executive committee referred to in the next paragraph.

2. *Officers of the Conference, Steering Committee and Executive Committee*

We think it might be desirable if the Conference were to have a president and three vice-presidents, these positions to be held by representatives of the four sponsoring powers. The presidents of the four commissions mentioned above might appropriately be selected from among representatives of other major nations. Representation for still other participating nations would seem to be desirable as chairmen of committees and subcommittees of the commissions and as rapporteurs.

[73] Enclosure to a letter of March 15, handed to the British and Soviet Ambassadors on March 16, not printed.

We suggest that there be a steering committee, composed of chairmen of all delegations, to make determinations of policy and to decide matters of special importance relating to conference arrangements and that there might be an executive committee of perhaps eleven members composed of the president and vice-presidents of the conference together with the presidents of the four commissions and three other chairmen of delegation. The executive committee would be responsible for preparing recommendations to the steering committee and would be assisted by a coordination and drafting committee composed of a deputy for each member of the executive committee.

3. *Information policy*

We have indicated publicly in answer to inquiries from the press our confidence that the Conference will follow a liberal information policy [74] and, having in mind the successful information policy followed at other Conferences, we have said that it is our view that plenary sessions and sessions of the full commissions should be open to representatives of the press and to such members of the public as space may permit.

We anticipate that the Conference will have a chief press officer who might have associated with him press officers representing members of the executive committee.

We consider it desirable that the President of the Conference, assisted by the Vice-Presidents and possibly chairmen of commissions, hold regularly-scheduled daily brief meetings with the press.

4. *Secretariat*

We consider that the Secretariat should include representatives of various of the participating nations. We have been thinking in terms of management, administrative and clerical personnel being furnished by this Government, the principal secretaries of the commissions and their committees and subcommittees to be named by other participating Governments.

WASHINGTON, March 16, 1945.

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RSC Lot 58–D 191

*Memorandum of Conversation, by the Assistant Secretary of State (Dunn)*

[WASHINGTON,] March 17, 1945.

The Soviet Ambassador came in this morning to inform the Department of the number of persons in the Soviet Delegation to the San Francisco Conference. He said it was to be composed as follows:

[74] For a press statement by the Secretary of State on March 15 on the proposed procedure regarding press, radio, and motion pictures, see Department of State *Bulletin*, March 18, 1945, p. 435.

10 delegates
12 advisers and experts
10 correspondents and cinema operators
90 assistants, secretaries, and staff, making a total of 122.

. . . . . .

The Ambassador then went on to say that the number of persons which would compose the Ukrainian and White Russian Republics would amount to a total of thirty persons. I remarked that no invitation had been issued to the Ukrainian and White Russian Republics to attend the Conference and that no provision had been made for a delegation from those entities. The Ambassador then stated that according to the agreement made at the Crimean Conference,[75] these two Republics were to be initial members of the International Organization, and that they would be expected therefore to be present at San Francisco and take their place among the participants in the drawing up of the charter. I said that I was not familiar with the details of any arrangement which might have been made at the Crimean Conference in this respect, but that in my own opinion if the two Republics were to be "initial members" of the new Organization, I did not myself see how that would justify their being present at the Conference at San Francisco as they could not be "initial members" of an organization until the organization was itself constituted; and that of course the International Organization would not be constituted and begin to function until at least a certain number of the signatories to the charter had had their adherence to the charter ratified according to their constitutional processes, and there had been an opportunity to convene the representatives of the states which had joined the Organization for the purpose of having its initial meeting. The Ambassador said that it was his understanding, and he believed that of his Government, that the agreement to consider these two Republics as having the right to "initial membership" entitled them to participate in the Conference at which the charter of the Organization would be drawn up. He asked whether the representatives of the governments at the Conference would not have full powers and would not be expected to sign the charter in the name of their governments. I said that that was our expectation, whereupon he gave as his opinion that initial membership involved the signing of the charter as an original member of the Organization and that it was therefore necessary for these two Republics to be present at the Conference to participate in the discussions leading to the conclusion of the instrument or statute founding the Organization and to exercise their rights as "initial members" of the Organization by signing the charter at San Fran-

[75] *Conferences at Malta and Yalta*, p. 976; see also memorandum of March 19 by the Director of the Office of Special Political Affairs, *ibid.*, p. 990.

cisco. I again stated that I myself could not see how it was possible to become a member of an organization until the organization was constituted; that it was after the organization was set up and functioning that the exercise of membership began; that the countries represented at the Conference would not necessarily all be members of the Organization; that it was conceivable that some countries present at the Conference would not ratify the adherence to the Organization indicated by the signature of their representative and therefore the act of participating in the Conference was not directly related to the question of membership; that they were two separate things. The Ambassador stated that in any event he had been instructed to inform us as to the size of the delegation from the Ukraine and White Russia and that the plans for attending the Conference included the sending of such personnel to San Francisco.

I explained to the Ambassador that I was not in a position to discuss this matter definitively with him, as I was not precisely informed with respect to the arrangement he had referred to and that I would be very glad to report to the Secretary the information he had given me and that he should consider that our conversation on the subject of the representation of the two Republics was unofficial and informal and that any further discussion on the matter would have to be referred to the Secretary for clarification.

JAMES CLEMENT DUNN

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RSC Lot No. 122(Rev) : SC–79

*Memorandum by the Interdepartmental Committee on Dependent Areas* [76]

[WASHINGTON,] March 17, 1945.

The attached draft statement of arrangements for international trusteeship is submitted to the Secretary's Staff Committee from the Inter-Departmental Committee on Dependent Areas for consideration and approval prior to its clearance with other interested departments and with the President.[77] Following such clearance, this document will be transmitted to the other governments as our part of an exchange of documents on this subject.

[76] This committee (whose State Department representatives were appointed on January 5) held its first meeting on February 2 and its last on March 15. For information on the interdepartmental consideration of trusteeship, see *Postwar Foreign Policy Preparation*, pp. 387 ff. and 428 ff.

[77] The above-mentioned draft statement (SC–79), as amended at the final meeting of the Interdepartmental Committee on Dependent Areas on March 15, was recorded as the ninth draft. The Secretary's Staff Committee gave its approval on March 20 before the paper was submitted to the Secretaries of War and the Navy and the Joint Chiefs of Staff for clearance. President Roosevelt informed Secretary Stettinius, orally, on March 29 that they would review the trusteeship paper within a week or ten days.

The Inter-Departmental Committee is also considering: (1) a draft declaration regarding the administration of dependent areas; and (2) a draft plan for regional advisory commissions.

The overriding importance of the trusteeship question and the shortness of time make it essential that the paper on trusteeship be transmitted at the earliest possible date.

It is understood that the British Embassy has a paper covering the three subjects (trusteeship, draft declaration, and regional commissions) which they would be ready to give us as soon as it is cleared with the Dominions and, presumably, whenever we are ready to exchange papers with them.

A telegram has been sent to our missions at London, Moscow, and Chungking [78] proposing that discussions at the technical level be held shortly after the first of April and suggesting that France be invited to participate in the exchange of papers and in the discussion thereof.

ANNEX I

CHAPTER ____

ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP

(*Note* 1: This draft deals with principles and mechanism only and makes no assumption about the inclusion of any specific territory.)

(*Note* 2: If included as a chapter of the Charter of the Organization, the provisions of this draft would need to be harmonized with the other provisions of the Charter.)

Section A

*Purposes*

1. The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder.

2. The basic objectives of the trusteeship system should be: (*a*) to further international peace and security; (*b*) to promote, in accordance with the provisions of a declaration of principles to be agreed upon, the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government; and (*c*) to provide for non-discriminatory treatment in trust territories for the economic and other appropriate civil activities of the nationals of all member states.

Section B

*Scope and Method of Establishment*

1. The trusteeship system should apply only to such territories in the following categories as may, by trusteeship arrangements, be

[78] Telegram 2049, March 16, midnight, to London, p. 128.

placed thereunder: (*a*) territories now held under mandate; (*b*) territories which may be detached from enemy states as a result of this war; and (*c*) territories voluntarily placed under the system by states responsible for their administration.

2. The trusteeship arrangements by which territories would be placed under the trusteeship system should in each case include:

*a.* a statement establishing the title in the Organization as trustee;

*b.* the designation of the administering authority, which may be either a member state or an international mixed commission;

*c.* the designation, where strategic considerations are controlling and in the interest of security, of certain territories, or parts thereof, as strategic areas for the purposes of the trusteeship system;

*d.* a statement of the respective rights and responsibilities of the Organization and of the administering authority, taking into account, in giving effect to the basic objectives of the trusteeship system, the geographical situation of the territory, its political and economic characteristics, and its designation as a strategic or non-strategic area; and

*e.* appropriate provision for non-discriminatory treatment for the nationals of all member states, with such exceptions in strategic areas as may be required in the interest of security.

Section C

*Structure and Procedures*

1. The functions of the Organization with respect to the trusteeship system should be exercised, as specified in Sections E, F, G, and H, by the General Assembly and the Trusteeship Council, each acting by a two-thirds vote of those present and voting, and, with respect to matters concerning strategic areas, also by the Security Council, acting with the concurrence of all of the permanent members.

2. The Trusteeship Council should be composed of specially qualified representatives designated (*a*) one each by the states administering trust territories, and (*b*) one each by an equal number of other states named for three-year periods by the General Assembly, initial designations being so arranged that one-third would expire each year. The Trusteeship Council should make provision for appropriate representation of international mixed commissions administering trust territories. It should make arrangements for representatives of appropriate specialized organizations or agencies to participate in its deliberations, without the right to vote.

3. The Trusteeship Council should have the technical assistance of a permanent staff which should constitute a part of the Secretariat of the Organization.

Section D

*Territorial Charters*

1. As soon as practicable after the trusteeship arrangements for a territory are completed, the administering authority thereof should

submit to the General Assembly the territorial charter for the administration of that trust territory. This territorial charter should be drawn in accordance with the general terms of the trusteeship arrangements and should set forth the rights and obligations of the parties concerned and the fundamental rights of the inhabitants. This charter should become effective on approval by the General Assembly and should constitute a part of the organic law of the territory.

2. The terms of each territorial charter should take into account the stage of development of the people and other relevant factors.

Section E

*Concurrent Powers of the General Assembly, the Trusteeship Council, and the Security Council*

The General Assembly and the Trusteeship Council, and, in the case of strategic areas, the Security Council, acting concurrently, should have authority:

*a.* to alter the trusteeship arrangements;

*b.* to amend the territorial charters within the scope of the respective trusteeship arrangements;

*c.* to remove an administering authority for failure to fulfill the terms of its trusteeship arrangement or of the territorial charter, and to arrange for the designation of another administering authority;

*d.* to determine the conditions which must be met for the attainment of self-governing status; and

*e.* to terminate trusteeship over any territory when these conditions have been met.

Section F

*Powers of the General Assembly*

The General Assembly should be empowered:

*a.* to negotiate and approve on behalf of the Organization the several trusteeship arrangements by which territories are placed under the trusteeship system of the Organization;

*b.* to approve the territorial charters;

*c.* to call for and to consider the reports and decisions of the Trusteeship Council, and to make recommendations thereon;

*d.* to institute investigations into any aspect of the trusteeship system and administration, subject, in the case of strategic areas, to such provisions in the respective trusteeship arrangements as may be required for security purposes;

*e.* to make recommendations, on its own initiative, or on the recommendation of the Trusteeship Council, regarding the economic, social, and political development of any trust territory; and

*f.* to exercise such other powers, in addition to those specified above, as may be vested in it by any trusteeship arrangement.

Section G

*Powers of the Trusteeship Council*

1. The Trusteeship Council should be empowered:

*a.* to advise the authorities administering trust territories;
*b.* to receive petitions;
*c.* to assist the Security Council at its request;
*d.* to make public its records and reports;
*e.* to adopt its own rules of procedure and the method of selecting its President; and
*f.* to exercise such other powers, in addition to those specified above, as may be vested in it by any trusteeship arrangement.

2. The Trusteeship Council, subject, in the case of strategic areas, to such provisions in the respective trusteeship arrangements as may be required for security purposes, should also be empowered:

*a.* to call for and examine reports from the administering authorities;
*b.* to interrogate representatives of those authorities;
*c.* to review periodically the financial position of each trust territory;
*d.* to conduct periodic inspections in the trust territories.

Section H
*Powers of the Security Council*

The Security Council should have authority to exercise such other powers in addition to those specified herein as may be vested in it by any trusteeship arrangement.

Section I
*Finance*

The revenues of each trust territory should be employed exclusively for the administration and development of the territory. Any additional amounts required for these purposes should be provided by the administering authority, with such assistance in obtaining financing, when necessary, as may be arranged by the General Assembly. The costs of supervision by the Organization should be provided in the budget of the Organization.

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500.CC/3–1745 : Telegram

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

LONDON, March 17, 1945—7 p. m.
[Received March 17—5 : 42 p. m.]

2791. The following observations were made today by an official of the Foreign Office regarding the status of various questions now under discussion between London and Washington concerning the San Francisco Conference:

1. Syria and Lebanon: Taking into consideration the views of the American Government, the reported concurrence of Russia and

China,[79] and the interest expressed by the Arab States (reEmbtel 2527, March 11, 3 p. m.[80]), the Foreign Office is inclined to favor participation of Syria and Lebanon in the San Francisco Conference, but feels that it would be advisable to clear the proposal with the French who have recently been badgering the Foreign Office on this subject and are apparently apprehensive of being faced by a *fait accompli*. Information to this effect has already gone forward to the British Embassy at Washington for transmission to the Department, and the Foreign Office has under preparation a further communication suggesting that, provided the other sponsoring powers are agreeable, the American Government, as the inviting power, should approach the French on the matter.[81]

2. Consultations regarding International Court of Justice: The Foreign Office is in general agreement with the views of the Department (reDeptel 1944, March 13, 11 [*10*] p. m.) on this subject and a reply to the Embassy to that effect has been drafted, including the added suggestion that, if the work of the jurists is not completed by the time the Conference begins, the scene of their activities would be transferred to San Francisco.

3. Polish participation: The Foreign Office not only shares the views of the State Department regarding the non-participation at the

[79] Acting Secretary Grew informed Ambassador Winant in his telegram 1847, March 10, 1 p. m., that this Government perceived no objection to an invitation being extended to Syria and Lebanon (740.0011 EW 1939/3–1045). Approval by the Chinese and the Soviet Governments was reported in telegrams 404, March 11, noon, from Chungking (500.CC/3–1145), and 782, March 16, 8 p. m., from Moscow (740.0011 EW 1939/3–1645). On March 16, Mr. Michael Wright, of the British Embassy, reported to the Department that the British Government favored admission of the Levant States to the United Nations and invitation to the Conference (500.CC/3–1645).

[80] Not printed; a note of March 23 from the Egyptian Chargé (Azer) to Acting Secretary Grew expressed the hopes of the Ministers of Foreign Affairs of Egypt and Iraq and the Deputy Minister of Foreign Affairs of the Saudi Arabian Kingdom that Lebanon and Syria would be invited to attend the Conference (500.CC/3–2345).

[81] In telegram 1116, March 21, 10 p. m., to Paris (500.CC/3–2145), Acting Secretary Grew informed Ambassador Caffery that the French Embassy in Washington had been informed that the British were giving the French an opportunity to take the initiative in suggesting that these two nations adhere to the Declaration and that they be invited to San Francisco; the French Counselor (Lacoste) indicated on March 23 that the French Government desired to take the initiative in proposing that Syria and Lebanon be invited to the Conference (500.CC/3–2345). In telegram 69, March 23, 8 p. m., to Beirut, Acting Secretary Grew informed the Minister in Lebanon (Wadsworth) of a planned public announcement that an invitation was being extended to Syria and Lebanon to participate in the Conference and that the French Government took the initiative in proposing this move (500.CC/3–2345). For press releases of March 28 regarding the adherence of Syria and Lebanon to the Declaration by United Nations, see Department of State *Bulletin*, April 1, 1945, p. 575. The Minister in Lebanon was instructed in telegram 79, March 29, 3 p. m., to deliver immediately to the Governments of Syria and Lebanon an invitation to the Conference (500.CC/3–2945).

San Francisco Conference of the present Polish Provisional Government in Moscow (reDeptel 2018, March 15, midnight) but might even be inclined to go further in taking a strong stand in that respect. A reply to the Embassy indicating general agreement but including certain suggestions as to detail is under consideration and will be delivered shortly.

4. Trusteeship: The first reaction of the official consulted was that the Foreign Office would doubtless agree to the inclusion of the French in these consultations (reDepts 2049, March 16, midnight) and also to their being conducted on a technical level with Washington as the site. He was doubtful, however, whether the pressure of work here and personnel limitations would permit the arrival of the British delegation until after the first week of April. He indicated that the British delegation might be headed by the Under Secretary of State for the colonies.

WINANT

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RSC Lot 60–D 224, Box 100

*Extracts From the Diary of Edward R. Stettinius, Jr., Secretary of State, December 1, 1944–July 3, 1945*

18 March–7 April, 1945.
(Section Eight)

*Dependent Peoples.* I reported during my Staff Committee meeting of March 30 that President Roosevelt had agreed to review our statement on arrangements for international trusteeship within the next week or ten days, and I asked that Mr. Hiss have the statement ready to present to the President as soon as possible. Secretary Stimson phoned me later in the morning that he and I should get together to talk over the intricate problem of trusteeships.[82] We agreed to meet with Secretary Forrestal in Stimson's office on Monday, April 2 at 11 a. m. This appointment was duly kept, and I took Assistant Secretary Dunn with me.[83] By the time the Staff Committee met on April 6 I had to report a very serious difference of opinion among State, War and Navy Department officials regarding trusteeships. Both the War and Navy Departments were taking the position that the United States should announce it was going to keep the Pacific Islands which had been won during the campaigns against

[82] For comments on this subject by Secretary Stimson at a meeting of March 30 with Secretary Forrestal, see Walter Millis (ed.), *The Forrestal Diaries*, p. 37.

[83] No verbatim record of discussion found in Department files; but see Henry L. Stimson, *On Active Service in Peace and War*, pp. 600–602, and *The Forrestal Diaries*, p. 38.

the Japanese.[84] I advised the Committee that I was going to send a short memorandum to the President presenting both sides and pointing out the importance of my discussing it with the President and reaching a decision promptly.[85]

. . . . . .

On April 7, President Roosevelt sent me for my information a letter from Secretary Ickes,[86] who took the view that, while we should be "the administering power for the Japanese mandated Islands," we should not insist upon "complete sovereignty" because this would give an opening for the British—for example—to claim absolute title to areas in the Middle East which would injure our security interests as well as commercial interests involved in "our great stake in Middle Eastern oil". He felt also that we should reach at San Francisco "an agreement on the subjects of mandated territories and dependent areas".

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500.CC/3–1945

*The Latvian Minister (Bilmanis) to the Secretary of State*[87]

WASHINGTON, March 19, 1945.

SIR: The Department of State *Bulletin* of February 18, 1945, in reproducing the report of the Crimea Conference, announced that an international conference would be called to meet at San Francisco on April 25, 1945, to prepare the charter of a general international organization to maintain peace and security. Also Latvia would have to live under this organization after peace and normal life are again restored in Europe. Thus it would be quite in order for Latvia also to participate in the elaboration of such a charter bearing on its future life. In almost all declarations issued in result of the con-

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[84] Acting Secretary Grew informed the Secretary's Staff Committee on March 20 that the trusteeship matter had been discussed in the President's Cabinet and there had been agreement that there should be no annexation but *de facto* control over the Pacific Islands. For President Roosevelt's comments on trusteeship at a Cabinet meeting of March 9, see *The Forrestal Diaries*, p. 33; see also memorandum of the President's last press conference, April 5, *post*, p. 196.

[85] For data on the Secretary's change of attitude that took place between the meetings of April 2 and April 6, see memorandum by the Chief of the Division of Dependent Areas (Gerig), April 7, p. 204, and the extract from the *Diary* of Edward R. Stettinius, Jr., 8–14 April, p. 209.

[86] See memorandum of April 5 by Secretary Ickes to President Roosevelt, p. 198.

[87] Handed by the Latvian Minister to Mr. Merritt N. Cootes of the Division of Eastern European Affairs, on March 19. Mr. Cootes stated in an attached memorandum: "In handing me the attached note, the Latvian Minister stated that he knew it would be difficult to comply with the request contained in his note but that he was sending this note to the Secretary as indication of his desire to do everything possible for the Latvian people." In a note of April 2, not printed, the Secretary acknowledged receipt of the Latvian note.

ferences of the great democratic powers it has always been emphasized that all peace loving nations, big and small, would freely participate in the post-war peace organization. Actually, it can be understood from the texts of these declarations that all peace loving countries would be welcomed into such an international peace and security organization.

Latvia has always been a peace loving country, and following the invitation expressed in Article 3 of the Declaration by United Nations, immediately on January 4, 1942, announced its willingness to join the United Nations.[89] In this connection it offered them all possible assistance in winning the war and turned over to the United States Government all its merchant vessels in the Western Hemisphere. Those Latvian vessels that have not been sunk by German U-boats are still conveying goods for the United Nations. The Latvian nation has also conducted an underground struggle against the Nazi invaders under the guidance of the Latvian Central Underground Council.

Unfortunately, Latvia does not have a government in exile, as its legal President and the legal cabinet members were deported to the U.S.S.R. in 1940,[90] and at present it is still occupied by foreign military forces. However, on the basis of the Emergency Powers issued to him by the legal Latvian Government, Mr. K. Zarine, Latvian Minister in London, has authorized me to participate in any international conference taking place in the Western Hemisphere.

Taking into consideration all the above facts, I have the honor to inform you that Latvia would be willing to participate in the San Francisco Conference in case it were invited to do so, and I would act as its legal representative.

Accept [etc.] ALFRED BILMANIS

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500.CC/3–2245 : Telegram

*The British Secretary of State for Foreign Affairs (Eden) to the British Ambassador in the United States (Halifax)*[91]

[Paraphrase]

[LONDON,] March 21, 1945.

I recently asked His Majesty's Ambassador at Moscow to enquire if M. Molotov could give me any indication of his personal plans in

[89] See memorandum of January 6, 1942, by the Assistant Secretary of State (Berle), *Foreign Relations*, 1942, vol. I, p. 29.

[90] For documentation on the occupation of the Baltic States and their incorporation into the Soviet Union, see *ibid.*, 1940, vol. I, pp. 357 ff.

[91] Paraphrase copy handed to Assistant Secretary Dunn on March 22, by the Counselor of Embassy (Wright). On the transmittal chit of the British Embassy, Mr. Dunn wrote: "Answered orally by me March 22, 1945." According to an attached memorandum of March 22, by Mr. Raynor, Mr. Dunn's oral reply was along the lines of telegram 2234, March 23, noon, to London, p. 150.

connection with the San Francisco Conference. I have now received from the Soviet Ambassador in London [92] a personal message from him dated March 13 in which after informing me that he would lead the Soviet Delegation although its full composition had not yet been decided, he goes on to say "I take it that the Ukrainian Delegation and the Delegation from White Russia will be able to participate in the work of the Conference right from the start".

2. It is not clear whether this means that M. Molotov expects delegations of the two republics to take part automatically with the invited nations in the work of the Conference, or whether he is proposing that they should turn up in San Francisco in the expectation that the Conference will co-opt them at the outset of its work so that they can then take part in the proceedings.

3. The first alternative would be inconsistent with the wording of the English text paragraph 1 (2)[93] of the secret protocol of the Crimean Conference, although I am told that the Russian text might be read as slightly less conclusive on this point.

4. As regards the second alternative, we, for our part, contemplated that actual participation in the work of the Conference would be confined to delegations of those states which had formally been invited. The Russians from the first argued at the Crimean Conference that the Soviet Republics ought to be given "membership" then and there, but at the Fourth [*Fifth*] Plenary Meeting on February 8 President Roosevelt explained that there would be technical difficulty in including two republics amongst the states invited to attend the Conference,[94] and Marshal Stalin agreed to the formula which was adopted by the Conference and formed the basis of paragraph 1 (2) of the secret protocol.

5. My inclination is to remind Molotov of the agreement reached at the Crimean Conference and to point out that it will be for the states invited to the Conference to approve the proposed membership of the two republics, who would then be able to take their full share in the work of the organisations at the first meeting of the general assembly.

6. But it looks as if the Soviet Government are determined to send representatives of the two republics to San Francisco and it would in any case be impossible to prevent individuals going as members of the Soviet Union Delegation. We cannot foretell at what stage in

[92] Feodor Tarasovich Gusev.

[93] For the Russian text of paragraph 1 (2) of the Protocol of Proceedings of the Crimea Conference, signed February 11, 1945, see Ministry of Foreign Affairs of the Soviet Union, *Sbornik deystvuyushchikh dogovorov, soglasheniy i konventsiy, zaklyuchyennykh SSSR s inostrannymi gosudarstvami* (Collection of Existing Treaties, Agreements and Conventions concluded by the U. S. S. R. with Foreign Governments), vol xi (Moscow, 1955), p. 74. For the English text, see *Conferences at Malta and Yalta*, p. 976.

[94] See *ibid.*, pp. 771, 775.

the Conference the claim of the two republics to membership would be granted, nor indeed can we assume that we can put this through the Conference as the idea will not appeal to many states. Assuming that membership were granted at a fairly early stage, the Conference could presumably decide whether or not representatives of the two republics could be allowed to take part in the remainder of its proceedings. I should not however propose to mention this in any reply to M. Molotov.

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500.CC/3–2245

*Memorandum by the Acting Secretary of State to President Roosevelt*

WASHINGTON, March 22, 1945.

I talked to Ed Stettinius this morning over the telephone,[95] and he spoke of a matter which I think should be brought to your attention. It refers to the question of the two Soviet Republics being proposed for admission to initial membership in the International Organization with our support in accordance with the discussions at Yalta. It appears that this matter is known to quite a number of people, including some of the Press, and we know ourselves that the British and the Canadians here know of it and have no doubt spoken of it to their friends. In these circumstances it would seem highly advisable that you call together the American delegates to the Conference before you leave town,[96] tell them the facts of the situation, and ask their advice as to how this matter should be dealt with. It would seem possible to tell the delegates that in order to accomplish other things of very great importance there seemed to be no reason why this minor request should not have been agreed to, and the delegates might also be informed that you are in possession of letters from both Marshal Stalin and Prime Minister Churchill[97] that, if so desired, the United States might also avail itself of an opportunity to arrange for additional representation by its outlying territories.[98]

It would seem advisable to inform the delegates because, if by any chance the story should break publicly, it might cause considerable embarrassment to the Government, and there is no telling of the effect it might have on some of the delegates, particularly if they had not been informed beforehand.

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[95] The Secretary was at his farm, "The Horseshoe".

[96] President Roosevelt was to go to Warm Springs, Georgia.

[97] For letters of February 11 from Prime Minister Churchill and Marshal Stalin to President Roosevelt, see *Conferences at Malta and Yalta*, pp. 967–968.

[98] For President Roosevelt's off-the-record account of how "this plea for votes was done" at Yalta, see memorandum on his press conference April 5, p. 196. See also Robert E. Sherwood, *Roosevelt and Hopkins: An Intimate History*, pp. 855–858 and 876–877.

I have called a meeting of the delegates in my office at ten o'clock, Friday morning, March 23rd, and, if convenient to you, we could come to the White House for a very few minutes after the meeting here or at any time convenient to you.[99] I do agree with Ed Stettinius that it would probably be most advisable to deal with this matter before you leave town Saturday evening.

JOSEPH C. GREW

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500.CC/3–1145

*The Secretary of State to the Polish Ambassador (Ciechanowski)*

The Secretary of State presents his compliments to His Excellency the Ambassador of Poland and has the honor to acknowledge the Embassy's note of March 11, 1945 concerning the fact that the Polish Government has not received an invitation to take part in the Conference which will be convened at San Francisco on April 25, 1945.

As the Embassy is aware, the Governments of the United States, Great Britain, the Soviet Union and China agreed last month jointly to sponsor the Conference referred to in the Embassy's note under acknowledgment. The invitations to the Conference have been extended by agreement of all the sponsoring Governments. It will also be recalled that at the Crimea Conference the three participating powers agreed upon steps looking to the establishment of a new provisional Polish Government, pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot, which would be called the "Polish Provisional Government of National Unity".

Fully appreciating the importance of Polish representation at the San Francisco Conference, the United States Government earnestly hopes that it will be possible to establish the new Polish Provisional Government before the Conference is convened, and that the Governments sponsoring the Conference will agree to extend an invitation to it.

WASHINGTON, March 22, 1945.

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[99] At the White House, President Roosevelt informed the delegates of the status of the agreement reached at the Yalta Conference on the possibility of the United States having three votes in the General Assembly if the United Nations agreed to let the Soviet Republics have three votes (*Postwar Foreign Policy Preparation*, p. 422). No verbatim record of this meeting found in Department files.

500.CC/3–2245 : Telegram

*The Chargé in China (Atcheson) to the Secretary of State*

CHUNGKING, March 22, 1945—6 p. m.
[Received March 22—10:06 a. m.]

482. I have received a letter from Soong dated today March 22, in reply to my letter of March 19 which I handed him on that date and which was based on Department's circular of March 16, 9 a. m. [*p. m.*] :[1]

"I am in receipt of your letter dated March 19, 1945 and beg to inform you that during the Dumbarton Oaks Conference three proposals were made by the Chinese delegation concerning (1) the settlement of international disputes according to law and justice (2) codification of international law and (3) educational and cultural cooperation, to which the American and British delegations both agreed.

The form in which these three proposals were finally phrased and endorsed by the American and British representatives at Dumbarton Oaks will be found in the record of the discussions held.[1a]

The Chinese Government wishes to take this opportunity to request the Government of the United States to transmit, either on behalf of China alone or preferably jointly if this course meets with approval of the United States and British Governments the above proposals to all the governments invited to the San Francisco Conference with a view to having them embodied in the final charter of the new international organization.

As a co-sponsor of the United Nations Conference the Chinese Government does not wish to make additional comments on the Dumbarton Oaks proposals before the conference is convened." [2]

ATCHESON

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500.CC/3–1345 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, March 22, 1945—10 p. m.

677. The British and Chinese Governments have indicated their general approval [3] of the procedure proposed in the Department's no. 582, March 13, 10 p. m.,[4] with respect to the convening of a committee of jurists at or near Washington prior to the San Francisco

[1] Not printed.

[1a] *Foreign Relations*, 1944, vol. I, p. 863.

[2] In reply, the Chargé in China was informed in telegram 489, March 24, 7 p. m., that the Department was awaiting the Soviet Ambassador's views regarding the note transmitted to him March 17 with respect to the Chinese proposals. For text of note, see telegram 619, March 16, 11 p. m., to Moscow, p. 126.

[3] Telegrams 2972, March 22, 7 p. m., from London, and 443, March 15, 10 a. m., from Chungking, neither printed.

[4] See footnote 40, p. 119.

Conference. The British Government has suggested that in the event that the Committee should not complete its work prior to the opening of the Conference its deliberation should be continued at San Francisco.

Please bring this to the attention of the Foreign Office and emphasize the urgency of the matter. In view of the short time remaining before the opening of the Conference, it is essential that invitations be issued soon to enable representatives of governments at a distance from Washington to arrive in time for the meeting.

GREW

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500.CC/3–1245

*The Soviet Embassy to the Department of State* [5]

[Translation]

MEMORANDUM

On the 9th of March the Soviet Government approached the United States Government on the question of inviting Poland to the International Conference at San Francisco.[6] In this connection, the Soviet Government expressed its opinion that if, in view of the complexity of the question, the reorganization of the Polish Provisional Government is not accomplished in the near future, the representatives of the presently functioning Polish Provisional Government in Warsaw, which is exercising authority throughout the entire territory of Poland and enjoys the support of the Polish people, should be invited to the Conference at San Francisco.

Up to the present time the Soviet Government has not received an answer concerning this question. Nevertheless, on the 15th of March Mr. Stettinius made, at a press conference in Washington, a statement [7] which is understood to mean that Poland will be represented at the Conference at San Francisco only in the event that a reorganization of the Polish Provisional Government is realized before the Conference. Such a statement, published in the entire press, regarding a still absent answer to the proposal of the Soviet Government of March 9th, creates a situation with which the Soviet Government is not able to reconcile itself.

At present, the Soviet Government declares that it awaits a prompt reply to the proposal it has made regarding the inviting of Poland

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[5] Handed to the Acting Secretary of State on March 22; see memorandum of conversation, March 23, *infra*.

[6] See *aide-mémoire* of March 9, p. 113.

[7] See off-the-record press conference statement by Acting Secretary Grew on March 5, p. 108, which Secretary Stettinius put on record at his press and radio news conference of March 15 (memorandum not printed).

to the Conference at San Francisco and expresses hope for a favorable resolution of the question raised by it.

WASHINGTON, March 22, 1945.

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500.CC/3-2345

*Memorandum of Conversation, by the Acting Secretary of State*

[WASHINGTON,] March 23, 1945.

The Soviet Ambassador called at my home last evening at 8:30 at his request and left with me the appended memorandum [8] repeating the former request of the Soviet Government that Poland be invited to attend the San Francisco Conference.

I asked the Ambassador whether this memorandum was being likewise delivered to the other sponsoring powers, Great Britain and China. Mr. Gromyko said that he did not know.

I said that we would give full consideration to this memorandum but in the meantime I wished to say, in a purely informal way, that I thought it would be difficult to invite Poland to attend the conference until the proposed unified government had been set up. As things stand at present, Soviet Russia recognizes the Lublin Government while we recognize the Government in London, and it seems obvious that the establishment of the unified government should precede the issuance of invitations.

JOSEPH C. GREW

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RSC Lot 60–D 224, Box 96: US Cr. Min. 2 (Exec)

*Minutes of the Second Meeting (Executive Session) of the United States Delegation, Held at Washington, Friday, March 23, 1945, 10 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (14) present at meeting.]

[At the request of the Acting Secretary this meeting was declared off the record.] [9]

RELATION OF PRIVATE ORGANIZATIONS TO THE CONFERENCE

THE ACTING SECRETARY opened the meeting by stating that Mr. Stettinius had asked him to call this special meeting to discuss an important question that had arisen in connection with the San Francisco Conference. . . .

THE ACTING SECRETARY said that the point to be taken up at the Secretary's request concerned the relation of private organizations

[8] Memorandum of March 22, *supra*.

[9] Brackets appear in the original.

and groups in this country to the San Francisco Conference. In this connection two documents were distributed: Draft of Letter to be Sent to Various Private National Organizations and a list entitled Private National Organizations.[10]

THE ACTING SECRETARY pointed out that a great number of private organizations and groups want to be represented in San Francisco and that there were good reasons why many of them should be there. However, it was felt to be unfortunate to overload the official Delegation with such representatives, although the possibility had been considered of recognizing official representatives of a number of these organizations as official advisers to the Delegation. If this plan were adopted, however, the Delegation would reach tremendous proportions.

THE ACTING SECRETARY stated that the thought in the Department now was that each organization named on the list of private national organizations would send one representative to San Francisco to be there for consultation as this might prove desirable. These representatives would not be official members of the American Delegation, but a full system of liaison would be set up to keep them closely in touch with the progress of the work. The representatives would be consulted from time to time as appropriate.

. . . . . .

SENATOR VANDENBERG urged that, if proper emphasis was put upon the fact that the United Nations Conference at San Francisco was to be a "peace-keeping" show and not a "peace-making" show, then a large number of organizations seeking representation would not be interested. REPRESENTATIVE EATON agreed that a clear statement of what the Conference was to do would alleviate the situation.

THE ACTING SECRETARY asked Mr. Hiss to note that a statement along the lines suggested by Senator Vandenberg and Representative Eaton should be prepared.

. . . . . .

At this point the meeting was adjourned to enable the Delegates to go to the White House.[11]

. . . . . .

THE ACTING SECRETARY asked Mr. MacLeish if he would be responsible for drafting the statement under discussion. MR. MACLEISH asked whether the decision taken by the Delegates implied that the number of official advisers would be increased. There was general agreement that this was not implied. MR. MACLEISH stated that he had one thing further in mind which he thought should be emphasized:

[10] Neither printed.
[11] See memorandum by the Acting Secretary of State, March 22, p. 144.

the people of this country, indeed the people of the world had been invited to discuss the Dumbarton Oaks Proposals and think about them. The statement that was now to be drawn up, he felt, should not discourage them in any way from continuing to discuss and to think about the Proposals, nor should it play down the San Francisco Conference. In a real sense, he said, that Conference was the people's show. We would have to give the impression that they could come to it yet not invite them—a difficult thing to do.

SENATOR CONNALLY added that the statement should stress the impracticality of delegates conferring with large numbers of representatives due to their heavy duties and schedules. REPRESENTATIVE BLOOM agreed that the statement should not play up the role of the people at the Conference at the expense of the Delegates so that the Delegates would be unable to perform their primary responsibilities at San Francisco.

. . . . . .

The meeting was adjourned by the Acting Secretary at 12:30 p. m.

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500.CC/3-2345: Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*[12]

WASHINGTON, March 23, 1945—noon.

2234. Gromyko recently called on Mr. Dunn[13] and informed him that the Soviets were planning, in addition to their general delegation, to send delegations to San Francisco representing White Russia and the Ukraine. Mr. Dunn expressed surprise at this telling the Ambassador that it did not follow the decisions reached at Yalta as he understood them but as he had not been there he would refer the whole matter to the Secretary.

The Secretary felt strongly that this was not in accordance with the decisions reached at the Crimea and after talking this matter over with the President,[14] who also concurred, called Gromyko in[15] and told him very definitely that this went beyond the Yalta decision and

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[12] The same message, with the exception of the final two paragraphs, was transmitted by the Acting Secretary to the Ambassador in the Soviet Union, for his information, in telegram 678, March 22, 11 p. m. The Secretary, in a telephone call of March 21 from "The Horseshoe", had asked Mr. Lynch to have someone send a telegram to Moscow and London with reference to his conversation with Mr. Gromyko the day before.

[13] See memorandum by Assistant Secretary of State Dunn, March 17, p. 132.

[14] No record of conversation found in Department files.

[15] No record found of conversation with Mr. Gromyko, which Mr. Stettinius indicated took place on March 20. For memorandum of points to be made by the Secretary in talking to Ambassador Gromyko, see *Conferences at Malta and Yalta*, p. 991.

was entirely inconsistent with our understanding of it. The Secretary told the Ambassador that he was basing his remarks on our records of that Conference and that he was speaking for the President as well as himself. The Secretary asked Gromyko to inform his Government of our feeling in this matter which the Ambassador promised to do at once. The Secretary gained the impression in his discussion with the Ambassador that he may not have been requested by his Government to take this up officially with us but that point is not certain.

For your own secret information what we did agree to at Yalta was that if the Soviets should raise at San Francisco the question of these two republics becoming initial members of the organization that we would support such a proposal. The British agreed to do likewise. The question of the two republics being represented at San Francisco was actually discussed at the Conference and a negative decision reached.[16]

The following is for your confidential information.

We have informed the British Embassy here of the action we have taken as Mr. Eden had a similiar message from Molotoff.[17]

GREW

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500.CC/3–2345

*Memorandum by the Acting Secretary of State to President Roosevelt*

[WASHINGTON,] March 23, 1945.

The Soviet Embassy has just informed us that the Soviet Delegation to San Francisco will be as follows:

A. A. Gromyko, Chairman[18]
U.S.S.R. Ambassador to the United States
K. V. Novicov
Chief of the British Department of the Soviet Foreign Office
S. K. Zarapkin
Chief of the American Section of the Foreign Office

[16] See *Conferences at Malta and Yalta*, p. 992.

[17] See telegram from the British Secretary of State for Foreign Affairs to the British Ambassador in the United States, March 21, p. 142.

[18] This information was contrary to the expectation of the Department; V. M. Molotov, People's Commissar for Foreign Affairs, was named as the likely head of the Soviet delegation in telegram 820, March 19, midnight, from Moscow (500.CC/3–1945).

In telegram 891, March 24, 2 p. m., Ambassador Harriman stated that the British Ambassador had been informed by Molotov that he would be unable to attend the Conference as there was to be a meeting of the Supreme Soviet at the same time to consider the budget (500.CC/3–2445).

For Prime Minister Churchill's views on the withdrawal of Commissar Molotov from San Francisco and the relation of this action to the solution of the Polish problem and assurance of a successful conference, see telegram 925, March 27, from the British Prime Minister to President Roosevelt, vol. v, p. 185.

A. A. Sobolev
Minister Counselor of the Soviet Embassy in London
S. A. Golunsky
Professor of International Law
Professor S. B. Krylov
Professor of International Law
Rear Admiral K. K. Rodionov
Lieutenant General A. F. Vasiliev

All of these with the exception of Novicov and General Vasiliev were present at the Dumbarton Oaks Proposals, but it must be pointed out that with the exception of the Ambassador this is not a high ranking delegation. There is not even a Vice Commissar of Foreign Affairs or any member of the Government of Cabinet rank.

JOSEPH C. GREW

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*Memorandum by the Acting Secretary of State to President Roosevelt* [19]

[WASHINGTON,] March 23, 1945.

Mr. Stettinius telephoned me this afternoon and asked me to request your authorization for a short statement along the following lines to be used in the event that some announcement is made or that the news breaks in some other way on the subject of the representation of the two Soviet Republics in the International Organization.

At the Crimean Conference the Soviet Government stated that they intended to propose at the San Francisco Conference that the two Soviet Republics which had suffered most in the war, the Ukraine and White Russia, should be included among the list of original members of the Assembly when the Organization was established. It was agreed at the Conference that Great Britain and the United States would support this proposal. This is a matter for the nations convened at San Francisco to decide.[20]

I would, of course, avoid making any statement unless it becomes absolutely necessary, although I might add that the story is in the current issue of *Newsweek* and we are already being questioned about it.

JOSEPH C. GREW

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[19] Copy obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y.
[20] President Roosevelt replied in a memorandum of March 26 to Mr. Grew: "I think we had better say nothing further about this. F.D.R." (Hyde Park files).

500.CC/3–2345 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*[21]

WASHINGTON, March 23, 1945—midnight.

2267. The Department has received from the League of Nations, the Permanent Court of International Justice, the International Labor Organization, the Interim Commission on Food and Agriculture, and the United Nations Relief and Rehabilitation Administration requests that they be invited to send representatives to the United Nations Conference at San Francisco. All these are inter-governmental organizations. There have also been formal and informal inquiries from non-governmental international organizations.

We believe that a clear distinction should be drawn between inter-governmental organizations and non-governmental international organizations. The latter should not be invited or encouraged to send representatives, but no obstacles would be placed in the way of their voluntarily sending representatives to San Francisco.

As regards inter-governmental organizations, the Department would appreciate being advised whether the other sponsoring governments would have any objection to this Government making arrangements for unofficial representation at San Francisco of the above-named organizations. Such representation would be limited to not more than two or three persons for each organization. These are organizations which will eventually be liquidated or modified as a result of the creation of the proposed United Nations organization or which may be brought into formal or informal relationship with the new organization.

Please take this matter up with the Foreign Minister and inform the Department as promptly as possible of his views concerning this matter.

Repeated to Moscow and Chungking.[22]

GREW

[21] Marginal notation initialed by Mr. Grew: "Approved by the President".

[22] Telegrams 691 and 486, respectively. The Department was informed of the Chinese and the British concurrence in the proposal in telegram 525, March 28 from Chungking (500.CC/3–2845), and 3648, April 10, from London (500.CC/4–1045). In telegram 999, April 1, 1 p. m., from Moscow, Ambassador Harriman reported: "Molotov has written me under date of March 31 to effect that Soviet Government agrees to participation of non-official representatives of the inter-Governmental organizations set forth in Department's 691, March 23, midnight at San Francisco Conference. . . . He concludes that Soviet Government also agrees with opinion of American Government that non-Governmental international organizations should not be invited to San Francisco Conference." (500.CC/4–145)

500.CC/3–2345 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, March 23, 1945—10 p. m.
[Received March 23—4: 30 p. m.]

881. I have received a letter from Molotov dated March 23 stating that the Soviet Government agreed to the procedure set forth in the Department's 582, March 13, 10 p. m.,[23] concerning the preparation of the statute of the International Court of Justice. Molotov states that N. V. Novikov, Counselor of the Soviet Embassy in Washington with rank of minister has been appointed the Soviet representative on the commission of expert jurists and that Professors S. A. Golunsky and S. B. Krylov have been appointed as his advisers.

Sent to Department as 881, repeated to London as 134, Chungking as 16.

HARRIMAN

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500.CC/3–2445 : Circular telegram

*The Acting Secretary of State to Certain Diplomatic Representatives*[24]

WASHINGTON, March 24, 1945—midnight.

Please deliver immediately to the Foreign Minister of the Government to which you are accredited the text of the following invitation:

(*Begin text*) 1. You will recall that no effort was made during the Dumbarton Oaks Conversations to prepare a statute for the international court of justice envisaged by Chapter VII of the proposals on the establishment of a general international organization that resulted from those discussions. The proposals contemplated that the statute should be either (*a*) the Statute of the Permanent Court of Interna-

[23] See footote 40, p. 119.

[24] The diplomatic representatives in Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Liberia, Luxembourg, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, Saudi Arabia, Turkey, Union of South Africa, Uruguay, Venezuela, and the United Kingdom (for the Missions to Czechoslovakia, the Netherlands, Norway, and Yugoslavia); the same invitation was extended to the Philippine Commonwealth in a note of March 28 (500.CC/3–2845); and, in telegram 80 of March 29, 2 p. m., the Minister in Lebanon was instructed to extend the same invitation to the Government of Syria and the Government of Lebanon (500.CC/3–2945). Acceptances were received from all these Governments except those of India and the Union of South Africa.

The United States informed the other sponsoring Governments of the issuance of the invitation on March 27 by telegram 2364, March 27, 6 p. m., to the Ambassador in the United Kingdom, repeated on the same date to the Ambassadors in the Soviet Union and in China as telegrams 716 and 503, respectively (500.CC/3–2745).

tional Justice,[25] continued in force with such modifications as may be desirable, or (*b*) a new statute in the preparation of which the Statute of the Permanent Court of International Justice should be used as a basis.[26]

2. It is now deemed desirable to have a preliminary meeting of jurists of the United Nations to prepare, prior to the San Francisco Conference, a draft of a statute to be submitted to that Conference for consideration.

3. Accordingly, the Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of (Note: insert name of Government to which you are accredited) to send a representative to a meeting of the United Nations committee of jurists to be convened at Washington on April 9, 1945 for the purpose of preparing a draft of a statute of an international court of justice.

4. The above-named Governments suggest:

A. That each of the invited Governments appoint one representative to the committee of jurists, to be accompanied, if desired, by not more than two advisers.

B. That if the work of the committee of jurists is not completed by the time the United Nations Conference begins, sessions should be continued at San Francisco. (*End text*).

5. You may inform the Foreign Office that the Chinese Government has designated as its representative Dr. Wang Chung-hui, formerly Judge of the Permanent Court of International Justice, with Dr. Hsu Mo and Dr. D. V. Che-Tsai Hoo as advisers; that the Soviet Government has designated, with the rank of Minister, N. V. Novikov, Counselor of the Soviet Embassy in Washington, with Professors Golunsky and Krylov as advisers; and that the United States Government has designated as its representative Mr. Green H. Hackworth, Legal Adviser of the Department of State, and advisers to be named.[27]

GREW

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[25] For text, see Conference Series No. 84: *The International Court of Justice: Selected Documents Relating to the Drafting of the Statute* (Department of State publication No. 2491), pp. 1–13.

[26] For text of the Statute of the Permanent Court of International Justice with the Revisions Proposed (United States Draft) August 15, 1944, see *Postwar Foreign Policy Preparation, 1939–1945* (Department of State publication No. 3580), pp. 666–677; text with some variation in nomenclature printed in *The International Court of Justice*, pp. 57–72.

See *ibid.*, pp. 15–52, for official comments relating to the Statute of the Proposed International Court of Justice; pp. 53–56, for official comments on the provisions of the Dumbarton Oaks Proposals relating to an International Court of Justice, and pp. 57–87, for proposals of the various States regarding alterations in the Statute of the Permanent Court of International Justice.

For complete documentation, see vol. 14, United Nations Committee of Jurists, in the series UNCIO Documents.

[27] For general list of representatives and advisers of the United Nations Committee of Jurists, see *The International Court of Justice*, pp. 165–167.

*President Roosevelt to the Chairman of the Council of People's Commissars of the Soviet Union (Stalin)*[28]

WASHINGTON, 24 March, 1945.

214. Ambassador Gromyko has just informed the State Department of the composition of the Soviet delegation to the San Francisco Conference. While we have the highest regard for Ambassador Gromyko's character and capabilities and know that he would ably represent his country, I cannot help being deeply disappointed that Mr. Molotov apparently does not plan to attend. Recalling the friendly and fruitful cooperation at Yalta between Mr. Molotov, Mr. Eden, and Mr. Stettinius, I know the Secretary of State has been looking forward to continuing the joint work in the same spirit at San Francisco for the eventual realization of our mutual goal, the establishment of an effective international organization to insure a secure and peaceful future for the world.

Without the presence of Mr. Molotov the Conference will be deprived of a very great asset. If his pressing and heavy responsibilities in the Soviet Union make it impossible for him to stay for the entire Conference, I very much hope that you will find it possible to let him come at least for the vital opening sessions. Since all sponsoring powers and the majority of other countries attending will be represented by their Ministers of Foreign Affairs, I am afraid that Mr. Molotov's absence will be construed all over the world as a lack of comparable interest on the part of the Soviet Government in the great objectives of this Conference.

ROOSEVELT

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**500.CC/3–2445 : Circular telegram**

*The Acting Secretary of State to Certain Diplomatic Representatives*[29]

WASHINGTON, March 24, 1945—midnight.

Please indicate to the government to which you are accredited that the Government of the United States is thinking along the following

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[28] Transmitted by the White House Map Room via Navy channels. Copy of telegram obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y.

[29] The diplomatic representatives in Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Liberia, Luxembourg, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, Syria, Turkey, Union of South Africa, United Kingdom (for the American Ambassador and also for the Missions to Czechoslovakia, the Netherlands, Norway and Yugoslavia), Uruguay, the Soviet Union, and Venezuela.

lines with regard to certain questions of organization and procedure at the San Francisco Conference:

1. *Conference Structure*

The Conference would meet initially in plenary session during which the organization of the Conference would be determined. We believe that it would be desirable for the Conference to resolve itself into four or five principal commissions.

The Commissions would agree upon their own agenda and such general discussions as might be desirable after which they would resolve themselves into committees, totaling probably ten or twelve, and such subcommittees as may be deemed necessary. As is customary most of the discussion and drafting would take place in the committees and subcommittees.

2. *Officers and Standing Committees of the Conference*

It is believed that the officers of the Conference, including those of the commissions and committees should be selected on as widely representative basis as possible.

Determinations of policy and decisions on matters of special importance relating to Conference arrangements might be entrusted to a Steering Committee composed of the Chairmen of the delegations. There might be established also an Executive Committee of probably eleven members.

3. *Information Policy*

In answer to numerous inquiries this Government has indicated publicly its confidence that the Conference will adopt a liberal information policy.[30] We have expressed the view that the plenary sessions and the meetings of the full commissions should be open to representatives of the press and to the members of the public so far as space will permit. This is the policy followed successfully at recent international conferences.

It is anticipated that the Conference will have a Press Office staffed by experienced press relations officials and assisted by representatives of the delegations.

Considering such factors as are now known this Government is formulating its plans on the basis that the Conference will be in session from four to eight weeks.

Please emphasize to the government to which you are accredited that the foregoing observations are of a tentative character and that the Government of the United States will welcome any comments which the other participating governments may wish to offer.

A special circular follows outlining preliminary information on physical arrangements at San Francisco and special facilities to be extended to the delegations in connection with the Conference.[31]

GREW

[30] For statement by the Secretary of State, March 15, on proposed procedure regarding press, radio, and motion pictures, see Department of State *Bulletin*, March 18, 1945, p. 435.

[31] UNCIO doc. No. 4, March 24, 7 p. m., not printed.

500.CC/3–2545

*The Soviet Ambassador (Gromyko) to the Secretary of State*

[Translation]

[WASHINGTON,] March 25, 1945.

YOUR EXCELLENCY: In accordance with instructions of the Soviet Government I request you to bring the following to the attention of the Government of the United States of America.

The Crimea Conference took a decision regarding the calling of a conference on April 25, 1945 at San Francisco for the creation of a world international organization for the maintenance of international peace and security. It is fully evident, that the states participating in the conference at San Francisco will appear as charter members of the new organization.

In accordance with the proposal of the Soviet Government, the Crimea Conference took the following decision:

"When the conference on a world organization takes place, the delegates of the United Kingdom and the United States will support a proposal for the admission to charter membership of two Soviet Socialist Republics, namely, the Ukrainian and the White Russian." [32]

This decision leaves no doubt that the question of the admission of the Ukraine and White Russia to charter membership should be raised at one of the first sessions of the conference at San Francisco and that, after the favorable vote of the conference, the representatives of these two republics should be guaranteed full participation in the proceedings of the conference mentioned, in the category of charter members of the world international security organization. The Soviet Government does not see any necessity to repeat here the arguments set forth by it in support of the above mentioned decision at the Crimea Conference; however, it considers it opportune to recall the statement of Mr. Churchill at the Crimean deliberations [33] to the effect that it is illogical to invite to the conference at San Francisco all the small countries, which have contributed almost nothing toward victory and only at the last moment have declared war, and, at the same time, withhold an invitation to the two Soviet republics which have made such great sacrifices in the struggle with Germany.

It follows from the above that the Soviet Government cannot agree with the interpretation of the decisions of the Crimea Conference which is given by the Government of the United States of America, namely, that the Ukraine and White Russia should not participate in the conference at San Francisco and that only after the San Francisco Conference, when a suitable decision will be taken, will they be able to participate in the Assembly of the organization.

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[32] *Conferences at Malta and Yalta*, p. 976, par. 2(*b*).

[33] *Ibid.*, p. 775.

The Soviet Government insists that in conformity with the decision of the Crimea Conference, the Soviet Ukraine and the Soviet White Russia be guaranteed participation in the Conference at San Francisco as charter members.

Accept [etc.] A. GROMYKO

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500.CC/3–2645 : Telegram

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

LONDON, March 26, 1945—7 p. m.
[Received 10: 50 p. m.]

3117. ReEmtel 3052, March 24, 1 p. m.[34] In a reply dated today on the question of Polish representation at San Francisco, Eden states that he is in entire agreement that the present regime in Warsaw could not be invited in any circumstances to be represented and he adds that he had already asked Halifax to inform the Department that such was his view.

Regarding the Department's proposed instruction to Harriman, Eden feels that the draft instruction as outlined in the Department's 2018, March 15, midnight, should meet the case very well with the one exception that it is his view that our inability to invite the Warsaw Government flows as a matter of principle from our general attitude toward it and he therefore suggests the omission of that part of the first sentence of the second paragraph of the Department's telegram 2018 reading "as we believe that . . . at the Crimea Conference".

Eden confirms that the Foreign Office received a communication from the Soviet Ambassador here similar to that delivered to the Department and he tells me that the Soviet Ambassador was left in little doubt that the British would not agree to the suggestion of the Soviet Government.

Eden adds that he now proposes sending the Soviet Ambassador a formal reply to the effect that His Majesty's Government in the United Kingdom agree that Polish representation at San Francisco is most important but that in their opinion this could only be accomplished by a united Polish Government formed in accordance with the decision reached at the Crimea Conference. It is therefore hoped that such a government may be formed in time to send representatives to the Conference. The note will add that His Majesty's Government could not in any circumstances agree to extending an invitation to the present Provisional Government in Warsaw since the policy agreed upon in the Crimea would be thereby stultified. It will also be stated that no analogy is perceived between the position of Poland, which

[34] Not printed.

at the present time has two rival governments disputing for recognition, and the position of the other governments to which reference was made in the Soviet Government's communication.

WINANT

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500.CC/3-2745

*The Chinese Ambassador (Wei) to the Secretary of State*

WASHINGTON, March 27, 1945.

MY DEAR MR. SECRETARY: I have the honor to transmit the following message addressed by the President of the Republic of China to the President of the United States:

"I am grateful to you for the suggestion contained in your telegram of March 15th[36] which reached me through your embassy on March 22nd, to made [*make*] our Delegation to San Francisco as representative as possible. The Government has today appointed a delegation of ten, of whom six are members of the People's Political Council. Besides members of the Kuomintang, the Delegation consists of a member each of the Communist Party and of two other opposition parties and three distinguished leaders who belong to no political party, including the publisher of the *Ta Kung Pao*. As you have shown your interest in this matter, I desire to inform you of the above.

Chiang Kai-Shek"

I shall be greatly obliged if you will be good enough to forward the above message to its high destination.[37]

I am [etc.] WEI TAO-MING

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800.014/3-2745 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)*

WASHINGTON, March 27, 1945—noon.

1192. Please consult Bidault immediately regarding French participation in preliminary conversations on trusteeship questions to be conducted within the terms of reference agreed on at Yalta, namely, that only machinery and principles should be formulated now for inclusion in San Francisco Charter leaving for subsequent agreement which territories within the specified categories will actually be placed under trusteeship but that no discussion of specific territories will take place during preliminary conversations or at the Conference.

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[36] See telegram 447 to Chungking, p. 121.

[37] The message was transmitted to President Roosevelt in memorandum of March 29, not printed.

Department's hope is that the preliminary conversations with five governments participating, should be held in Washington early in April probably around the eighth.

You might make known that British, Soviet, and Chinese have indicated readiness to participate. British sending Under Secretary for Colonies,[38] and Chinese sending Wellington Koo. Soviet representatives undetermined.

Should French Government raise question referred to in your despatch no. 1148[39] to effect that it feels unable to take position before having complete information on nature and methods of application of proposed trusteeship system you might reply that it is precisely this question which is the subject for consideration at the preliminary conversations.[40] We hope have papers ready shortly prior to conversations and understand British may also.

GREW

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500.CC/3-2845

*Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

[WASHINGTON,] March 28, 1945.

On instruction from London, Mr. Makins[41] raised with me the question of how the subject of the liquidation of the League would be handled at the San Francisco Conference. He asked for our reaction to the possibility that the Conference might wish to adopt a resolution on the subject, and inquired whether it would be possible for the British Government to make a suggestion to us on this subject. That suggestion, in effect, would be that prior consultation on this matter take place in Washington before the Conference opens.

I said to Mr. Makins that the British Government was, of course, free to make any suggestions, and that we would be glad to give it careful consideration. Speaking informally I said that our thought has been that the problem of the liquidation of the League is one that concerns primarily the members of the League, and that it was difficult for me to see how the Conference itself could adopt a resolution on this subject. I said that I could visualize the possibility that those

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[38] Sir George Henry Gater, Permanent Under Secretary of State for Colonies; he did not, however, attend the Conference as planned at that time.

[39] Dated February 26, not printed; see telegram 780, February 25, 9 p. m. to Paris, p. 91.

[40] Telegram 1584, March 31, 7 p. m., from Paris, reported that the French Government would participate in these preliminary conversations and that Paul-Emile Naggiar would be the French representative (800.014/3-3145).

[41] Roger Makins, Counselor of the British Embassy.

governments participating in the Conference which are also members of the League might wish to issue some sort of pronouncement in their name and that the only matter which might concern the Conference as a whole might be some statement or some provision authorizing the new organization, when established, to negotiate with the League.

Mr. Makins said he would report to the Ambassador, and he thought that the British Government would wish to make their suggestions in writing.

LEO PASVOLSKY

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500.CC/3-2845

*The Department of State to the British Embassy*[42]

MEMORANDUM

It is recommended that at the San Francisco Conference the four inviting powers should retain their character as sponsoring governments in the presentation of suggestions and recommendations which they may individually or severally have to bring before the Conference. This will make for a more orderly procedure and avoid the appearance of lack of support by the sponsoring governments of the agreements already reached.

Such a procedure would be in keeping with the spirit which has enabled the principal United Nations to act in agreement on the many basic and fundamental questions represented by the Dumbarton Oaks Proposals.

In order to implement this procedure it is proposed that the four sponsoring governments should agree among themselves that any substantial changes which any of them may have to suggest to the Conference should only be brought forward after consultation among the four governments.

This should not be construed, however, in a restrictive sense. Each government should be free, in the course of commission or committee discussions, to make recommendations and suggestions designed to improve the charter so long as they are within the framework of the Dumbarton Oaks Proposals. Moreover, each government would obviously have the right, in the course of such discussions, to comment without prior consultation on proposals or suggestions which may be advanced by other participating governments.

WASHINGTON, March 28, 1945.

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[42] Copies transmitted on the same date to the Soviet and the Chinese Embassies.

500.CC/3-2545

*The Secretary of State to the Soviet Ambassador (Gromyko)*[43]

WASHINGTON, March 29, 1945.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of March 25 in which you reiterate the request of your Government that delegations representing the Ukrainian Soviet Socialist Republic and the White Russian Soviet Socialist Republic participate in the discussions at San Francisco once these republics have been accepted by the Conference as original members of the new organization.

I should like again to set forth the understanding of the United States Government of the obligations which it assumed on this point under the Crimean decisions. As clearly stated in the agreed Protocol of the proceedings of the Conference the United States Government agreed to support at the San Francisco Conference the proposal that these two Soviet republics be admitted to initial membership of the world organization when that organization was established but no obligation whatsoever was assumed in regard to the question of the presence of representatives of these republics at San Francisco. This specific question was not raised by the Soviet delegation at the Crimean Conference. Except for the personal observation of Mr. Churchill referred to in your note, this question was not taken up in the general discussion or in connection with the definite list of countries to be invited to the Conference.

Furthermore, it must be pointed out that it remains for the Conference to decide whether to accept the Soviet proposal which the United States and British Governments have agreed to support concerning the admission of these two republics as initial members of the proposed organization. Pending the decision of the Conference on this point there would appear to be no grounds at this stage for raising the question of the representation of the Ukrainian and White Russian Republics at the Conference itself.[44]

Accept [etc.] E. R. STETTINIUS, Jr.

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[43] Handed by Mr. Grew to the Soviet Ambassador on March 29. The Ambassadors in the United Kingdom and in the Soviet Union were informed of the exchange of notes with the Soviet Embassy in telegrams 2440 and 732, respectively, on the same date (500.CC/3-2945).

[44] See statement released to the press by the White House on March 29, Department of State *Bulletin*, April 1, 1945, p. 530; see also Edward R. Stettinius, Jr., *Roosevelt and the Russians*, pp. 282–283.

500.CC/3–1245

*The Department of State to the Soviet Embassy* [45]

AIDE-MÉMOIRE

The Government of the United States welcomes and fully shares the views of the Soviet Government with respect to the importance of Poland's being represented at the San Francisco Conference and is happy to agree to the extension of an invitation for participation therein to the new Polish Provisional Government of National Unity as soon as it is formed in accordance with the Crimean decisions. It is hoped, therefore, that the Commission composed of American, British, and Soviet members, which is now seeking at Moscow to achieve the broad democratic basis for the government specified by the decisions of the Crimea Conference,[46] may terminate successfully its deliberations in time for the government to be constituted and to send representatives to San Francisco.

While most careful consideration has been given to the opinion expressed by the Soviet Government in its Memoranda of March 9 and March 22 to the effect that if, in view of the complexity of the question, it is impossible to form in the near future the new government, representatives of the Provisional Polish Government now functioning at Warsaw be invited to attend the Conference at San Francisco, the American Government finds itself unable to agree to the extension of such an invitation, since representation by the present Provisional Polish Government now functioning in Warsaw would not be in harmony with and might in fact conflict with the decisions of the Crimea Conference. Thus representation by Poland at San Francisco should in the opinion of the American Government be reserved for the Provisional Polish Government of National Unity agreed upon at Yalta rather than be accorded to one of the groups from which the new government is to be formed.

It is further the opinion of the American Government that the desire mutually shared by the American and Soviet Governments to have Poland represented at San Francisco should serve as an additional and potent reason for the Commission at Moscow to expedite its present deliberations. However, in the event that the formation of the new government can only be completed after the opening of the San Francisco Conference, the American Government is prepared to consider sending the new government an invitation while the conference is in session.

WASHINGTON, March 29, 1945.

[45] The text of this *aide-mémoire* and texts of the two Soviet memoranda of March 9 (p. 113) and March 22 (p. 147) were transmitted to the Ambassador in Moscow in Department's instruction 549, April 20 (500.CC/4–2045).

[46] For documentation on this subject, see vol. v, pp. 361 ff.

*President Roosevelt to the British Prime Minister (Churchill)*[47]

WASHINGTON, 29 March, 1945.

727. The following interchange of messages between Marshal Stalin and myself is quoted for your information.[48]

[Here follows text of telegram from President Roosevelt to Marshal Stalin, March 24, printed on page 156.]

"Marshal Stalin to President, 27 March.

We extremely value and attach great importance to the forthcoming Conference at San Francisco, called to found the international organization of peace and security for peoples but circumstances have developed in such a way that Mr. V. M. Molotov, really, is not able to participate in the Conference. I and Mr. Molotov regret it extremely but the convening, on request of the deputies of the Supreme Soviet, in April, of a session of the Supreme Soviet of the USSR where the presence of Mr. Molotov is absolutely necessary, is excluding the possibility of his participation even in the first meetings of the Conference.

You also know that Ambassador Gromyko has quite successfully accomplished his task in Dumbarton Oaks and we are confident that he will with great success head the Soviet delegation in San Francisco.

As regards various interpretations, you understand, this cannot determine the decisions which are to be made."

ROOSEVELT

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500.CC/3-2945 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, March 29, 1945—9 p. m.
[Received March 30—8:52 p. m.]

963. Personal for the Secretary. The British Ambassador tells me that on a call on Vyshinski on other matters he mentioned to Vyshinski that it was his personal opinion that the Soviets were making a mistake in not having Molotov go to the San Francisco Conference. Vyshinski, with whom it is usually possible to discuss frankly almost anything, flared up and told Clark Kerr that it was a mistake for Clark Kerr to have mentioned the subject as it was entirely the affair of the Soviet Government who represented them at San Francisco.

I am reporting this unusual incident as it, taken with other evidence, may shed light on the Soviet attitude towards the San Francisco Conference.

HARRIMAN

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[47] Transmitted by the White House Map Room via Navy channels. Copy of telegram obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y.

[48] Marshal Stalin's reply to the President was quoted also in telegram 741, March 30, 3 p. m., to Moscow, not printed.

500.CC/3-2945

*Memorandum by Mr. Charles E. Bohlen, Assistant to the Secretary of State for White House Liaison, of a Meeting at the White House, Thursday, March 29, 1945, 11:45 a. m.*

Present: The President, Secretary of State, Mr. Grew, Mr. MacLeish, Mr. Dunn, Mr. Bohlen, and Admiral Leahy

1. *Issuance of Statement Regarding two Soviet Republics*

The Secretary told the President that the news of the Yalta agreement concerning the two Soviet republics had been published and that in order to avoid dangerous and misleading interpretations it was his advice that some statement should be issued. He said that Mr. MacLeish had some clear ideas on the subject and he would ask him to tell the President about them. Mr. MacLeish then briefly outlined the short statement which he had in mind, namely, that the Soviets had raised the question at Yalta and announced their intention to propose at San Francisco the admission of these two republics as initial members of the organization and that the British and American representatives had signified their willingness to support this proposal. The final decision, however, on this complicated question would be made by the Conference. The President authorized Mr. MacLeish to work with Mr. Daniels [49] in drawing up the proposed statement to be shown to him before issuance.

2. *The President's Plans in regard to the San Francisco Conference*

The President said he had been thinking over the question of the best time for him to come to San Francisco—whether at the beginning to open the Conference, at the end, or at some other time. He said, that Mr. Early had suggested that if the Conference ran into real difficulties it would be quite dramatic for him to go out there and "wave the magic wand". The President said, however, that he was dubious of this proposal since there was no certainty that he would be able to "wave the magic wand" and resolve the difficulties. He asked the Secretary's advice on this point. The Secretary's reply was that in his opinion it would be preferable for the President to come out and open the Conference and welcome the delegates to the United States. The President said he agreed with this and said he thought he would do just that.[50] He said that his present plans were to return from Warm Springs sometime around the middle of April and leave for San Francisco on the 20th. He said he had splendid accommodations fixed up for him at Oakland and he would remain on his private car and only leave it to go to the Conference and make his

[49] Jonathan W. Daniels, Administrative Assistant to President Roosevelt.

[50] A White House memorandum of April 9 to the Secretary of State indicated the President's approval of the Secretary's suggestion that he address the first plenary session at 4:30 on the afternoon of April 25 (500.CC/4-945).

address. He added that he thought in his speech he would draw on history and would recount the words of the New York Convention in ratifying the Constitution. He said the wording of the ratification expressed "full faith and confidence that the Constitution would be amended to include a bill of rights". He said he thought he would use this as an analogy in addressing the Conference and point out how it had been necessary to change the United States Constitution from time to time and that the world charter which the Conference was called upon to draw up could likewise be changed and improved, but that the main thing was to get it started and let it develop. At the Secretary's suggestion the President asked Mr. MacLeish to prepare the first draft of a fifteen minute speech for him and send it down to Warm Springs.[51] Mr. MacLeish then left to work out with Mr. Daniels the proposed statement on the two Soviet republics.

3. *List of Consultants to San Francisco Conference*

The Secretary explained to the President that numerous requests were being received from various American organizations that their representatives should participate in the San Francisco Conference. He said that after most careful study the Department had drawn up a list of organizations which could send one man each to San Francisco in a completely unofficial capacity as consultants or observers. These representatives would have no connection with the United States delegation which would be the only body authorized to speak for the United States but would have an opportunity to present their views to the United States delegation. He said that several Congressional members of the delegation thought that even this arrangement would make for a great deal of complication but were prepared to accept it if the President approved. The President went over the list and asked a number of questions about the organizations listed and inquired whether their representatives would have the right to appear before and participate in committees. The Secretary said they would not have this right and could only express their views to the United States delegation. Mr. Grew explained that a special liaison office would be set up for this purpose. The President approved the list submitted by the Secretary and the general procedure outlined and asked that he be furnished the names of those representatives of the other Government departments who had been designated as observers. In reply to the question as to whether he had told Rabbi Wise that the Zionist organizations could send representatives the President said that he thought they would have the same right as anybody else.

[51] President Roosevelt was informed by the Secretary in a memorandum of April 7 that Mr. MacLeish would have a draft speech ready by April 12 and would send it to him promptly (500.CC/4–645).

4. *Messages to the Prime Minister*

The Secretary then put before the President the draft of the two messages to the Prime Minister [52] which the President read with close attention and asked a number of questions on various points. He finally approved and signed both messages without change. (Mr. Bohlen has copies of these messages which he is holding for the Secretary.)

C. E. BOHLEN

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RSC Lot 60–D 224, Box 96 : US Cr. Min. 3

*Minutes of the Third Meeting of the United States Delegation, Held at Washington, Friday, March 30, 1945, 11 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (14) present at meeting.]

THE SECRETARY opened the meeting by stating that there were many who did not like the recent development connected with the Soviet proposal for representation of certain Soviet republics in the General Assembly. He pointed out, however, that the President was faced with a leak and that it had been necessary to release the information at this time. He urged that the Delegation go forward and use its wits and its courage to find answers for the difficult problems that had to be faced. He indicated that he was prepared to have a frank conversation with respect to any matter that the delegates wished to discuss.

SENATOR VANDENBERG asked if there were any further unexpected disclosures to come. THE SECRETARY replied that there were none, except that there were certain military matters about which he was not free to speak. REPRESENTATIVE EATON asked if agreement had been reached at Yalta to hand over the control of German education to the Soviets. THE SECRETARY replied in the negative and MR. HISS concurred.

SENATOR CONNALLY said that the most serious criticism of the White House statement would be in terms of its timing, but that he did not feel that he could complain at the position taken in that statement. SENATOR VANDENBERG said that he was not complaining, but he wondered whether this revelation meant the reopening of other aspects of the proposals.

THE SECRETARY assured Senator Vandenberg that there was nothing agreed to at Yalta in connection with the general international organization that the Senator did not now know. He asked Mr. Hiss if this

[52] See telegram 729 from President Roosevelt to Prime Minister Churchill, March 29, vol. v, p. 189, and footnote 58, *ibid.*, p. 190.

statement was accurate. MR. HISS replied in the affirmative. The Secretary added that the reason that the President had felt that this matter should not be previously disclosed was his desire, if possible, to have further discussions with the Soviets that might possibly lead to a modification of their position. REPRENSTATIVE BLOOM indicated that he had been somewhat embarrassed by not having been kept fully informed on this subject. SENATOR CONNALLY said the matter came down to a question of timing and that the President could not be justifiably criticized for having made this announcement. SENATOR VANDENBERG indicated that he disagreed with the position taken in the White House statement but that he did not think it was worth while arguing about it at this time. He noted that in talking with the President on this matter the President had left the impression that, while the President was himself personally committed to the position, the Delegation itself was not bound.

THE SECRETARY explained that he hoped the Delegation would make a recommendation to the President as to how to dispose of this problem. Since the President would be away for a short time he thought it would be particularly appropriate for the Delegation to struggle with this question now.

SENATOR VANDENBERG remarked that he wanted it clearly understood that he was in accord with the Secretary's initial statement that nothing should be allowed to interfere with the final result of establishing the organization. He was merely trying to point out, he said, that a little more candor would be very helpful.

SENATOR CONNALLY said that it was essential for the Delegation to act as a unit when it went to San Francisco and that the delegates would have to hang together. SENATOR VANDENBERG noted that each individual still retained his own vote on the Delegation. SENATOR CONNALLY replied that what he had in mind was that it would not be wise for members of the Delegation to throw monkey wrenches into the works before the Delegation had had time to formulate its own views.

THE SECRETARY reassured the members of the Delegation that there was nothing that they did not know, nothing that had been left in the closet, except, as he had said, certain military decisions which he could not discuss.

SENATOR VANDENBERG stated that, while it was possible to gloss over this whole matter, he believed that the public reaction would be serious and that the newspapers in particular would inquire why this decision was not announced in connection with the other Yalta decisions. THE SECRETARY agreed that the public reaction would be adverse.

REPRESENTATIVE EATON indicated that he seriously questioned the basic nature of the Proposals under contemplation. He felt that we

were now engaged in slaughtering thousands of men and expending billions of dollars in an attempt to destroy the enemy only to be coming out with a plan for the domination of the world. He felt convinced that the substance of the plan for world organization was the domination of the world by four or five of the great states. He indicated that he would prefer to try to lay the firm foundations for the peace after the necessary adjustments had been made to settle the issues of the war.

REPRESENTATIVE EATON thought the justification for the United States having three votes on the grounds that Great Britain had six votes was fallacious. He said that the Dominions had declared war for themselves, would terminate their part in the war as they saw fit, now sent their own ambassadors, and were in fact free and independent nations.

REPRESENTATIVE BLOOM asked whether the President himself was actually in favor of the 3–3–6 formula. THE SECRETARY replied that the President's position is that, if Russia insists on three representatives and the Conference accepts this position, then he would insist upon three votes for the United States. SENATOR VANDENBERG thought that the tenor of the anouncement was that this Government was now committed to the Soviet proposal. THE SECRETARY replied that the decision was left up to the Conference itself. SENATOR VANDENBERG felt that this should have been made clearer in the announcement. THE SECRETARY then asked Mr. MacLeish to read the White House statement.[53] MR. MACLEISH read as follows:

"Soviet representatives at the Yalta Conference indicated their desire to raise at the San Francisco Conference of the United Nations, the question of representation for the Ukrainian Soviet Republic and the White Russian Soviet Republic in the assembly of the proposed United Nations organization.

"The American and British representatives at the Yalta Conference were requested by the Soviet representatives to support this proposal when submitted to the conference of the United Nations at San Francisco. They agreed to do so, but the American representatives stated that if the United Nations organization agreed to let the Soviet republics have three votes, the United States would ask for three votes also.

"The British and Soviet representative stated that they would have no objection to the United States and its possessions having three votes in the Assembly if it is so desired.

"These conversations at Yalta related to the submission of a question to the San Francisco conference where the ultimate decision will be made."

THE SECRETARY noted that the statement emphasized that the matter was open for decision by the Conference.

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[53] Press release issued by the White House, March 29; see Department of State *Bulletin*, April 1, 1945, p. 530.

THE SECRETARY announced that he had a number of important matters to raise at this meeting and that he thought discussion should now turn to them.

1. *President To Open Conference*

THE SECRETARY explained that he had discussed with the President the President's plans with regard to the Conference and that the President had said that he would do anything that we felt was the proper thing to do. . . .

. . . . . .

It was generally agreed that announcement should be made that the President would open the Conference and that the question of his closing the Conference would be left open.

2. *List of Advisers*

THE SECRETARY reported that he had talked over with the President the list of advisers for the United States Delegation. A copy of the List of Advisers (March 29, 1945 [54]) was distributed to each member. . . .

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3. *Unofficial Observers From National Organizations*

A classified List of Private National Organizations was then distributed to the members.

THE SECRETARY said that he had talked over with the President the whole question of representation of national organizations at San Francisco and that, while the President realized the difficulties of the plan previously suggested by the Department, he had felt it would do considerable harm if no recognition was given to the leading national organizations. The President favored limiting the list to about 30 organizations and allowing each of these organizations to send one representative. Of course each organization would pay the expenses of their representative. There would be a liaison office to facilitate communication with these representatives, and they would be free to attend the plenary sessions and the commission meetings, but they would not be listed as advisers.

. . . . . .

4. *Assignment of Members of the Delegation to Commissions*

THE SECRETARY stated that one further matter that he thought should be discussed at this meeting was the tentative assignment of delegates to the several commissions of the Conference. A list entitled Tentative Assignment of Delegates [55] was then distributed to the members. . . .

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[54] List of March 29 not printed; for list released to the press on April 3, see Department of State *Bulletin*, April 8, 1945, p. 608.

[55] Not printed.

THE SECRETARY asked whether it would not be well to designate one representative from the Delegation to be the spokesman on each commission. MR. PASVOLSKY thought that the real work would be done in the committees since the commissions would be open to the public and that it would be vitally important to assure at all times that a delegate from the United States was present at any meeting of a committee. He added that, if one member of the Delegation was designated to act as spokesman of each commission then the other delegates would serve as alternates, but that he thought it was most important to designate a spokesman for each committee. SENATOR CONNALLY wondered if what the Secretary had in mind was the designation of a chairman from the Delegation for each commission. THE SECRETARY agreed with this interpretation. REPRESENTATIVE BLOOM said he assumed that, if a delegate assigned as spokesman to a committee was unable to attend, a substitute would be appointed. MR. ACHESON replied in the affirmative.

It was then generally agreed to postpone a decision on the assignment of members of the Delegation to the several commissions until the Tuesday meeting.[56]

5. *Secretary's Statement at Press Conference Concerning Proposal for Representation of Certain Soviet Republics in the General Assembly*

THE SECRETARY announced that he would have to proceed immediately to a press conference at which he would be asked questions concerning the Soviet proposal for the representation of certain Soviet republics in the General Assembly. He asked the members of the Delegation what they would think of the following statement that had been prepared:

"I have nothing further to add to the White House statement of yesterday on the Soviet proposal with reference to representation of certain Soviet republics in the General Assembly of the proposed United Nations Organization, except to point out: That the United States representatives at Yalta reserved to the United States Delegation at San Francisco the right to raise the question of United States representation in the General Assembly, should the issue of increased representation in the Assembly be presented to the Conference and should the United States Delegation wish to exercise that right. The Dumbarton Oaks Proposals remain, of course, as stated in the invitation, the basis for the work of the San Francisco Conference."

SENATOR VANDENBERG and MR. DUNN agreed that this statement might only accentuate the adverse reaction. THE SECRETARY suggested that in place of this statement he might simply say that the matter had been discussed with the Delegation and was under consideration. SENATOR VANDENBERG said that when the President had

[56] April 3.

talked to them about this Soviet proposal he had left the impression that the Delegation was not committed to it. He had said that if he were there he would vote for the proposal, but that the impression was left that the delegates were free agents and that he even wanted them to act as free agents.

THE SECRETARY stated that it was now the responsibility of the delegates to be as resourceful as possible in seeing that this hurdle was surmounted before the San Francisco Conference.

THE SECRETARY thought that it might be wisest to "duck" the matter in the forthcoming press conference. SENATOR CONNALLY agreed that the more that was now said in the paper the more the disturbance would be accentuated. He advised the Secretary to emphasize that the matter was left entirely to the discretion of the Conference and that its solution would depend upon future developments. THE SECRETARY thought he might say simply that the President had made a statement on this matter and that he had nothing at the moment to add to this statement. SENATOR VANDENBERG urged that he go one step further and indicate that the matter was open for decision at the Conference. MR. HACKWORTH suggested that the Secretary state that the question of Soviet representation was open for decision at the Conference, but that the question as to whether the United States would also ask for three representatives was up to the delegates to decide.

MR. ACHESON asked the Secretary whether the American Delegation was free or not free to make its decision on this question. THE SECRETARY replied that, as the statement said, the American representatives had agreed at Yalta that if the Russians proposed representation for three Soviet republics in the General Assembly the President would support the proposal, but that if the Conference accepted the Soviet proposal then we would insist on three votes for ourselves. MR. ACHESON thought the Delegation was then free to decide whether it wished to insist on three representatives. SENATOR CONNALLY added that he did not believe the President would withdraw from his commitment.

It was then generally agreed that the Secretary should quote directly from the statement by the President that the ultimate decision was to be made by the Conference.[57]

[Here follow announcements Nos. 6–9 regarding "Jurists' Meeting", "Trusteeship", "Meetings on Substance", and "Next Meeting".]

The meeting was adjourned at 12:20 p. m.

[57] See press release of April 3 concerning the press conference of March 30, Department of State *Bulletin*, April 8, 1945, p. 600.

500.CC/3-3045

*The Secretary of State to the Soviet Ambassador (Gromyko)*[58]

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and with reference to previous correspondence concerning the United Nations Conference on International Organization[59] encloses memoranda concerning (1) the present views of this Government regarding the structure of the conference and (2) the extension of invitations to the Governments of Syria and Lebanon.[60]

The list of commissions and committees contained in the enclosed memorandum on structure was drafted to include informal suggestions received from certain of the other sponsoring governments in response to a memorandum handed to the respective Ambassadors on March 16.

The information contained in the enclosed memoranda as well as the contents of previous memoranda in this series have been telegraphed to the appropriate United States diplomatic missions abroad[61] for communication to the participating governments. With respect to the memorandum on structure, the missions of the United States have been requested to indicate to the governments that this Government will appreciate receiving at the earliest practicable date any comments which they may wish to offer.

WASHINGTON, March 30, 1945.

[Enclosure]

MEMORANDUM ON THE STRUCTURE OF THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

Following further study of the structure of the conference (see item number one, Information Memorandum number 1[62]) this Government

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[58] The same, *mutatis mutandis*, on the same date to the British and Chinese Ambassadors.

[59] In his *Diary* of March 18–April 7, Secretary Stettinius indicated that on March 21 his special assistant, Robert J. Lynch, had reported to him by telephone at his farm, "The Horseshoe", that the recommended name for the Conference was "United Nations Conference on International Organization" and that he had said that was all right. In a circular telegram of March 29 the Acting Secretary of State requested diplomatic officers to note that the Conference was then being referred to formally as "United Nations Conference on International Organization" and to so apprise the Governments to which they were accredited (500.CC/3-2945).

[60] Memorandum No. 2 not printed, but see footnote 81, p. 139.

[61] Circular telegram, March 31, 9 a. m., not printed.

[62] Memorandum prepared in the Department of State, March 16, p. 131.

is currently of the opinion that the conference might resolve itself into the following commissions and committees:

COMMISSION I—GENERAL PROVISIONS

Committee 1—Preamble, Purposes, and Principles
Committee 2—Membership and General (to include Principal Organs, Secretariat, and Amendments)

COMMISSION II—THE GENERAL ASSEMBLY

Committee 1—Structure and Procedure
Committee 2—Political and Security Functions
Committee 3—Economic and Social Cooperation
Committee 4—Trusteeship System

COMMISSION III—THE SECURITY COUNCIL

Committee 1—Structure and Procedures
Committee 2—Peaceful Settlement
Committee 3—Enforcement Arrangements
Committee 4—Regional Arrangements

COMMISSION IV—JUDICIAL ORGANIZATION

Committee 1—International Court of Justice
Committee 2—Legal Problems

The diplomatic missions of the United States in the countries invited to participate have been requested to communicate the foregoing to the respective governments.

MARCH 30, 1945.

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500.CC/3-3045

*The British Ambassador (Halifax) to the Secretary of State*

No. 150 WASHINGTON, March 30, 1945.

SIR: I have the honour, on instructions from His Majesty's Secretary of State for Foreign Affairs, to communicate to you herewith a summary of a report by the Committee of officials set up in London to study the problems which will arise when it becomes necessary to wind up the League of Nations.[63]

2. I am to explain that His Majesty's Government in the United Kingdom wish to avoid any confusion resulting from the simultaneous existence of the League and the new World Organisation and they are anxious to arrange for the formal dissolution of the League as speedily as possible after the San Francisco Conference.

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[63] In note 167, April 11 (500.CC/4-1145), Ambassador Halifax submitted to Secretary Stettinius copies of an "Abbreviated Report of the Committee on the Future of the League of Nations", considerably fuller than the summary transmitted in this note.

3. While there is no question of the League as such continuing in any form there are certain technical services, experienced international officials and valuable records which might with advantage be taken over by the new Organisation. Similarly the new Organisation might with advantage take over the financial assets and liabilities of the League, which is in a sound financial position.

4. His Majesty's Government do not favour any arrangement whereby the new Organisation would be committed to take over all existing League functions, assets, and liabilities. It would be for the new Organisation to decide what it was proposed to take.

5. In order to facilitate progress, His Majesty's Government earnestly hope that the convening Governments will agree that a resolution should be presented to the San Francisco Conference indicating willingness to take over certain non-political functions, assets and liabilities of the League, on terms to be agreed; and appointing a committee to negotiate with the League on these matters.

6. You will observe that the Report does not deal with the Permanent Court, the International Labour Office, or the Permanent Mandates Commission, all of which call for separate examination.

7. A similar communication is being made to the other convening Governments, and also to the French Provisional Government.

I have [etc.] HALIFAX

[Enclosure]

SUMMARY OF REPORT

1. The establishment of the new World Organisation will involve the disappearance of the League of Nations, but this result will not be produced automatically. Some formal step will be necessary.

2. It is desirable that useful non-political functions of the League (together with experienced staff and records) should be transferred to the new World Organisation where this seems advantageous to the new Organisation.

3. Some arrangement must be made to wind up the finances of the League, which has certain assets and liabilities which it may be desirable to transfer to the new Organisation.

4. The Committee make the following recommendations:—

(i) The League should be wound up in a dignified and orderly manner as soon as possible after the formal establishment of the new World Organisation. The initiative with regard to the transfer of such functions, assets and liabilities as it is agreed should be taken over should come from the new World Organisation. The necessary arrangements for transfer should be made as far as possible during the period before the new World Organisation is fully established.

(ii) It is desirable that the non-political activities of the League which are still being continued on a reduced scale should be maintained until the new Organisation is in a position to take them over.

(iii) The transference to the new Organisation of the League Departments responsible for carrying out the main non-political activities would not be difficult. Only a small nucleus of experienced officials remain in these Departments. The services of many of them would be valuable to the new Organisation, as would also be those of some experienced League officials now engaged elsewhere. The value of the League's records and archives needs no emphasis.

(iv) Some reorganisation of the present system of international drug control and of international health organisation is probably necessary, but it seems best to transfer the existing functions of the League to the new Organisation before embarking on major changes.

(v) It is for consideration whether the best course would be to transfer the functions of the League High Commissioner for Refugees to the new Organisation or to the Inter-Governmental Committee on Refugees.[64]

(vi) The future of the League Organisation for Intellectual Co-operation and with it the Paris Institute of Intellectual Co-operation must be considered in relation to the proposed United Nations Organisation for Educational and Cultural Reconstruction and to the suggestion that a permanent International Education Organisation should be established.

(vii) All of the League's remaining non-political work—activities with regard to economic, financial and other social questions, communications and transit; suppression of slavery, treaty registration, etc.,—could be transferred to the new Organisation so far as may be desired without any obvious difficulty.

(viii) In view of the existence of a large number of international treaties, conventions and agreements which attribute powers and duties to the League a most unsatisfactory situation will arise on the dissolution of the League unless measures are taken to transfer the functions conferred on the League by these instruments, to the new Organisation. This will involve

(*a*) the agreement, expressed in some appropriate form, of the parties to each instrument and

(*b*) the acceptance of the functions in question by the new Organisation.

Each of the instruments in question must, generally speaking, be dealt with separately. We feel, however, that the process of obtaining the consents of the parties would be much facilitated and accelerated if this were done under the auspices of the new Organisation and with the assistance of its Secretariat.

(ix) The question of transferring to the new Organisation the functions of the League arising out of the Protocols, General Bonds and Loan Contracts of the League Loans, which owe their origin to the various schemes of financial reconstruction undertaken by the League between the wars, is one of some complexity. It is considered, however, that it would suffice if agreement to the transfer of functions were obtained only from the League and the new Organisation, and simply notified to the interested parties.

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[64] For press release of March 15 concerning the status of the Committee, see Department of State *Bulletin*, March 18, 1945, p. 452.

(x) The present financial position of the League is sound. In addition to substantial fixed assets in the form of land, buildings and equipment, there are considerable liquid assets in the various funds built up by the League which should be sufficient to provide for an orderly liquidation provided that the present financial position of the League does not deteriorate in the interval.

(xi) The Committee which it is suggested should be set up by the League to arrange the transfer of functions to the new Organisation should be given the necessary authority to liquidate the finances of the League. This Committee should make arrangements for meeting the outstanding liabilities of the League, and for the future administration of the Pension Funds. When all claims have been met, and drafts on the Working Capital Fund made good, the assets outstanding should be distributed among Members with due regard to their record of contributions.

(xii) It is hoped that it will be possible to transfer the League buildings, its unique library, etc., to suitable international bodies, which may or may not be associated with the proposed United Nations Organisation. If that Organisation does not require them and if the International Labour Organisation should return to Geneva, the latter might take over the League buildings. Failing their transfer to the new Organisation, the International Labour Organisation, or some other suitable body, it will be desirable to set up a body of Trustees to manage the Library, buildings, and any other special assets which serve international purposes.

5. The following procedure is suggested for bringing the League of Nations to an end, and to effect the transference of its functions, assets and liabilities to the new Organisation.

6. A suitable resolution should be passed at the San Francisco Conference indicating willingness in principle to take over certain non-political functions of the League and certain of its assets and liabilities, on terms to be agreed. The resolution would also appoint a committee for the purpose of negotiating with the League and would invite the League to appoint a corresponding committee. Subsequently a meeting of the League Assembly would be called at which a resolution would be passed welcoming the initiative of the United Nations and appointing a negotiating committee to meet the committee appointed by them and to co-operate in drawing up the necessary instruments. The results of these negotiations would be submitted for confirmation to the appropriate body of the new Organisation, and to a second and final meeting of the League Assembly, at which a resolution would be passed confirming and giving effect to the agreement reached, and providing for the signature on behalf of the League of any necessary instruments for this purpose. Finally the resolution would announce the dissolution of the League of Nations and the release of its members from their obligations under the Covenant.

7. In making these recommendations account has been taken of the political factors which may complicate the transference of the League's functions to the new Organisation. For a decision in the Assembly a unanimous vote is necessary, and if unanimity does not exist the most that can be obtained is a recommendation to the Members of the League. Much will depend on the attitude of the smaller State Members of the League to the new Organisation as it takes shape at San Francisco. If their attitude is not unfriendly and there is a general desire to make the most of the opportunities which the establishment of the new Organisation will present, we do not expect any serious difficulties. It should be possible to ensure the compliance of ex-enemy States which are still nominally Members of the League. Neutral States, which will not become original members of the new Organisation, will it is hoped, not be likely to prejudice their chances of being admitted later by ill-considered action during the obsequies of the League.

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500.CC/3-3145

*The Soviet Embassy to the Department of State*

[Translation]

MEMORANDUM

The Soviet Government has taken note with satisfaction of the proposal set forth in the Memorandum of the Department of State of March 28 [65] to the effect that the representatives of the four inviting powers should have prior discussion among themselves of, and should concert, proposals and recommendations which each of them might desire to put forward at the San Francisco Conference. My Government considers that such joint prior discussion and concerting should, in the interests of lasting cooperation among the inviting powers and of the success of the Conference, be extended also to proposals and recommendations put forward at the Conference by any other delegations.

[WASHINGTON,] March 31, 1945.

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*The Secretary of State to President Roosevelt* [66]

[WASHINGTON,] April 2, 1945.

DEAR MR. PRESIDENT: At a press conference on Friday last,[67] correspondents submitted some thirty odd questions in writing, pre-

[65] See footnote 42, p. 162.
[66] Copy obtained from the Franklin D. Roosevelt Library, Hyde Park, N. Y.
[67] March 30.

cipitated by the *Herald Tribune* story on the Soviet proposal for additional votes in the Assembly. The Department has given careful consideration to the preparation of a draft statement which follows in this message.[68] We believe it accurate and have reason to hope that this method of handling the matter may allay press concern. We feel strongly that we should take this occasion to settle positively the position of this Government on additional votes in the General Assembly.

Dean Acheson has discussed this matter with Connally, Vandenberg, and Bloom. Connally feels that we should state at this time that we do not intend to exercise the right reserved to the United States to request two additional votes in the General Assembly. Vandenberg agrees that the most desirable result would be a single vote by the United States in the General Assembly, even though the USSR has three and is inclined to go along, but feels that it may be desirable to leave the whole matter open in view of a renewal of public comment about "six British votes". Bloom is willing to go along, but his private judgment is that it is better to leave the matter open. If it is decided not to take the flat position that we do not propose to exercise the right reserved, all three delegates would agree to a statement to the effect that the Delegation will decide in its discretion whether or not the United States will advance the proposal.

In discussing the question of trusteeship with Colonel Stimson and Jim Forrestal, I raised the question of this statement and showed them copies. They approved of the statement and approved also of an announcement that this Government does not intend to request additional seats in the Assembly.

The pressure on this matter is becoming intense, and I very much hope to have your views in time for me to make a statement this afternoon or tomorrow noon at the latest.[69] I am leaving for Chicago late Tuesday, expecting to return on Thursday.

I will telephone Bill Hassett[70] this afternoon in the hope that I may be able to secure your views either directly or through him.

Sincerely yours, EDWARD R. STETTINIUS
per A. MacLeish

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500.CC/4–245

*The Counselor of the British Embassy (Makins) to Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

WASHINGTON, April 2, 1945.

MY DEAR PASVOLSKY: In connection with the arrangements for the San Francisco Conference you will remember that we spoke on

[68] Draft not printed; see final statement released to the press on April 3, Department of State *Bulletin*, April 8, 1945, p. 600.

[69] The President approved the draft with certain changes.

[70] William D. Hassett, Secretary to President Roosevelt.

March 28th [71] about the procedure which might be adopted when it becomes necessary to wind up the League of Nations.

We subsequently received instruction to make a formal communication to the Secretary of State on the subject and Lord Halifax accordingly addressed his note No. 150 of March 30th to Mr. Stettinius. I enclose a further copy of this note for your convenience.[72]

We have now been asked by the Foreign Office to suggest that it would be desirable to reach an understanding on the best procedure for handling this matter before the Conference opens, and they would therefore be very grateful if the State Department were willing to arrange for preliminary discussions to be held in Washington before the Conference opens. Such a discussion might take as its basis Lord Halifax's note of March 28th.

The Foreign Office further suggests that, in addition to representatives of the sponsoring powers, it would be advantageous to invite a representative of the French Provisional Government.

The Foreign Office are prepared to send an expert to Washington to participate in any discussions which may be held.

We should be very glad to have the views of the State Department on this proposal at the earliest possible date.[73]

Yours very sincerely, ROGER MAKINS

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500.CC/4-345

*The Department of State to the British Embassy* [74]

MEMORANDUM

TENTATIVE SUGGESTIONS CONCERNING THE ALLOCATION OF COMMISSION AND COMMITTEE POSITIONS AT THE CONFERENCE

It is hoped that by April 9 it will be possible for us to have agreed upon the composition of the Executive Committee, and the allocation of Chairmen, Rapporteurs and Secretaries of the proposed four commissions and twelve committees of the San Francisco Conference.

Consideration should be given, of course, to the personal qualifications of the individual delegates as well as to questions of geographic location and national power and prestige. Since our information about the composition of the several Delegations is not yet complete, the suggestions made below are necessarily highly tentative.

It is suggested that the Executive Committee should be composed of the Chairmen of the following Delegations: United States, Brazil,

[71] See memorandum by Mr. Pasvolsky, March 28, p. 161.

[72] *Ante*, p. 175.

[73] See minutes of the second meeting of the Informal Organizing Group, April 10, 3 p. m., p. 235.

[74] Marginal notation on the original reads: "This memorandum was handed to the British Ambassador by the Secretary on April 3, 1945". Copies were handed to the Soviet and Chinese Ambassadors on the same date.

Canada, China, Czechoslovakia, France, Iran, Mexico, The Netherlands, Soviet Union, and the United Kingdom.

It is further suggested that the Presidents of the four commissions might be the Chairman of Delegation from the following countries:

Commission I —General Provisions, South Africa
Commission II —General Assembly, Belgium
Commission III—Security Council, Norway
Commission IV —Judicial Organization, Venezuela

The Rapporteur of each of these four commissions should be chosen with special regard to his technical qualifications and need not necessarily be the Chairman of a Delegation. It is tentatively suggested that the Rapporteurs should be allocated as follows:

Commission I —Peru
Commission II —Ecuador
Commission III—Philippine Commonwealth
Commission IV —Honduras

It is suggested that each of the four commissions should have a Secretary with rank and title of Assistant Secretary General who would be assisted by an American, as Executive Officer. The allocation of these four Secretaries of Commission might be:

Commission I —Syria
Commission II —Liberia
Commission III—Nicaragua
Commission IV —Ethiopia

The allocation of committee Chairmanships deserves special consideration, since most of the basic discussion and drafting will normally take place in committees rather than in the public sessions of commissions. Suggestions for Commission I are that the Chairmanships of Committees should be allocated among Delegation Chairmen as follows:

Committee 1—Preamble, Purposes, and Principles—Bolivia
Committee 2—Membership and General—Yugoslavia

The Committee Chairmen for Commission II might be the Chairmen of Delegation from the following countries:

Committee 1—Structure and Procedures—Paraguay
Committee 2—Political and Security Functions—Chile
Committee 3—Economic and Social Cooperation—Colombia
Committee 4—Trusteeship System—Australia

For Commission III the assignments of Committee Chairmen might be:

Committee 1—Structure and Procedures—Turkey
Committee 2—Peaceful Settlement—Uruguay
Committee 3—Enforcement Arrangements—New Zealand
Committee 4—Regional Arrangements—Greece

In Commission IV the Chairmen of Committees might be allocated as follows:

Committee 1—International Court of Justice—India
Committee 2—Legal Problems—Egypt

The Rapporteurs of these committees should obviously be persons of special competence. They might be chosen from countries not otherwise represented in commission or committee posts, or might be outstanding Delegates of countries from which other commission or committee positions have already been filled.

Each of the twelve committees would be assisted by a Secretary and by an Assistant Secretary, who for the most part would be provided by this Government. It is hoped that each of the sponsoring governments might detail two or three persons who, because of their training and knowledge of languages, would be especially qualified to serve as Secretaries of these committees. Your designation of such persons at your earliest conveninece would be greatly appreciated.

In addition to the principal working commissions and committees discussed above, Chairmen will also be needed for two special committees. For these purposes these Chairmen of Delegation of the following countries are suggested:

Committee on Arrangements—Cuba
Committee on Credentials and Nominations—Saudi Arabia

WASHINGTON, April 3, 1945.

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RSC Lot 60–D 224, Box 96: US Cr. Min. 4

*Minutes of the Fourth Meeting of the United States Delegation, Held at Washington, Tuesday, April 3, 1945, 10 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (30) present (including 17 advisers attending part of the meeting).]

PRESS STATEMENT ON PROPOSAL FOR THE REPRESENTATION OF CERTAIN SOVIET REPUBLICS IN THE GENERAL ASSEMBLY

THE SECRETARY opened the meeting by reading to the Delegation the statement proposed to be made to the press at noon that day in reply to the list of questions relative to the participation of two Soviet republics in the world organization which were raised with him by the press last Friday. (Statement by Secretary of State Stettinius For the Press, April 3, 1945, No. 285) [75]

REPRESENTATIVE BLOOM questioned the clarity of the first sentence of the second paragraph feeling that the two republics involved should

[75] Department of State *Bulletin*, April 8, 1945, p. 600.

be named. We [THE SECRETARY] replied that we felt that the eighth paragraph of the statement made that matter entirely clear.

REPRESENTATIVE EATON raised the question of the status of the Soviet republics and it was explained by MR. DUNN that by a change in the Soviet constitution last year they had been given certain autonomy relative to the conduct of foreign and military affairs.[76] He indicated that they both now conducted foreign relations directly with the so-called Lublin Polish Government.

SENATOR VANDENBERG inquired if this did not raise the question of sovereign equality. THE SECRETARY replied that it was clear that we had made a commitment to support this proposal if the Soviets raised it. MR. HISS amplified this statement to the effect that we are not committed on the question of sovereign equality but that we are committed that the admission of these two republics would not violate sovereign equality. MR. STETTINIUS explained that he was not present when the President informed the delegates of this situation[77] and had not read a record of it. He added that he felt that if an individual delegate did not feel free to support the commitment that they should feel perfectly free to discuss it with the President.

REPRESENTATIVE EATON read the last two sentences of the second paragraph on page 2 and asked for an interpretation of the meaning thereof. THE SECRETARY replied that we felt it was a great mistake to ask for three votes for one country as that would violate sovereign equality. THE REPRESENTATIVE commented that the votes of the two republics in question would certainly be Soviet votes whereas the same situation did not apply in the case of the constituent parts of the British Empire. JUDGE HACKWORTH pointed out that the question of three votes in the assembly really is not a major matter as the assembly is not the action body of the organization. SENATOR VANDENBERG commented that while this might be true it would have a very adverse effect on American public opinion.

SENATOR CONNALLY stressed that the final decision on this question is up to the Conference and he personally felt the Soviets would have difficulty with the smaller states in having the proposal accepted.

DEAN GILDERSLEEVE inquired how the Delegation would vote at the Conference and in reply was informed that the American Delegation would cast one vote after determining its position on a given matter itself where presumably majority opinion would prevail.

In reply to SENATOR VANDENBERG'S request for a final answer THE SECRETARY stated that we have a commitment to support the Soviet proposal if made, and repeated if any member individually does not agree with it he should take up the question with the President. He

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[76] See telegram 347, February 2, 1944, from Moscow, *Foreign Relations*, 1944, vol. IV, p. 810.

[77] See footnote 99, p. 145.

said the Government is not free to do other than to support the Soviet proposal.

In answer to SENATOR VANDENBERG's inquiry he was informed that we do not feel that this violates sovereign equality. THE SECRETARY added that he felt that if an individual delegate disagreed with this commitment that he should feel free to make a public statement on it.

SENATOR CONNALLY said he felt we must go along with the commitment which had been made. He indicated that he regrets that it had been made and personally doesn't like it but feels he must go along as a representative of this Government at this Conference. SENATOR VANDENBERG commented that it appeared to him that the Delegation had been told one thing and the public another. SENATOR CONNALLY then reviewed his recollection of what had been told the Delegation and REPRESENTATIVE BLOOM expressed his agreement with the recital. The essence was that the Delegation had been told what had been agreed to at Yalta and that the President had indicated that he would support this at San Francisco if he were present.

SENATOR VANDENBERG indicated that we were acting somewhat in the boy scout manner by in effect surrendering to a Soviet demand and then giving up our rights in the matter.

REPRESENTATIVE EATON stressed the importance of the meeting at San Francisco and mentioned the tendency of our people to magnify minor events, intimating that the press was playing up this matter out of its proper proportion. He pleaded that we must make a beginning at San Francisco for a new world order based on justice, law and order rather than on brute strength. He said that this was our test, "Can we unite to create this new world order and if we cannot what is the use of being a human being?" He said he had been waiting for the opportunity of being present at San Francisco for forty years and that a beginning of the new world must be made at that meeting. He repeated that this must be based on a world order resting on justice.

In reply to the Secretary's inquiries REPRESENTATIVE EATON expressed the opinion that the statement was as good as could be written under the circumstances. DEAN GILDERSLEEVE expressed the view that it was fairly good, possibly as good as could be drawn up, but that she would like to see in it some strong statement along the line of that just made by Representative Eaton which would give a lift to our people who are badly confused as a result of the present situation. She indicated that she felt the members of the Delegation as individuals were free, and that if one of them should feel strongly in opposition on some question he should be free to so state publicly but that as a Delegation we are bound to support the commitment.

SENATOR CONNALLY expressed the opinion that he personally thought it would be better not to make a statement at all but that he did not wish to urge his views in this respect on the Delegation. REPRESENTATIVE BLOOM expressed satisfaction with the statement.

### POSTPONEMENT OF CONFERENCE

REPRESENTATIVE BLOOM raised the postponement issue in reply to which THE SECRETARY read a prepared statement which indicates we feel it is now more important than ever to go ahead. The statement also indicated that we had received no suggestions from the other United Nations as to postponement. (Statement by Secretary of State Edward R. Stettinius, Jr., April 3, 1945, No. 291 [78])

### UNOFFICIAL REPRESENTATION OF NATIONAL ORGANIZATIONS

THE SECRETARY suggested that consideration be given next to the revised List of National Organizations (April 3, 1945) [79] which was distributed to the members of the Delegation with the agenda and their copies of Book 3, Comments and Suggestions on the Dumbarton Oaks Proposals.[80]

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### WELCOMING STATEMENTS TO THE ADVISERS

THE SECRETARY on behalf of the delegates, welcomed the advisers to the important undertaking that lay ahead of all of them. . . .

THE SECRETARY indicated that the delegates would count heavily on this impressive group of advisers, and that, since the responsibilities of all would be so heavy, it had been decided to divide into groups so that all persons would not need to keep in touch at all times with the entire subject matter. Each delegate and adviser would therefore be active on certain subjects. THE SECRETARY said that the group of advisers was a very important one. It would meet regularly as a group and would receive full documentation from the Department staff. THE SECRETARY asked Mr. Hiss to see that proper arrangements were made for a meeting of the advisers in the near future. He said that the delegation itself would start its regular meetings on April 9 and would continue them almost to the opening of the Conference.

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[78] Department of State *Bulletin*, April 8, 1945, p. 608.

[79] Not printed.

[80] A looseleaf compilation (kept up to date) of text of the Dumbarton Oaks Proposals on white paper, the comments and suggestions by other Governments on green paper, and comments and suggestions emerging from discussion in the United States by public officials and private groups and individuals on pink paper; not printed. For a guide to amendments, comments and proposals concerning the Proposals, see doc. 288, G/38, May 14, UNCIO Documents, vol. 3, pp. 637–710.

### Tentative Assignments to Commissions and Conference Arrangements

The Secretary then asked Mr. Hiss to present the question of the assignments of delegates, advisers and technical experts to commissions. Copies of the document Tentative Assignments to Commissions of Delegates, Advisers and Technical Experts, April 3, 1945,[81] were then distributed to the advisers.

Mr. Hiss stated that a number of matters were being cleared with the sponsoring powers by means of a new procedure: an informal organizing group composed of the ambassadors of the sponsoring governments in Washington. One of the matters now being cleared through this group, he said, was the question of the organization of the Conference.

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The Secretary commented that the persons now gathered together in this room should consider themselves one family and should treat with complete confidence matters discussed within the family. He said that the rule now was that there should be no public statement concerning the Conference by any person in the room without approval by the delegation and that this rule held for himself as well as for the rest of the members present. No member would not [*now?*] speak on matters connected with the Conference except with the authority of the American delegation. He asked each member to keep within these four walls all the important matters that were discussed, suggesting as an illustration that the plan to assign the chairmanship of different committees to certain states, if revealed prematurely, might cause tremendous embarrassment.

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### Unofficial Representation of National Organizations

Mr. MacLeish said that the problem had arisen because so many organizations had wanted to go to San Francisco and that the problem was complicated by the fact that we did not want to do anything which would increase too heavily the burden of the delegation. On the other hand, it was important to prepare for the presentation of the work of the Conference to the American public. After a great deal of discussion it had been agreed that a certain number of organizations should be invited to send representatives to San Francisco as consultants. These representatives would be put in consultative touch with the American delegation and the Conference under terms that would interfere in the least possible way with the duties of the

[81] Memorandum to the British Embassy, April 3, *supra*.

delegates. A choice had to be made between selecting 15 or 16 organizations from among the chief pressure groups, veterans organizations, farmers, etc., or selecting a larger group of organizations, some 30 to 35, that would include, in addition to the larger pressure groups, women's organizations, religious groups and educational organizations that were greatly interested in San Francisco. It had been agreed that the larger number of organizations should be chosen and that representatives should be invited from about 33 different agencies.

THE SECRETARY commented that this decision had been a difficult one to reach and that it had been hard to draw the line. However, the delegates had had in mind the President's feeling that it was best in the end to invite representatives from certain groups and establish a liaison office for them.

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THE SECRETARY then suggested that the meeting of the advisers and delegates stand adjourned.

(The advisers then left the Secretary's Office.)

THE SECRETARY reconvened the meeting of the delegates and asked Mr. Hiss to give an explanation of the documentation presented to the delegates.

MR. HISS noted that the main purpose of the documents was to give the delegates an opportunity to study the suggestions for changes in the Dumbarton Oaks Proposals that had been made by other governments and that had emerged in the course of discussions in the United States. It was hoped, he said, that in the course of our discussions we would make up our minds as to our attitude toward these proposed changes before going to the Conference.

THE SECRETARY said it was going to be necessary to cut through all the underbrush so that we would know exactly what proposals the American delegation would stand by and favor and so that the matter would be altogether clear. SENATOR VANDENBERG thought this was a wise procedure.

MR. HISS then explained that the text of the Dumbarton Oaks Proposals was printed on the white paper, comments by other governments on green paper and suggestions that emerged from discussions in the United States on pink paper in order to make each set of papers stand out clearly.

THE SECRETARY asked if this material had been digested to the minimum. MR. HISS replied in the affirmative.

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## CONFERENCE POLICIES

THE SECRETARY asked Mr. Hiss to make a brief statement concerning the problem of language at the Conference. MR. HISS indicated that

the present policy was to try to persuade the other sponsoring governments to adopt English as the official working language. This would mean that a delegate speaking in his own language would be responsible for the translation of his speech into English. Any documents submitted would be accompanied by an English translation. We would try to supply translating facilities as needed. MR. HISS added that each delegate that did not speak English would be responsible for providing his own interpreter. He added that the French were putting on considerable pressure to have French accepted as an official language. MR. DUNN added that the Russians had also asked that Russian be an official language of the Conference.

MR. HISS explained that the gesture was proposed of offering to prepare a final text in Chinese, Russian, French, English and Spanish, and that he hoped this gesture of official recognition would make it possible to adopt English as the practical working language.

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TIME OF ARRIVAL IN SAN FRANCISCO

It was agreed at the suggestion of THE SECRETARY that the American delegation would be on hand in San Francisco, ready to receive other delegations on Monday morning, April 23, but that it would announce that it would not be ready to receive other delegations before that time.

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The meeting was adjourned at 11:45 a. m.

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RSC Lot 60–D 244, Box 99

*Minutes of the First Meeting of the Informal Organizing Group on Arrangements for the San Francisco Conference, Held at Washington, Tuesday, April 3, 1945, 2:45 p. m.*

[Informal Notes]

[Here follows list of names of participants, including representatives of the United States (5); United Kingdom (2); Soviet Union (2); and China (2).]

I. *Organization of the Conference*

A. It was pointed out that on this subject the Department's memorandum of March 30 superseded its memorandum of March 16.

B. THE SECRETARY stated that as a general rule all matters concerning arrangements for the San Francisco Conference should henceforth be taken up through this group rather than through the United States missions abroad.

C. The three Ambassadors [82] were requested to obtain the comments of their respective Governments on the Department's memorandum of March 30.

II. *Allocation of Conference Positions*

A. The Department's memorandum of April 3, on this subject was presented.

B. THE SOVIET AMBASSADOR inquired whether it had not been suggested earlier by an officer of the Department that the chairmen of the four sponsoring delegations should be the presidents of the four commissions. It was pointed out that the Department's memorandum of March 16 had suggested that the presidencies of commissions be allotted to powers other than the sponsoring powers.

C. THE SOVIET AMBASSADOR recalled that he had suggested to Mr. Dunn [83] that the Presidency of the Conference should rotate among the chairmen of delegations of the four sponsoring governments. THE AMBASSADOR has pointed out that the necessity of election of four chairmen is dedicated [*dictated?*] by the necessity of preservation of equality of position among the four sponsoring nations at the Conference. It would be natural to have four chairmen from four countries. THE SECRETARY OF STATE indicated that this suggestion had not yet been considered by the Department. THE BRITISH AMBASSADOR said that without prejudging the position of his Government he would think, off the record and unofficially, that an American would be President of the Conference and the chairmen of delegation of the other three sponsoring governments would be Vice Presidents. THE SECRETARY OF STATE suggested that precedents in recent United Nations conferences indicated that one person should be responsible throughout the period of the Conference for its effective management.

III. *Problem of Official Languages*

A. The Department's memorandum of April 3 on this subject was presented.

B. In response to an inquiry by the Soviet Ambassador it was indicated that under the Department's proposal any delegation could ask that particular documents of importance be made available in one or more of the official languages other than English, but that it was hoped that this right would be used with moderation in order to avoid mechanical difficulties.

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[82] The Ambassadors of the United Kingdom (Halifax), the Soviet Union (Gromyko), and China (Wei).

[83] Memorandum of conversation, by Assistant Secretary Dunn, March 31, not printed.

C. Copies were distributed of the proposals made by the French Government that only English and French be considered as official languages.

IV. *Policy Regarding Press*

It was stated that the Soviet Government had agreed to the press policy proposed by the United States Government [84] subject to the reservation that the four commissions might, in their own discretion, hold closed sessions. It was agreed that this would be appropriate.

V. *Observers from States Not Members of the United Nations*

It was stated that, in accordance with the prior decision of the sponsors that no invitation should be issued to any government other than those which have signed the United Nations Declaration, a request of the Italian Government for representation by an observer had been denied.[85] It was also stated that, similarly, a like request by the so-called Provisional Government of Korea had been denied.[86]

VI. *Unofficial Representation of Certain International Organizations*

It was stated that the Soviet and Chinese Governments had both expressed their agreement with the United States proposal that arrangements be made for unofficial representation of the five following international organizations at the Conference: The League of Nations, the International Labor Office, the Permanent Court for International Justice, the United Nations Relief and Rehabilitation Administration and the Interim Commission on Food and Agriculture.

VII. *Consultation of Sponsoring States with Respect to the Amendment of Dumbarton Oaks Proposals*

Ambassador Gromyko's memorandum of March 31 on this subject was brought to the attention of the British and Chinese Ambassadors and it was stated that the Department was not in a position to comment on the Soviet proposal at this time.

*Next meeting*

It was indicated that Mr. Makins would be the British Ambassador's deputy, that Mr. Novikov would be the Soviet Ambassador's deputy and that the Chinese Ambassador would designate a deputy. These gentlemen would work with Mr. Hiss and Mr. Ross [87] informally on matters requiring clearance among the sponsoring governments. It was decided that meetings of the Ambassadors with the Secretary of State would be subject to call as might be required. The meeting adjourned at 3:30 p. m.

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[84] Memorandum of conversation, March 31, between Mr. Dunn and Mr. Gromyko, not printed.

[85] See note to the Italian Ambassador, April 7, p. 206.

[86] See minutes of the fifty-eighth meeting of the United States delegation, May 30, 9:05 a. m., p. 974.

[87] John C. Ross, Director, Office of Departmental Administration.

500.CC/4–345

*Memorandum Prepared in the Department of State* [88]

TENTATIVE SUGGESTIONS WITH RESPECT TO THE USE OF LANGUAGES AT THE SAN FRANCISCO CONFERENCE

Reference is made to our memorandum of March 16, 1945 concerning tentative suggestions with respect to arrangements for the San Francisco Conference in which it was indicated that additional proposals concerning those arrangements would be communicated to the other sponsoring Governments. In that connection, we have now formulated a proposal concerning the use of languages at the San Francisco Conference for the consideration of the other sponsoring Governments.

1. *Authentic Texts of the Charter*

We propose that English, Russian, Chinese, French and Spanish be the official languages of the Conference in which authentic texts of the Charter would be drawn up for signature. If time does not permit the conclusion of drafts in each of these languages at the Conference, we suggest that those drafts which may not be completed at San Francisco be opened for signature at a later date.

2. *Use of Languages in Meetings*

With a view to expediting the work of the Conference, we suggest that speeches in the plenary sessions and commissions be given in English, if convenient. It is expected that delegates speaking in other languages would furnish English translations or interpreters, as possible. The Secretariat would provide assistance, when needed, in translating and interpreting from Russian, French, and Spanish into English.

We also propose that English be used, whenever possible, in the meetings of the committees and subcommittees. It is our thought that delegates would provide their own interpreters to enable them to follow discussions in English. The Secretariat would provide assistance, when needed, for interpretations from Russian, French and Spanish into English.

3. *Use of Languages in Documents and Records*

We propose that documents, records, and the *Official Journal* be issued in English. The Secretariat would be prepared to assist delegations in translating Russian, French or Spanish drafts into English. In addition to this assistance, the Secretariat would comply, as pos-

[88] Marginal notation on the original: "Handed to the Soviet Ambassador 4/3/45." Copies handed on the same date to the British and the Chinese Ambassadors.

sible, with requests for assistance in translating draft texts or proposals into Russian, French, or Spanish.

WASHINGTON, April 3, 1945.

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500.CC/4–345 : Telegram

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

LONDON, April 3, 1945—7 p. m.
[Received April 3—2 : 27 p. m.]

3382. ReDeptel 2051, March 16, midnight.[89] The attention of the Foreign Office was invited to the three points suggested by the Chinese for inclusion in the charter of the International Organization and a reply has now been received from the Secretary of State for Foreign Affairs noting that the US Government perceives no objection to meeting the wish of Chinese Government and stating that the British Government for its part also sees no objection thereto and is prepared to support the Chinese proposal at the San Francisco Conference.[90]

WINANT

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500.CC/4–345

*The Secretary of State to the Legal Adviser (Hackworth)*

WASHINGTON, April 3, 1945.

MY DEAR MR. HACKWORTH: I take pleasure in designating you as Representative of the United States on the Committee of Jurists which is to meet at Washington on April 9, 1945 to formulate, pursuant to Chapter VII of the Dumbarton Oaks Proposals, a statute for the proposed international court of justice.[91]

You will be assisted by one or two advisers, to be designated.[92]

Since the statute of the international court of justice is to become a part of the Charter of the United Nations, you are authorized to consider with the Committee not only the statute but also such other matters as are deemed necessary to determine the position and jurisdiction of the court within the proposed Organization.

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[89] Not printed, but see footnote 60, p. 126.

[90] For the Soviet attitude, see minutes of meeting of the "Big Four" Foreign Ministers, April 23, p. 363.

[91] For press releases announcing the meeting and plans for the opening session, see Department of State *Bulletin*, April 8, 1945, p. 643; for addresses at the first plenary session, see *ibid.*, April 15, 1945, pp. 672–674.

[92] For a list of Governments and their respective representatives and advisers, see *The International Court of Justice*, pp. 165–167.

You are directed to report to me and to the members of the American Delegation to the United Nations Conference on the developments and results of the Committee's work.

Sincerely yours, EDWARD R. STETTINIUS, JR.

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800.014/4–345

*The Secretary of State to Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

WASHINGTON, April 3, 1945.

MY DEAR MR. PASVOLSKY: It was agreed at Yalta that the five governments with permanent seats in the Security Council should consult each other prior to the United Nations Conference on providing machinery in the Charter of the United Nations for dealing with territorial trusteeships which would apply only to (A) existing mandates of the League of Nations; (B) territory to be detached from the enemy as a result of this war; and (C) any other territory that may voluntarily be placed under trusteeship.[93] It was further agreed that no discussions of specific territories will take place during the preliminary consultations on trusteeships or at the United Nations Conference itself. Only machinery and principles of trusteeship will be formulated at the Conference for inclusion in the Charter and it will be a matter for subsequent agreement as to which territories within the categories specified above will actually be placed under trusteeship.

Within these terms of reference you are directed to represent the Government of the United States in these preliminary consultations which are scheduled to take place in Washington as soon as representatives of the other invited Governments can arrive in the United States.

You will take for your instructions the paper on Trusteeship Arrangements prepared by the Interdepartmental Committee on Dependent Area Aspects of International Organization[94] and which has been approved by the Secretary of State, the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior.[95]

You are expected to consult, as occasion may require, with the other members of the Interdepartmental Committee referred to above, but

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[93] See statement released to the press April 3, Department of State *Bulletin*, April 8, 1945, p. 601.

[94] See memorandum of March 17 with draft statement on trusteeship arrangements, p. 134.

[95] This letter, from the Secretary of State to Mr. Pasvolsky, which was drafted on March 28, presumed that formal clearance by the Secretaries of War and the Navy of the draft proposals, which had been formulated through interdepartmental collaboration, would be promptly forthcoming. See extracts from the Secretary's *Diary*, 18 March–7 April 1945, p. 140, for his account of differences of opinion expressed at a meeting of the three Secretaries on April 2, and the consequences.

you will be responsible for carrying on the conversations under my authority and direction.

You are directed to report to me and to the members of the United States delegation to the San Francisco Conference on the developments and results of these conversations.

Sincerely yours, E. R. STETTINIUS, JR.

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500.CC/4–345

*The Lithuanian Minister (Zadeikis) to the Secretary of State* [96]

No. 460 WASHINGTON, April 3, 1945.

SIR: On several occasions in the past I had stressed in my communications to you the fact that Lithuania had always been a staunch supporter of collective security under the leadership of the League of Nations. Though the system of collective security had failed because of the internal weakness of the League, the soundness of the idea is still recognized by most nations, great and small, including Lithuania. My country, the victim of Soviet and Nazi invasions, while hoping for security supported by a new international organization, is at this very moment waiting with great anxiety for immediate remedy against the fear of extermination, as is evident from what happened in Lithuania in 1940 [97] and in 1941,[98] also during the prolonged Nazi occupation, and from Lithuania's present situation when so many thousands are being driven eastward by the Soviet "liberators." The saving of lives and the protection of the citizenship rights of approximately three hundred thousand Lithuanian deportees and refugees in Germany [99] constitutes at present another important and urgent problem.

In this connection the following facts are worth recalling: first, when, on August 14, 1941, the Atlantic Charter [1] was proclaimed, Lithuania was an axis-occupied country, and, therefore, the principles of the Charter were considered by the American Government to be fully applicable to Lithuania, and not to so-called Soviet Lithuania, the product of a land-grabbing policy; and second, about two weeks before the signing of the Declaration by the United Nations on January 1, 1942, Lithuania's eagerness to organize her government-in-exile, and to join the Allied cause, was reported by this office (my note of December 18, 1941 [2]). I believe, therefore, that my country

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[96] In a note of May 2 the Acting Secretary of State acknowledged receipt of the Lithuanian note (500.CC/4–345).

[97] For documentation on Soviet occupation of the Baltic States and their incorporation into the Soviet Union, see *Foreign Relations*, 1940, vol. I, pp. 357 ff.

[98] For the Department's reply to Lithuanian note protesting against the invasion of Lithuania by Germany, see *ibid.*, 1941, vol. I, p. 648.

[99] For documentation on Soviet-German agreements concerning resettlement of refugees, see *ibid.*, pp. 119–122, 126, and 134.

[1] Joint statement by President Roosevelt and Prime Minister Churchill, August 14, 1941, *ibid.*, p. 367.

[2] Not printed.

cannot be accused of neglecting her fight for peace and freedom because of her absence from United Nations conferences in the past.

Lithuania wishes to be represented in appropriate capacity as a sovereign nation at the United Nations conference which is scheduled to convene on April 25, 1945, in the City of San Francisco, California, for the purpose of erecting a new edifice of peace and security. Lithuania, mindful of her position, and of the importance of the coming Conference, reserves the right to be spokesman on her own affairs, and rejects any attempt by any one who lacks legal authority to represent her at the Conference.

In conclusion I believe it is suitable to recall here President Roosevelt's significant words:

"We are going to win the war and we are going to win the peace that follows.

". . . in representing our cause, we represent theirs (the majority of the members of the human race) as well." [3]

Under existing circumstances Lithuania can only hope that President Roosevelt's words shall not fail to safeguard also Lithuania's independence in accordance with the principles of the Atlantic Charter.

Accept [etc.] P. ZADEIKIS

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*Extracts From President Roosevelt's Press and Radio Conference at the Little White House, Warm Springs, Georgia, April 5, 1945, 2 p. m.*[4]

THE PRESIDENT:

. . . . . .

It seems obvious that we will be more or less responsible for security in all the Pacific waters. As you take a look at the different places captured by us, from Guadalcanal, the north coast of New Guinea, and then the Marianas and other islands gradually to the southern Philippines, and then into Luzon and north to Iwo Jima, it seems obvious the only danger is from Japanese forces; and they must be prevented, in the same way Germany is prevented, from setting up a military force which would start off again on a chapter of aggression.

So that means the main bases have to be taken away from them. They have to be policed externally and internally. And as a part of the western Pacific situation, it is necessary to throw them out of

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[3] Address by President Roosevelt to the Nation, released to the press by the White House on December 9, 1941, Department of State *Bulletin*, December 13, 1941, pp. 476, 480.

[4] Copy obtained from the Franklin D. Roosevelt Library, Hyde Park, N. Y.; for complete text, see *The Public Papers and Addresses of Franklin D. Roosevelt*, 1944–1945 volume: *Victory and the Threshold of Peace*, compiled by Samuel I. Rosenman, p. 607.

any of their mandated ports, which they immediately violated almost as soon as they were mandated, by fortifying these islands.

. . . . . .

Q. Mr. President, on the question of the Japanese mandates that you say will be taken away from them, who will be the controlling government in those mandates, the United States?

THE PRESIDENT: I would say the United Nations. Or—it might be called—the world, which has been much abused now, will have a chance to prevent any more abuse.

. . . . . .

Q. Mr. President, do you think we will have a chance to talk with you again on other subjects before you go, such as the three-to-one vote?

. . . . . .

THE PRESIDENT: As a matter of fact, this plea for votes was done in a very quiet way.

Stalin said to me—and this is the essence of it—"You know there are two parts of Russia that have been completely devastated. Every building is gone, every farm house, and there are millions of people living in these territories—and it is very important from the point of view of humanity—and we thought, as a gesture, they ought to be given something as a result of this coming victory. They have had very little civilization. One is the Ukraine, and the other is White Russia. We all felt—not any of us coming from there in the government—we think it would be grand to give them a vote in the Assembly. In these two sections, millions have been killed, and we think it would be very heartening—would help to build them up—if we could get them a vote in the Assembly."

He asked me what I thought.

I said to Stalin, "Are you going to make that request of the Assembly?"

He said, "I think we should."

I said, "I think it would be all right—I don't know how the Assembly will vote."

He said, "Would you favor it?"

I said, "Yes, largely on sentimental grounds. If I were on the delegation—which I am not—I would probably vote 'yes.'"

That has not come out in any paper.

He said, "That would be the Soviet Union, plus White Russia, plus the Ukraine."

Then I said, "By the way, if the Conference in San Francisco should give you three votes in the Assembly—if you get three votes—I do not know what would happen if I don't put in a plea for three votes in the

States." And I said, "I would make the plea for three votes and insist on it."

It is not really of any great importance. It is an investigatory body only. I told Stettinius to forget it. I am not awfully keen for three votes in the Assembly. It is the little fellow who needs the vote in the Assembly. This business about the number of votes in the Assembly does not make a great deal of difference.

Q. They don't decide anything, do they?

THE PRESIDENT: No.

By the way, this is all off the record.

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500.CC/4–545

*The Secretary of the Interior (Ickes) to the Secretary of State* [5]

WASHINGTON, April 5, 1945.

MY DEAR ED: Enclosed is a copy of a memorandum which I have sent to the President and which I think may be helpful to you. I hope that you will steadfastly hold the line.

Sincerely yours, HAROLD L. ICKES

[Enclosure]

*Memorandum by the Secretary of the Interior (Ickes) to President Roosevelt*

WASHINGTON, April 5, 1945.

I am considerably disturbed as a result of reports which have come to me as to the attitude of the Army and Navy with respect to the international trusteeship problem. Under Secretary Fortas, who participated in the State-War-Navy-Interior committee discussions of this problem, has advised me from time to time of the attitude taken by the representatives of the various agencies. I understand that the representatives of the Armed Forces have indicated a strong feeling that the United States should insist upon complete sovereignty of the Japanese mandated islands. I am now informed that the War and Navy Departments are urging that the matter of international trusteeship should not be discussed at the San Francisco Conference, or at least should not be discussed until there is a firm agreement as to United States jurisdiction over the Japanese mandated islands.

I agree that the United States should be the administering power for the Japanese mandated islands. The arrangement worked out by the interdepartmental committee seems to me to assure to this Government all of the rights which it could possibly desire for security purposes. The only question in my mind is whether the arrangement

[5] Original missing from Department files. Copy obtained from the Department of the Interior.

has not gone too far in providing a scheme by which these areas may be exempted from international accountability. But I feel most strongly that if the United States should insist upon complete sovereignty, an international grab-bag would result which would end in serious prejudice to the interests of this country and to the scheme for a peaceful world organization. For example, the British might well respond by claiming absolute title to certain areas in the Middle East which would not only affect our security interests but would seriously interfere with important commercial interests of this Nation such as our great stake in Middle Eastern oil.

I also feel that it would be a mistake to fail to reach an agreement on the subjects of mandated territories and dependent areas at the San Francisco Conference. The elimination of this topic from the agenda of the Conference would arouse suspicions and would be a continuing source of hostility and distrust. In my opinion, no International Organization can succeed or can even be successfully launched unless these vital problems are boldly confronted and dealt with on a basis of practical idealism.

Accordingly, I urgently recommend that the mandated territories and any territories which may be separated from the enemy should be placed under the trusteeship system, with only such safeguards as may be demonstrably necessary for security purposes, and that a prompt decision be made as to this Government's policy, to be followed by a vigorous effort to obtain acceptance of that policy at the San Francisco Conference.

HAROLD L. ICKES

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500.CC/4–545: Telegram

*The Acting Secretary of State* [6] *to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, April 5, 1945—5 p. m.

2646. In reference to your cable 3192 [7] the State Department has not at any time urged that Argentina be represented at San Francisco. Following program of action was agreed upon at meeting of Ambassadors of 12 leading Latin American countries, called by Minister of Foreign Affairs Velloso of Brazil [8] at Blair House, March 14th: [9]

[6] The Secretary of State was on a speech-making trip to Chicago and New York, April 3–7.

[7] Dated March 28, 5 p. m., not printed; it related the personal opinions of an unnamed British official of the Foreign Office concerning Argentine affairs (835.01/3–2845).

[8] Pedro Leão Velloso, Acting Foreign Minister of Brazil, was visiting the United States.

[9] See *The Memoirs of Cordell Hull*, vol. II, pp. 1407–08, for Mr. Hull's account of the Blair House meeting and President Roosevelt's attitude toward the question of admission of the Argentine Government to the United Nations.

"Articles 1, 3, 5 and 6 (of Mexico City Resolution No. 59 [10]) by their nature and purpose constitute a single declaration.

"It shall be acknowledged that the Argentine Nation has accepted the invitation implied in the above articles when her government shall have:

"(*a*) Declared by decree the existence of a state of war with Germany and Japan;

(*b*) Expressed conformity with the principles and declarations of the Final Act and complied with such principles and declarations;

(*c*) Signed the Final Act of Mexico City at the Pan American Union.

"The Argentine Government will then:

(*a*) Be recognized by the Governments of the American Nations and

(*b*) The United States as the depository state will request that Argentina be invited to sign the Joint Declaration of the United Nations."

At my staff meeting on March 31 it was agreed that recognition of Argentina would not commit us in any way to sponsorship of Argentina's adherence to the United Nations declaration until there was agreement that from the world as well as a hemispheric point of view it was warranted.

The following measures have been taken by the Argentine Government in compliance with the principles and declarations of the final act of Mexico City:

1. Declaration of state of war with Japan and Germany.[11]
2. Adherence to Final Act of Mexico City (signature to take place April 4, 12 noon [12]).
3. The interned crew members of the *Graf Spee* [13] have been made prisoners of war.
4. Suspension of fifteen newspapers, including *Alianza*, *Vispera*, three Japanese, three Hungarian, and seven German newspapers. (Note: *Cabildo* and *El Pampero* had been suspended shortly before the Mexico City Conference).
5. Internment of Japanese diplomatic and consular officers. Although this measure has not been effectively implemented, it is reported that they are to be interned at Cordoba.

[10] For text of Resolution LIX concerning Argentina, approved March 7, 1945, in plenary session, see Department of State Conference Series No. 85: *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, February 21–March 8, 1945* (Washington, 1946), p. 133.

[11] For statement by the Department concerning the Argentine declaration of war on March 27, see Department of State *Bulletin*, April 1, 1945, p. 538.

[12] See the communication of March 28 from the Argentine Chargé (Garcia) to the Director General of the Pan American Union (Rowe), *ibid.*, April 8, 1945, p. 611.

[13] For documentation on the *Graf Spee* incident and internment of crew, see *Foreign Relations*, 1939, vol. v, pp. 105 ff.

6. Blocking of Axis funds.
7. Decree for special registration within ten or twenty days of all nationals of enemy countries over 14 years of age and also the registration within thirty days of all those of enemy origin who have been naturalized as Argentines. The decree also calls for the surrender of firearms and radios and restricts freedom of movement and communication of such persons.
8. Decree taking over assets of Axis firms. This decree provides for the control by the Council of Administration of the assets of Axis individuals or firms and the appointment of interventors. Control may be extended to firms with Axis links and to assets of subversive individuals or firms, whatever their nationality. Assets are to be held to pay possible war damages.
9. Imprisonment of Fritz Mandl.[14]

The United States therefore proposes immediately upon the signature of the final act by the Argentine Chargé d'Affaires to initiate consultations with respect to recognition of the Argentine government.[15] The Department intends to suggest recognition on April 9. You will be informed of major developments in these consultations.

The British Embassy has been kept currently informed of developments. In addition, you are authorized informally to transmit to the Foreign Office any of the above information.

ACHESON

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500.CC/4–545 : Telegram

*The Acting Secretary of State to the Ambassador in France (Caffery)*

WASHINGTON, April 5, 1945—6 p. m.

1359. This Government on March 8 informed London, Moscow and Chungking[16] that we considered it would be definitely in the interests of the contemplated world organization were France, at some time prior to the convening of the San Francisco Conference, to decide to become a sponsor on the same basis as the other sponsoring nations. We also said that we hoped that continued study by the Provisional Government of the French Republic would lead it to decide upon this course and that we assumed that under the decisions arrived at during the Yalta Conference the door continued to remain open for France in this manner to become one of the sponsoring nations. We said

[14] An industrialist (who left Austria in 1938), arrested by Argentine police on April 2 as a dangerous individual suspected of extending aid to the Nazi Government.

[15] The Argentine Chargé signed the Final Act at Mexico City on April 4. For press release of April 9 concerning decision by American Republics to resume diplomatic relations with Argentina, see Department of State *Bulletin*, April 15, 1945, p. 670.

[16] Telegram 1767, March 8, 1 p. m., to London, repeated to Moscow and Chungking, not printed.

further that we felt we should be in a position to assure France of the foregoing and to make that assurance public.

On March 9 we received word that the Chinese Government concurred with this statement.[18] On March 13 the Soviet Government informed us [19] that it agreed that French participation in the sponsoring of the invitations to the San Francisco Conference is even now desirable on the same basis as the four other sponsoring powers since this would undoubtedly be in the interests of the international organization. The Soviet Government said it had no objections either to giving the French Government further opportunity to study this question in order to adopt a positive decision prior to the convening of the Conference, or to our giving an assurance to the French Government in this respect.

On March 14 the British Government informed us [20] that it is in favor of the step proposed by us. Eden said that a great deal would depend on timing and approach and suggested that Winant speak first to Massigli, leaving it to Massigli to prepare ground in Paris before the matter was taken up there. We informed London on March 19 [21] that after carefully considering Eden's suggestion we felt that it would be preferable to have you take the matter up directly with Bidault [21a] since you had been handling this question with the Foreign Office from the beginning. We also said that, if France is to act as sponsor, it would be advisable to have her become a party to preparations as soon as possible, and that therefore a prompt approach on the matter is considered desirable. On March 21 London informed us [22] that our suggested procedure was acceptable to Eden.

In the meantime, reports from Paris indicated that the Provisional Government was preparing to communicate to the sponsoring governments its comments on the Dumbarton Oaks Proposals with recommendations for numerous amendments, and these were transmitted to this Government officially on March 21.[23] These comments and amendments have since received widespread publicity.

From our review and study of the proposed French amendments, we assume that their character—coupled with the publicity given to them—precludes the Provisional Government's becoming a sponsor of the San Francisco Conference on the same basis as the other sponsoring governments, i.e., as stated in the invitations, that the Confer-

[18] Telegram 390, March 9, 5 p. m., not printed.
[19] Telegram 734, March 13, 7 p. m., not printed.
[20] Telegram 2634, March 14, 8 p. m., not printed.
[21] Telegram 2133, March 19, midnight, not printed.
[21a] Georges Bidault, Minister for Foreign Affairs of the Provisional Government of France.
[22] Telegram 2901, March 21, noon, not printed.
[23] Despatch 1398, March 21, transmitting the French text of the French note of March 21 with accompanying proposed amendments, not printed. For English text, see doc. 2, G/7 (o), March 21, in UNCIO Documents, vol. 3, p. 376.

ence consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference, and which have been supplemented by the provisions covering the voting procedure in the Security Council as agreed to at the Crimea Conference.

The Department desires that you take advantage of an early and convenient opportunity to take this matter up informally with Bidault, conveying to him orally the substance of the foregoing. As indicated above, all of the sponsoring governments would be glad to have the Provisional Government of the French Republic join in sponsoring the San Francisco Conference on the same basis as the other sponsoring nations and as stated in the last sentence of the preceding paragraph. If, however, the Provisional Government feels that it can not join in sponsoring the Conference on this basis, you should express appropriate regrets.

This telegram is sent to Paris as No. 1359. It is also being repeated to London as No. 2649, Moscow as No. 796, and Chungking as No. 551, and these latter three Amembassies are hereby instructed to convey the substance of this communication to the Foreign Ministers of the Governments to which they are accredited with the additional note that they will be subsequently advised of the reactions of the French Provisional Government to this informal communication.

ACHESON

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500.CC/4–645

*The Acting Consul General of Estonia in Charge of Legation (Kaiv) to the Secretary of State* [24]

No. 18 NEW YORK, April 6, 1945.
[Received April 7.]

SIR: According to the *Bulletin* of the Department of State, dated March 11, 1945, a conference of the United Nations is called to meet at San Francisco on April 25, 1945, the purpose of which is to prepare a charter for a general international organization for the maintenance of international peace and security and which, in conformity with the statement made at the Crimea Conference, is essential, both to prevent aggression and to remove the political, economic and social causes of war through the close and continuing collaboration of all peace-loving peoples.

[24] In a note of May 2 the Acting Secretary of State acknowledged receipt of the Estonian note (500.CC/4–645).

Estonia, being a peace-loving country, and having severely suffered under acts of aggression, is vitally interested in the San Francisco Conference and its achievements.

Although the primary purpose of the said Conference is to prepare a charter for a general international organization, it must be presumed that in discussing the structure of such an organization the Conference has to deal directly or indirectly with the existing countries, among them Estonia.

Estonia is at present occupied by the armed forces of the Union of Soviet Socialist Republics.[26] Regardless of the fact that such an occupation must be considered as a temporary and military occupation only, the Government of the U.S.S.R. considers Estonia as part of the Soviet Union, designating it as the 16-th constituent Republic of the Soviet Union. The U.S.S.R. is trying to justify its position by asserting that the Estonian people have joined Russia by a plebiscite in 1940. No such a plebiscite has ever taken place in Estonia. There are no legal acts or facts by which the U.S.S.R. would have gained sovereignty over the Estonian people. Nevertheless, the U.S.S.R. continues to violate the rights of the Estonian people not only in my homeland, but also is claiming the right to represent Estonia in international relations.

I have the honor to bring through you, Sir, to the attention of the Government of the United States of America, as sponsor of the San Francisco Conference, that in appearing at the San Francisco Conference, the delegation of the U.S.S.R. cannot in any way represent Estonia. Such a right belongs only to the legal representatives of the Estonian Constitutional Government.

Accept [etc.] JOHANNES KAIV

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*Memorandum of Conversation, by the Chief of the Division of Dependent Areas (Gerig)*

[WASHINGTON,] April 7, 1945.

Subject: Conversations on Territorial Trusteeships.

Participants: S—Mr. Raynor
DA—Mr. Gerig
Major Correa, of the Navy Department[27]
Mr. Harvey Bundy, of the War Department[28]

Mr. Raynor and I went to the Navy Department this morning to show Major Correa and Mr. Bundy the draft memorandum which had

[26] See *Foreign Relations*, 1940, vol. I, pp. 369 ff.
[27] Maj. Mathias F. Correa, Special Assistant to the Secretary of the Navy.
[28] Harvey H. Bundy, Special Assistant to the Secretary of War.

been prepared for the President,[29] recommending that the four Cabinet Officers[30] should present to the President the various aspects of the issue concerning conversations on territorial trusteeship. Mr. Raynor stated that we wished to make certain that the references to the position taken by the Secretaries of War and Navy were correctly stated in the memorandum.

After reading the memorandum, Mr. Bundy and Major Correa said that the memorandum, in effect, means that the Secretary of State had changed his position from that agreed to last Monday,[31] and that he was now proposing that the conversations should not be postponed, and that the present draft plan on trusteeship should be taken as a basis of American policy.

Mr. Raynor stated that the Secretary of State had taken the advice of a number of officers and had come to the conclusion that, in view of the Yalta agreement to discuss this question,[32] he could not recommend postponement, and that instead he urged that both the views of the War and Navy Departments and the differing views of the State and Interior Departments should be laid before the President for decision.

After discussing several minor points to which they objected in the memorandum, it became clear that the disagreement is not over the trusteeship plan but with the discussion at this time of any trusteeship structure or arrangement. The view of the Secretaries of War and Navy is that it is impossible to discuss trusteeship machinery without reference to specific territories, and further, that such discussion might seriously interfere with the success of the Conference.

We replied that there was some risk in this, but that there was perhaps a greater risk in not taking up the subject of trusteeships at all, in view of the fact that the public has already been informed that such discussions would take place and that the Yalta agreement required that the discussions be held. They agreed that the decision to hold discussions had been taken at Yalta but still hoped that after reconsideration the discussions could either be postponed or confined merely to a resolution at San Francisco that the question be considered by the United Nations Organization after its establishment.

We agreed that the only fundamental difference between us was the question of postponing the conversations, and that the remaining

[29] Draft not printed. See telegram of April 9 from the Secretary of State to President Roosevelt, p. 211.

[30] Secretaries Stettinius, Stimson, Forrestal, and Ickes.

[31] For data on the meeting of April 2, see extracts from the *Diary*, 18 March–7 April, p. 140; see also extract from the *Diary*, 8–14 April, p. 209.

[32] See press release of April 3 on this subject, Department of State *Bulletin*, April 8, 1945, p. 601.

differences in regard to the trusteeship plan (Document D–1k, March 22, 1945 [33]) are quite easily reconcilable.

The differences in regard to the plan boiled down essentially to:

1. That the trusteeship arrangements should be negotiated by the Security Council instead of the General Assembly; and
2. That a policy statement should be made when the plan is presented, so that the public would clearly understand that strategic rights, especially with respect to the Pacific areas, are fully safeguarded and that the trusteeship principle in these areas is applied in form but not in substance. They believe that candor in this respect is necessary and desirable.

Within an hour after this conversation, Mr. Bundy telephoned a supplementary statement to our draft, setting out in somewhat more detail the recommendation of the War and Navy Departments. At the same time, he suggested the addition of a paragraph at the head of Recommendation 2 [34] and suggested one or two slight verbal alterations which have been inserted in the second draft for the President.

He asked that the revised copy should be given to him on Sunday or Monday morning, in order that he could clear it with the Secretary, in the hope that he would agree on laying only one memorandum before the President rather than having the War and Navy Departments submit a separate memorandum.

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500.CC/3–2945

*The Secretary of State to the Italian Ambassador (Tarchiani)*

WASHINGTON, April 7, 1945.

EXCELLENCY: We have had under consideration your inquiry of March 15, 1945 [35] concerning the possibility of the Italian Government being invited to send an observer to the United Nations Conference on International Organization at San Francisco. I have also received your note of March 29 on this subject.[36]

In our conversation on March 15 I believe that I told you that it had been decided that this Conference would be a meeting of the United Nations to draft the charter for a general international organization for the maintenance of international security. It is in no sense a peace conference to settle such questions as boundaries, reparations,

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[33] See memorandum by the Secretary of State to President Roosevelt, April 9, and footnote 59, p. 214.

[34] For recommendation 2, see telegram of April 9 from the Secretary of State to President Roosevelt, p. 211, paragraph numbered 2.

[35] Memorandum of conversation, March 15, not printed.

[36] Not printed.

etc. No provision had therefore been made for observers from nations not invited to attend the Conference.[37]

In the light of your inquiries we have again made a most careful study of the decisions already made on the subject by the nations sponsoring the Conference and I regret to have to inform you that no provision has been made for observers from nations not invited to attend the Conference.[38]

Accept [etc.] EDWARD R. STETTINIUS, JR.

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500.CC/4–145 : Telegram

*The Secretary of State to Mr. Alexander C. Kirk, United States Political Adviser to the Supreme Allied Commander, Mediterranean Theatre*

WASHINGTON, April 7, 1945—7 p. m.

307. Reurtel 1286 April 1.[39] The Department suggests with reference to General Hoxha's [40] petition that Albania be invited to participate in the forthcoming San Francisco Conference on international organization that you and Jacobs [41] prepare an informal memorandum of acknowledgment stating this Government's position regarding his request along the following lines:

*Begin memorandum.* The Office of the United States Political Adviser at Caserta has been directed by the Department of State to communicate to Colonel General Enver Hoxha, Commander-in-Chief ANLA,[42] Tirana, the following statement setting forth the attitude of the United States Government regarding the request which he addressed to the President on March 29, 1945, for Albanian participation in the San Francisco Conference.

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[37] For agreement on the exclusion from the Conference invitation list of former enemy states who had recently declared war on Germany, see *Conferences at Malta and Yalta*, p. 774.

Ambassador Kirk noted in his telegram 587, February 24, 10 a. m., from Rome: "The argument which is being offered and which is incontestable is that any recognition of the Italian Government in connection with this conference would enhance its prestige at a time when such a step is vitally important to ensure continuity against the day when the north will be liberated." (500.CC/2–2445)

[38] In a memorandum of April 13 on top diplomatic matters, "Special information for the President", Secretary Stettinius made the following statement with respect to Italy:

"*Italy.* Although a cobelligerent since October 1943, Italy is still subject to an armistice regime and considerable control by the Allied Commission. Chiefly through our efforts, Italy's status has improved, but less than we desire in view of the British policy of keeping Italy dependent. We have been unable to end the anomaly of Italy's dual status as active cobelligerent and as defeated enemy. Great pressure is being brought to bear by groups in this country to make Italy one of the United Nations—a step essentially in accordance with our policy but not with that of certain other allied governments." (711.00/4–1345)

[39] Not printed.

[40] Col. Gen. Enver Hoxha, President of the Council of Ministers of the Democratic Government of Albania; Commander in Chief of the Albanian National Liberation Army.

[41] Joseph E. Jacobs, Foreign Service Officer, Office of the United States Political Adviser.

[42] Albanian National Liberation Army.

In order to preclude any misunderstanding concerning the purview of the forthcoming deliberations at San Francisco, this Government desires to make clear immediately the fact that this Conference will deal only with questions of international organization and will in no way assume the character and functions of a "peace conference" where settlement of territorial questions, reparations, minorities problems, and similar matters would be undertaken.

While this Government appreciates General Hoxha's interest in this instance, it wishes to point out that exhaustive examination was made by the sponsoring Governments of every aspect of this subject before the decision was reached to extend invitations only to members of the United Nations, which include only recognized Governments. No provision has been made for official or unofficial observers. The Department of State trusts that General Hoxha will understand, in view of these considerations, that it cannot appropriately undertake to reopen discussion of the procedure already agreed upon and, accordingly, must inform him that it is not in a position to support his request for Albanian representation at the forthcoming Conference.

The Government and people of the United States are fully aware of the steadfast manner in which Albanian patriots have carried through to a successful conclusion their unequal struggle against enemy aggression and are also cognizant that the Albanian people have thereby contributed worthily to the eventual triumph of our common cause. It is the sincere hope of the Government of the United States, nurtured by the friendly feelings of the American people for the Albanian people, that Albania will in due course take its proper place within the community of nations.[43] *End memorandum.*

The memorandum based on the foregoing text may be communicated to General Hoxha through such channels as you and Jacobs consider suitable.[44]

STETTINIUS

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500.CC/4–845

*Memorandum of Conversation, by the Director of the Office of Special Political Affairs (Hiss)*

[WASHINGTON,] April 8, 1945.

Subject: Designation of a permanent President of the San Francisco Conference

As a result of a telephone conversation which I had with the Secretary last night, I called Mr. Makins this morning at the Embassy and talked about this general question. Mr. Makins told me that

[43] For documentation on the recognition of Albania by the United States, see vol. IV, pp. 1 ff.

[44] In response to another request, of April 27, for Albanian participation in the Conference, Secretary Stettinius transmitted in telegram 7, May 17, the following message to the Department for General Hoxha: "As you have already been informed, the United States could not appropriately sponsor participation in the Conference of the authorities now exercising control over Albania with which the United States Government has not established official relations." (500.CC/5–1745)

he had had a discussion of this same subject with Mr. Dunn last week shortly after the meeting of the Informal Organizing Group and that as a result of that talk the Embassy had sent a telegram to London recommending that the British Government promptly make a recommendation that Mr. Stettinius be the permanent President of the Conference.

I told Mr. Makins that the next meeting of the Informal Organizing Group had been called for next Tuesday [45] and told him that (as Mr. Raynor had informed me earlier this morning) it would be held at 3:00 p. m. I also told him that the Soviet Ambassador had again discussed this subject yesterday with Mr. Stettinius and had shown a rather unyielding attitude. Mr. Makins said that he would send a further telegram to London suggesting that the British Embassy be authorized to recommend Mr. Stettinius as permanent President at the Tuesday meeting. I also told Mr. Makins of the position which the Chinese had taken on this matter.[46] Mr. Makins expressed his pleasure at learning of this and said that if the Embassy received authorization to take the recommended action on Tuesday he would see that the British and the Chinese concerted their actions.

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RSC Lot 60–D 224, Box 100

*Extract From the Diary of Edward R. Stettinius, Jr., Secretary of State, December 1, 1944–July 3, 1945*

Week of
8–14 April, 1945.
(Section Nine)

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VARIOUS DEVELOPMENTS ABROAD

*Dependent Peoples*—On Sunday the eighth I made a note that Mr. Hayden Raynor would review with me the trusteeship memorandum which was to be sent to the President the following day,[47] and I further noted on Monday that "I am very dissatisfied with the memorandum I read last night on Trusteeships. I want the memorandum worded so that I will remain impersonal on the matter and not be in a position to have to make a defense of the State Department

[45] April 10.

[46] Mr. Hiss reported, in a memorandum of April 7, on a conversation with Mr. Liu Chieh concerning the question of Presidency of the Conference, as follows: "Mr. Liu said that this matter had not been cleared with his Government or with the Chinese Delegates but that I could take it as their position that they supported our view. He said he would notify his Government and his Delegates of the statement he had made to me to this effect." (500.CC/4–745)

[47] Draft not printed; see telegram of April 9 to President Roosevelt, *infra*.

position." I discussed the question over the phone twice with Secretary Forrestal on Monday. First, I told him that the memorandum approved by him [48] did not fit in with my views, and we decided the President should assemble everyone who was concerned and thrash the matter out. Later I discussed more fully with Secretary Forrestal my enforced position—a position taken by the Department without full consultation with me—on the U. S. policy for trusteeships. Forrestal said that he and Secretary Stimson would write me a letter [49] stating the views held by them and the Joint Chiefs of Staff. Thanking him, I said that thereafter I could discuss the situation with President Roosevelt.

At the Tuesday meeting of my Staff Committee I reported that the President had replied [50] to our Trusteeships memorandum sent to him on April 9, agreeing with our position outlined in the memorandum, and had suggested that State, War and Navy representatives discuss the matter with him on April 19. I interpreted President Roosevelt's memorandum as meaning that the trusteeship question should be discussed at San Francisco (as agreed to at Yalta), that preliminary conversations with other Powers should take place after the meeting on the nineteenth, and that there would be sufficient time to handle the problem adequately, even with this delay. That evening (April 10) I phoned Secretary Forrestal that the President would like to see us on the nineteenth regarding trusteeships, and suggested that Colonel Stimson, Forrestal and myself "have the first appointment with the President when he returns". Forrestal remarked that Stimson would like the Chiefs of Staff to be there also, and I said I had no objection. On Thursday the twelfth I discussed trusteeships with Mr. Abraham Fortas, Under Secretary of the Interior, and told him that I was going to the President on this subject with the Secretaries of War and Navy before I left for San Francisco. Fortas explained about a memorandum he had sent to the President, with a copy going to me a day earlier.[51] But I told him I had heard of the memorandum only from the President. Half an hour later I phoned Secretary Forrestal particularly to ask if he would explain to Colonel Stimson that I was disassociated from the State Department memorandum on Trusteeships, and Forrestal promised to pass on to the Colonel the information that *I was out of town when our memorandum was prepared.*

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[48] Reference may have been to draft letter prepared by Secretary Stimson and discussed by the three Secretaries at the April 2 meeting in the War Department (*The Forrestal Diaries*, p. 38).

[49] No record of letter found in Department files.

[50] See footnote 52, p. 211.

[51] See memorandum of April 5 by the Secretary of the Interior (Ickes) to the Secretary of State, p. 198.

*The Secretary of State to President Roosevelt* [52]

[WASHINGTON, April 9, 1945.]

INTERNATIONAL TRUSTEESHIPS

At Yalta, it was agreed that trusteeships should be discussed by representatives of the five governments proposed to become permanent members of the Security Council of the new International Organization preparatory to working out at San Francisco a provision of the charter of the world organization for setting up machinery to handle the problem. It was agreed that both the preliminary discussions and the negotiations at the Conference would be limited to principles and machinery and not embrace consideration of the disposition of specific territories. We have formally invited representatives of the other four governments to Washington for the preliminary consultation. They have all accepted and several representatives are already here.

We have been working diligently with the War, Navy and Interior Departments to develop an agreed U.S. Government position to submit for your approval for use in these conversations. A Draft Proposal has been prepared which is summarized in Supplement I, attached, and given in full in Supplement II,[53] which is being sent separately by pouch. This draft has not been approved by the Secretaries of War and Navy but we understand that with minor changes we all could agree on this plan. The main difference between us is not on the plan but on the question of considering trusteeship now.

The Secretaries of War and Navy are stating their position separately.[54] As we understand their view, it is that this Government should retain complete control over certain strategic areas in the Pacific and that we should make this known unequivocally to other nations and to the world before participating in any discussions. The Secretaries of War and Navy stress that they are opposed to any imperialistic annexation of territory on the part of the United States. On the contrary, they believe that the United States policy should be to hold any reserve strategic rights in a very real sense as trustee in the interests of the same cause for which we are now fighting—the

[52] Copy of telegram obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y. Transmitted by the White House Map Room to President Roosevelt at his home in Warm Springs, Ga. On April 10 the following message from the President to the Secretary of State was received by the White House Map Room:

"Your message on International Trusteeship is approved in principle. I will see your representative and that of the Army and Navy on the 19th. That will be time enough. And if you have already left I will, of course, see you on the 25th." (800.014/4–1045)

[53] Regarding Supplement II, see annex to memorandum of April 9 by the Secretary of State to President Roosevelt, *infra*.

[54] Letter (or letters) of this date regarding views of the Secretaries of War and Navy not found in Department files.

cause of international peace and freedom in the Pacific, a cause in which all law-abiding nations in that area have a vital interest.

The Department of State agrees, of course, that any plan must provide for our retaining such strategic positions, as of right, in the Pacific, as you and your military advisers deem necessary. It believes that this is provided for in the draft plan attached within the system of international trusteeship. The Department of the Interior, as Secretary Ickes has written you, agrees with the Department of State.[55] The Department of State believes further, that if we do not include these areas, with adequate safeguards, within the trusteeship system we shall prejudice all possibility of international trusteeship, and that it would appear to large sections of the public to violate our expressed statements against annexation of territory as a result of the war.

*Recommendations*

1. As matters stand, the Department of State believes that no position can or should be taken by this Government until the Secretaries of State, War and Navy have thrashed this matter out with you in your presence, and your decision has been taken after full hearing so that a united front may be presented to this and other countries.

2. The Secretaries of War and Navy, I understand, do not believe it will be possible to discuss effectively the form of trusteeships as a general proposition without bringing into the discussion the particular areas as to which the probability of sharp disagreement is evident. They very much fear that the discussion of the territorial problems and adjustments involved would bring about disputes between the United Nations which might greatly prejudice the united military operations necessary for the prompt finishing of the war with Japan as well as that with Germany. They, therefore, favor postponing any discussion of this question now.

3. The Department of State recommends that the matter be settled now, and in favor of the attached draft, with possible minor revisions on which, I think, the three Departments can agree. The Department of State believes that having repeatedly taken the lead in raising this matter with other countries, we admit a serious internal weakness by not having a policy when the moment for action arrives. We also, by so doing, expose the whole Dumbarton Oaks plan to attack in this country and in other countries by its failure to face up to this question. The lack of trusteeship proposals in the plan to date has already been criticised. Recent polls indicate the public is in favor of such a system.

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[55] See memorandum of April 5 from Secretary Ickes to President Roosevelt, p. 198.

I hate to suggest interrupting your period of relaxation but, owing to the great importance of this problem, would you be willing to have a representative of the Department and a representative of the Army and Navy come down for a half hour's discussion of this subject, within the next few days, in order that a prompt decision can be reached.

SUPPLEMENT I

### Summary of Draft Paper on Trusteeship System

The draft on trusteeship system provides that each particular territory in the three categories mentioned in the Yalta agreement [56] would be placed under trusteeship by means of a special arrangement to which the title-holders, the present or prospective administering power, and the world organization would be the parties. The arrangement would specify in each case the rights and responsibilities of the administering power, and these would vary, in important respects, as between the strategic and the non-strategic areas.

In the case of the Japanese mandated islands, they would be placed under trusteeship on the basis of a previous agreement reached between ourselves and the other Principal Allied and Associated Powers of the last war, in whom title to these islands (as well as to all other mandated territories) was vested by the treaty of peace. The Principal Allied and Associated Powers were the United States, Great Britain, France, Italy and Japan. The last two would be compelled to give up their rights as a result of this war. This would mean, therefore, that having occupied these islands, we could proceed to reach an agreement with Great Britain and France as to our rights as a future administrator, and the three of us would then offer to place the islands under the trusteeship system on the basis of the agreement reached among us. Being in physical possession of the islands, we would surely be in a position to negotiate satisfactory agreements both with the other title-holders and with the organization.

The draft also provides that a trusteeship arrangement once concluded can be modified only with the concurrence of the Security Council, which requires our consent. Finally the draft provides that in the case of strategic areas exceptions can be made to the power of the Assembly to institute investigations (See Section Fd). The same reservation is made for strategic areas with respect to the powers of the trusteeship council to call for reports, to interrogate representatives of the administering authorities, to review finances, and to conduct inspections. (See Section G2).

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[56] See Protocol of Proceedings, February 11, 1945, *Conferences at Malta and Yalta*, pp. 975, 977.

Hyde Park 244

*Memorandum by the Secretary of State to President Roosevelt* [57]

WASHINGTON, April 9, 1945.

Attached hereto is the paper on international trusteeships which was referred to in my telegram to you of today's date [58] on this subject.

E. R. STETTINIUS, JR.

[Annex]

NOTE FOR THE PRESIDENT

WASHINGTON, April 9, 1945.

I understand that this draft,[59] which was worked out with representatives of the War and Navy Departments, would probably be acceptable to them if the following two changes were made:

(1) State specifically that the territories to be brought under the Trusteeship System as well as the terms, would in each case be a matter for subsequent agreement. We, of course, agree on this since it is in accord with the Yalta agreement and is stated in another way in Section B, Paragraph 1.

(2) They propose that the Security Council should be substituted for the General Assembly in all matters pertaining to strategic areas under the Trusteeship arrangements specified in Sections B, C, D, E and F. This should present no insuperable difficulty.

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RSC Lot 60 D 224

*Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

[WASHINGTON,] April 9, 1945.

Participants. The Soviet Ambassador, the Secretary of State, Messrs. Dunn, Hackworth, and Pasvolsky

The Ambassador called at the Secretary's request to discuss the question of chairmanship of the Committee of Jurists. The Secretary stated at the outset that, in our opinion, the Soviet proposal for four

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[57] Copy obtained from the Franklin D. Roosevelt Library, Hyde Park, N.Y. A covering memorandum of the same date by Secretary Stettinius for Miss Grace Tully, President Roosevelt's secretary, stated: "I don't believe the President will need to bother studying the attached, but I wanted to be sure it was available in your hands, in the event he asked for it."

[58] *Supra.*

[59] Draft D–1k, March 22, not printed; it is identical with draft SC–79, March 17, Arrangements for International Trusteeship, p. 135, with exception of section C (1), Structure and Procedures, which reads: "1. The functions of the Organization with respect to the trusteeship system should be exercised as specified in Sections E, F, G, and H. The General Assembly and the Trusteeship Council should each act by a two-thirds vote of those present and voting. With respect to matters concerning strategic areas, the Security Council should act with the concurrence of all of the permanent members."

chairmen was impractical. The Ambassador replied that his instructions were specific on this subject.

The Secretary then said that he proposed, at the morning session, to designate Mr. Hackworth as temporary chairman.[60] The Committee would then meet in the afternoon and elect a permanent chairman.[61] The British had informed us that they would nominate Mr. Hackworth, and the Chinese that they would second the nomination. The Secretary inquired as to what the Soviet representative would do. Would he present the Soviet proposal and have the Committee vote on it?

The Ambassador said that he would have to think the matter over, but that he felt he must maintain his proposal. He rejected our proposal to have the representatives of the other three sponsors act as vice-chairmen, and our further proposal that we follow the Dumbarton Oaks procedure.

He then said that if the plan outlined by the Secretary was carried out, it would probably be necessary for the Soviet representative to abstain from voting, but that he would give the matter further thought.

LEO PASVOLSKY

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RSC Lot 60–D 224, Box 96 : US Cr. Min. 5

*Minutes of the Fifth Meeting of the United States Delegation, Held at Washington, Monday, April 9, 1945, 3 : 15 p. m.*

[Informal Notes]

[Here follows list of names of persons (23) present at meeting.]

THE SECRETARY opened the meeting at 3 : 15 p. m., explaining that he had just been meeting with representatives of organized labor who were urging representation for labor at the San Francisco Conference. He said the agreement to invite consultants had gone some distance in satisfying the representatives of organized labor.

PRESS STATEMENT ON DELEGATION DISCUSSIONS

THE SECRETARY stated that at his press conference that day the press had asked a number of questions, including whether the Delegates were free to speak on their own, how the Delegation would vote in the preliminary discussions, whether statements would be made concerning the progress of the discussions, and whether the discussions were going well. THE SECRETARY asked whether he should perhaps tell the press that these were a series of private meetings at which the Delegates were briefing themselves on the substance to be discussed at San Francisco and that for the time being there would be

[60] Jurist 4, G/4, April 9, UNCIO Documents, vol. 14, pp. 34–35.
[61] Jurist 36 (11), G/26, April 13, *ibid.*, p. 52.

nothing to say to the press. SENATOR VANDENBERG proposed that, if the Delegation agreed upon a recommendation for change in the Proposals, there would be an advantage in letting the public know of this agreement. REPRESENTATIVE BLOOM suggested that no commitment be made in advance to make a statement, but that, if something was agreed upon which it was later thought wise to give to the press, then an appropriate statement could be made.

SENATOR CONNALLY thought that it was important for the Delegation to act as a unit and that it would be unfortunate as far as the public went if arguments by the Delegates for different positions were published.

THE SECRETARY suggested that it would not be easy to make final decisions at this time on substantive questions since the proposals made at the Conference would influence our position. He did not think it would "set well" with the other nations if we issued suggestions for changes in the Proposals in advance of the Conference. SENATOR VANDENBERG urged that, if agreement was reached on an important point, he was convinced that it would be healthy for the public to know about the agreement now.

THE SECRETARY suggested that at the close of the discussions a statement might be made to the effect that they had been productive and that on certain questions the following positions have been reached, although of course these would be subject to change. SENATOR VANDENBERG said that he thought public opinion had developed to a point where it was fertile for any seed that might be planted and that it would be dangerous to withhold from the public the conclusions of the American Delegation.

MR. PASVOLSKY noted that the Four Sponsoring Governments had agreed that the Dumbarton Oaks Proposals should be the basis for discussion at the Conference and that the further proposal had been made by the British and supported by the other governments that none of the Sponsoring Governments would introduce any ideas for changes in the Proposals without prior consultation.[62] Of course this consultation would not be binding. This procedure, he thought, was a wise one since, if each of the Four Sponsoring Governments brought in radical changes, the Dumbarton Oaks Proposals might be completely wrecked. He noted that up to now the British and Chinese had not suggested any changes in the Proposals.

It was decided at the suggestion of the Secretary that for the time being no statement would be made on the discussions, but that, if something did come up which should be said, the press would be immediately notified.

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[62] See proposal submitted by the United States Government to the British, Soviet, and Chinese Embassies, March 28, p. 162.

THE SECRETARY asked what he should say as to the voting method on the Delegation. It was generally agreed that he should say that the Delegation would vote by simple majority vote.

[Here follows discussion on the list of advisers and unofficial representatives of national organizations.[63]]

DISCUSSION OF PROPOSALS AND SUGGESTIONS FOR CONSIDERATION

THE SECRETARY asked Mr. Pasvolsky to open the discussion of Proposals and Suggestions for Consideration, Book 2.[64] MR. PASVOLSKY said that Book 3 contained a comprehensive analysis of the views of the other governments and of private groups on the Dumbarton Oaks Proposals, whereas Book 2 summarized this material and brought forward certain definite suggestions. He said that the members of the Delegation would be assigned to special committees which would work on certain portions of the Dumbarton Oaks Proposals, and that these committees would have before them, in addition to the text of the Proposals, statements of changes suggested for discussion by the various delegations. Each committee, he said, would then work on a particular part of the Proposals and the drafting would be done largely by subcommittees.

From our point of view, he continued, there were two things to consider: (1) What amendments we ourselves would wish to offer to the Proposals and to have included in the basic documentation of the committees of the Conference; and (2) What our attitude was to be with respect to the various proposals brought forward by other governments, since it was almost inevitable that a great number of proposals would be presented. He added that it still had to be determined how much consultation there would be between the Sponsoring Governments on the suggestions that they would make. In any case, however, it was necessary to go through the Proposals discussing them from these two points of view, so that it would be possible for the staff to draft its text for a charter on the basis of the agreements reached. We would then go to the Conference with a document in the form of a charter.

For the moment, MR. PASVOLSKY said, we should concern ourselves only with the basic ideas and not bother about the language. A discussion of the language, he said, would occur in considering the actual draft charter.

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[63] For list of organizations, see press release of April 10, Department of State *Bulletin*, April 15, 1945, p. 671. For list of consultants to the United States delegation, each named by one of the 42 national organizations, see *ibid.*, April 22, 1945, pp. 724–725; see also Conference Series No. 71: *Charter of the United Nations: Report to the President . . . June 26, 1945* (Department of State publication No. 2349), pp. 262–266.

[64] For additional information on documentation used by the delegation in this period, see *Postwar Foreign Policy Preparation*, pp. 435 ff.

SENATOR CONNALLY asked whether it was the intention to rewrite the entire Dumbarton Oaks Proposals. MR. PASVOLSKY noted that a good many provisions of the Proposals had not been criticized and that little attention would have to be paid to these provisions. However, he said, in rewriting the whole document in the form of a legal charter, the language of all provisions would inevitably be altered. MR. PASVOLSKY noted that the Dumbarton Oaks Proposals was not a legal document and that the immediate task of the Delegation was to decide what would go into the contract or charter which would be the legal document.

DEAN GILDERSLEEVE said it would be helpful to know how much we would be likely to change the Proposals—how closely we were tied to them as they stood. Was it necessary, she asked, to restrict the suggestions only to the most vital ones or was there a good deal of elbow room? THE SECRETARY replied that he felt very definitely that there was not very much elbow room in view of the Soviet position that "with the Proposals we had already arrived". DEAN GILDERSLEEVE said that this then meant we should restrict our proposed changes to the most vital ones?

MR. PASVOLSKY stated that any change that would affect the basic relations of the different organs, the basic obligations of member states, and the balance of the whole structure, particularly the relation between the General Assembly and the Security Council, between regional arrangements and the central organization, and between large and small powers, would have to be very carefully considered. On the other hand, he believed the Delegation could feel freer to suggest changes when considering questions that affected the framework of the Proposals themselves, particularly on matters which were not actually covered in the Proposals but would be necessary for a legal instrument. He added that most of the Proposals, he thought, would be in the form of additions to the Proposals as they stood. He said that some additions might be necessary, in particular to more fully define the criteria of action of members of the Organization and to clarify the operation of the machinery.

THE SECRETARY said that some provisions should be made to meet Senator Vandenberg's criticism that the Proposals did not look backward as well as forward. MR. PASVOLSKY said he thought this matter was already in the document, although it might not be clear, and that this whole question would have to be carefully examined.

*Name*

MR. PASVOLSKY indicated that several alternative names had been suggested for the Organization, but that "The United Nations" had been agreed to, not because it satisfied everybody, but because it seemed the least of several evils. He added that emphasis was placed by the

use of this name on the unity of the nations. He said further that the name had been criticized because of its association with a war-time coalition, but that in fact it applied to something larger than that coalition. REPRESENTATIVE EATON agreed that the nations must be united for peace as well as for war. MR. PASVOLSKY noted that the name proposed by Mexico,[65] "Permanent Union of Nations" when translated into English suggested a superstate. Some proposals, he added, would introduce the word "security" into the name, but they had been rejected on the grounds that they were too limiting. He concluded that the most unobjectionable name was "The United Nations". THE SECRETARY suggested that the names of the organs be considered in connection with this question. MR. PASVOLSKY referred to the titles as indicated in Chapter IV and noted that in time each organ might become known as The United Nations General Assembly, The United Nations Security Council, et cetera. DEAN GILDERSLEEVE noted that there had been little criticism of these titles, and MR. PASVOLSKY agreed that there was little opposition to them.

It was then generally agreed to support the name for the Organization "The United Nations".

*Preamble*

MR. PASVOLSKY called attention to the fact that the Dumbarton Oaks Proposals had no preamble and that an introductory statement had been included for the sole purpose of bringing in the name "The United Nations". On the other hand, the charter of the Organization would of course have a preamble. SENATOR VANDENBERG noted the preamble and the purposes tend to overlap and that this raised an important problem. MR. PASVOLSKY explained that at Dumbarton Oaks certain points which might ordinarily have been put in a preamble had been put in the body of the document in order to give them more emphasis. It was then possible to state in other parts of the document that the Security Council would act in accordance with the purposes and principles of the organization. He added that of course it would be possible to combine the purposes and principles into one section. MR. PASVOLSKY suggested that the preamble might include a statement of general objectives, while the purposes and principles would be more specifically stated as binding the Security Council in the performance of its duties. REPRESENTATIVE BLOOM wondered whether it would not be better to write the preamble after the document had been studied. MR. PASVOLSKY thought this would be a good procedure, that discussion might continue on the rest of the document, and the Delegation could then return to the preamble. THE SECRETARY agreed with this suggestion.

[65] Doc. 2, G/7(c), April 23, UNCIO Documents, vol. 3, p. 166.

*Chapter I: Purposes*

*Paragraph 1.*—MR. PASVOLSKY read the text of Paragraph 1 and then proceeded to outline the alternative suggestions that had been made. He noted that in developing Chapter I the question had repeatedly arisen as to whether the obligations and criteria for action should be broadly stated or enumerated. It was agreed, he said, that it was safer to spell out these questions as little as possible. DEAN GILDERSLEEVE and REPRESENTATIVE EATON agreed that the broad statement was more satisfactory.

MR. PASVOLSKY thought that there would be considerable pressure to introduce a statement guaranteeing the independence of states. It had been felt, however, that the reference to sovereign equality in Chapter II adequately covered the matter.

MR. PASVOLSKY noted the suggested addition to Paragraph 1 "and with due regard for the principles of justice and equity and in accordance with the rule of law." DEAN GILDERSLEEVE asked if this addition would cause trouble. SENATOR VANDENBERG said that, even if it should cause trouble, it should be added. He said that he presumed that this addition was to meet in part his suggestion for a reference to the establishment of justice and the promotion of fundamental freedoms. MR. PASVOLSKY pointed out that the reference to fundamental freedoms was proposed for Paragraph 3. SENATOR VANDENBERG questioned whether the additions to Chapter I met his suggestion. MR. PASVOLSKY thought that, with the addition of reference to the promotion of justice in the preamble, Senator Vandenberg's suggestion would be taken care of.

SENATOR VANDENBERG noted that he had proposed a separate paragraph reading: "to establish justice and to promote respect for human rights and fundamental freedoms". SENATOR CONNALLY thought it was important to avoid giving the impression that the Organization would deal with individuals. Its main function would be to settle disputes between governments and it would be unfortunate to arouse hopes that the Organization would directly help individuals when this could not be realized.

MR. ARMSTRONG questioned the reference to "the rule of law". He wondered whether this referred to the body of existing treaties or what was laid down in the charter. MR. SANDIFER suggested revising it to read "and with due regard for international law". MR. DULLES agreed with Mr. Armstrong that the reference was altogether ambiguous and that it would be a mistake to put in the reference in its present form. SENATOR CONNALLY expressed agreement with this position also. MR. PASVOLSKY noted that the Chinese had proposed a reference to international law along the lines suggested [66] and that it

[66] See telegram 619, March 16, 11 p. m., to Moscow, p. 126.

would be important to put some reference of this sort in the present document. REPRESENTATIVE BLOOM thought that the public in general was "fed up" with international law and that they would not greatly appreciate the word. MR. SANDIFER pointed out that in fact the success of the whole enterprise depended upon the development of respect for international law, and that respect for treaties would be at the root of any successful general organization to maintain the peace. He added that, while some treaties are in disrepute, this is not true of all treaties.

SENATOR VANDENBERG felt that the really important part of the proposed amendment was the reference to justice and equity, that his fundamental point of view was that the total absence of the reference to justice in the document must be corrected, and that the American Delegation could only enhance its position in the public eye if it became the champion of justice. He would therefore oppose waiting for other delegations to propose this amendment and would urge that the American Delegation propose it first. MR. TAFT asked how proposals of this sort would be brought forward at the Conference. MR. PASVOLSKY said they would be presented in open meeting. SENATOR VANDENBERG stated that, if at the end of the Conference the document still did not contain any reference to justice, then the American Delegation would be out of luck.

MR. PASVOLSKY said that, in view of the criticism of the reference to international law, it might be well to bring in such reference elsewhere. At MR. DULLES' suggestion the phrase was then redrafted "in accordance with the principles of justice and equity". This rephrasing was generally agreed to and it was understood that this proposal would be made by the Delegation as a change in the Proposals as they stood.

MR. PASVOLSKY asked whether the Delegation wished to include a guarantee of the independence of states. He added that the British had strenuously opposed this suggestion when it had been raised by the Chinese at Dumbarton Oaks.[67] He added that Mr. Wellington Koo had later said that personally he thought the arguments against inclusion of the guarantee of independence were sound. MR. DULLES thought it would be a great mistake to include such a guarantee, since it would tend to guarantee the freezing of the world forever and would guarantee the possession by nations of their colonies for all time. It was then generally agreed that any reference to the guarantee of independence of states would be opposed.

[67] For a summary report on consideration of this question at a meeting of the Joint Formulation Group, see memorandum by the Under Secretary of State, October 4, 1944, *Foreign Relations*, 1944, vol. I, p. 865; for a detailed account of the British attitude on the question, see memorandum B (pars. 19–27) of tentative proposals submitted by the United Kingdom for a general international organization, July 22, 1944, *ibid.*, pp. 673–674.

MR. PASVOLSKY noted that the enumeration of a list of subjects with which the Organization would deal, as proposed by Venezuela,[68] did not really belong in a statement of purposes. Moreover, he did not think this addition would be pressed. SENATOR CONNALLY thought the main objection to this suggestion was that items not enumerated were likely to be considered excluded.

*Paragraph 2.*—DEAN GILDERSLEEVE asked what was meant by the paragraph: "To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace". MR. PASVOLSKY thought this might be the proper place to include a reference to the development of international law. He added that this paragraph was in effect a "catch-all" for the purposes otherwise left out by the statements in paragraph 1 and paragraph 3. He noted that the Russians in particular were interested in this paragraph. SENATOR CONNALLY commented that the Russians were still suspicious that the world was against them and this probably accounted for their emphasis upon the development of friendly relations. SENATOR VANDENBERG said that he would be glad to have this paragraph left in if it was actually lived up to. DEAN GILDERSLEEVE said it was really in the form of a rather pious wish. MR. PASVOLSKY commented that the British and Russians both like this particular paragraph. SENATOR CONNALLY said that he could not quarrel with it, but that he did doubt the wisdom of putting in any reference to international law at this point. REPRESENTATIVE EATON said that he thought that the development of friendly relations was in fact the foundation for a new civilization. MR. DULLES suggested that the reference to the rule of law had been cut out in the first paragraph since there was no adequate body of law at the present time. However, since we all want to develop a body of international law, he could see the great value of putting in a reference to the promotion or development of international law as a basis for the peace. This law, he added, would be developed by decisions of the court and by the codification of international law.

MR. PASVOLSKY suggested that paragraph 2 be revised to read "to develop friendly relations among nations, to foster the development of international law, and to take other appropriate measures to strengthen universal peace." REPRESENTATIVE BLOOM asked why the phrase "appropriate measures" was included since it was implicit that the measures would be appropriate. His suggestion to omit the word "appropriate" was agreed to. SENATOR CONNALLY commented that he was opposed to introducing the reference to international law but that he had been out-voted.

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[68] Doc. 2, G/7 (*d*) (1), October 31, 1944, UNCIO Documents, vol. 3, p. 191.

*Paragraph 3.*—MR. PASVOLSKY explained that the attempt at Dumbarton Oaks to add a reference to the development of respect for human rights and fundamental freedoms in the chapter on purposes had caused a great deal of difficulty. The Soviet representatives had demanded that a criterion for membership in the Organization be included to the effect that only non-fascist nations were eligible.[69] As a result of the controversy it had been agreed to put the reference to human rights and fundamental freedoms in the chapter on the Economic and Social Council. He thought, however, that this decision need not be taken as final.

It was then agreed that the proposed addition should be adopted.

*Paragraph 4.*—MR. ARMSTRONG said that the text of paragraph 4 "to afford a center for harmonizing the actions of nations in the achievement of these common ends" was not satisfactory. MR. PASVOLSKY indicated that this was a favorite idea of the British Delegation and that they would be greatly disturbed if it were taken out. DEAN GILDERSLEEVE said that its presence did no damage. MR. ARMSTRONG questioned the use of the term "center". In any event, he said, it was a center through which the members could harmonize their actions. MR. SANDIFER suggested that at one time the term "means" had been proposed instead of "center". SENATOR VANDENBERG noted that, if properly drafted, this purpose might become the greatest objective of the Organization. THE SECRETARY indicated that the Delegation was apparently in general agreement on the sense of this paragraph and that it could be drafted later more exactly. MR. PASVOLSKY said that Chile's suggestion "to include a statement that enumerated purposes do not exclude any others of similar nature" was inherent in the document.

THE SECRETARY asked whether all the comments of the governments had already been sent in or whether others were still to come. MR. PASVOLSKY said that all the comments that had been received to date were summarized in Book 3, but that two or three states had reserved the right to send additional comments and two or three other states were still planning to send comments.

THE SECRETARY noted that at the opening of the Conference the chairmen of the different delegations would be given opportunities to present their views. This matter, he added, was now under discussion, but he was recommending that, following the opening of the Conference by the President at 4:30 p. m., the next two days would be used to give each delegation 15 minutes to present their views. In this way within two days all 46 states would have an op-

[69] See progress report on Dumbarton Oaks Conversations submitted by Under Secretary Stettinius to the Secretary of State on September 19, 1944, *Foreign Relations*, 1944, vol. I, p. 824.

portunity to present their positions. He asked the Delegation to think over whether this would be a good procedure.

*Chapter II: Principles*

MR. DULLES questioned what this chapter was intended to accomplish and said that he did not understand what the principles were. In part they were long-range purposes and in part, specific undertakings by the member governments. He thought that they were extremely dangerous in their present form, and he did not see what role they were supposed to play. In particular, he said, the looseness of the commitments bothered him; e.g., all members undertake to give every assistance or they undertake not to give any assistance. What, he asked, does this mean? He thought it was most important to clear up the confusion involved in this chapter.

SENATOR VANDENBERG asked what the difference was between the purposes and principles of the Organization. MR. PASVOLSKY explained that the principles were rules of action, whereas the purposes were the aims of action. MR. PASVOLSKY added that paragraph 5 needed to be redrafted since all members would give every assistance in accordance with the provisions of the charter. MR. DULLES remarked that he did not know what was meant by the term "principle" and that he thought the rather generalized and vague commitments in that chapter might jeopardize getting the charter through the Senate. He referred in particular to the obligation to settle disputes by peaceful means. MR. PASVOLSKY said this meant that states would use none but peaceful means in the settlement of their disputes.

MR. PASVOLSKY added that the next paragraph obligated members of the Organization to refrain from the use of force no matter what happened in settling their disputes. SENATOR CONNALLY thought this was just another statement of the Kellogg-Briand Pact.[70] MR. DULLES thought that this statement was already implicit in the preceding paragraph. MR. PASVOLSKY commented that there were two obligations: the positive one to settle disputes by peaceful means and the negative one not to use force in settling disputes.

MR. ACHESON pointed out that there were two types of principles included in this chapter, e.g., the basis of the Organization on the principle of sovereign equality and the enumeration of the obligations of members. He felt that the chapter needed to be very carefully considered. MR. DULLES agreed and pointed out that he was afraid that this chapter would be taken as just another chapter of principles in the French meaning of the term, to accept "*en principe*". This

[70] Treaty between the United States and other Powers, signed at Paris, August 27, 1928, *Foreign Relations*, 1928, vol. I, p. 153.

in effect, he said, meant that one was not getting anything. If it was intended to make these principles substantial, then he thought they should be gone over very carefully and made specific undertakings. Otherwise he thought the chapter would be open to a flood of criticism. MR. PASVOLSKY explained that these principles were in fact basic obligations both of the members of the Organization and of the Organization itself. He referred to the opening paragraph: "In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles".

It was agreed that the further detailed discussion of these paragraphs under Chapter II would be postponed until the next meeting.

THE SECRETARY suggested that the Delegates read through their books in preparation for the meeting the next day.

NEXT MEETING

It was decided to meet on Tuesday, April 10, at 10 a. m., to continue the discussion.

The meeting was adjourned at 5:05 p. m.

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500.CC/4–945

*Memorandum Prepared in the Department of State* [71]

SECOND SUGGESTIONS CONCERNING ALLOCATION OF COMMISSION AND COMMITTEE POSITIONS AT THE CONFERENCE

Pursuant to the ideas tentatively set forth in our memorandum of April 3 on this subject, it is suggested that the Conference sponsors agree that the officers of the Commissions and Committees should be representatives of the countries indicated on the attached sheet.[72]

In the matter of secretariat, the host Government will supply a skilled professional organization, into which will be incorporated any skilled secretarial personnel which, in spite of the shortage of time, may be made available from the staffs accompanying the delegations of other sponsors and participating countries.

WASHINGTON, April 9, 1945.

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[71] Marginal notation on the original: "This memorandum was approved in draft form and was handed to the Chinese Ambassador by the Secretary on April 10, 1945." Copies were handed to the Soviet and British Ambassadors on the same date.

[72] Attachment not found in Department files, but see "New List," *infra*. Discussion of the memorandum took place at the second meeting of the Informal Organizing Group on April 10, but the minutes do not explain the advantages of this distribution of offices over that proposed in memorandum of April 3 on this subject.

NEW LIST [73]

1. Executive Committee:
   Unchanged.
2. Presidents of the Commissions:
   Unchanged.
3. Rapporteurs:
   I. ~~Peru~~ Philippine Commonwealth; II. ~~Ecuador~~ Cuba; III. ~~Philippine Commonwealth~~ Egypt; IV. ~~Honduras~~ Ethiopia.
4. Assistant Secretaries-General:
   I. ~~Syria~~ Lebanon; II. Liberia; III. ~~Nicaragua~~ Panama; IV. ~~Ethiopia~~ Dominican Republic.
5. Chairmen and rapporteurs of Committees:

| I | II | III | IV |
|---|---|---|---|
| 1. Bolivia | 1. ~~Paraguay~~ Ecuador | 1. ~~Turkey~~ Australia | 1. ~~India~~ Luxembourg |
| R. Nicaragua | Iraq | Costa Rica | Paraguay |
| 2. ~~Yugoslavia~~ Peru | 2. Chile | 2. Uruguay | 2. ~~Egypt~~ Turkey |
| R. | 3. ~~Colombia~~ India | Syria | Haiti |
| | R. Guatemala | 3. ~~New Zealand~~ Yugoslavia | |
| | 4. ~~Australia~~ New Zealand | Honduras | |
| | R. El Salvador | 4. Greece | |
| | | Colombia | |

6. Miscellaneous:
   Committee on Credentials: Saudi Arabia.

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500.CC/4–945

*Memorandum Prepared in the Department of State* [74]

RECORDS OF THE PROCEEDINGS OF THE CONFERENCE

The following suggestions are submitted regarding the records to be made of the proceedings of the plenary sessions, commissions, and committees of the Conference.

1. No stenographic transcript of proceedings will be kept except at plenary sessions of the Conference and at public meetings of the commissions.

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[73] List copied from a 5-volume history by Bernadotte E. Schmitt, "The United Nations Conference on International Organization" (mimeographed, Department of State, 1948), vol. I, p. 22. The names crossed out on this list are those of countries appearing in the list contained in the memorandum of April 3 to the British Embassy, p. 181, which were replaced by the names of countries underlined in this new list.

[74] Marginal notation on the original: "This memorandum was approved in draft form and was handed to the Chinese Ambassador by the Secretary on April 10, 1945." Copies were handed on the same date to the British and the Soviet Ambassadors.

2. For all other meetings the Secretariat will prepare a brief summary of the discussion and of the decisions reached.

3. Both stenographic transcripts and summaries of proceedings will be prepared first in provisional form for clearance, prior to general distribution, with the appropriate members of the bodies concerned. After corrections have been made the transcript or summary will be issued in final form.

## CHAPTER III: APRIL 10–APRIL 24, 1945

**Review of Dumbarton Oaks Proposals completed by United States delegation and report submitted to the President; meeting of Committee of Jurists concluded and report submitted to the President; inter-Departmental consultations on international trusteeship resulting in a policy directive and its presentation to President Truman for approval before its submission to U.S. delegation; issuance of invitations to five inter-Governmental organizations; Premier Stalin's decision for Mr. Molotov to head Soviet delegation; consultative meetings of Foreign Ministers of sponsoring Governments on questions of organization and admission.**

IO Files: US Cr Min 6

### *Minutes of the Sixth Meeting of the United States Delegation, Held at Washington, Tuesday, April 10, 1945, 10:15 a. m.*

[Informal Notes—Extract]

[Here follows list of names of persons (19) present at meeting.]

PRESS POLICY

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THE SECRETARY stated that any statement to be made would be by the Delegation as a whole after agreement upon it. MR. ARMSTRONG considered that it was better to hold off the issuance of any statement until the end of the preliminary discussions because of changes which might take place in the position of the Delegation. Moreover, he thought it was advantageous not to give our hand away by releasing statements to the press. SENATOR VANDENBERG thought that the Delegation would be better off by giving a brief report. THE SECRETARY suggested that the Delegation review its work at the end of the week and see whether a statement should be made to the press at that time and suggested that a further review be made at the conclusion of the discussions for the same purpose. SENATOR CONNALLY observed that the Delegation would be better off if no evidence of division among various delegates were revealed and publicity given thereto.[75] He thought that as much as possible should be kept from the press. REPRESENTATIVE EATON stated that he had not made any statement whatever to the press. MR. PASVOLSKY stated that leaks would interfere

[75] Reference had been made in a news article to the lack of unanimity in the delegation.

in negotiations with other countries and said that at Dumbarton Oaks the leaks had interfered with the work and created pressures. He thought that leaks now would cause more difficulties in getting our ideas adopted at San Francisco.

COMMITTEE OF JURISTS

THE SECRETARY reported that Mr. Hackworth had been elected Chairman of the meeting [76] and that the French representative [77] had been elected rapporteur. THE SECRETARY added that the Committee had decided to accept the Statute of the Permanent Court of International Justice as a basis for its work.

DISCUSSION OF THE DOCUMENT ON PROPOSALS AND SUGGESTIONS (Edition of April 9, 1945 [78])

*Chapter II—Principles*

*Paragraph 1*

MR. PASVOLSKY stated that there had been criticism of the term "peace-loving states" and suggested that the phrase "its members" be substituted. With reference to the additional underscored phrase, MR. PASVOLSKY stated that it was important only in placing emphasis on the voluntary association of nations.

SENATOR VANDENBERG expressed his satisfaction in the use of the word "sovereign" and stated that it was "dear to our hearts". SENATOR CONNALLY stated that it was useful to use the phrase "sovereign equality" as long as it did not affect voting. MR. ARMSTRONG considered that the term "equality" was incorrectly used in terms of voting.

The Delegation agreed that the phrase "its members" should be substituted for "peace-loving states". It also decided that the clause, "who voluntarily accept obligations to cooperate in the furtherance of their common purposes," should be deleted at the end of the suggestion for Paragraph 1.

*Paragraph 2*

MR. PASVOLSKY called attention to the suggestion for a new paragraph 2 which would accord to the middle-sized states a special position. It was designed particularly to divide the members not having permanent membership on the Security Council into two categories. REPRESENTATIVE EATON inquired why this provision should not be put in Chapter VI. MR. PASVOLSKY stated that certain criteria had been proposed for the election of members to the Security Council, as follows:

1. Their ability to contribute to the maintenance of international peace and security;

[76] Jurist 36 (11), G/26, April 13, UNCIO Documents, vol. 14, p. 52.
[77] Jules Basdevant.
[78] In Book 2. Not printed.

2. Their geographical location;
3. Their contribution to the war; and
4. Their willingness to conclude agreements for the supply of forces.

He added his belief that the General Assembly should not be bound by any rules in the election of non-permanent members of the Security Council.

SENATOR CONNALLY considered that some limitation should be placed on the election of the non-permanent members of the Security Council. He had in mind particularly the Latin American countries. MR. PASVOLSKY recommended that no provision be inserted in the Charter specifying rules to be followed by the General Assembly in the election of non-permanent members to the Security Council. The suggestion for a new paragraph 2 was accordingly deleted.

*Paragraph 3*

MR. PASVOLSKY called attention to the alternative proposed by Chile under which states of other regions would not be obligated to participate in military action if a conflict affected only one region.[79] THE SECRETARY stated that the Latin American countries were worried about the possible use of Soviet troops in the Western Hemisphere. MR. TAFT suggested that this matter could be taken care of by the special agreement for the supply of forces. MR. PASVOLSKY stated that it would be possible for us to prevent the use of non-American forces in this hemisphere if we wanted to. He added that Chile would not want to contribute any forces for use outside of the hemisphere.

SENATOR VANDENBERG suggested that the Chapter on Principles might well be eliminated since they are taken care of in other parts of the document. SENATOR CONNALLY thought that repetition might be avoided. MR. PASVOLSKY, in replying to these observations, stated that such a proposal would encounter considerable opposition. He thought it desirable for the Delegation to concentrate on the question of whether or not the ideas contained in the Chapter were to be supported.

The Delegation agreed to retain the text of this paragraph provisionally and to defer fuller consideration to a later meeting.

*Paragraph 4*

MR. DULLES considered that the obligation contained in this paragraph was a dangerous one and raised the question as to what would happen if a member refused to accept a method of pacific settlement. MR. PASVOLSKY replied that a definite obligation on members was necessary and that this obligation should be distinguished from the procedures for pacific settlement which were set forth in Chapter VIII. SENATOR VANDENBERG wondered whether this text precluded the right of self-defense, and asserted that this right would need to

[79] Doc. 2, G/7 (*i*), May 2, UNCIO Documents, vol. 3, p. 284.

be identified. SENATOR CONNALLY observed that there could not be any self-defense until there had been resort to arms. SENATOR VANDENBERG offered the hypothetical case of an attack upon our Embassy in Argentina. MR. PASVOLSKY stated that the right of self-defense existed but that there was an obligation to notify the Council. If the Council failed to act immediately then a country was free to act. He considered that self-defense was implicit in the document but inquired how it could be spelled out. He stated that no suitable language had yet been found.

MR. DULLES considered that both paragraphs 3 and 4 were too broad in scope and that they gave the illusion of security through sweeping commitments. He thought that from the standpoint of keeping the peace we must not give commitments that create a false illusion. MR. PASVOLSKY pointed out that this was the only place in the document where a positive obligation is placed on members to settle their disputes by peaceful means. MR. DULLES stated that we weren't prepared to settle all disputes by peaceful means and pointed out, for example, the case of our immigration laws which were claimed by China to be insufficient. MR. PASVOLSKY replied that immigration was a matter of domestic concern. MR. DULLES raised the question as to what would happen if China threatened to use force in case the immigration question were considered to be an international dispute rather than one of domestic concern. REPRESENTATIVE BLOOM raised the question whether any domestic law would be subject to the jurisdiction of the Organization as long as it was recognized by international law as a question falling within the domestic jurisdiction of a country.

SENATOR VANDENBERG suggested the addition of the words "pursuant to all the terms of this document" as a possible limitation of the obligation. MR. TAFT suggested that the limitation of this principle might be effected by the addition of the phrase "subject to paragraph 7, Chapter VIII, Section A" which excepted from the jurisdiction of the Organization disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned. MR. PASVOLSKY stated that the question was whether this paragraph should be read as an obligation on states to settle their disputes or whether it should be interpreted to mean that they be settled only by peaceful means.

MR. DULLES suggested the possible use of the negative form, "shall not settle their disputes by other than peaceful means". MR. PASVOLSKY then suggested the following text to which the Delegation agreed:

"All members of the Organization shall refrain from using any but peaceful means in the settlement of their international disputes and shall use these means pursuant to the provisions of the Charter in such a manner that international peace and security are not endangered."

*Paragraphs 5 and 6*

Paragraphs 5 and 6 of the Proposals were considered separately after the Suggestion for Paragraph 6 of the document combining these paragraphs had been set aside. With respect to Paragraph 5 of the Proposals, it was decided that the text should make clear that the obligation of members to give assistance to the Organization should be in accordance with the provisions of the Charter. The following text was proposed, subject to subsequent refinement in drafting:

"All members of the Organization shall give every assistance to the Organization in accordance with the provisions of the Charter in any action undertaken by it in accordance with the provisions of the Charter."

The Delegation agreed that Paragraph 6 of the Proposals should be modified along the following lines, the precise drafting of which would be left to the Drafting Committee:

"All members of the Organization shall refrain from giving to any state against which enforcement action is being undertaken by the Organization assistance which would interfere with or nullify the action of the Organization."

*Paragraph 7*

Following MR. PASVOLSKY'S explanation that the Suggestion for Paragraph 7 was to bring this principle into line with the Purposes, the Delegation approved the Suggestion for Paragraph 7 without change.

*Paragraph 8*

The Delegation agreed to delete the Suggestion for Paragraph 8 in view of the fact that provision for the promotion of human rights had been incorporated in the Chapter on Purposes.

*Paragraph 9*

THE SECRETARY suggested that the Delegation need not consider the Suggestion for Paragraph 9 because the provisions on trusteeship had not yet been submitted. DR. BOWMAN expressed the view that a provision of this character did not belong in the Chapter on Principles. It was agreed to delete the Suggestion for paragraph 9.

*Paragraph 10*

MR. TAFT considered that the Suggestion for paragraph 10 tended to repeat that section of the Chapter on purposes relating to the development of international law. MR. PASVOLSKY pointed out that this Suggestion actually supplemented the text in the Chapter on Purposes. SENATOR VANDENBERG thought that the Senate would support a provision such as that proposed. THE SECRETARY thought that the text should stand without change. REPRESENTATIVE BLOOM proposed that the word "needs" be substituted by the word "conditions". REPRESENTATIVE EATON thought that a provision of this nature would

be welcomed by the little states as a hopeful measure. Both MR. ARMSTRONG and DR. BOWMAN considered that this provision might be taken by the small states as an excuse for aggression against their neighbors.

MR. PASVOLSKY observed that the use of the word "treaties" might cause trouble and considered that there would undoubtedly be opposition to the acceptance of an obligation to uphold both good and bad treaties. DR. BOWMAN observed that if the word "treaties" were left in, it would mean the acceptance of treaties between the present time and the time at which the International Court begins to function, and that such treaties would have to be voted by the Court. He thought that the reference to treaties should be omitted. MR. PASVOLSKY thought that a distinction might be made between treaties and treaty obligations. SENATOR CONNALLY said that he could not agree to let the Security Council have authority to change treaties.

The Delegation then agreed that Paragraph 10 should be revised as follows:

"All members of the Organization shall respect international law and treaty obligations and promote their development and adaptation to changing conditions."

It was further agreed that this paragraph should be reviewed at a later time in the light of Senator Vandenberg's proposed amendment for Chapter VIII A.[80]

PRESS STATEMENT

THE SECRETARY interrupted the discussion of the document to read a draft statement to be made to the press if the Delegation approved. After brief discussion and the acceptance of several drafting changes, the following statement was approved by the Delegation:

The Delegation will be engaged for the next few days in a continuing examination of the Dumbarton Oaks Proposals and all suggestions concerning them. It is the aim of these meetings to develop unified opinion on the part of the Delegation on all points which may come up at San Francisco. It is not possible to give day-to-day information on the trend of these discussions because tentative views reached today must be reviewed in light of subsequent discussion of other subjects. Towards the end of the week we will review the developments of the week to determine whether we can give you an overall picture of our progress.

In view of the foregoing I cannot confirm or deny the story in this morning's press concerning yesterday's meeting of the Delegation.

[80] With respect to paragraph 7, an alternative amendment by Senator Vandenberg proposed: "If a situation involves injustice, the Security Council shall recommend appropriate measures of adjustment, which may include revision of treaties and of prior international decisions." (Book 2)

While we hope to attain complete unanimity, I can tell you, however, that the Delegation has decided to take decisions by a simple majority vote.[81]

*Paragraph 11*

SENATORS CONNALLY and VANDENBERG expressed concern with the phraseology of Paragraph 11 concerning the obligations for non-member states. SENATOR VANDENBERG proposed that this paragraph be stated in a negative rather than a positive form along the following lines:

"The Organization should ensure that states not members of the Organization should not interfere with action taken by the Organization in accordance with these principles for the maintenance of peace and security."

The refinement of the text was referred to the Drafting Committee.

*Additional Alternatives for Chapter II*

The Delegation rejected all of the additional alternatives which had been proposed for Chapter II. With regard to the proposal concerning freedom of information, MR. PASVOLSKY suggested that this could be dealt with under the provisions for economic and social cooperation in Chapter IX. THE SECRETARY proposed that the Mexico City Resolution on this subject[82] might be condensed and placed in the Charter. MR. PASVOLSKY considered the Mexican City resolution impractical. He thought it would be necesary either to have something real on this subject or a meaningless platitude, and suggested that no provision be made. After further discussion it was agreed that while something would need to be done at San Francisco with regard to freedom of information, it was not appropriate to incorporate a provision on this subject in Chapter II.

*Chapter III—Membership*

*Paragraph 1*

MR. PASVOLSKY pointed out that the question of membership rested on two theories: (1) whether it should be universal to start with; or (2) whether initial members should be those of like mind and that provision be made for the admission of others who are willing to accept the obligations of membership. He stated that the Dumbarton Oaks Proposals were based on the second theory and that there had been no serious disagreement with that provision. He also pointed out that the Dumbarton Oaks Proposals had made no provision for initial

[81] An off-the-record statement along this line was made by the Secretary at his press conference on April 10.

[82] For text of Resolution XXVII, "Free Access to Information", adopted by the Inter-American Conference, see Department of State, *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Washington, 1946), p. 99.

members and that the formula suggested would make it possible to include Poland as an original member if it were not represented at San Francisco.

REPRESENTATIVE BLOOM suggested that the word "nations" rather than "states" be used so that there would be no confusion concerning the definition of a state. DR. BOWMAN suggested that it might be necessary to include a definition of a state. SENATOR VANDENBERG inquired how India would qualify if the term "state" were employed. MR. SAVAGE pointed out that India was a signatory to the Declaration by the United Nations and could qualify under that classification.

THE SECRETARY proposed and it was agreed that the provision for initial members should be limited to those states signatory to the Charter which would be listed in the Annex of the Charter and that the second sentence of paragraph 1 on initial members should be deleted.

MR. PASVOLSKY then called attention to the suggestion for paragraph 2 of the Suggestion and contrasted it with the alternative submitted by the French Government which would tend to restrict membership in the Organization.[83] It was then agreed that paragraph 2 should be changed to read as follows, refinement in the text being left to the drafting committee:

"Other states should be admitted in accordance with the procedure provided in Chapter V, Section C, when they have demonstrated their willingness and ability to fulfill their obligations under the Charter."

THE SECRETARY requested that a list of states be prepared showing the members of the United Nations, other states and political units of uncertain status.[84] MR. PASVOLSKY stated that a memorandum would also be prepared on the qualifications for membership which would include the discussions at Dumbarton Oaks and the Soviet proposal on non-fascist states.[85]

*Chapter IV—Principal Organs*

*Paragraph 1*

MR. PASVOLSKY, stating that this paragraph merely listed the principal organs of the Organization, thought that it was desirable to retain it. He also proposed that if this Chapter were retained in the Charter, it would be desirable to list all of the organs included in the Suggestion rather than to restrict the list to those organs named in the Dumbarton Oaks Proposals.

*Paragraph 2*

SENATOR CONNALLY considered that the second paragraph on other organs and agencies might be objected to by the Senate because it

[83] Doc. 2, G/7 (*o*), March 21, UNCIO Documents, vol. 3, p. 383.
[84] Not printed.
[85] Memorandum of April 16, not printed.

implied that many other types of agencies could be created by the Organization. He recommended that it be omitted. It was agreed that this paragraph should be deleted.

STRATEGY ON PROPOSED CHANGES

THE SECRETARY proposed that a list be prepared of additional provisions which the Delegation wished to insist upon and that another list be drawn up showing provisions which the Delegation was prepared to accept. MR. PASVOLSKY suggested that a single list of additional proposals be drawn up, and that the Delegation then review the list to determine which of those items should be put forward and urged by the Delegation and which of them would be accepted, if proposed by other delegations.

The meeting was adjourned at 12:00 noon.

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RSC Lot 60–D 224, Box 99

*Minutes of the Second Meeting of the Informal Organizing Group on Arrangements for the San Francisco Conference, Held at Washington, Tuesday, April 10, 1945, 3 p. m.*

[Informal Notes]

[Here follows list of names of participants, including representatives of the United States (7); United Kingdom (2); Soviet Union (2); and China (2).]

I. MINUTES OF THE FIRST MEETING

The minutes of the first meeting [86] were distributed.

II. MATTERS, UNFINISHED, CARRIED OVER FROM THE FIRST MEETING

A. *Organization of the Conference*

1. It was reported that the British and Chinese Governments had approved the suggestions made in the Department's memorandum of March 30, but that no word had been received thus far from the Soviet Government. The Soviet Ambassador was urged to seek the views of his government urgently, and he replied that he would do so.

2. LORD HALIFAX pointed out that his Government's approval of the memorandum of March 30 was subject to more precise delimitation at a later date of the functions of the various committees. He also said that the Foreign Office wished to know to which committee of the Conference would fall questions concerning the winding up of the League of Nations. It was replied that in the first instance this problem might be expected to be taken up in the Steering Committee.

[86] Minutes of meeting of April 3, p. 189.

It was also pointed out that the Governments' members of the League of Nations which are participants in the Conference might wish to discuss this problem among themselves. Presumably all that the Conference should do would be to authorize the future international organization to enter into discussions with the League of Nations regarding the liquidation of the League or the merger of the League with it.

3. AMBASSADOR GROMYKO asked for a definition of the Executive Committee. It was replied that, according to the Department's conception, the Steering Committee would be made up of the chairmen of all delegations represented at the Conference, and that the chairmen of 11 of the delegations, including the sponsoring powers and 7 others, would comprise the Executive Committee. The Executive Committee would, as its name implies, provide in effect a working group of the Steering Committee.

4. LORD HALIFAX raised the question of the chairmanship of the Conference, saying that his Government felt that the natural procedure would be for the Secretary of State, as chairman of the host delegation, to take the chair at the start of the Conference and to remain in the chair; if he were not able to be present at a certain meeting, he would invite one of the vice-chairmen to take his place. THE SECRETARY thanked Lord Halifax for his statement, and said that he wished to make it clear that the United States Government has no ambition in this matter, but that it does feel strongly that in the interests of efficient management of the Conference, there should be but one president of the Conference. THE CHINESE AMBASSADOR said that his Government would like to see the chairman of the United States delegation be president of the Conference, and that in the absence of the president, the vice presidents should rotate. AMBASSADOR GROMYKO reiterated his Government's proposal that there be four chairmen, saying that in respect of this important position it would be desirable to follow the principle of the equality of the sponsoring governments. MR. GROMYKO added that the Soviet Union does not ask for any privileges at the Conference and would refuse, if invited, to have the chairman of its delegation be the sole president. In reply to the Secretary's point, he stated that he felt that the Conference could be organized just as effectively with four chairmen as with one as the work of the Conference would be carried on by the single secretariat. LORD HALIFAX asked if the Soviet Government would feel it possible to agree to there being four presidents, all equal, thus preserving the principle of the equality of the sponsoring governments, subject to agreement that the British, Soviet and Chinese presidents invite the American president (the Secretary of State), as the chairman of the host delegation, to be the active president of

the Conference. THE SECRETARY said that he assumed that this proposal would in substance provide for one regular president and three honorary presidents. After further discussion it was agreed that the Soviet Ambassador would refer the suggestion to his Government, that the Secretary would take it up with the President, and that Lord Halifax (who had offered this course as a purely personal suggestion) would refer it to the British Government.

B. *Allocation of Conference Positions*

The Department's memorandum of April 9 on this subject was submitted and explained, and it was pointed out that the Department felt that a list giving the allocation of the Conference positions should be submitted to the Steering Committee at its first meeting as the joint recommendation of the sponsors. LORD HALIFAX suggested that this matter might be left open until San Francisco when the Secretaries General of the delegations of the four sponsoring governments should meet and agree on a list. In reply to this suggestion, THE SECRETARY pointed out that it would be easier to agree on a list in advance than under the pressure certain to exist during the opening days of the Conference. MR. GROMYKO agreed with the Secretary. LORD HALIFAX said that he would communicate the Secretary's views to his Government.

C. *Problem of Official Languages*

LORD HALIFAX stated that his Government agreed with the United States' suggestions subject to the proviso that this decision with respect to the Conference should not prejudice the decision as to the official language or languages of the international organization. THE CHINESE AMBASSADOR also agreed. MR. GROMYKO stated that he had received no word from his government on this point.

D. *Unofficial Representation of Certain International Organizations*

1. The draft communication prepared by the Department was read.[87] In reply to THE SECRETARY's question as to why the Red Cross had been omitted, it was pointed out that that organization is not intergovernmental. As to the five organizations in question it was stated that the British, Soviet and Chinese Governments had indicated to the Department that they agreed that these organizations should be invited to send unofficial representatives to the Conference. Soviet approval had been given by the Soviet Government to the United States Embassy in Moscow.[88]

[87] See UNCIO Documents, vol. 1, p. 3, for text of message which was sent to the following inter-governmental organizations: League of Nations, Permanent Court of International Justice, International Labor Organization, United Nations Interim Commission on Food and Agriculture, and United Nations Relief and Rehabilitation Administration.

[88] Telegram 999, April 1, 1 p. m., from Moscow informed the Department of Soviet approval; see last portion of footnote 22, p. 153.

2. LORD HALIFAX said that, because of its tri-partite nature the International Labor Organization has a special character making it somewhat different from the other bodies.[89] He, therefore, suggested that while the other bodies might be invited to send two or three representatives, it would be preferable in the case of the ILO to invite it to send four or five representatives. THE SECRETARY and THE CHINESE AMBASSADOR agreed. [The SOVIET AMBASSADOR said that he would like to consult his Government on this subject.] [90]

*Amendments*

MR. HISS stated the Soviet position that no amendments should be either *proposed* or *supported* without the agreement of the sponsors. MR. HISS also reported that the Chinese Ambassador had asked whether the American proposal referred only to matters brought up before the Conference as a whole or whether it also applied to discussions in the committees.[91] To that question Mr. Hiss had replied that the Department's feeling was that the four sponsoring powers should consult regarding *formal* proposals put forward by any one of them in any organ of the Conference, but that this suggestion would not apply to *informal* statements in commission or committee discussions. LORD HALIFAX said that his Government agrees with the general purpose behind the United States and Soviet proposals, but that in the British view it would be preferable that there should be no rigid rule. The four sponsoring governments should not feel obliged to consult and agree on unimportant proposals for changes in the Dumbarton Oaks drafts, but they should feel bound to consult before *making* any *major* proposals for change, or before *accepting* any *major* changes suggested by others. MR. GROMYKO amplified this thought by stating that the delegations of the four sponsoring powers should consult on proposals made by any country (*a*) which would change [directly or would affect indirectly] [92] the character of the Dumbarton Oaks Proposals, or (*b*) which were important in other respects. With this statement THE SECRETARY, LORD HALIFAX and the CHINESE AMBASSADOR agree. THE SECRETARY added the thought that this is not an advance agreement to agree but simply to consult. MR. GROMYKO said that he hoped that the sponsors would always work in close accord.

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[89] The International Labor Organization affords direct representation to Governments as well as employers and workers.

[90] Insertion within brackets, written on original copy, made in accordance with a request by the Soviet Ambassador in his letter of April 12 (not found in Department files); see minutes of the third meeting of the Informal Organizing Group, April 13, p. 283.

[91] See memorandum by the Department of State to the British Embassy (copies to the Soviet and the Chinese Embassies), March 28, and memorandum by the Soviet Embassy, March 31, pp. 162 and 179, respectively.

[92] Bracketed corrections throughout remainder of this document made at request of Mr. Gromyko.

III. Additions Presented by China to the Dumbarton Oaks Proposals

The Soviet Ambassador said that he would do his best to obtain an answer from his Government in the near future.[93]

IV. Procedures at the Opening Session and the Initial Plenary Sessions

The Secretary read the Department's memorandum of April 9 on this subject. A short discussion followed as to whether the chairmen of all delegations should be given an opportunity to speak at the opening plenary sessions of the Conference, and it was agreed that they should. This procedure, The Secretary observed, would give an opportunity to bring all views out into the sunlight at an early stage of the Conference.

V. Records of the Proceedings of the Conference

It was agreed that members would study the Department's memorandum of April 9 on this subject.

VI. It was agreed that the Dumbarton Oaks Proposals and the Yalta agreement on voting procedure should be issued in English as the first document of the Conference. [Russian, French, Spanish and Chinese would be provided if the appropriate delegation so requests.] A slight difference of thought was manifest as to the languages in which important documents of the Conference in general should be issued. The Department's suggestion was that important documents would be issued in Russian, Chinese, French and Spanish only when a request was made for them in one or more of these languages. The Soviet view was that important documents should as a matter of course be made available in all of these languages unless the secretariat were told, in an individual case, that issuance in a certain language was not necessary or desired. While this matter was not formally settled, the Soviet Ambassador indicated that the demands of his delegation for documents in Russian would be modest [and he believed that such requests could be met, having in mind the request for printing all principal documents in Russian] so that as a practical matter there appears to be agreement on this matter.

It was agreed that the next meeting would be held on Saturday, April 14 at 2:45 p. m. unless called earlier.[94]

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[93] See telegram 619, March 16, 11 p. m., to Moscow, p. 126.

[94] Minutes of the third meeting of the Informal Organizing Group, April 13, p. 283.

500.CC/4–1045 : Telegram

*The Secretary of State to President Roosevelt* [97]

[WASHINGTON, April 10, 1945.]

Sidney Hillman is urging that we somehow arrange to have his World Trade Union Conference [98] represented at San Francisco as advisers to the San Francisco Conference. We have explained to him that we do not see how a private organization, or for that matter any organization, could have a status of adviser to a conference and we pointed out to him that even international organizations like the ILO [99] and the League of Nations, which are directly interested in the formation of the United Nations Organization, are not being invited to participate and will have no official status. We suggested that the views of his group could be gotten before the Conference if he would submit them to the Secretary General of the Conference with the request that they be distributed to the participating delegations. Green and Meany,[1] of the A. F. of L., yesterday expressed strong opposition to erroneous reports they had had that we plan to accord some official status to the World Trade Union Conference. Do you approve of the position we have taken with Hillman? [2]

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500.CC/4–1045 : Telegram

*The Secretary of State to President Roosevelt* [3]

[WASHINGTON, April 10, 1945.]

The Soviets have been pressing all this week for four Chairmen at San Francisco representing each of the sponsoring nations. The British, the Chinese and ourselves have strongly resisted this on the

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[97] Transmitted by the White House Map Room to President Roosevelt at Warm Springs, Ga.

[98] The World Trade Union Conference (WTUC) which opened at London on February 6, voted to ask for representation at the United Nations Conference, and Mr. Hillman submitted a formal request to Mr. Eden to support the position that the World Trade Union Congress should be represented at the San Francisco meeting. See Minutes of third meeting of the Informal Organizing Group, April 13, p. 283.

[99] As the Soviets were not represented in the International Labor Organization, it was assumed that for that reason alone they would oppose ILO participation and would prefer WTUC representation. In telegram 841 of March 21, the Ambassador in the Soviet Union (Harriman) cited a statement which was the first indication the Embassy had noted concerning official attitude of the Soviet Government on this subject to the effect that the Government was favorably disposed toward proposal that trade union representatives participate in the Conference with advisory vote (500.CC/3–2145).

[1] William Green and George Meany, President and Secretary-Treasurer, respectively, of the American Federation of Labor.

[2] In a memorandum of April 11 President Roosevelt indicated his approval of the Secretary's message (500.CC/4–1145).

[3] Transmitted by the White House Map Room to President Roosevelt at Warm Springs, Ga.

grounds that the responsibility would not be placed on any one person, that it would lead to great confusion and lack of clear-cut direction.

Moreover, the Department feels that this would set a precedent for future international conferences and might even be the opening wedge for a proposal to be made of joint chairmanship of the World Security Organization. Halifax, Ambassador Wei and myself are endeavoring to find some sort of middle ground that we can propose to the Soviets that will recognize the prestige of each of the heads of the delegation of the four sponsoring nations, perhaps along the lines of honorary chairmen who would preside in rotation in the absence of the Chairman of the Conference. Moreover, we feel that to accept the Soviet proposal would be to emphasize before the other nations attending the special position of the four sponsoring powers.

Because of the importance that we attach to this issue from the standpoint of the successful administration of the Conference, may I have your instruction for me to stand out for a single chairman of the Conference, to be selected from one of the sponsoring nations?[4]

E. R. STETTINIUS, JR.

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RSC Lot 60–D 224, Box 96: US Cr Min 7

*Minutes of the Seventh Meeting of the United States Delegation, Held at Washington, Wednesday, April 11, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (22) present at meeting.]

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REVIEW OF PROPOSALS AND SUGGESTIONS FOR CONSIDERATION. CHAPTER V, THE GENERAL ASSEMBLY

THE SECRETARY then inquired as to whether there was any miscellaneous business. There being none, the Delegation turned to consideration of the subject of this session, namely, Chapter V of the Dumbarton Oaks Proposals, The General Assembly.

*Section A—Composition*

MR. PASVOLSKY, at the Secretary's request, presented the Proposals and Suggestions for Consideration, Book 2, commencing with Section A—Composition. He said the changes proposed were not very important and involved principally matters of drafting, which in any case would be taken care of in drafting the actual Charter. SENATOR CONNALLY observed that a number of points could come up under this section, especially the problem of the number of votes for member

[4] In a memorandum of April 11, President Roosevelt indicated his approval of the Secretary's message (500.CC/4–1145).

states. MR. PASVOLSKY replied that this was not a question for the American Delegation to bring up, and the only question was whether the number of representatives should be determined in the Charter, this question having been left open at Dumbarton Oaks.

SENATOR VANDENBERG asked why the number should not be specified. MR. PASVOLSKY said he thought the matter was of no consequence as far as we were concerned and could be left for the Conference to decide.

REPRESENTATIVE BLOOM said that the number of representatives might just as well be put in but MR. PASVOLSKY felt that it was a matter on which the United States did not need to make any specific proposal.

*Section B—Functions and Powers*

*Paragraph 1.*—On the request of the Secretary, MR. PASVOLSKY turned to Section B—Functions and Powers. He stated that Paragraph 1 is very important since it relates to the security functions of the General Assembly and that a great many questions have been raised about it. He pointed out that several ideas are included in this paragraph and said that perhaps the Charter would have to be drafted so that these ideas would be dealt with in separate paragraphs. Referring to the first sentence he drew attention to the proposed change of wording, namely, that instead of the phrase "The General Assembly should have the right to consider the general principles of cooperation and the maintenance of international peace and security . . .", it was proposed that the statement read: "The General Assembly should have the responsibility for the formulation of general principles of cooperation in the maintenance of international peace and security . . ."

REPRESENTATIVE EATON said it was not stated how such questions and principles would be brought before the General Assembly for consideration.

MR. PASVOLSKY replied that they could come up in a number of ways: the matter could originate in the Assembly itself, and any member state, the Secretary-General, or the Security Council could bring it to the General Assembly. The important point in this paragraph, he thought, was whether the Charter should make explicit the right which those who drafted the Dumbarton Oaks Proposals thought was inherent in the set-up of the Organization, namely the right of the General Assembly to discuss and formulate conventions for submission to the member states for ratification. The question was really whether the General Assembly would have to recommend and bring about the calling of a special conference for the drafting of such conventions or whether it could itself formulate conventions for approval by the member states.

SENATOR CONNALLY asked if it would have to have the sanction of the Security Council.

MR. PASVOLSKY said that would not be required.

REPRESENTATIVE BLOOM asked whether the Security Council would have to be informed of such action and MR. PASVOLSKY said that notification would undoubtedly be given in the normal course.

MR. PASVOLSKY said he believed there would be strong insistence at the Conference that the power of the General Assembly be specified more fully.

SENATOR CONNALLY thought it would be correct to include the suggested provision in the Charter because the drafting of a convention for submission to the member states would be an expression of what the General Assembly thought should and ought to be done.

MR. PASVOLSKY replied that this was the real point.

MR. DULLES commented that the original language seemed better, and that the use of the word "right" was adequate. He thought there was some danger that assigning the responsibility to the General Assembly might look exclusive and give the impression that the General Assembly was to be the sole organ dealing with such matters and others were to be excluded. He was sure there was no intention to exclude the possibility of holding a convention to codify international law. Perhaps taking out the word "responsibility" would make that clearer.

MR. BOWMAN thought that the word "the" before "responsibility" should come out.

MR. PASVOLSKY asked whether the Delegates agreed on supporting the inclusion of a statement that the General Assembly should be empowered to adopt general conventions for submission to the member states for ratification. He thought this would be spelling out what is inherent in the powers of the Assembly but he recalled that there had been some question in the League of Nations as to whether the Assembly had this power. MR. GERIG confirmed this impression and added that the International Labor Organization specifically provided that the Conference should be able to draft conventions for submission to the member states.

MR. BOWMAN said he thought it could be argued both ways. It might be argued that members of the Assembly by reason of the way in which they were chosen would not necessarily be the best qualified persons to conduct negotiations on specific questions. On the other hand, it could be argued that it would be advantageous for the General Assembly to formulate the proposals on which they agree and to give expression to what they stand for. They could, of course, bring in specialists from their own governments to assist in the actual negotiations. He thought it would be preferable to specify that the Assembly had the powers suggested.

THE SECRETARY asked whether the Delegation agreed with this position. They assented and he reminded them that this was a tentative approval and that the proposals that were to be made or supported by the United States Delegation would have to come up for review once more after the group had gone through the whole document.

MR. PASVOLSKY, taking up the second sentence of paragraph 1, reminded the group that the original language of the Proposals is "any question on which action is necessary", and he stated that the next sentence has a qualifying and restricting force. [The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.] [5] There had been much discussion about both of these sentences and in the final drafting it would be necessary to modify the wording. However, the basic idea is that when a dispute reaches the point where action is necessary, it must be immediately referred to the Security Council. It is clear from the whole paragraph, however, that the Assembly has the right to discuss any question or dispute at any time.

SENATOR VANDENBERG said he did not think this last point was clear from the wording. He thought it could be interpreted that when the Security Council takes jurisdiction over a dispute, the General Assembly has no further right to deal with it in any way. MR. PASVOLSKY replied that the right of the General Assembly to consider, discuss, and make recommendations with regard to general principles of cooperation in the maintenance of peace and security was unabridged. Moreover, the right to discuss any question relating to maintenance of peace and security as distinct from the making of recommendations remained unabridged. The right to make recommendations, however, was limited by the last sentence. Another important point is that if the Security Council refuses to handle a question and votes that it is not a case for its consideration, then the Assembly is completely free. The only requirement is that there should be no simultaneous action on a dispute by the General Assembly and the Security Council. SENATOR VANDENBERG commented that there was a lot to be interpreted under this paragraph. MR. DULLES said that he agreed with Mr. Pasvolsky's interpretations. His own interpretation was that the Assembly could discuss up to the point of making concrete recommendations.

SENATOR VANDENBERG said he had no objection to the principle that the General Assembly should not attempt to deal concretely with the dispute when it was before the Security Council, but it seemed to him, according to this wording, that all the Council had to do would be to pass a resolution taking jurisdiction over a dispute before the Assembly and thereby shut out the General Assembly

[5] Brackets throughout remainder of this document appear in the original.

from any further consideration of the matter. MR. PASVOLSKY said this was not the intention of the Proposals, and he felt that the language was clear on this point.

REPRESENTATIVE BLOOM asked whether the General Assembly should refer a dispute with or without recommendations. MR. PASVOLSKY replied that reference could be made either with or without recommendations and either before or after discussion if it is not already being handled by the Council.

MR. BOWMAN said he thought that "any matter relating to" could mean "every matter relating to". On that basis, the Council could take jurisdiction over everything because every kind of subject might have a bearing on the maintenance of international peace and security. He suggested that the last sentence be rephrased to read: "The General Assembly should not on its own initiative make specific recommendations with respect to the maintenance of international peace and security."

SENATOR CONNALLY remarked that the general policy was sound, and he agreed that while the Council deliberates, it would be better for the Assembly to remain quiet. SENATOR VANDENBERG said he did not want the Council to be able to take jurisdiction *pro forma*, merely to eliminate the Assembly from considering it.

MR. PASVOLSKY said he thought that it was all a question of language, and MR. BOWMAN asked what language could be agreed upon. MR. PASVOLSKY said this could be taken up later when the Charter was actually being drafted. MR. BOWMAN suggested that it should be written into the Charter that when the Council states that a specific case is being considered, then the General Assembly should not be able to take action on it simultaneously.

MR. DULLES pointed out that there were certain discrepancies in the language defining who might put a case before the General Assembly. In the present text, Paragraph 1 of Section B, Chapter V, states that the General Assembly may discuss any questions relating to the maintenance of international peace and security "brought before it by any member or members of the Organization or by the Security Council". On the other hand, Paragraph 2, Section A, Chapter VIII declares: "Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council." He asked whether it was intended that non-members should be entitled to bring questions to the General Assembly. MR. PASVOLSKY said it was so intended and that the language should also be amended to include the Secretary-General among those who might bring cases before the General Assembly.

*Paragraph 2.*—THE SECRETARY requested Mr. Pasvolsky to present the next important matter for the consideration of the Delegates.

MR. PASVOLSKY said that Paragraph 2 is very important and had been subjected to much criticism from many quarters. There had been numerous suggestions that the General Assembly acting alone should be able to admit new members to the Organization. He believed that a possible alternative to the present formula would be to empower the General Assembly to admit new members to the Organization unless the Security Council objects. SENATOR CONNALLY commented that this would turn the procedure around. SENATOR VANDENBERG added that it would give the Security Council veto power. MR. ARMSTRONG queried whether it was important that the Council should have veto power in this matter, and MR. PASVOLSKY replied that it was important because questions of security might be involved. SENATOR CONNALLY said that the Security Council should, of course, be advised of the intention of the General Assembly to admit new members.

THE SECRETARY asked whether the Delegates agreed that the alternative suggested by Mr. Pasvolsky should be adopted, and the Delegates gave their assent to substituting the following statement for the present text of Paragraph 2:

"The General Assembly should be empowered to admit new members to the Organization unless the Security Council interposes an objection."

*Paragraph 3.*—The Delegates then turned to consideration of Paragraph 3. MR. PASVOLSKY stated that the question that arose most frequently in connection with this paragraph was why expulsion should be provided for, but not withdrawal. He commented that it was logical that suspension and expulsion should take place on the recommendation of the Security Council since these would be enforcement measures. He believed it logical also that rights and privileges of membership should be restored on decision of the Security Council alone, because it would be the Security Council that would determine when the cause for enforcement action had ceased to exist; and when that point had been reached, cause for suspension of membership privileges would automatically cease to exist. A state should not have to wait until the Assembly could meet in order to have the rights and privileges of membership restored after a period of suspension. An alternative provision would be to have the rights and privileges of membership restored by the same procedure as suspension, except when the General Assembly is not in session. Then the Security Council could take action alone.

MR. PASVOLSKY said that the next important point in Paragraph 3 relates to expulsion. He stated that the United States did not particularly like this provision. The American attitude was that suspension was a more effective means of enforcement than expulsion. However, the Soviet Government had insisted on the inclusion of this

provision,[6] which seemed rather significant in view of the fact that Russia was the only country that had ever been expelled from the League of Nations.[7] MR. DULLES commented that perhaps the U.S.S.R. did not want to be unique. MR. PASVOLSKY said that he did not think it necessary for the Delegation to agree now on a position with regard to expulsion. There might be very strong objections to this provision in the Conference, and it would be wise to wait and see how strong they were before deciding what position the American Delegation should take.

SENATOR CONNALLY commented that suspension is surely as strong a measure of enforcement as expulsion, and MR. PASVOLSKY replied that it is actually stronger. He recommended, however, that this question be left subject to future development.

SENATOR CONNALLY asked whether there should not be a provision for withdrawal from membership. MR. PASVOLSKY said no provision had been made in the Proposals because there was some fear that the statement about withdrawal might give an impression of instability. SENATOR CONNALLY said, however, that a state should know before it joined the Organization what procedures would be necessary if it wanted to get out. MR. PASVOLSKY said it might be useful to discuss this point, although it had not so far been insisted upon by other governments.

THE SECRETARY asked what a government would do if it wanted to withdraw from the Organization. REPRESENTATIVE BLOOM replied that he thought it could denounce the treaty under which it had accepted the Charter. SENATOR CONNALLY commented that the Constitution of the United States had no provision for withdrawal and that when some of the states tried to secede, they had not been permitted to do so.

SENATOR VANDENBERG asked whether we could admit that a state can withdraw by denunciation, and MR. PASVOLSKY replied in the affirmative. SENATOR VANDENBERG replied: "Why not say so?" and he asked Senator Connally whether it would not help in the Senate to have this clearly stated. SENATOR CONNALLY said he was doubtful whether a signatory to a treaty could denounce it when there was no clause in the treaty providing for denunciation.

MR. BOWMAN said there were really two questions involved. One was what our attitude should be if the matter is brought up in the Conference, and the other is what points the American Delegation should insist upon having included in the Charter.

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[6] See progress reports on the Dumbarton Oaks Conversations, August 25, 1944, section (*d*), and September 7, 1944, section (*c*), *Foreign Relations*, 1944, vol. I, pp. 732 and 776, respectively.

[7] For resolution on this subject, adopted by the Council of the League on December 14, 1939, see telegram 324, December 14, 1939, 9 p. m., from Geneva, *Foreign Relations*, The Soviet Union, 1933–1939, p. 804.

SENATOR CONNALLY suggested that it would help if the authority to amend the Charter were to be liberalized. He said that the Senate would want to know what the obligations of the member states were to be and would not want to take the risk of possible violation of these obligations by denunciation of the treaty if there was no clause permitting such denunciation.

MR. DULLES thought that the present arrangement, that is, maintaining silence on the subject of withdrawal, was better than any attempt to describe procedures for withdrawal. SENATOR VANDENBERG replied that if nothing was said in the Charter about withdrawal the Senate would be sure to make a reservation on that point, and he thought it would be better to give some indication as to what would be the lawful procedure for getting out of the Organization.

MR. ARMSTRONG said that an important reason for leaving out any statement about withdrawal was that the threat to withdraw could be used for blackmailing the Organization, especially by a would-be aggressor state.

THE SECRETARY said that he thought that the Delegation must be guided by the political judgment of the Senators on a point like this. MR. PASVOLSKY stated that further thought could be given to finding a satisfactory formula. MR. BLOOM commented that "withdrawal" is a harsh word and perhaps some better word could be found.

MR. PASVOLSKY said that under the League of Nations Covenant, a state that did not wish to accept an amendment could cease to be a member of the League. He suggested that the question of withdrawal be held in abeyance until the provisions for amending the Charter were discussed.

THE SECRETARY said that this question would be taken up later with the discussion of the amending process.

MR. PASVOLSKY suggested further consideration of the expulsion provision, especially the qualification that such action could be taken against "any member of the Organization which persistently violates the principles contained in the Charter." He asked whether the Delegation would agree to amend this to read that any member could be expelled "which persistently fails to fulfill its obligations under the Charter."

MR. DULLES questioned the use of the word "persistently".

REPRESENTATIVE BLOOM asked whether withdrawal by a member would release it from all obligations under the Charter. MR. PASVOLSKY referred to the League experience and to the possibility of enforcing basic obligations on non-member states.

MR. BOWMAN stated that he thought the present wording ["the principles contained in the Charter"] was pretty vague.

MR. PASVOLSKY said he thought it would be better to permit expulsion for violating both the principles and the purposes, and he added

that the word "persistently" had been used in order to avoid light-hearted expulsion.

MR. DUNN commented that if a state violated the Charter one time, it could be suspended. MR. TAFT thought that the present text left a loop-hole. MR. ARMSTRONG said that when a state is suspended, its rights and privileges could be restored, and he thought it important to give the General Assembly the right to take such action.

MR. PASVOLSKY pointed out that the right of suspension is restricted and that a state can be suspended only for definite cause when the Council institutes enforcement action. He added that the restoration of rights and privileges should be automatic when the Security Council declares that the cause of this action no longer exists.

MR. ARMSTRONG said that it was wise to bring the General Assembly in wherever possible, although there might be no difference in actual fact.

MR. PASVOLSKY said that states that had been expelled could be reinstated by the same process through which new members were admitted. He suggested that if the proposal is made in the Conference that an expelled state can be reinstated by the General Assembly on recommendation of the Council unless the General Assembly is not in session, then the United States should support the proposal.

SENATOR VANDENBERG urged that the word "persistently" be deleted. MR. PASVOLSKY replied that it was important to include this idea because it was not desirable to have frequent expulsions, although suspension might be used very often. SENATOR CONNALLY suggested the word "willful", because a state might violate its obligations one time, but that violation might be very serious.

MR. PASVOLSKY said there would undoubtedly be a demand at the Conference to eliminate the provision for expulsion, and he recommended that if the demand is made, the United States should go along with it. He thought it might still be possible to induce the Russians to agree to dropping this provision. Then it would be possible to write strong suspension measures into the Charter. SENATOR VANDENBERG said he was willing to wait to see what would happen at the Conference, and the Secretary said that would be the American position for the present.

*Paragraph 4.*—MR. PASVOLSKY took up Paragraph 4 and said that no change was suggested in the present text.

SENATOR VANDENBERG said there might be a question about defining conditions for election of the non-permanent members of the Security Council, and he asked whether any provision should be made regarding the qualifications of states to be so elected.

MR. PASVOLSKY thought it would be better not to make any proposals as to criteria for the choice of states to serve as non-permanent mem-

bers until we run into the problem in the Conference. Undoubtedly, the middle states would bring up some proposals along this line.

THE SECRETARY remarked that the American Delegation should know what position to take toward the Australian proposal.[8] MR. PASVOLSKY believed that the decision should be not to bind the General Assembly ahead of time but to leave it to that body to decide how to choose the non-permanent members of the Security Council. However, if pressure develops in the Conference, he believed it would be possible to agree on several criteria, which the General Assembly might apply in making its choices.

SENATOR VANDENBERG said he would like to be able to get in a requirement for adequate regional representation, but he did not know quite how it should be done.

*Paragraph 5.*—THE SECRETARY asked Mr. Pasvolsky to take up Paragraph 5. MR. PASVOLSKY read the alternative proposal which had been made by Norway[9] [add to the statement on budgetary and financial powers the provision that the voting rights of states that do not pay their contributions to the expenses of the organization may be suspended]. He said that we should not make any recommendation on this point because it was a very ticklish question.

SENATOR CONNALLY remarked that under the present text, giving the General Assembly the power to apportion the expenses among the members, that body would be free to make quite inequitable assessments, and it might possibly make the permanent members pay most of the expenses. MR. PASVOLSKY replied that a scale of contributions would certainly be established and that it could be done either at the Conference if pressure had developed there for it, or by the Assembly itself. MR. GERIG reminded the group that the League of Nations had apportioned expenses according to an established scale. SENATOR CONNALLY thought that this was not an insuperable difficulty.

THE SECRETARY suggested expanding the statement somewhat. MR. DULLES pointed out that it should be made clear that the apportionment of expenses would not be an arbitrary matter.

THE SECRETARY said that we might need a statement of the principle on which the expenses would be apportioned. MR. BOWMAN suggested the phrase "on an agreed principle". SENATOR VANDENBERG suggested inserting "pro-ration". It was agreed that the text should be rephrased to read: "The General Assembly should apportion the expenses among the members of the Organization according to an agreed pro-ration."

*Paragraph 6.*—THE SECRETARY asked Mr. Pasvolsky to present Paragraph 6. MR. PASVOLSKY replied that this was a very important

[8] Doc. 2, G/14(1), May 5, UNCIO Documents, vol. 3, p. 545.
[9] Doc. 2, G/7 (*n*) (undated), *ibid.*, p. 356.

paragraph and said that the Delegation should decide whether to amplify it and, if so, how.

MR. STETTINIUS asked that Mr. Pasvolsky read the suggested revised paragraph, and MR. PASVOLSKY did so. [The General Assembly should promote international cooperation in political, economic, social, and cultural fields, and in measures to establish justice; foster the observance of human rights and fundamental freedoms; encourage the development of rules of international law; and recommend measures for the peaceful adjustment of situations likely to impair the general welfare or to violate the principles of the United Nations as declared by them on January 1, 1942.[10]

SENATOR VANDENBERG said he was willing to endorse it 1000 percent and said he believed it would do more good than anything else to gain support of the Charter.

THE SECRETARY said that he thought it might throw some light on the attitude of the British Government. The Foreign Office had been most helpful in developing plans for economic and social cooperation, but the Prime Minister tended rather to think of the Organization exclusively in terms of keeping the peace in times of crisis. The Secretary himself thought that these proposals were most important and that the United States should support them energetically.[11]

MR. PASVOLSKY drew attention to the reference to the Atlantic Charter [12] implied in the statement with regard to the United Nations Declaration.

MISS GILDERSLEEVE asked what position the Russians took with regard to arrangements for economic and social cooperation.

THE SECRETARY said that the Soviet Government liked the provisions, and MR. PASVOLSKY added that the Russians had not wanted to enumerate the subjects that might be dealt with under the arrangements of economic and social cooperation.

THE SECRETARY said that the Soviet Government was very much in favor of the Economic and Social Council and that this approval had been stated when he was in Moscow.[13] DEAN GILDERSLEEVE said that

[10] For text of Declaration by United Nations, January 1, 1942, see *Foreign Relations*, 1942, vol. I, p. 25.

[11] For an exchange of views on economic and social questions during the Dumbarton Oaks Conversations, see informal minutes of meeting No. 5 of the Joint Steering Committee, August 25, 1944, 11 a. m., *ibid.*, 1944, vol. I, p. 734.

[12] Joint statement by President Roosevelt and British Prime Minister Churchill, August 14, 1941, *ibid.*, 1941, vol. I, p. 367.

[13] See progress report by Under Secretary Stettinius on Dumbarton Oaks Conversations, September 8, 1944, *Foreign Relations*, 1944, vol. I, p. 783, concerning agreement reached with Ambassador Gromyko and Sir Alexander Cadogan on the provision for an Economic and Social Council, along the lines of the American proposals; the Joint Steering Committee approved the chapter, September 9. Secretary Stettinius, after attending the Yalta Conference, went to Moscow and held meetings there with Foreign Commissar Molotov (see Department of State *Bulletin*, February 25, 1945, p. 291).

she liked the suggested revision of the text. REPRESENTATIVE BLOOM asked what was meant by the word "cultural".

SENATOR CONNALLY said that he was in sympathy with the purposes of the revised text, although he had to recognize that it might seem to go too far in the eyes of some members of the Senate who were willing to accept a peace organization but did not want a world W.P.A.[14] SENATOR VANDENBERG said that such opposition might develop, but he thought that if the text were tied to the principles of the United Nations Declaration, it would get the support of a great many people who otherwise would find nothing forward-looking in the Charter.

MR. BOWMAN queried whether it would weaken the statement to leave out the word "justice" since that would be included in the statement of purposes and would be implied in the clause on international law. MR. PASVOLSKY said that the British and Russian Governments had not wanted to include a reference to the observance of human rights and fundamental freedom in the Chapter on the General Assembly.

THE SECRETARY asked who would object to including the phrase "establish justice". MR. PASVOLSKY commented that it was a rather vague phrase in any case. MR. BOWMAN thought the question was really whether it ought to be included at this point.

THE SECRETARY said he believed the United States should support this paragraph all the way through. MR. PASVOLSKY suggested that we should be willing to take out the phrase "establish justice" if it were necessary.

MR. BOWMAN commented that there are many different systems of law in the world and that there are different concepts of justice, so that some countries might object that the inclusion of the phrase "establish justice" here could be interpreted as an invasion of their own customs and traditions. He believed that a reference merely to the United Nations Declaration and to international law would make it clear that every step would have to be taken on the basis of agreement among the member nations.

SENATOR VANDENBERG suggested leaving the phrase in and waiting to see whether it collides with any real opposition. THE SECRETARY agreed that we should try it.

MR. ARMSTRONG questioned the reference to the United Nations Declaration. He said that it did not add anything substantial to the document and that it was essentially a war-time declaration, setting forth an agreement to strive together for the defeat of the Axis Powers.

MR. PASVOLSKY read the preamble to the Declaration of the United Nations, pointing out that it contains a reference to the Atlantic Charter.

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[14] Works Progress Administration.

MR. ARMSTRONG said he feared that a reference to the United Nations Declaration would make it difficult for former enemy states, for example, Italy, to join the Organization. MR. TAFT said he thought that would not be a very serious problem and that as a matter of fact, Italy right now was trying to be permitted to sign the United Nations Declaration and to come into the Organization immediately.

MR. PASVOLSKY said he could see some difficulty arising out of this reference. REPRESENATIVE BLOOM said he thought there would be some objection to including a reference to cultural relations and education, and he wondered whether this would weaken possible support of the Charter. He was sure that some members of Congress would object. The Secretary commented that the State Department had probably done an ineffective job of explaining what it means by international cooperation in cultural and educational fields but that it hoped to do much better in the future.

REPRESENTATIVE BLOOM wished that another word could be found. MR. TAFT said he believed there already had been a considerable development of international cultural relations and that the League of Nations had found it necessary to encourage this development through the Committee on Intellectual Cooperation. MISS GILDERSLEEVE remarked that the phrase "intellectual cooperation" unfortunately had little meaning to Americans.

THE SECRETARY said he would like to leave this wording undisturbed and try to get it accepted. If it is impossible to get acceptance, then the Delegation can consider what compromises might be necessary.

MR. TAFT said that the principles stated here could be expanded in the chapter on the Economic and Social Council. SENATOR CONNALLY said that it was important to make it clear that the use of the phrase "establish justice" did not imply any intention to encroach upon traditional systems of law within various countries or any interference with domestic politics.

MR. BOWMAN said that in the experience of the permanent Court of International Justice, cases involving domestic jurisdiction had not really played a major part even though that was a matter that had concerned a great many people in the beginning.

THE SECRETARY suggested that the discussion should move on from this paragraph. Before proceeding with the text of the proposals, however, he wanted to bring up some other matters. First, the mention of Italy reminded him that he wished to distribute a list of the United Nations and other states that might be invited later to join the Organization and suggested that this list be put in the notebooks.[15] He said there had been some question about India and that he had

[15] Not printed.

a memorandum prepared with regard to the inclusion of India in the United Nations.[16]

ROLE OF ADVISERS

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. . . THE SECRETARY said that Mr. Sweetser of the O.W.I. was working with the State Department and that it was agreed that the Delegation itself would have the final word as to approval or disapproval. He told Mr. Gerig to see to it that the Delegates should be informed as to what statements the State Department would approve their making.

SENATOR CONNALLY said that the O.W.I. should also be straightjacketed. THE SECRETARY said that he had talked with Elmer Davis [17] and that there had been a clear understanding about the use of statements by the Delegates. He said further that the restriction in the memorandum applied to questions of substance before the Conference. [Senator Connally left with apologies for having to attend a Committee meeting at the Senate.]

SENATOR VANDENBERG asked whether the advisers would not have to sit in on some meetings for the Delegates. THE SECRETARY, seconded by Mr. Dunn, said that the Delegates would have to decide how to make use of the advisers as the work developed.

SENATOR VANDENBERG commented that each Delegate would be assigned to several committees and commissions and that he could not possibly attend all the meetings of all these groups.

REVIEW OF PROPOSALS AND SUGGESTIONS FOR CONSIDERATION. CHAPTER V, THE GENERAL ASSEMBLY—(Continued)

THE SECRETARY suggested that the group should continue with the discussion of the proposals and suggestions with regard to Chapter V.

*Paragraph 7.*—MR. PASVOLSKY read Paragraph 7.

["The General Assembly should make recommendations for the coordination of the policies of international economic, social, and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization."]

He said that proposals had been made to modify this text because of a feeling that it was too weak in its present form. He thought that this was probably true. Also, it was not clear whether the General Assembly should recommend to other organs of the Organization, to specialized agencies, and to the Governments, or should act itself. He said that in the Dumbarton Oaks Conversations this text probably

[16] Memorandum entitled "Qualifications for membership in the United Nations" (US Gen. 24), April 16, 1945, not printed.

[17] Elmer Davis, Director, Office of War Information.

would have been strengthened if there had been time to work out a desirable formula. He suggested amending the text to read:

"The General Assembly should take action to bring about coordination of the policies of international economic, social, cultural, and other specialized agencies . . ."

THE SECRETARY asked whether there were any objections to this amendment and since there were none, he stated that it was approved.

*New Paragraph.*—MR. PASVOLSKY read the proposed New Paragraph (for Section B) and said this had been discussed widely. [The General Assembly should be empowered to act, within the limits of the Charter, on matters of concern to the Organization which are not allocated to other agencies.] It was in the United States Proposals [18] before the Dumbarton Oaks Conversations and had been left out in drafting the Proposals because it had seemed undesirable to overburden the Charter. However, the inclusion of such a provision regarding the residual power of the Organization strengthens the General Assembly in appearance. Actually, the General Assembly has this residual power anyhow.

THE SECRETARY thought that inclusion of the proposed new paragraph would help with the small nations.

*Section C. Voting*

*Paragraph 1.*—The group turned to consideration of Section C, and MR. PASVOLSKY read paragraph 1:

["1. Each member of the Organization should have one vote in the General Assembly."]

MR. DULLES commented that there was no provision for a Committee on Credentials, and he thought it would be most important to have some procedure for passing on credentials of representatives, because of changing conditions. It would sometimes be necessary to decide whether a given state was independent or not and whether the representatives who claimed the right to sit for that state were, in fact, entitled to do so. He thought it most important to state who should pass on the eligibility of the delegates, because there might be a fluctuating situation.

MR. PASVOLSKY said that the General Assembly would have such power. In any case, it had the power to create the agencies it needed to discharge its functions. MR. DULLES said that the problem took on special urgency because of the fact that the Soviet Russian Republics had been given autonomy in foreign affairs. MR. PASVOLSKY said that their status was rather a problem of membership than a question of powers of the General Assembly to seat delegates of member states.

[18] For the United States tentative proposals for a General International Organization (II B 1.), July 18, 1944, see *Foreign Relations*, 1944, vol. I, p. 653.

MR. DULLES asked what would happen if a state ceased to be independent. MR. PASVOLSKY replied that the question would then come up in the Assembly and would be settled by that body. REPRESENTATIVE BLOOM thought it would be better to say so specifically. MR. PASVOLSKY rejoined that it should not be stated under the provisions about voting.

MR. DULLES said that it should be made clear that the General Assembly has the power to determine whether a given political unit has or has not the characteristics that entitle it to representation or whether it may have had them and has lost them.

MR. PASVOLSKY said the matter should be dealt with under membership. MR. DULLES said that might be the way to resolve the problem. He thought that the question of the Soviet Union and its component parts could be dealt with reasonably. It would be a question of fact as to whether the Assembly considered them independent states. Placing that decision in the hands of the Assembly might avoid complicating the politics of the great powers.

MR. PASVOLSKY said that the decision with regard to the status of members was something that the General Assembly would never delegate to a subordinate agency, even though it would have the power "to set up such bodies and agencies as it may deem necessary for the performance of its functions."

MR. TAFT and REPRESENTATIVE BLOOM said simultaneously that they wanted some specific statement in the charter on this point.

MR. PASVOLSKY said there were two problems here. First of all, there was the question of credentials of Delegates and a decision as to whether certain Delegates should be seated and accorded the right to represent the countries that they claimed to represent. There might easily be a revolution in some country and two delegations might arrive and present credentials. In that case, the Assembly would have to decide between them and would undoubtedly use a committee to investigate the credentials and recommend what decision should be taken.

REPRESENTATIVE BLOOM commented that the problem of credentials affected those countries that were already members. MR. PASVOLSKY agreed that it would affect the initial members and that those members would normally send their delegates, who would be seated if there was no question about the status of their governments. If there was a question, then the General Assembly would have to pass upon their status. Any new political units would have to be admitted separately as members. Another case would be the raising of a claim in the General Assembly that a certain state had lost its independent status and was no longer entitled to membership. The General Assembly would undoubtedly establish rules regarding credentials of delegates.

REPRESENTATIVE BLOOM said he thought this did not apply to what Mr. Dulles had in mind. MR. TAFT said that it might be necessary to define the word "state". MR. DULLES asked who would have the power to define it,—the General Assembly?

MR. PASVOLSKY said it could not be put exclusively in the hands of the General Assembly because of security considerations.

MR. BOWMAN referred to the history of Newfoundland, which had been a Dominion within the British Commonwealth and which later gave up its Dominion status. He said that if there was not a definition of the exact basis on which the U.S.S.R. was to be allowed three votes in the General Assembly, then the Soviet Government might come back again urging the acceptance of additional Soviet Republics as members. If we have to accept the Soviet demand, then we should define it in such terms that they could not come back and ask for more.

MR. BLOOM stated that it is necessary to say in the Charter who decides such matters. MR. TAFT suggested that it be put in Paragraph 2 of Section B and that the General Assembly be empowered to pass on the qualifications for membership. MR. PASVOLSKY agreed that this could be spelled out.

MR. STETTINIUS said there has to be machinery for dealing with the problem of credentials. MR. PASVOLSKY said he did not believe that anything short of the General Assembly could determine this matter in the last analysis, and he doubted whether the small nations or any other nations would be willing to delegate this decision to a small group.

MR. DULLES said that the small nations had the power to act through recommendations, and he thought that if the General Assembly had the power to decide on the status of the members of states, it could take this kind of decision out of the hands of the big powers.

REPRESENTATIVE BLOOM said that membership and credentials were two different matters.

MR. TAFT said that any body has the power to pass on the credentials of those who claim to vote within it and that the General Assembly would therefore have the power to decide on the status of the states whose representatives claimed the right to vote. He pointed out that if Paragraph 2 of Section B were amended as suggested, the Security Council would have veto power over the decisions with regard to the qualifications of members.

MR. PASVOLSKY suggested the following formula to be incorporated in Paragraph 2 of Section B:

"The General Assembly should be empowered to determine the qualifications of membership and admit new members unless the Security Council interposes objections on security grounds."

THE SECRETARY commented that nobody except the General Assembly has the power to pass on the credentials of its members, and he suggested that the amendment be left in the form that Mr. Pasvolsky had proposed. MR. DULLES agreed that this would be satisfactory, and the other members of the group concurred.

MR. PASVOLSKY reminded the group that there were still some questions to discuss under Section C.

THE SECRETARY said he wanted to hold an executive session with the Delegates on the question of voting in the General Assembly.

MR. PASVOLSKY said there had been some proposals for weighted voting in the General Assembly, but he thought that was impossible; and it was agreed by the group that this idea was to be left out completely.

*Paragraph 2.*—MR. PASVOLSKY called attention to the suggested revision of Paragraph 2 of Section C. He said that the suggestion involved merely verbal changes except for the proposal that it should take a two-thirds majority to decide on additional categories of decisions that would require a two-thirds majority. He believed, however, that it would be better to leave this decision to a simple majority and not make it more difficult to add new categories.

THE SECRETARY agreed with Mr. Pasvolsky and said that it was important to keep in mind that the Soviet Government would question the introduction of any amendments to the Dumbarton Oaks Proposals.

MR. PASVOLSKY said there was a question as to whether the American Delegation was going to push for certain changes or simply agree among themselves to support changes if pushed by others.

THE SECRETARY said that in the meeting of the steering committee of the Sponsors, there had been a proposal that none of the four Governments should propose changes without consulting the others.[19] The British and Chinese representatives seemed especially anxious on this point. It had been agreed not to advance proposals without advising the other Sponsors, and he had made it very clear that this would constitute consultation but would not necessarily require agreement before such changes could be proposed.

MR. ARMSTRONG said there should be different classes of proposals that the United States Delegation would support and as few red-letter amendments as possible.

*Section D. Procedure*

*Paragraph 1.*—MR. PASVOLSKY read Section D, Paragraph 1:

["The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require."]

[19] See note of March 28 to the British Embassy, note of March 31 from the Soviet Embassy, and minutes of the second meeting of the Informal Organizing Group, April 10, pp. 162, 179, and 235, respectively.

He said that a question had arisen as to who could call special sessions of the Assembly, and he believed that some statement should be included on this point. This proposal was approved.

*Additional Paragraph.*—MR. PASVOLSKY read the suggested Additional Paragraph: [p. 4 in Section D of Chapter V, Proposals and Suggestions for Consideration.]

He asked whether a paragraph of this sort should be included in the Charter. He thought that it might be possible to add a description of ways by which the General Assembly acts, in connection with the statements of the various powers of the General Assembly, and he pointed out that in connection with Section B, Paragraph 1, the group had already agreed on the inclusion of the power to adopt draft conventions for submission to the member states.

THE SECRETARY suggested that the word "consider" would be better than the word "debate".

MR. PASVOLSKY said that the initiation of studies making recommendations, etc., was already covered and that the only new point was the adoption of draft conventions. He pointed out that some countries had raised the question as to what was involved in discussing reports submitted to the General Assembly.

THE SECRETARY said that the General Assembly would discuss the reports anyhow. He thought it very important to build up the General Assembly, to recognize its powers and add strength and said that he liked the ideas suggested for improvement.

THE SECRETARY asked Mr. Taft if the advisers concerned with the Economic and Social Council were on the way to attend the meeting, and MR. TAFT said that they would soon arrive.

THE SECRETARY called a 5-minute recess and said that the group would reconvene for a discussion of the arrangements for economic and social cooperation.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 8

*Minutes of the Eighth Meeting of the United States Delegation, Held at Washington, Wednesday, April 11, 1945, 11 a. m.*

[Informal Notes]

[Here follows list of names of persons (19) present at meeting.]

The principal business of the meeting was to consider Chapter IX on Economic and Social Arrangements in the document on Proposals and Suggestions for Consideration.

The Secretary opened the meeting at 11:00 a. m.

PROPOSALS AND SUGGESTIONS FOR CONSIDERATION

*Section A: Purposes and Relationships*

*Paragraph 1.*

At the request of the Secretary, MR. TAFT presented the recommendations of the Executive Committee on Economic Foreign Policy [20] proposing an elaboration of the objectives of the Organization in the economic and social fields.

MR. TAFT stated that the purpose of the detailed objectives was to bring out more clearly the functions of the Organization in promoting economic and social programs, which in the long run would be essential if the Organization were to be successful in maintaining peace. He pointed out that the paragraph in Chapter IX of the Dumbarton Oaks Proposals setting forth the functions of the Organization in these fields was very brief and general and seemed to minimize this area of international cooperation in which much public interest had been expressed both in this and other countries. MR. TAFT then proceeded to go over briefly the main objectives recommended by the Executive Committee, pointing out that much of the language had been drawn from international documents such as the Atlantic Charter, Article VII of the Mutual-Aid Agreements,[21] and the League Covenant.

With regard to the language drawn from the Article VII of the Mutual-Aid Agreements (for the reduction of tariffs and elimination of discriminations), SENATOR VANDENBERG remarked that that Article had been unanimously denounced by the Senate Committee on Foreign Relations. MR. BLOOM stated that on the other hand the same Article had received the approval of the House Committee on Foreign Affairs.

With particular reference to Senator Vandenberg's statement regarding the action of the Senate Foreign Relations Committee in respect of Article VII, MR. TAFT pointed out that the inclusion of this and other objectives in the Charter of the Organization would in no way commit the United States, that they would be merely goals toward which all countries should work.

MR. WHITE thought that the point made by Mr. Taft did not answer the question which Senator Vandenberg had in mind, namely,

[20] For information on the work of this Committee, see *Postwar Foreign Policy Preparation*, p. 436.

[21] Article VII of the preliminary agreement between the United States and the United Kingdom regarding principles applying to mutual aid in the prosecution of the war against aggression, signed at Washington, February 23, 1942. For text, see Department of State Executive Agreement Series No. 241, or 56 Stat. (pt. 2) 1433. For documentation on economic discussions on article VII questions, see *Foreign Relations*, 1944, vol. III, pp. 61–80, *passim*.

whether the objectives themselves were desirable, even as objectives.

SENATOR VANDENBERG stated that he might agree with these objectives in the abstract and in so far as they relate to the internal development of each country. He doubted, however, that we could safely spell out in an international document this enormous field of unlimited operations. He stated that if these objectives were included the whole program could be successfully attacked on the ground that it was intended to organize the earth, and millions of people in this country would be scared off.

MR. WHITE inquired whether or not it would be desirable to examine the objectives in detail and determine which of them might be acceptable.

SENATOR VANDENBERG did not feel that a detailed examination of the objectives would be helpful. He thought that the issue lay in the division between what are international and what are domestic matters. He stated that what various governments ought to address themselves to is one thing, but that whether this should be an international function is quite another thing.

THE SECRETARY stated that we should keep in mind the main objective at San Francisco, and that we should be sure that we do not reach out for too much or involve ourselves in too long a period of negotiation on these matters in the economic and social field.

MR. TAFT thought that an unduly large negotiating problem might not be involved since the objectives under consideration were not new: for the most part they merely restated objectives already agreed to internationally. With reference to Senator Vandenberg's fears that the Organization might invade the domestic sphere, MR. TAFT emphasized that the Organization would merely promote the adoption of measures by the nations and that it would not of course undertake to do the job itself.

MR. BLOOM inquired what would be the result if the nations refused to adopt the programs proposed by the Organization. MR. TAFT replied that of course if the nations were not going forward in the field of economic and social cooperation it would be a grave handicap. He then called attention to the objective for the promotion of full employment, stating that this objective was of special significance and importance because it involved not only the question of measures directed specifically at the employment problem but also the activities of all the specialized economic organizations which would be brought into relationship with the Organization. The inclusion of this objective in the Charter would provide a framework within which the activities of these specialized organizations could be coordinated.

SENATOR VANDENBERG remarked that this country is split wide open on the issue of full employment. He questioned whether the American people would delegate to an international organization the right

to advise the United States as to the methods it should use in maintaining full employment.

MR. TAFT stated that many foreign countries did not think that the matter of employment was a matter solely for domestic concern and that we had received several requests from other countries for the holding of a conference on full employment.

MR. EATON remarked that some people had even gone so far as to request that we should arrange at San Francisco for the maintenance of minimum wages, an 8-hour day and a 40-hour week, etc. etc.

MR. WHITE stated that he was impressed that the main purpose of the San Francisco Conference would be security. He thought that there would be enough problems involved in that without injecting other matters. He wondered whether we could not have more general language dealing with the economic and social fields and leave it to subsequent conference to spell those objectives out.

THE SECRETARY agreed with Mr. White's view. SENATOR VANDENBERG remarked that if we thrust these objectives into the San Francisco Conference the result would be the November election all over again. He repeated that he did not oppose these objectives in the abstract but that as a practical matter, so far as the San Francisco Conference was concerned, the faster we could reach agreement on the economic and social side of the Organization and get it out of the way the better off we would be.

MR. TAFT pointed out that even though the United States should not propose these objectives it is probable that other countries would bring them up. He mentioned that the Latin American countries were particularly interested in these fields and had expressed a definite desire for the inclusion of specific proposals. Also, in recent discussions with the British and Russians regarding an Advisory European Economic Committee,[23] to deal with pressing wartime problems, the Russians had first indicated a willingness to establish such a Committee but had later taken the position that nothing should be done until the San Francisco Conference. We had received the definite impression from the Russians that they would make detailed proposals at San Francisco with regard to economic and social matters. In the light of these developments it could be anticipated that a great deal of pressure would come from other countries for the inclusion in the Charter of detailed objectives such as those which had been recommended by the Executive Committee.

SENATOR VANDENBERG thought that the arguments presented by Mr. Taft made it all the more necessary that in so far as these objec-

[23] For documentation on Anglo-American-Soviet discussions regarding the establishment of a European Economic Committee, see *Foreign Relations*, 1944, vol. II, pp. 614 ff.; see also *ibid.*, 1945, vol. II, pp. 1411 ff.

tives were concerned the initial position of the United States delegates should be pretty close to the zero line.

THE SECRETARY was of the opinion that if the gates are open to detailed negotiation on all these questions that would prejudice our getting the Economic and Social Council at all.

MR. WHITE felt that there might be some danger that these economic and social questions would dominate the time of the committees at the Conference. For example, the Australians would bring up proposals on the employment question and fight tooth and nail to have them adopted.

In the light of the discussion the Secretary proposed that, in lieu of the detailed objectives, the general reference to economic and social questions in the Dumbarton Oaks Proposals should be adopted, possibly with some expansion within reasonable limits.

DEAN GILDERSLEEVE agreed with the Secretary. She thought however that there would be tremendous disappointment in this country unless some constructive step is taken at San Francisco in the economic and social fields. She thought therefore that something, some general phrase of a constructive nature should be included in the Charter. At the same time we should hold down the pressure which would come from other countries to spell out all these questions in detail.

THE SECRETARY and MR. BLOOM agreed with Dean Gildersleeve's statement.

MR. EATON said that his position on this whole question was in accord with that of Senator Vandenberg.

In connection with the point raised by Mr. White, that it would be an error to have language in the Charter which would seem to limit the subsequent development of the Organization in the economic and social fields, THE SECRETARY and MR. BLOOM agreed that there should be flexibility for future developments and that some clause should be included in the objectives which would leave such flexibility and which would indicate a general direction in which the economic and social functions of the Organization might develop.

MR. TAFT doubted that it would be possible to make a limited expansion of the economic and social purposes of the Organization, that these purposes would need to be either brief and general, as in the Dumbarton Oaks Proposals, or comprehensive and in some detail, as in the Executive Committee recommendations. THE SECRETARY asked the economic advisers to reexamine the question with a view to seeing whether something in the way of a moderate expansion of the Dumbarton Oaks Proposals would not be possible.

In reply to a question from the Secretary, MR. STINEBOWER stated that it was his view that the main question with regard to the Economic

and Social Council was not one of spelling out in detail the objectives which it should pursue. The main point, he thought, was to make sure that the Economic and Social Council will have such objectives as will enable it to keep the specialized organizations on a consistent track. He pointed out in this connection that the Economic and Social Council is not intended to be an action body, but rather an advisory and coordinating body.

With regard to the general view of the Delegation that the Charter of the Organization should be in broad general terms, MR. COX suggested that if pressure should develop at San Francisco for the inclusion of detailed objectives, we should take the position that the Charter, being a constitution, should be general, and that detailed questions should be handled in a separate document which would be analogous to a statute. If the pressure is very great it might be possible to reach agreement at San Francisco on such a statutory document, which might be appended to the Charter.

MR. WHITE remarked that for the reason that they deal with details, statutes need careful consideration by a special body. It did not seem wise to attempt to negotiate such statutes at San Francisco. He agreed, however, that it would be a good idea to resist the pressure which might develop at San Francisco by insisting on the constitutional approach.

In response to a question from Mr. Taft, MR. PASVOLSKY stated that it was the President's plan to set up a commission at San Francisco which would prepare for the first meeting of the General Assembly. This commission would be purely preparatory and recommendatory and would not have the powers necessary to make it a satisfactory mechanism through which agreement might be reached on detailed statutory agreements of the kind referred to by Mr. Cox or provided for in the recommendations of the Executive Committee.

MR. WARING remarked that if the anticipated pressure does in fact develop at San Francisco the rest of the world may be disappointed if the American Delegation does not have some detailed views on the Economic and Social Council. He thought that we should be prepared to meet the views of other countries half way if we cannot make our own prevail entirely.

MR. TAFT thought, with regard to the preparatory commission referred to by Mr. Pasvolsky, that it might be possible to establish a subcommission to which might be entrusted the job of reaching agreement on detailed objectives in economic and social matters.

SENATOR VANDENBERG, referring to the question of pressures from other countries at San Francisco, thought that these would be less important than the pressures which would come from groups at home. He stated that the CIO intended to present a detailed program at San Francisco and that our only defense would be the constitutional approach suggested by Mr. Cox and Mr. White.

MR. BLOOM pointed out that our own Constitution is in general terms, the power-granting clauses being in brief and simple language. He thought that if we depart from this principle of simplicity and generality and tried to enumerate the various details, the negotiating task would be impossible.

In response to the Secretary's question, MR. BRANNAN stated that he was in agreement with the views expressed by the Secretary, Mr. Bloom and others on the question of detailed vs. general objectives.

In response to the Secretary's question, MR. DULLES stated that the Protestant church groups with which he was affiliated have a tremendous interest in this whole economic and social field, but that they have all felt that the present proposals regarding economic and social cooperation set forth in the Dumbarton Oaks documents are fully adequate.

THE SECRETARY summed up the prevailing view of the Delegation: That the United States should support a brief and general statement of objectives along the lines of that set forth in the opening paragraph of Chapter IX of the Dumbarton Oaks Proposals, to which might be added a general phrase designed to cover broadly the constructive goals represented by the detailed objectives suggested by the Executive Committee. He requested the economic advisers to draft language on this point for the consideration of the Delegation.[24] In closing the discussion on this subject THE SECRETARY remarked that the economic advisers should not be discouraged by the action which the Delegation had taken. He wished to assure them that the Delegation fully appreciated the need for economic and social cooperation and fully supported the proposals for an Economic and Social Council.

*Suggested Paragraphs 2 and 3.*

MR. TAFT then discussed paragraphs 2 and 3 of Section A of Chapter IX as recommended by the Executive Committee. These paragraphs would 1) specifically authorize the Organization to initiate negotiations for the establishment of specialized organizations in the economic and social fields and 2) make it clear that the specialized organizations, as well as the Organization itself, would have responsibilities in these fields. In discussing these paragraphs MR. TAFT referred to the need for having an adequate mechanism to coordinate the activities of the various specialized international organizations, within the limits imposed by the fact that these specialized organizations, just as the General Organization itself, are the instruments of the governments. In this connection he referred to certain views recently expressed by people connected with the International Labor Organization that the ILO should be co-equal with the General Organization.

[24] Memorandum of April 12 entitled "Suggested Revision of Chapter IX, Section A, Paragraph 1", not printed.

MR. PASVOLSKY laid special emphasis on the clause in the suggested revision of paragraph 1 which would authorize the Organization to initiate negotiations for the creation of specialized organizations. He thought it was essential that such a clause be included in view of the fact that there were many fields of economic and social cooperation in which the assistance of the specialized organization would be necessary in the future and for which no specialized organization exists. MR. PASVOLSKY went on to say that, moreover, there was a special reason why this clause should be included: according to Mr. Evatt, Australian Minister for External Affairs, the Australians will not press for detailed objectives in the economic and social field if the inclusion of this clause is agreed to.[25]

The Delegation approved paragraphs 2 and 3 as recommended by the Executive Committee, without change.

MR. TAFT then discussed the suggested revision of the paragraph dealing with the establishment of relationships between the general Organization and specialized organizations (see page 4 of the paper on Section A). He stated that, under the Dumbarton Oaks Proposals, relationships between the General Organization and the specialized organizations would be established by agreements to be negotiated between them. The Proposals do not mention, however, where these agreements should originate. The purpose of the suggested revision is to make it clear that the Economic and Social Council, rather than the specialized organizations, would have the authority to initiate such agreements.

In the light of the foregoing discussion the Delegation approved the proposed revision of paragraph 2 of the D.O.P. without change.

*Section B: Composition and Voting:*

The Delegation approved the proposal that this section of Chapter IX should remain unchanged, and specifically that no change should be made, as proposed by France, to provide that permanent seats on the Economic and Social Council should be accorded to member states of chief economic importance.[26] In discussing this question MR. TAFT pointed out that the interdepartmental committee which had considered the matter was of the opinion that provision for permanent seats would not be essential, since the Great Powers would certainly be appointed as a matter of course. MR. PASVOLSKY added that this whole question had been gone into at Dumbarton Oaks and

[25] A resolution on general international organization, adopted at the Australia-New Zealand Conference, Wellington, November 10, 1944, stated in this connection: "The specialized bodies set up separately for various purposes of international welfare should be brought within the framework of the Organization." (Report by the Australian delegates on the United Nations Conference on International Organization, 1945, p. 60.)

[26] Doc. 2, G/7(o), March 21, UNCIO Documents, vol. 3, p. 388.

was settled on the basis indicated on the ground that the Economic and Social Council would be merely an advisory body.

*Section C: Functions and Powers of the Economic and Social Council*

MR. TAFT then presented recommendations for the amendments of points *b*, *d*, and *g* of paragraph 1 of this section.

With regard to point *b*, the proposed amendment, in addition to making certain minor drafting changes, would require that any recommendations made by the Economic and Social Council to specialized organizations or to governments be consistent with those adopted by the General Assembly. MR. TAFT explained that in connection with this point there had been considerable discussion in the interdepartmental committees concerned regarding the powers of the Council to make recommendations directly to governments on questions involving jurisdictional or other conflicts between two or more specialized organizations. The conclusion resulting from this discussion was that in all such cases the Council should make its recommendations directly to the Assembly which, after hearing the organizations concerned, could then make any necessary recommendations directly to governments. While this procedure is not spelled out in the proposed amendment to point *b*, it would seem to follow as a matter of course if the amendment is adopted, since any specialized organization would be free to address the General Assembly.

MR. WHITE referred to the language in *b*, reading "to make recommendations . . . with respect to international economic, social, cultural, and other related matters . . .". He wondered whether there might not be need for some qualification in this language which would assure that such recommendations would be confined only to those questions that are proper subjects of international action and which would prevent the Council from recommending in respect of purely domestic matters.

THE SECRETARY suggested that the economic advisers might look into the point raised by Mr. White with a view to seeing whether there was any real danger of that kind.

With regard to *d*, the proposed amendment would remove a limitation, implied in the present text of the Dumbarton Oaks Proposals, that in so far as the budgets of specialized organizations are concerned the Economic and Social Council could make recommendations only to the specialized organizations involved. MR. TAFT stated that there had been suggestions from some quarters that the budgets of specialized organizations should be directly voted by the General Organization. It was the view of the interdepartmental committees, however, that the powers of the General Organization in respect of the

budgets of specialized organizations should be purely advisory, for a number of reasons. In the first place budgetary control is not in and of itself likely to be an effective device for the coordination of functions. Secondly, the specialized organizations will have definite and agreed-upon responsibilities assigned to them by their basic instruments, and centralized budgetary control might improperly infringe on the jurisdiction of the specialized organizations. Finally, some of the specialized organizations might have a different membership, or might have a different voting pattern, than the General Organization.

With regard to point *g*, MR. TAFT stated that the proposed amendment is designed to make the functions of the Economic and Social Council more flexible by leaving the way open for additional functions to be assigned by later intergovernmental agreements, subject, of course, to the approval of the General Assembly.

In the light of the discussion the Delegation approved the amendments to points *b*, *d* and *g*, without change.

*Section D: Organization and Procedure*

MR. TAFT read the proposed amendment of paragraph 1 of this section, which was designed to remove, as a constitutional requirement, the provision in the Dumbarton Oaks Proposals for an Economic Commission and a Social Commission and, in lieu thereof, to provide that the Economic and Social Council should be authorized to establish such commissions, committees, or other bodies of experts as may be necessary.

MR. STINEBOWER called attention to the fact that although the new language omitted the provision in the original paragraph 1 for a permanent staff to constitute a part of the Secretariat of the Organization, this omission was merely a drafting matter and provision for permanent staff in the economic and social fields would be taken care of under the Chapter of the Charter dealing with the Secretary-General and the Secretariat.

The Delegation approved the proposed amendment of paragraph 1 without change.

MR. TAFT then read the proposed amendment to paragraph 2 of this section, the effect of which would be to make it clear that the question of representation by specialized organizations on the Economic and Social Council, or on bodies established by it, should be handled on a reciprocal basis.

The Delegation approved the proposed amendment to paragraph 2 without change.

The meeting was adjourned at 11:50 a. m.

500.CC/4–1145

*The Soviet Ambassador (Gromyko) to the Secretary of State*

WASHINGTON, April 11, 1945.

EXCELLENCY: I have the honor to bring to your attention that when the question on the organization of the work of the Jurists' Committee was under consideration the Soviet Government set forth a proposal to elect four chairmen from representatives of the four nations [27] in whose name invitations to the Conference and to the meetings of the Jurists' Committee were sent out.[28] The proposal of the Soviet Government was based on the principle of equality of position of the four nations. This proposal, however, was not accepted.[29]

The Soviet Government considers such a decision wrong and expresses its disagreement with the decision as it violates the principal of equality of position of the four nations, in whose name invitations to the Conference were sent out to other governments.

Accept [etc.] A. GROMYKO

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 9

*Minutes of the Ninth Meeting of the United States Delegation, Held at Washington, Thursday, April 12, 1945, 9 a. m.*

[Informal Notes]

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

RELATIONS OF THE DELEGATION WITH THE PRESS, RADIO, AND BROADCASTING SYSTEMS

THE SECRETARY convened the meeting at 9 a. m. and announced that Mr. MacLeish had a policy statement [30] to present to the Delegation on its relations with the public at San Francisco. . . .

. . . . . .

QUESTIONS ARISING FROM DISCUSSIONS IN THE COMMITTEE OF JURISTS

THE SECRETARY requested Mr. Hackworth to present certain matters that had arisen in connection with the discussions of the Committee of Jurists.

MR. HACKWORTH said he would make a very brief statement and that he was glad to tell the Delegation that the discussions of the

[27] See memorandum of conversation, by Mr. Leo Pasvolsky, April 9, p. 214.

[28] For text of invitation to the conference of the United Nations at San Francisco, see telegram 1409, February 23, midnight, to London, p. 89; for text of invitation to the meeting of the United Nations Committee of Jurists at Washington, see circular telegram of March 24, midnight, p. 154.

[29] Jurist 11, G/8, April 9, revised as Jurist 36(11), G/26, April 13, UNCIO Documents, vol. 14, pp. 42 and 52.

[30] Draft statement not printed.

Committee of Jurists were going very well. Thirty-three articles, he explained, had already been covered, a number of which were now under discussion in subcommittees. He added that there were about four outstanding problems that he felt should be presented to the Delegation so that he could have their guidance in further negotiations.

MR. HACKWORTH said the first problem was the method of election of judges to the court.[31] According to the present method of the Court, judges are nominated by panels of judges on the Hague Court of Arbitration and are elected by the Council and the Assembly of the League of Nations. He said the British were now proposing that judges be nominated directly by governments and that instead of the nine members of the present Court, fifteen should be elected. He pointed out that this government doubted whether nine members would be sufficient and that our tentative view was that the Court should be kept at fifteen and that the present method of election should be retained. Our primary objection to the British suggestion, he added, was that it would throw the whole matter into politics. SENATOR CONNALLY asked whether states not members of the Hague Court of Arbitration could participate in the election of judges to the Court. MR. HACKWORTH replied in the affirmative and added that where a state is not a member of the Hague Court, it may set up a panel of four to prepare a nomination.

THE SECRETARY asked what decision Mr. Hackworth wished from the Delegation. MR. HACKWORTH replied that he wished to know whether we should adhere to our present tentative position or go along with the British. SENATOR CONNALLY favored retaining our present position. REPRESENTATIVE BLOOM thought that any change from the present system would permit states to gang up and pack the Court. MR. HACKWORTH strongly recommended sticking to the present method of election, adding that this position was widely supported by the American Bar Association. MR. BLOOM pointed out that while under the British proposal states would tend to nominate judges of a particular political conviction, this same weakness was also present in the existing system since governments put men on the Hague tribunal that they considered "sound". MR. BOWMAN recommended that we stick to the old method for the time being, but recognize that we would prefer a better method if it could be developed.

THE SECRETARY questioned whether the Delegation was in a position to make a decision on this matter and wondered whether it would not be wise to reserve our position until further study could be given to

[31] For official comments on the Statute of proposed Court respecting the election of judges (articles 8, 10–12, Statute of the Permanent Court of International Justice (P.C.I.J)), see Conference Series No. 84: *The International Court of Justice: Selected Documents Relating to the Drafting of the Statute* (Department of State publication No. 2491), p. 24.

this question. He added that it would be well to have Chief Justice Stone's point of view. SENATOR CONNALLY suggested that former Chief Justice Hughes might also be consulted.[32] It was then generally agreed that the Delegation would reserve its position and that former Chief Justice Hughes and Chief Justice Stone would be consulted.

MR. HACKWORTH said he had a further point to raise—the question of compulsory jurisdiction.[33] He explained that some countries wanted compulsory jurisdiction, but that the United Kingdom and the Soviet Union were opposed.[34] Among those countries favoring compulsory jurisdiction in particular were the Latin American countries. SENATOR CONNALLY said that he could not agree to compulsory jurisdiction unless the cases that could come before the Court were very restricted.

MR. HACKWORTH explained that the American Bar Association was very much in favor of compulsory jurisdiction and that they would like to see compulsory jurisdiction adopted. They recognized, however, that it would be necessary to permit any government to make a reservation when approving the treaty. SENATOR VANDENBERG commented that the Permanent Court did not get by the Senate, even with its present jurisdiction. MR. HACKWORTH agreed that probably compulsory jurisdiction would not be acceptable. MR. PASVOLSKY noted that there already was compulsory jurisdiction under the optional clause and MR. HACKWORTH agreed that it was possible to have compulsory jurisdiction under the present statute.

THE SECRETARY said it was then agreed that this government did not favor the proposals of the Latin American countries for compulsory jurisdiction.

MR. HACKWORTH explained that a third point he wished to discuss was that of advisory opinions.[35] He noted that the Dumbarton Oaks Proposals provide that the Security Council may ask for advisory opinions but that there was now some feeling that both the Assembly and other international organizations should also be allowed to ask for advisory opinions. SENATOR CONNALLY said he had no particular

[32] In accordance with the request of the United States delegation, the views of Chief Justice Harlan F. Stone and former Chief Justice Charles Evans Hughes (appointed in 1930 and retired in 1941) were obtained. "Both indicated strong preference for the maintenance of the present system as perhaps offering greater assurance of the judicial character of the Bench", according to a memorandum on the Court for the delegation, April 28, not printed.

[33] For opinions of various governments on the question of jurisdiction of the Court (article 36, Statute, P.C.I.J.), see *The International Court of Justice*, pp. 33–45.

[34] For opinions expressed by delegates of the Soviet Union and the United Kingdom, see Jurist 34, G/25, April 12, UNCIO Documents, vol. 14, pp. 151, 153, and 158.

[35] For official comments regarding the question of advisory opinions (article 65, Statute, P.C.I.J.), see *The International Court of Justice*, pp. 51–52.

objection to empowering the General Assembly to ask for advisory opinions except that such a provision might pose conflicts of jurisdiction between the General Assembly and the Security Council. MR. HACKWORTH thought empowering the General Assembly to ask for advisory opinions would be in line with our general desire to strengthen the Assembly.

REPRESENTATIVE BLOOM asked what an advisory opinion was. MR. HACKWORTH replied that it was a request to the Court on a question of law.

MR. BOWMAN noted that after elaborate discussion of this whole matter in Mr. Hull's office over a period of a year, the conclusion in the end was that the General Assembly should be empowered to ask for advisory opinions. SENATOR CONNALLY said he had no objection whatever to the Assembly asking for advisory opinions on questions that lay within the jurisdiction of the Assembly. MR. BOWMAN commented that of course the Court was free to decide whether it wished to give an opinion in a case or not. MR. HACKWORTH agreed that the Court on a number of occasions had in fact decided not to give an opinion. REPRESENTATIVE BLOOM said what he objected to was the phrase "advisory opinion". Why could not just the word "advice" be adopted? The term "opinion" suggested that the Court would be bound by its decision and that to escape a prior decision it would have to reverse itself. SENATOR CONNALLY commented that a reversal had frequently taken place in the history of courts.

MR. HACKWORTH asked if it was the sense of the meeting that the Assembly should be allowed to request advisory opinions along with the Security Council. MR. GERIG noted that in the case of the League where both the Council and the Assembly could request advisory opinions there had been some thirty cases where the Council had requested such opinions and only one case in which the Assembly had requested an opinion. He noted that there was the possibility of losing control over the vote requesting an advisory opinion if the matter was handled by the Assembly, since the major powers would not have a veto on the decisions of the Assembly.

It was the general agreement of the Delegation that the Assembly should be allowed to request advisory opinions.

MR. HACKWORTH asked whether international organizations such as the International Labor Organization should be allowed to request advisory opinions also. SENATOR CONNALLY thought this would be most inadvisable since these bodies were not in the same category with the Security Council and the General Assembly. It was generally agreed that it would be undesirable for international organizations like the I.L.O. to request advisory opinions.

SENATOR CONNALLY said he would like to make it clear that he was reserving his views on these questions for later study and THE SECRETARY suggested that these matters be raised again at a later time.

The meeting was recessed at 10:10.

At 10:15 the meeting was reopened by the Secretary . . . .

[Here follows list of names of persons (28) present at meeting. Following the list is a paragraph referring to a memorandum which was distributed to the delegates setting forth the voting record of members of the British Commonwealth in the League of Nations.]

REVIEW OF PROPOSALS AND SUGGESTIONS FOR CONSIDERATION—CHAPTER VI

THE CHAIRMAN then asked Mr. Pasvolsky to open the discussion of Chapter VI of the Dumbarton Oaks Proposals.

*Section A*

With reference to Section A, MR. PASVOLSKY reviewed the changes in the composition of the Security Council proposed by other governments. These included proposals for abandoning the category of permanent members, for increasing the number of permanent members and, likewise of non-permanent members, and for providing for regional representation. MR. PASVOLSKY drew particular attention to the desire of the "Middle Powers" for special consideration with respect to membership on the Security Council. He recommended that this Government should be prepared, if necessary to enumerate various criteria which it would consider a suitable basis for use in selecting the non-permanent members of the Council, but that such criteria should not be incorporated in the Charter itself. It was agreed by the Delegates that this was the proper position to take.

*Section B*

*Paragraph 1*—MR. PASVOLSKY said that paragraph 1 of Section B incorporated a principal feature of the Dumbarton Oaks Proposals, namely that the Security Council should have primary responsibility for the maintenance of international peace and security. SENATOR CONNALLY thought it unwise to grant to the Assembly the right of review of Council decisions in this field, as a number of governments have proposed. SENATOR VANDENBERG and REPRESENTATIVE EATON concurred with this view. It was agreed that this paragraph is satisfactory as it stands.

*Paragraphs 2 and 3*—With respect to the following paragraph (2), which MR. PASVOLSKY explained had been incorporated at British insistence, it was agreed that the phrase "*and the provisions of this Charter*" [35a] should be appended at the end.

[35a] Passages printed in italics in this document are underlined in the original.

Paragraph 3 was agreed to in its present form without discussion.

*Paragraph 4*—The vital importance of paragraph 4 was recognized in that it obligates all members of the Organization to accept the decisions of the Security Council. In response to a question from SENATOR CONNALLY, MR. PASVOLSKY said that it refers only to measures of enforcement.

GENERAL EMBICK and SECRETARY STETTINIUS thought the paragraph should stand as it is, whereas SENATOR VANDENBERG said that he could appreciate the Canadian point of view. With reference to Canada's proposal that decisions of the Council be binding only on its members and that only they be obliged to take enforcement action unless by virtue of a concurring vote in the Assembly all members of the Organization were similarly bound, MR. PASVOLSKY said that the implications of such a provision had been discussed in conversations with the Canadians and that it had been pointed out to them that their proposal would have the effect of limiting enforcement measures to the action of the great powers. He said that the Canadians were somewhat shaken in their position by this argument and that it had been used with similar effect in conversations at Mexico City with representatives of Latin American countries.

MR. HICKERSON raised the question as to whether the Canadian proposal applied only to the supply of forces or applied as well to the making available of facilities. MR. STETTINIUS anticipated that there would be complications about the use of bases if concurrence by General Assembly were made to apply to facilities and assistance as well as to armed forces. ADMIRAL WILLSON agreed with General Embick that a modification of paragraph 4 in the direction of the Canadian proposal would slow up action and would make planning difficult. At this point SENATOR CONNALLY left the meeting, stating that he favored leaving the provision in its present form. This was the position adopted by the Delegates.

*Paragraph 5*—Paragraph 5, relating to the regulation of armaments, was considered acceptable in its present form. MR. PASVOLSKY said that the negotiations at Dumbarton Oaks would indicate that this provision goes as far as is practicable.[36]

*Section C*

With reference to Section C, relative to voting in the Security Council, Mr. PASVOLSKY took note of the French proposals which would have the effect of placing under paragraph 2 disposition of all matters arising under Section A of Chapter VIII. In support of the present text he made the point that unanimity among the great powers was important in order to give greatest possible weight to recommendations

[36] See progress reports on Dumbarton Oaks Conversations, September 8 and 19, 1944, *Foreign Relations*, 1944, vol. I, pp. 783 and 824, respectively.

for pacific settlement. It was agreed to stand by Section C in its present form.

*Section D*

MR. PASVOLSKY explained that paragraph 1 of Section D, relative to procedure in the Security Council, was the result of a compromise between two views. The British had wanted the Council to be a meeting place of foreign ministers; at the same time, this Government had desired the Council to be a continuous organ. It was agreed that the paragraph is satisfactory as it stands.

The Secretary left the meeting and asked Senator Vandenberg to act as Chairman.

In accordance with a recommendation of the Committee on Security Aspects of Preparation for the United Nations Conference, MR. PASVOLSKY proposed the dropping of the last clause from paragraph 2, and this was agreed to. He explained that the British had asked for the inclusion of this reference to regional subcommittees of the Military Staff Committee in order that the control of Germany might be made a special case under the Charter. The subsequent decision embodied in paragraph 2 of Chapter XII in the Proposals made this reference necessary [*unnecessary*].

Paragraph 3 was agreed to without discussion.

MR. PASVOLSKY stated that two alternatives had been proposed by other governments in substitution for the procedure envisaged in paragraph 4: (1) that the participation in the discussion of any question before the Security Council should be a right to be exercised on the decision of any member of the Organization, and (2) that the privilege might be accorded to any member of the Organization by a specified minority vote in the Security Council. SENATOR VANDENBERG thought that if only the right of discussion were involved it might be left unrestricted. MR. PASVOLSKY suggested, however, that many would clamor to be heard and that it was in the interest of more orderly procedure to put such participation on a restricted basis. It was decided to let paragraph 4 stand as it is, but the opinion was expressed that, if pressure develops at the Conference to liberalize its terms, no serious objection should be interposed. The same conclusion was reached with reference to paragraph 5.

REVIEW OF PROPOSALS AND SUGGESTIONS FOR CONSIDERATION—CHAPTER VIII

*Chapter VIII, Section A*

With reference to Section A of Chapter VIII, the next item on the agenda, SENATOR VANDENBERG proposed to add the following sentence to paragraph 1: "If the Security Council finds that any situation

which it shall investigate involves injustice to peoples concerned, it shall recommend appropriate measures of adjustment which may include revision of treaties and of prior international decisions." SENATOR VANDENBERG said that he wanted to make the fundamental point that the Security Council must look backward as well as forward. He felt that, if the Charter were to be a rigid guarantee of the *status quo*, there would be difficulty in securing the approval of the Senate. He wanted to find language which would result in the least friction, but which would constitute a reference to this point in the Charter.

MR. PASVOLSKY took the view that the investigatory powers of the Council should be concerned exclusively with situations the continuance of which might endanger the peace and that this was not the appropriate place to introduce broad language of this kind. He suggested, therefore, that the possibility of incorporating such a provision in the Chapter on the General Assembly should be further examined. This was agreeable to Senator Vandenberg, and it was decided to defer consideration of this matter to another time.

Paragraphs 2, 3, and 4 were found satisfactory in their present form.

Paragraph 5 gave rise to considerable discussion. MR. PASVOLSKY pointed out that it involved the important issue as to whether the Council's powers of pacific settlement should be limited to the recommendation of procedures or methods of adjustment, as provided for in the present text, or whether they should be broadened to include recommendations relating to terms of settlement. REPRESENTATIVE BLOOM asked where this power resided if not in the Council, and REPRESENTATIVE EATON thought that the Council would have to take cognizance of measures of settlement. MR. BOWMAN stated that it had been the desire at Dumbarton Oaks to give disputants a wide freedom of action as to the manner of settling disputes and he favored leaving paragraph 5 in its present form. MR. PASVOLSKY's suggestion that the phrase "or settlement" be added at the end of the paragraph was agreed to.

Paragraph 6 was accepted as satisfactory without discussion.

With reference to paragraph 7, MR. PASVOLSKY said that two important changes had been proposed: (1) to limit the applicability of paragraph 7 to paragraphs 3, 4 and 5 of Section A and (2) to designate the international court of justice as the agency to determine whether a dispute arose out of matters solely within the domestic jurisdiction of the state concerned. MR. PASVOLSKY thought that these changes would constitute an improvement over the present text.

SENATOR VANDENBERG thought that it was important to examine this question carefully in the light of the attitudes expressed in the Senate on those occasions when the question of adherence to the Statute of

the Permanent Court of International Justice was before that body.[37] He said he wanted to go as far as it was practicable to go in the Senate. There was discussion of specifying the Security Council rather than the Court, but it was pointed out that the United States would not have a veto on the Council if it were a party to a dispute of the kind covered by VIII, A. SENATOR VANDENBERG then suggested that consideration of this very important paragraph be deferred until Senator Connally was present. It was agreed to do this.

*Chapter VIII, Section B*

With respect to paragraph 1 of Section B, MR. PASVOLSKY suggested that the phrase "*and the provisions of this Charter*" be added, thus making the drafting in this paragraph conform to the language suggested for paragraph 2 of Section B of Chapter VI. It was agreed that it should be adopted as a general drafting rule that this change should be made elsewhere at the appropriate places in the Charter. With this additional phrase, paragraph 1 was considered to be satisfactory.

Paragraphs 2 and 3 were approved in their present form. With respect to the latter, REPRESENTATIVE BLOOM said he did not like the enumeration of measures not involving the use of armed force, but did not suggest any revision in view of Mr. Pasvolsky's statement that the enumeration had been in response to Soviet insistence.

It was recognized that some clarification of paragraphs 4 and 5 might be in order. Accordingly, it was agreed that, in the event of dissatisfaction on the part of other Governments, the following revisions would be agreeable to the United States Delegation:

With respect to paragraph 4, the redrafting of the last sentence to read: "Such action may include demonstrations, blockade, and other operations by air, sea or land forces *made available to the Security Council by the* members of the Organization.

With respect to paragraph 5, the redrafting of the last sentence to read: "*The negotiations concerning* the special agreement or agreements should be *initiated by the Security Council* as soon as possible. *The agreement or agreements* should be subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes."

Paragraph 6 was approved. SENATOR VANDENBERG said that it was his understanding of this paragraph that the forces would be supplied

[37] On January 27, 1926, the United States Senate gave its advice and consent to the ratification of the protocol of signature subject to five reservations; on September 14, 1929, a protocol for the accession of the United States was opened for signature by a conference of states signatories to the protocol; on January 29, 1935, by vote of 52 to 36, the Senate failed to adopt a resolution approving ratification of the protocol of accession by the United States. For documentation during this period on the question of United States adherence to the Statute of the World Court, see *Foreign Relations*, 1926, vol. I, pp. 1 ff.; *ibid.*, 1929, vol. I, pp. 1 ff; and *ibid.*, 1935, vol. I, pp. 383 ff.

under the agreements referred to in paragraph 5. GENERAL EMBICK said that this was the correct view. MR. PASVOLSKY explained that the paragraph had developed from the proposal of the Soviets for an international air force.

MR. PASVOLSKY explained that paragraph 7 provides that the Security Council may decide in each case whether contributions of armed forces, facilities and assistance shall be required of all members of the Organization or of a smaller number, and that the second sentence thereof refers to a situation in which the Organization calls for action in which it is desirable for the specialized international organizations to concur. This paragraph was considered satisfactory.

Paragraphs 8, 9, 10 and 11 were approved in their present form.

*Section A, Paragraph 1*

At this point SENATOR VANDENBERG reverted to paragraph 1 of Section A of Chapter VIII and proposed that investigation of a dispute be made a rigid obligation on the Security Council. He suggested that this might be done by substituting "shall investigate" for "should be empowered to investigate." MR. PASVOLSKY said that this question had come up at Dumbarton Oaks and that it had been decided not to make investigation mandatory because too much investigation would provoke difficulties. MR. BOWMAN thought that the Council should not be obliged to take up every case, many of which would be trivial. MR. PASVOLSKY made the further point that, in view of the discretion still remaining in the Council to judge whether international peace and security were actually in danger, no device could give assurance that the Council would in any particular instance exercise its investigatory powers. It was decided to let the paragraph stand as it is.

The meeting was adjourned at 11:45 a. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 9 (Exec.)

*Minutes of the Ninth Meeting (Executive Session) of the United States Delegation (A), Held at Washington, Thursday, April 12, 1945*

[Informal Notes]

CHAIRMANSHIP OF THE CONFERENCE

THE SECRETARY explained that the Soviets had requested that there be four Chairmen, one from each sponsoring government, who would serve in rotation. He pointed out that the British, the Chinese, and ourselves have expressed dissent to such a proposal on the grounds that it would be cumbersome, impractical and unrealistic. SENATOR CONNALLY moved that we adhere to the custom of the host govern-

ment having the Chairmanship. THE SECRETARY pointed out that in addition to the factors enumerated above, it might set an undesirable precedent for future international conferences and even for the Organization itself. He indicated that the President feels we should stand firm on our position. DEAN GILDERSLEEVE inquired if the other sponsors would not be given due recognition if their heads of Delegation were named Vice Chairmen. THE SECRETARY replied that was exactly what we had in mind. The Delegation approved our maintaining a firm position on this matter.

### SOVIET REPUBLICS

THE SECRETARY opened this discussion by repeating clearly that the President had made a commitment at Yalta to support a proposal for the admission of two Soviet Republics as initial members of the international organization if the Soviets proposed this at San Francisco. THE SECRETARY explained that we must find some way to handle this without embarrassment to the President or to the Delegation. He said we had been considering the possibility of having the President send a note of instructions to the Secretary which could be read at the Conference. SENATOR VANDENBERG asked what the word "support" meant, pointing out that he would be our spokesman on the Commission involved. THE SECRETARY expressed the view that we will have discharged our commitment if we cast our vote at San Francisco for the proposal.

DR. BOWMAN felt there should be some definition of the basis on which it was done, otherwise a precedent would be set and the door wide open for later admission of the remainder of the 16 Soviet Republics, suggesting that perhaps, if politically feasible, a declaration of three as the limit might be the way to handle it. CONGRESSMAN BLOOM expressed the opinion that voting for three would not set a precedent for 16.

DR. PASVOLSKY pointed out that at the Conference a list of the initial members of the organization must be agreed upon and that presumably the Soviet proposal will be framed so as to request inclusion of the two Republics in that list. He said this undoubtedly at San Francisco should be handled in the Steering Committee, reciting the example of Denmark's request for participation at Bretton Woods being so handled.[38] He thought we should be absolutely certain that

[38] See *Proceedings and Documents of the United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 1–22, 1944* (Department of State publication No. 2866), vol. I, pp. 101, 598, and 933. For documentation on the Bretton Woods Conference, see *Foreign Relations*, 1944, vol. II, pp. 106 ff.

the question is handled in the Steering Committee and that we should receive clarified instructions on voting "yes" in the Steering Committee and then stop.

At the request of the Secretary, MR. DUNN explained that the Soviets had requested that the two Republics be invited to send delegates to San Francisco and that we have refused this request. CONGRESSMAN EATON inquired what the "*Quid pro quo*" was for the agreement at Yalta and the Secretary replied vaguely that there were military and other considerations which could not be discussed. Senator Connally expressed the opinion that it was an unfortunate situation but that the Delegation must vote for the proposal.

DR. PASVOLSKY expressed the opinion that there was a bare chance that the Soviets might withdraw from this position. He said that when the question comes up it is probable that the collateral question will be raised as to what constitutes a national unit and if this is raised sharply with indications that a sharp debate will ensue they might possibly withdraw their proposal and raise it after the establishment of the organization.

In answer to Congressman Bloom's inquiry, MESSRS. DUNN and PASVOLSKY stated that this was not a matter of the Soviet Union itself having three votes. DR. PASVOLSKY suggested that the Assembly would have to pass on the admission of additional Soviet Republics if that question were later raised.

At this point DR. PASVOLSKY stressed the importance of having a no voting rule at the Conference, that instead of asking for a vote the Chairman should inquire if any country raised objections and if they had objections inquire if they would make reservations or if they would place the matter before their legislative body for approval as is. It was indicated that if certain countries had objections these could possibly be negotiated out at the Conference.

On the proposal that the President send a letter of instruction which the Secretary could read at San Francisco, SENATOR VANDENBERG said that this course of action would be the most powerful aid we could give to the Soviet proposal and DR. BOWMAN said it would look as if the Delegation had a whip held over it. It was decided unanimously that if the Soviets raise the point the Delegation would vote for it but say nothing on the question and that there should be no letter from the President for public use although it might be well for the Secretary personally to have a letter of instruction on it.

500.CC/4–1345

*Memorandum by the Secretary of State to President Truman* [39]

[WASHINGTON,] April 13, 1945.

Subject: United Nations Conference on International Organization at San Francisco.

1. *Delegation*—The Delegation as appointed by President Roosevelt under my Chairmanship consists of Mr. Hull, Senior Adviser, Senator Connally, Senator Vandenberg, Congressman Bloom, Congressman Eaton, Commander Stassen and Dean Gildersleeve.

2. *Its Activity*—The Delegation has been meeting with me daily to review the substance of the Dumbarton Oaks Proposals which have been agreed upon with the other sponsoring governments of the Conference (United Kingdom, Soviet Union and China) as the basis for drafting the Charter of the Organization at San Francisco. The Delegation has been considering what changes if any, which have been suggested by other governments or have evolved through discussion in this country, should be advanced by us at San Francisco or supported by us there if advanced by others.

Generally speaking there will be only a few changes of substance which the Delegation will recommend. For instance, it is probable that the proposal which Senator Vandenberg has stressed so much publicly (and which the Chinese have also in effect proposed) of adding certain references to justice and international law in the Charter [40] will be accepted. We have not yet considered his other proposal that the Organization should be empowered to review treaties and prior international obligations.

Our analysis of the document will be completed before we leave for San Francisco and the final recommended changes of the Delegation submitted to you for your consideration and approval. After that step is completed we are obligated to submit them to the other sponsoring governments as we have agreed to consult with them on such proposed changes.

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[39] For President Truman's comments on this memorandum, see *Memoirs by Harry S. Truman*, vol. I, pp. 273–275. Vice President Harry S. Truman succeeded to the Presidency after the death of President Roosevelt at the Little White House, Warm Springs, Ga., on the afternoon of April 12, 1945, and within an hour after taking the oath of office, announced that the San Francisco Conference would proceed. Secretary Stettinius announced on April 13 that President Truman had authorized him to say that there would be no change of purpose or break of continuity in the foreign policy of the United States Government.

[40] Senator Vandenberg issued a press statement on March 5 in which he expressed his anxiety about the failure of the Dumbarton Oaks formula to mention "justice" as a guiding objective or a rule of conduct, except in the chapter providing for an International Court of Justice, and he indicated that he would submit concrete proposals to his colleagues on this subject. (Arthur H. Vandenberg, Jr., (ed.), *The Private Papers of Senator Vandenberg*, p. 154.) See also the memorandum of March 16 by the Secretary of State to President Roosevelt, p. 125.

3. I think it is important that you meet with the Delegation on Monday or Tuesday of next week.

4. I attach a copy of the Dumbarton Oaks Proposals hereto.[41] If you wish to review them in detail I would be glad to meet with you with several of our technical experts.

5. *Presidency*—We are having some difficulty with the Soviet Union as to the Presidency of the Conference. They have proposed that the Heads of the Delegations of the four sponsoring Governments should be co-chairmen with rotation in office. Our position, which President Roosevelt had instructed us to maintain, is that this is cumbersome, impractical and unrealistic. We also feel that if we yield to the Soviet position it might set an undesirable precedent for future Conferences and even for the organization itself. Our position is that there should be a single President for the Conference and that the other sponsoring powers would hold the positions of Vice Presidents and would preside in rotation in the President's absence.

6. *Trusteeships*—Another important open question relates to territorial trusteeships. It was agreed at Yalta that there should be discussion among the five proposed permanent members of the Security Council (United States, United Kingdom, Soviet Union, China and France) prior to San Francisco as to the machinery and principles of a trusteeship system to replace the League of Nations mandate system, and that machinery to create such a system should be made a part of the Charter of the International Organization. It was also agreed that there should be no discussion prior to or at San Francisco of specific territories to be placed under the system, this subject being left for later agreement.

Because of the importance of certain strategic areas in the Pacific to our future security a question has arisen as to the wisdom of discussing the subject at all at this time. This matter was referred to President Roosevelt a few days ago with the recommendation that he review the matter with the Secretaries of War, Navy and me on his return. He had agreed to do this on the 19th.

President Roosevelt has had the trusteeship system importantly in mind for some time and his latest thought on it is evidenced by his last Press Conference in which he specifically stated that "the United States and the other United Nations must accept trusteeships over Japanese mandate islands, build new naval and air bases and help the Philippines rebuild, economically, after the Commonwealth becomes a self-governing nation." (As reported by today's *New York Times*.[42]) I feel it is vitally important that you meet with Secre-

[41] For text, see *Foreign Relations*, 1944, vol. I, p. 890.

[42] April 13, 1945, p. 4, col. 4. See also extracts from President Roosevelt's press and radio conference, April 5, *ante*, p. 196.

taries Stimson, Forrestal and me to discuss this at the earliest possible opportunity. You may also wish to invite the Secretary of the Interior to this meeting as Secretary Ickes is extremely interested in the subject and recently submitted a memorandum to President Roosevelt on it.[43]

7. Tuesday [44] will be the last day the full Delegation is in Washington.

8. *The Soviet Republics*—At Yalta this Government and the United Kingdom agreed to support at San Francisco a Soviet proposal that two Soviet Republics, the White Russia and the Ukraine, be admitted to initial membership in the International Organization.[45] As you know, there has been considerable discussion of this. The position of the United States Delegation, in which I concur, is that we should interpret support to mean voting at San Francisco for the proposal if and when the Soviets make it and that no other action on our part is required to carry out the commitment.

The Soviets are now taking the position that by interpretation the commitment extended to giving these two Republics the right to be represented at the San Francisco Conference itself should their membership in the Organization be approved by the Conference. No commitment was made by the United States and the British with respect to participation by the two Soviet Republics in the Conference at San Francisco. That is a matter for the Conference to decide. The Soviets, however, are still insistent and at a meeting this morning [46] refused to agree to a list of proposed Commission and Committee Chairmen for the Conference pending clarification of the right of these Republics to be present.

E. R. Stettinius, Jr.

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RSC Lot 60–D 224, Box 99

*Minutes of the Third Meeting of the Informal Organizing Group on Arrangements for the San Francisco Conference, Held at Washington, Friday, April 13, 1945, noon*

[Informal Notes]

[Here follows list of names of participants, including representatives of the United States (7); United Kingdom (2); Soviet Union (2); and China (2).]

The minutes of the second meeting were distributed.[47]

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[43] See letter of April 5 from the Secretary of the Interior to the Secretary of State, and enclosed memorandum, p. 198.

[44] April 17.

[45] For President Roosevelt's comments on the Soviet proposal at his press conference, April 5, see pp. 197–198.

[46] See minutes of the third meeting of the Informal Organizing Group, April 13, noon, *infra*.

[47] Minutes of meeting of April 10, p. 235.

MR. HISS read the Soviet Ambassador's letter of April 12, 1945 [48] proposing corrections to the minutes of the April 3 meeting. The corrections were accepted by the Secretary and the British and Chinese Ambassadors.

THE SECRETARY suggested that each Ambassador give any report he might be in position to make.

THE BRITISH AMBASSADOR reported that his Government has indicated assent on all proposals previously referred to it from the Informal Organizing Group with the exception of two: first, the allocation of Executive Committee positions and officerships of the Commissions and Committees and, secondly, the [personal suggestion which he had made at the last meeting concerning the] [49] Conference chairmanship. LORD HALIFAX indicated that the British Government is in general agreement with the proposed allocations but that it suggests that no strictly final agreement be undertaken at this time because of the fact that fuller information regarding delegations and related questions will probably be available at San Francisco before the Conference convenes. He said that his Government has one or two suggestions not worth going into at the present time, which could better be cleared in the period just before the Conference. [THE SECRETARY asked whether Lord Halifax means agreement by April 20 or April 21 and LORD HALIFAX indicated that it ought to be possible by that time.] [50]

With regard to the second point LORD HALIFAX said that he has no answer from his Government on the question of chairman of the Conference. [With regard to the second point, LORD HALIFAX said that he had not yet received the comments of his Government on the personal suggestion which he had made.] [51] [THE SECRETARY said that unless this question is definitely solved the confusion would be hopeless.] [50]

THE SECRETARY then called on THE SOVIET AMBASSADOR who took up first the question of languages in which the Conference proceedings should be published. He requested on behalf of his Government that all main documents of the Conference and the official journal be published in five languages, English, French, Spanish, Russian and Chinese. [In answer to the question as to what he means by

[48] Not found in Department files.

[49] Insertion within brackets made in accordance with a request by the Counselor of the British Embassy (Makins) in his letter of April 22 to Mr. Cabot Coville, Foreign Service Officer, temporarily assigned to the Office of Special Political Affairs; letter not printed.

[50] Addition within brackets copied from the record of the meeting for the Department's files, not printed.

[51] In his letter of April 22, Mr. Makins indicated that the second paragraph should read as indicated within the brackets.

the journal, he said that the journal is simply the journal.] [52] MR. HISS asked whether the need for the use of documents in the Russian language might not be met by the translation into Russian of the order of the day without any attempt at printing the official journal in Russian. THE SECRETARY asked whether the Soviet Ambassador really meant the publication in printed form of the daily record in Russian.

[MR. HISS asked the Soviet Ambassador whether the translation into Russian of only conference papers would be sufficient.] [52] Discussion on this subject was closed by the Secretary's instructing Mr. Ross to determine the facilities at San Francisco for printing in the Russian language and instructing further that the resultant information be discussed with the Soviet Embassy.

THE SOVIET AMBASSADOR expressed the view of his Government that invitations for unofficial observers from governmental international organizations to attend the Conference should be limited to persons who are nationals of the countries participating in the Conference. MR. HISS stated that invitations have already gone out to the five agreed organizations on the basis of previous clearance with the Soviet Government and that this condition was not previously expressed and therefore not incorporated in the invitations.[53] AMBASSADOR GROMYKO asserted that his orders in this regard had arrived since the last meeting and that they are specific regardless of an apparent discrepancy between them and what the Department understood from the United States Embassy in Moscow as having been stated by the Soviet Government. Mr. Hiss was instructed to look into whether any official organization invited would be sending observers who are not nationals of participating countries.[54] LORD HALIFAX indicated that his silence in this discussion should not be construed as consent, and that he must reserve the position of his government. THE SECRETARY reserved the position of the American Government.

THE SOVIET AMBASSADOR suggested that Yugoslavia be given membership on the Executive Committee to displace the Netherlands. [LORD HALIFAX asked in what position, and when AMBASSADOR GROMYKO stated that his Government proposed that Yugoslavia displace the Netherlands on the Executive Committee, Lord Halifax's expression and manner showed serious doubt and he] [52] reserved the position

[52] Addition within brackets copied from the record of the meeting for the Department's files, not printed.

[53] See portion of telegram 999, April 1, from Moscow, quoted in footnote 22, p. 153.

[54] The question involved the representatives of the League of Nations and the International Labor Office, Sean Lester and Edward J. Phelan, respectively, who were British subjects of Irish nationality.

of his Government.[57] The Secretary and the Chinese Ambassador also reserved their positions.

AMBASSADOR GROMYKO stated that the Soviet Government cannot give its consent either to the first proposed allocation or to the second proposed allocation of officerships of Commissions and Committees, because the Ukrainian Republic and the White Russian Republic are not allocated chairmanships.

THE SECRETARY reviewed the agreement reached at Yalta on the subject of votes for the Soviet Republics and pointed out that there was agreement that a Soviet request for membership in the General Assembly of such international organization as may be established would be supported by the United States and the United Kingdom, but that there was no agreement whatever for participation in the Conference by those Republics and that participation is limited to countries who have signed the United Nations Pact.[58] [LORD HALIFAX confirmed this statement.] [59]

AMBASSADOR GROMYKO asserted that it was previously agreed that the two Republics would be initial members of the organization and that membership from the beginning must inevitably entail their being participants in the Conference. He stated that his Government had in mind that at the first or at an early session of the Conference the two Republics would be admitted and that their participation would become immediately effective thenceforth.

[THE SECRETARY again described what had happened in the matter. He said that, according to the arrangement arrived at, the Soviet Union would propose at an appropriate meeting the admission of the two Soviet Republics as members of the General Assembly; that the United Kingdom and the United States would support this proposal at that time; and that nothing further in the matter was agreed to. THE SECRETARY pointed out that there had been no previous reference whatever to the subject now raised by the Soviet Ambassador in requesting participation by the Republics at the San Francisco Conference. Copy of the March 20 note to the Soviet Ambassador was produced in confirmation.] [60]

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[57] The British had proposed membership of India on the Executive Committee and at the same time questioned the proposed membership of Czechoslovakia. The Department thereupon suggested substituting Chile for Czechoslovakia. The British did not concur but continued to press for a seat for India. (Memoranda of conversations, April 10 and 12, not printed.)

In a telephone conversation of April 14, the Counselor of the Soviet Embassy, Alexander Kapustin, informed Mr. Hiss that he had been instructed by Ambassador Gromyko to say that his Government did not agree to the proposal to exchange the positions of Chile and Czechoslovakia in the San Francisco Conference allocations (500.CC/4–1445).

[58] Declaration by United Nations, January 1, 1942.

[59] Addition within brackets copied from the record of the meeting for the Department's files, not printed.

[60] Addition within brackets copied from the record of the meeting for the Department's files, not printed. Reference in last sentence is apparently to note of March 29 from the Secretary of State to the Soviet Ambassador (Gromyko), p. 163.

LORD HALIFAX and MR. HISS were called upon and indicated general agreement with the Secretary's account of the background of the subject.

THE CHINESE AMBASSADOR was called upon for his report and stated that the proposed allocations of Commission and Committee officerships are generally agreeable to the Chinese Government. He added that, if subsequent questions of alteration come up, the Chinese Foreign Minister will be here to consider suggestions.

[THE SECRETARY stated that if the sponsoring powers cannot go to the Conference in agreement, questions at issue will regrettably have to go before the Conference. LORD HALIFAX stated that the view of the United Kingdom will be the same unless subsequent diplomatic interchange clears up questions before the 20th or 21st.] [61]

MR. HILLMAN'S proposal that the World Trade Union Conference send a delegation as advisers to the San Francisco Conference was brought up. [It was indicated that the view of the American Government was that the suggestion is impracticable.] [61] AMBASSADOR GROMYKO said he will consult his Government.

[THE SOVIET AMBASSADOR in reply to a question again stated that his Government has not given instructions on questions previously referred, even as early as the March 30 memorandum on Conference organization.] [62]

THE SECRETARY stated that because of lack of progress, the Informal Organizing Group should adjourn permanently and be disbanded; that he is greatly disturbed and disappointed; and that there would be no more meetings of the Informal Organizing Group unless one of the members wishes that a meeting be called. [THE SECRETARY stated that the Informal Organizing Group is making no progress whatever because of inability to arrive at decision; that the Soviet Ambassador's lack of instructions and his opposition to proposals agreed by all the other sponsors make for an impossible state of affairs;] [63] that on that account he feels that the group should adjourn permanently and be disbanded; that he is greatly disturbed and disappointed; [that there is apparently no point in attempting to do anything before we actually go to San Francisco;] and that there would be no more meetings of the Informal Organizing Group unless one of the members wishes that a meeting be called. [He raised the question of whether it is possible to run the Conference if we cannot at this stage agree on anything and said that every effort must be made to make the Conference a success. As the meeting rose the

[61] Addition within brackets copied from the record of the meeting for the Department's files, not printed.

[62] Addition within brackets copied from the record of the meeting for the Department's files; not printed. For memorandum from the Secretary of State to Ambassador Gromyko, March 30, see p. 174.

[63] Additions within brackets in remainder of this document copied from the record of the meeting for the Department's files, not printed.

Soviet Ambassador also stated that we must go to San Francisco with the determination to make the Conference a success.]

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RSC Lot 60–D 224

*Memorandum by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*[64]

[WASHINGTON,] April 13, 1945.

TRUSTEESHIP PROBLEM

1. The Yalta decision on trusteeship covered the following points:

(1) That there will be included in the Charter provisions for the establishment of a trusteeship system covering principles and machinery;
(2) That the question of the precise territories to be placed under that system will be discussed later;
(3) That, in any event, the system would apply only to the former mandates, the newly detached territories and such areas as might voluntarily be placed under the system;
(4) That, prior to the Conference, consultation would take place between the five sponsoring powers for the purpose of agreeing upon proposals to be placed before the conference.

2. Pursuant to this agreement, we have invited the British, Soviet, Chinese and French governments to send representatives to participate in such consultation.[65] All four have accepted the invitation. It is, therefore, necessary for us to go through with the consultation, either in Washington or in San Francisco—in the latter case, prior to the organization of the Committee on Trusteeships.

3. The consultation can result in one of the following three proposals:

A. To have no discussion at the Conference itself but rather to postpone the consideration of the whole matter to some future date.
B. To include in the Charter a provision that, after its creation, the organization would undertake to set up a trusteeship system.
C. To include in the Charter the substance of the material contained in our paper, thus setting up the machinery of trusteeships, stating the objectives of the system, defining the powers and basic

[64] The substance of this memorandum was presented by Mr. Pasvolsky at a meeting on trusteeships on April 13, with the Secretary of State, the Under Secretary of the Interior (Fortas), and Messrs. Taussig and Raynor, which was held to attempt to develop some proposal which might have a chance of breaking the existing deadlock. It was finally decided that the best course of action would be to place this problem before the United States delegation to the San Francisco Conference, to invite the Secretaries of War and Navy to be present at a meeting of the delegation on April 17, and, after the delegation had reached a decision, it would then be submitted to President Truman for approval. Memorandum by Mr. Raynor, summarizing the decisions of the meeting, April 13, not printed (RSC Lot 60–D 224).

[65] See telegram 2049, March 16, midnight, to London, p. 128.

procedures in this respect of the various organs of the Organization, and leaving to future determination the following questions to be handled by means of special agreements:

*a.* Territories to be placed under trusteeship;
*b.* Designation of strategic areas;
*c.* Precise terms under which each particular territory would be placed under trusteeship;
*d.* Selection of the country to be the administering power of each particular territory;
*e.* Definition, in each case, of the respective rights and responsibilities of the administering power and of the Organization.

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033.6111/4–1345 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, April 13, 1945—11 p. m.
[Received April 13—7: 50 p. m.]

1161. This evening I called on Marshal Stalin. Stalin was obviously deeply distressed at the death of President Roosevelt. He asked many questions about the situation in the US resulting from his death. He assured me that it was his desire to work with President Truman as he had with President Roosevelt in the past. I will report in more detail in a later telegram on this aspect of the conversation.[66] I proposed to Stalin that the most effective way to assure the American public and the world of the desire of the Soviet Government to continue collaboration with us and the other United Nations would be for Mr. Molotov to go to the US at this time. I suggested that he might stop at Washington to see the President and then proceed to San Francisco, even though he might be able to remain there only a few days. If it would assist I felt sure that arrangements could be made to place one of our latest planes at his disposal such as the one used by President Roosevelt.

Stalin inquired whether I was expressing my personal views. I made it clear that I was, but added that I felt completely confident that I was expressing the views of the President and yourself and that you would be ready to confirm this.

After a brief discussion between Molotov and Stalin the latter stated categorically that Molotov's trip to the US, although difficult at this time, would be arranged. He made it clear, however, that this decision was based on my assurance that you would authorize me with the approval of the President to renew the hope that it would

[66] See memorandum of conversation, by the Ambassador in the Soviet Union, April 13, 8 p.m., vol. v, p. 826.

be possible for Mr. Molotov to come to Washington and San Francisco as you considered his presence there at this time of real importance.

I hope that you will send me immediately instructions so that I may confirm without delay what I said to Stalin this evening.

I hope also you will bear in mind that I have promised a suitably equipped C–54 to take him to the US via the North Atlantic Scandinavian route if he so desires.[68]

HARRIMAN

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RSC Lot 60–D 224

*Memorandum by the Secretary of State*[69]

[WASHINGTON,] April 14, 1945.

Early this morning at the railroad station while waiting for the funeral train to arrive,[70] I had a private talk with Forrestal, King[71] and Marshall.

I told them that we must find a solution at San Francisco to compose the trusteeship issue and it was impossible for us to go into San Francisco with the policy of annexation which representatives of the armed forces had publicly enunciated.

I also said that we in the State Department were willing to meet them half-way, but we could never agree to a policy of annexation.

All three of the gentlemen listened sympathetically and obviously appreciated the importance of the point I was making.

Forrestal stated that he had drafted a memorandum on the whole subject.

Would it not be possible, before throwing the entire issue to the Delegation on Monday,[72] for our people to have a round-up with Bundy and Correa tomorrow[73] to see whether or not some suggestion could be made now by the Army and Navy which I could propose to the American Delegation and which could later be endorsed by President Truman.

E. R. S[TETTINIUS, JR.]

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[68] In telegram 863, April 13, 10 p. m., to Moscow Secretary Stettinius confirmed Ambassador Harriman's expression of views concerning Mr. Molotov's attendance at the Conference and promise of a C–54 for his trip (033.6111/4–1345).

[69] Addressed to the Assistant Secretary of State (Dunn) and to Mr. Leo Pasvolsky, Special Assistant to the Secretary of State.

[70] The funeral train bearing the body of President Roosevelt was to arrive from Warm Springs, Ga.; after lying in state at the White House during that day, the body was returned to the train about 9:30 p. m. for the trip to Hyde Park and burial the next morning.

[71] Fleet Adm. Ernest J. King, Commander in Chief, United States Fleet, and Chief of Naval Operations.

[72] April 16; see minutes of executive session of the delegation on Tuesday, April 17, 9 a. m., p. 311.

[73] See extracts from the *Diary*, 15–23 April, p. 292, and *Postwar Foreign Policy Preparation*, p. 432, for references to Departmental and inter-Departmental discussions on April 15 and 16; a memorandum of conversation by Major Correa, April 16, is not printed.

500.CC/4–1145

*The Secretary of State to the Soviet Ambassador (Gromyko)*

WASHINGTON, April 14, 1945.

EXCELLENCY: I acknowledge your note of April 11 relative to the proposal of the Soviet Government to elect four chairmen of the Jurists' Committee from representatives of the four nations sponsoring the United Nations Conference on International Organization and the meetings of the Jurists' Committee. The United States Government accepts the decision of the Jurists' Committee to elect one chairman,[74] since this decision does not appear to violate in any way the principle of equality of position of the four governments sponsoring the San Francisco Conference.

Moreover, it is the view of the United States Government that the proposal of the Soviet Government to elect four chairmen would, if it had been accepted, inevitably lead to great confusion and a lack of clarity in the direction of the work of the Committee.

Accept [etc.] EDWARD R. STETTINIUS, JR.

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500.CC/4–1445

*Memorandum of Conversation, by Mr. Cabot Coville of the Office of Special Political Affairs*

[WASHINGTON,] April 14, 1945.

Participants: Mr. Kapustin of the Soviet Embassy
SPA—Mr. Hiss
Mr. Coville

Mr. Kapustin called at 6:00 p. m. at his request to discuss several matters growing out of the work of the Informal Organizing Group.

In connection with the Soviet proposal regarding rotation of the chairmanship of the Conference, he said that his government proposes also that the chairmanship of the Steering Committee and of the Executive Committee rotate in the same way. He was asked whether his government's proposal in this matter would be that the person who in rotation would under the Soviet proposal become chairman of the Conference at a particular time should at that time also be chairman of the Steering and Executive Committees. He said that he was not clear on that point. He left the impression simply that the Soviet Government desires that there be rotation among the sponsoring powers of the chairmanships of the Conference Steering Committee and Executive Committee as well as of the Conference itself.

[74] Jurist 36(11), G/26, April 13, UNCIO Documents, vol. 14, p. 52. See also discussion in minutes of April 12 meeting of the United States delegation, p. 269.

Mr. Kapustin expressed Soviet agreement with the Department's memorandum dated April 9 entitled "Records of the Proceedings of the Conference".[74a]

With regard to the Department's memorandum of April 9 entitled "Procedures Anticipated at the Opening Session for the Reception of Delegates and at the Initial Plenary Sessions of the Conference",[74b] Mr. Kapustin said that his government agrees except to (1) and (2) under paragraph 2 *c*, which have to do with the president and vice presidents of the Conference. He again referred to the desire of his government that there be four presidents serving in rotation. Mr. Hiss incidentally mentioned that point 1 *c* of the memorandum has undergone change in that it is not President Truman's intention to attend in person.

Mr. Kapustin stated that the Soviets agree to the April 8 draft communication from the Department to the five governmental international organizations provided that such organizations be not represented by nationals of any state not participating in the Conference. His attention was called to the fact that, on the basis of a letter dated March 31 from Mr. Molotov, the substance of which had been communicated to the Department by the American Embassy in Moscow,[75] the Soviet Government had not attached this condition to its previous approval of the matter and the invitations had therefore been sent out without the condition now suggested by the Soviet Government. It was also mentioned to him that two organizations, the League of Nations and the International Labor Organization, have an Irish national among the persons whom they are likely to send to the Conference.[76]

On the subject of languages to be used in the Conference papers, Mr. Kapustin promised to have further information for us by Monday morning, April 16.

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RSC Lot 60 D 224, Box 100

*Extracts From the Diary of Edward R. Stettinius, Jr., Secretary of State, December 1, 1944–July 3, 1945*

15–23 April, 1945.
(Section Ten)

RELATIONS

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[74a] *Ante*, p. 226.
[74b] Not printed.
[75] Telegram 999, April 1, from Moscow; see footnote 22, p. 153.
[76] See footnote 54, p. 285.

At 11:30 a. m. on Saturday I held a meeting in my office[77] with Anthony Eden[78] and Sir Alexander Cadogan. Messrs. Grew and Dunn were with me. . . .

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To Eden and Cadogan I reported Ambassador Harriman's view that Molotov had not wanted to come to San Francisco at all and had objected when Stalin first suggested it.[79] He had also "made difficulties" when Stalin authorized him to discuss the Polish question.[80] Mr. Eden optimistically remarked that, since Ambassador Harriman and Molotov had left Moscow,[81] the joint message of the President and the Prime Minister[82] had been received, Mikolajczyk[83] had accepted the Yalta compromise, and undoubtedly a cable would be awaiting Molotov in Washington advising him of Stalin's reaction. . . .

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Returning to the Polish question, we called in Mr. Bohlen. According to Mr. Eden, progress on this problem was essential before San Francisco if the Conference was to be a success. Final solution was not to be expected, but we should be able to make "a step forward". I reported that I had discussed the matter that morning with President Truman, who was prepared to tell Molotov that failure to reach an early agreement on the Polish Government would jeopardize the Conference and would react adversely on American public opinion. Furthermore, there would be little chance of a treaty on world organization being approved by the Senate. Truman felt that continued failure to settle this question endangered the entire U.S. position in taking its place at the world council table. Mr.

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[77] No memorandum of meeting of April 21 found in Department files.

[78] Mr. Eden's arrival date was April 15, according to his message of that date to Prime Minister Churchill reporting on his conversation with Secretary Stettinius, in Winston S. Churchill, *The Second World War: Triumph and Tragedy*, p. 483.

[79] See telegram 1189, April 16, 4 p. m., from Moscow, vol. v, p. 223.

[80] For memoranda of conversations with Mr. Molotov, April 22 and 23, regarding the Polish question, see *ibid.*, pp. 235 and 256, respectively.

[81] Ambassador Harriman informed the Secretary of State in his telegram 1189, April 16, 4 p. m., *ibid.*, p. 223, that Mr. Molotov was planning to leave for Washington at dawn on April 17 and that he had insisted on taking the northern route across Siberia and Alaska to the United States as it was a Soviet route, although it would take two days longer than across the Atlantic.

[82] See draft message from President Truman to the Ambassador in the Soviet Union quoting text of the proposed joint message, *ibid.*, p. 219; see also *Memoirs by Harry S. Truman*, vol. I, pp. 38–39.

[83] The United Kingdom and the United States had suggested that Stanislaw Mikolajczyk, former Prime Minister of the Polish Government in London and subsequently leader of the Polish Peasant Party (in exile), participate in the hoped-for consultations in Moscow regarding the reorganization of the Polish Provisional Government. For documentation on this subject, see vol. v, pp. 110 ff.

Eden said this was fine. We should stand on the general lines of the joint message from Truman and Churchill.

Mr. Bohlen saw considerable significance in the delay in Molotov's arrival, because the head of the Polish Lublin Government had been called to Moscow. He suspected the Russians were going to announce their mutual assistance pact with the Lublin Government [84] before Molotov arrived. Mr. Eden felt announcement of the pact would have a bad effect on British opinion.

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. . . Molotov actually arrived at the Washington airport a little before six o'clock.[85] Messrs. Dunn, Harriman, Clark-Kerr [86] and Gromyko were with me when I met him. The rest of the plans worked out as scheduled. After our talk with the President,[87] Molotov went across the street with me to the State Department, where we were joined by Anthony Eden for a conference which lasted about an hour and a half.[88]

## Various Developments Abroad

*Soviet Union.*

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In my meeting with Anthony Eden and Sir Alexander Cadogan in my office on the twenty-first, I asked Mr. Eden for his interpretation of our agreement at Yalta to "support" the Soviet request for the Ukraine and White Russia to be initial members of the international organization. He felt that, while we had agreed to support the Soviet request, we were not obliged to insist on approval of it to the extent of breaking up the Conference if the other nations would not go along. The vote itself, and a short statement of the reasons for our position, would suffice. I said we were in agreement on this issue.

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[84] Treaty of friendship and mutual assistance, signed in Moscow, April 21, 1945 (United Nations Treaty Series, vol. 12, p. 391; Department of State, *Documents and State Papers*, vol. I, p. 231). See telegram 1289, April 21, 4 p. m., from Moscow, vol. V, p. 234.

[85] Sunday, April 22.

[86] W. Averell Harriman, and Sir Archibald Clark Kerr, American and British Ambassadors in the Soviet Union, respectively, had come to Washington for consultation on matters concerning the Soviet Union, and to serve as advisers to their delegations at the United Nations Conference at San Francisco.

[87] President Truman received each of the Foreign Ministers of the three sponsoring Governments of the San Francisco Conference and Foreign Minister Bidault of France, during their stay in Washington, en route to the Conference. For President Truman's account of meetings with Mr. Eden on April 16 and 22, Mr. Soong on April 19, Mr. Bidault on April 19, and Mr. Molotov on April 22 and 23, see *Memoirs by Harry S. Truman*, vol. I, pp. 37–38, 66, and 74–82.

[88] For minutes of discussion regarding Poland at the meeting of Mr. Stettinius, Mr. Eden and Mr. Molotov, April 22, 9:50 p. m. to 11:40 p. m., see vol. V, p. 237.

500.CC/4–1645

*Memorandum of Conversation, by the Assistant Secretary of State (Dunn)*

[WASHINGTON,] April 16, 1945.

The Soviet Ambassador came in this afternoon at 6:30. He said that on March 13 Ambassador Harriman had addressed a note to Mr. Molotov in which he informed him that the United States Government desired to initiate consultations prior to the San Francisco Conference on the subject of trusteeship and that the consultations would take place in Washington as early as possible but not before April 1.[89] He said that since then the Soviet Government had heard nothing further on the subject and desired any information we might be able to give him. Mr. Harriman's note had also stated that documents would be forthcoming with respect to this subject.

I reminded the Ambassador that we had heard nothing from the Soviet Government in response to this invitation although the other governments who were informed at the same time, that is, the British, Chinese, and French Governments[90] have already designated their representatives who will deal with this subject in Washington.

I told the Ambassador that we had not made any definite arrangements as yet with regard to the consultations he referred to and that we hoped within a few days to be able to give him further information on the subject. I said that as far as the documents were concerned that no paper had been given to us by any of the governments with whom we had taken the matter up or had we presented documents on the subject to any of those governments. I said we still expected to have consultations on the matter prior to the San Francisco Conference and that as soon as our arrangements were made we would be very happy to notify the Soviet Government accordingly. I further explained that this was a matter which had been caused some delay by the death of President Roosevelt as it was a question which was being discussed with him at the time of his death. The Ambassador thanked me very much for this information and said he would await a further communication.

JAMES CLEMENT DUNN

[89] See telegram 2049, March 16, midnight, to London (repeated to Moscow and Chungking), concerning the Department's proposed procedure for holding consultations on trusteeship, p. 128.

[90] A memorandum of conversation by the Director of the Office of Special Political Affairs (Hiss) on April 16 noted that both Jacques Fouques-Duparc and Etienne Dennery, of the French Ministry of Foreign Affairs, "stated that they wished to emphasize that they thought it would be helpful if the five-power talks on trusteeship which had been envisaged for Washington, which appeared now could not be held before the San Francisco Conference, could be held in San Francisco before any meeting of the proposed Trusteeship Committee of Commission II of the Conference."

RSC Lot 60–D 224, Box 96: US Cr Min 10

*Minutes of the Tenth Meeting of the United States Delegation, Held at Washington, Monday, April 16, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (17) present at meeting, and announcement by Senator Connally, presiding in the absence of the Secretary, on the revised opening day arrangements at San Francisco.]

TENTATIVE ALLOCATION OF ASSIGNMENTS FOR OTHER COUNTRIES

SENATOR CONNALLY asked Mr. Hiss to explain the next item on the agenda—the allocation of assignments for other countries at the Conference.

MR. HISS distributed to the delegates copies of a chart setting forth the tentative allocation of officerships on the commissions and committees of the Conference.[91] He noted that we had suggested that Chile replace Czechoslovakia on one committee, but that this proposal was not acceptable to the British and Russians and that no word had yet been received from the Chinese. MR. HISS then explained that the president of Commission I would probably be Mr. Smuts (South Africa), that the president of Commission II would probably be Mr. Spaak (Belgium), that the president of Commission III would probably be Mr. Lie (Norway), and finally that the president of Commission IV would probably be Mr. Para Perez. MR. HISS emphasized that the assignments were extremely tentative and that agreement had not yet been reached upon them. He indicated that the British had suggested that a decision be postponed until San Francisco,[92] but that our preference was to decide the matter in advance in order to avoid a scramble at the Conference.

SENATOR VANDENBERG questioned the designation of India for the chairmanship of the Committee on Economic and Social Cooperation. REPRESENTATIVE EATON thought the designation of Guatemala on the same commission was questionable. MR. PASVOLSKY explained that it was expected that a very competent person would head the Indian Delegation, and MR. HISS added that the British themselves had proposed India for the Executive Committee. MR. HISS added that the distribution of posts had been based on the assumption that the four sponsoring powers would have positions on the Executive Committee and Steering Committee, but would not have other positions on the committees and commissions since this might be interpreted as domination of the Conference by the Big Four. He added, however, that

[91] Not printed; see final chart (doc. 67, G/20), May 5, UNCIO Documents, vol. I, p. 78.

[92] See minutes of second and third meetings of the Informal Organizing Group, April 10 and 13, pp. 235 and 283, respectively.

the British had asked for permission to have a rapporteur on one of the committees and had specifically notified the other sponsoring powers that they wished the position now designated for Honduras on the second committee of Commission II.

SENATOR VANDENBERG asked what advantage it would be to have a rapporteur.

MR. HISS indicated that a rapporteur was a very important official since he would state the position of the commission and would be mainly responsible for assisting the chairman in drafting and reporting. REPRESENTATIVE EATON asked whether the officers on the commissions would be members of the delegations. MR. HISS replied in the affirmative. SENATOR CONNALLY commented that the United States would then have no chairmanship of committees. MR. HISS replied that we probably would have the chairmanship of the Executive Committee and of the Steering Committee. He emphasized of course that the present chart of positions was entirely tentative and had not been agreed to, and suggested that the Delegates return their copies to him for possible revisions.

ASSIGNMENT OF AMERICAN DELEGATES, ADVISERS AND TECHNICAL EXPERTS [93]

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OTHER PAPERS

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PRESS STATEMENT ON MEETINGS OF THE DELEGATION [94]

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CHARACTER OF CHANGES TO BE PROPOSED BY UNITED STATES DELEGATION

THE SECRETARY said he thought that the Delegation was going into the San Francisco Conference under pretty favorable conditions, in his mind the only question was the Soviet Government. REPRESENTATIVE EATON commented that this had always been the only question. THE SECRETARY noted that the easiest way to get the Soviet Government to come along was to make as few changes as possible in the Proposals which they had agreed to at Dumbarton Oaks and the voting formula that they had accepted at Yalta. He thought the Soviets would sign these documents today.

SENATOR CONNALLY thought that the least that was said now as to what had been done by the Delegation the better off the United

[93] For press release listing assignments, May 2, see Department of State *Bulletin*, May 6, 1945, p. 858.

[94] Draft press release not printed; for final statement on the work of the delegation, released to the press on April 18, see Department of State *Bulletin*, April 22, 1945, p. 724.

States would be with respect to other nations. He thought it was plain horse sense to keep our decisions to ourselves.

THE SECRETARY asked how many fundamental changes had actually been agreed to in the course of the discussions. MR. DULLES said that he thought there was one, which was the suggestion of Mr. Vandenberg on the revision of treaties. MR. PASVOLSKY thought most of the suggestions were by way of clarification and that the one basic change was that of Senator Vandenberg's. MR. PASVOLSKY added that, if this proposed change was now announced, he was afraid that other nations would interpret it as an attempt to bring pressure on them. He thought it was better to handle the matter subtly and carefully, and that, if it were so handled, it would be possible to secure the addition that Senator Vandenberg favored. SENATOR CONNALLY agreed that the opposition to this addition would be hardened if the position of the Delegation was now announced. THE SECRETARY thought it would be best at this time to reserve our position.

MR. STASSEN asked when it was contemplated that the Russians would be told of this suggestion, since he was sure that Foreign Commissar Molotov's first question would be: "What changes do you propose?" MR. PASVOLSKY indicated that we were still going over the tentative decisions and discussing proposed changes.

THE SECRETARY said he envisaged having the Big Four meet together after the general discussion on the opening days, at which time we could bring forward our two or three changes. MR. PASVOLSKY thought that, if the matter was handled in this way, we would actually find that we had considerable support for our suggestions.

MR. STASSEN asked if the Russians would give up their three votes if we accepted the Dumbarton Oaks Proposals. MR. DULLES noted that in fact the Russian proposal was not inconsistent with the Proposals as they stood at present, since the question raised by the Russian proposal was: "What is in fact a state?" If the three republics were considered independent states then they could each be members of the General Assembly under the present Proposals. MR. STASSEN said he thought most of the suggestions were by way of filling in the Proposals and interpreting the document, and that they were not fundamental. He thought that no release would be better than the present one, and that it might at this time be better to remain silent.

THE SECRETARY indicated that at some routine press conference he might say quite informally that the discussions of the Delegation had been entirely satisfactory and that the Delegation was generally in agreement. SENATOR VANDENBERG questioned the phrase "generally in agreement". Did that mean that the Delegation had agreed to his proposal—to what he believed was indispensable if the Senate was going to ratify the treaty? THE SECRETARY said that his great

concern was to have the Delegation act as a unit, and that he thought each member of the Delegation would have to do a little cutting and fitting of the cloth in order to make this possible. He said that he would give up some things to satisfy Senator Vandenberg and that he expected Senator Vandenberg to follow the same policy. SENATOR VANDENBERG said that the press would read meaning into whatever statement was made and that therefore it was important to be sure that we meant what we said. THE SECRETARY suggested that a brief sentence be prepared for him that he could use at a press conference at an early date.

[The Secretary was called from the meeting.] [94a]

SENATOR CONNALLY said he did not think it would help the Delegation's trading position at the Conference if we told in advance what we were going to do. He thought that the important thing was to keep our "cards in the hole". MR. PASVOLSKY agreed with Senator Connally that the important thing was to do everything that could be done to get the Proposals we want negotiated and that we should therefore consider the problem as negotiators. This would mean that we would have to approach the Russians very carefully and talk the whole matter out with them behind the scenes. He said he was sure that in this way we would have a better chance of getting what we really wanted.

REPRESENTATIVE EATON commented that his concern was to get certain additions to the Proposals without which it would not be possible to get the Proposals through the Senate. DEAN GILDERSLEEVE remarked that the Senate was not the only hurdle, and that it would be well to keep in mind that we had to get an agreement acceptable also to a large number of other nations. REPRESENTATIVE EATON stated that in the end the Senate had the final say, however, and that we could never get an agreement that the Senate did not find acceptable.

SENATOR CONNALLY said it was his view that the more closely we adhered to the Dumbarton Oaks Proposals the more apt we would be to get something at San Francisco. MR. STASSEN said that he agreed with this view. SENATOR VANDENBERG thought that certain amendments would be necessary, however, but that most of these would not affect the machinery and basic structure of the organization but would influence the consciousness of the American people. He said we had, of course, to have the American people with us and that we should keep this at the center of our attention. SENATOR CONNALLY thought that, if our position were now known, the public would be quite satisfied. MR. STASSEN thought we should not at this time say anything to the American public that we had not previously discussed with other sponsoring powers. . . .

[94a] Brackets appear in the original.

VANDENBERG PROPOSAL ON ADJUSTMENT OF TREATIES

SENATOR CONNALLY indicated that Senator Vandenberg's proposal concerning the adjustment of treaties still required discussion and that the two remaining questions were: (1) Should the proposal be adopted? and (2) Where should it be placed?

MR. PASVOLSKY stated that he had suggested placing the amendment in the chapter on the General Assembly: Chapter V, Section B, paragraph 6. He proposed adding to that paragraph the sentence "including situations arising out of existing treaties or other prior international engagements". SENATOR CONNALLY asked if this would include both prospective and retroactive situations. MR. PASVOLSKY thought that Senator Vandenberg wished to emphasize the revision of treaties that were in force. SENATOR CONNALLY thought the word "existing" was restrictive. He preferred the phrase "including situations arising out of treaties or other international engagements". SENATOR VANDENBERG thought the sentence should read "situations arising out of treaties and other prior international engagements." He thought it was very important to include the word "prior", which, he said, was the key to the whole matter. He wanted to be able to tell men like Senator LaFollette that this was not an organization to freeze the *status quo*. MR. BOWMAN said that the word "prior" did not add anything.

MR. DULLES suggested the draft "including situations arising out of then existing treaties or other international engagements". He thought that the word "then" would relate to the time when the Assembly dealt with a particular situation. In this way he thought it would be possible to omit the word "prior". SENATOR CONNALLY questioned whether Mr. Dulles' suggestion improved the draft. He favored "including situations arising out of treaties or other international engagements".

SENATOR VANDENBERG commented that Mr. Pasvolsky said that the authority he was now trying to bring out in the document was implicitly an authority of the General Assembly. However, many critics have said what Mr. Pasvolsky reads into the document cannot properly be read into it. He would like to see the matter clarified so that it was absolutely certain that the Organization could look backward as well as forward.

SENATOR CONNALLY thought the word "prior" limited the conception. MR. BOWMAN raised the question whether the mention of the date, January 1, 1942, did not complicate the addition of the sentence as suggested by Mr. Dulles. MR. PASVOLSKY agreed that it was not possible to say "arising out of then existing treaties" with the prior statement of the date of the Declaration by the United Nations. SENATOR CONNALLY said that he did not seriously object to the use of the

word "then" or "prior". MR. DUNN said the term "then" implied the time at which the Assembly took the matter up. MR. PASVOLSKY suggested that the draft might read "including situations arising out of any treaties or other international engagements". MR. STASSEN suggested the omission of the word "any". SENATOR VANDENBERG thought that this wording was good except that he would recommend the omission of the word "other".

SENATOR CONNALLY asked whether this new proposal obviated the difficulty with the mention of the date, January 1, 1942. MR. PASVOLSKY replied in the affirmative.

MR. DULLES asked whether the power of the Assembly in this connection was subject to the limitations indicated in paragraph 2 of Section B, Chapter V. MR. PASVOLSKY replied that the power of the Assembly to make recommendations concerning situations arising out of any treaties or international engagements was not subject to the limitations of paragraph 2 of Section B, Chapter V.

SENATOR CONNALLY said that, while he had no objection to the Assembly discussing and making recommendations for the adjustment of situations arising out of treaties, he did not wish to empower the Security Council to revise such situations. MR. PASVOLSKY said that that was the reason why he had suggested the addition of paragraph 6, Section B, Chapter V of the Dumbarton Oaks Proposals. SENATOR CONNALLY said he wanted to be absolutely sure on this matter, and MR. PASVOLSKY reassured him that there was no question and that that was why we had not proposed that the Security Council be empowered to impose a settlement.

MR. ARMSTRONG said that the reference to the United Nations Declaration was in his view a great mistake and should be taken out. He said the declaration was a wartime declaration and referred to the principles of the Atlantic Charter only in the preamble. SENATOR VANDENBERG suggested that this was the only point at which the signatories of the Declaration were identified and that he saw no objection to it. It was generally agreed that the reference to the United Nations Declaration should remain but that it should be redrafted to read: "or to violate the principles accepted by them in the preamble of the Declaration by the United Nations of January 1, 1942".

## REVIEW OF PROPOSALS AND SUGGESTIONS
## CHAPTER VIII, SECTION C—REGIONAL ARRANGEMENTS

SENATOR CONNALLY announced that the Delegation would now discuss Chapter VIII, Section C, of the Dumbarton Oaks Proposals on Regional Arrangements.

[Here follows list of names of persons (14) present at meeting.]

MR. PASVOLSKY said that the Committee on Security Aspects of Preparation for the United Nations Conference[95] had recommended that no changes be made in Section C, a statement which was confirmed by MR. DUNN. MR. PASVOLSKY further remarked that consideration had been given to proposals of foreign governments with respect to this chapter, but that it had been agreed to support none of these proposals. SENATOR CONNALLY then asked if the Delegation were agreed as to making no changes, and without objection, the section was allowed to stand.

MR. DULLES indicated, however, that, as paragraph 2 of Section C stood, any permanent member of the Security Council could veto enforcement action under a regional arrangement, whereupon SENATOR CONNALLY read the paragraph in question and MR. PASVOLSKY confirmed the power to veto. Both MR. DULLES and COMMANDER STASSEN interposed that this would permit France and China, for example, to veto American regional action in the Western Hemisphere. SENATOR CONNALLY thought that the Security Council could veto enforcement action in a region but that no one power could veto an investigation.

MR. PASVOLSKY replied that parties to a dispute could use any pacific means of their own choice to settle a question, but that the Security Council had a right to call on them to settle by pacific procedure according to regional arrangements at their disposal. The Security Council, under paragraph 1 of Section C, had the authority either under the initiative of regional arrangements or of the Security Council to seek for settlement. The only time the Security Council would come into the picture was when the procedure was moving too slowly, but it could not stop the procedure.

COMMANDER STASSEN declared, however, that any one of the Great Powers might veto action, nothing new had been added to the instruments of pacific procedure by Chapter VIII, Section C, and the procedure was subject to the veto of any one Great Power. MR. PASVOLSKY pointed out that provision had been made, in this respect, for unanimous agreement of the Great Powers. REPRESENTATIVE EATON wondered whether the whole concept had not been based on the assumption of a dispute between minor nations and asked what would happen if a dispute occurred, for example, between the United States and the Soviet Union. MR. PASVOLSKY admitted that this was an important point. All the nations were obligated to settle their disputes peacefully. If a dispute occurred between a small state and a Great Power, the Security Council could recommend that the vote

[95] This *ad hoc* Committee, consisting chiefly of the civilian and military advisers and experts assigned to the delegation, held four meetings under the chairmanship of Mr. Dunn, April 3–11, to consider the provisions on international security in the Dumbarton Oaks Proposals; the Committee's views on security provisions were presented to the delegation on April 16.

of the parties in dispute would not count. The purpose was to make the section as strong as possible.

COMMANDER STASSEN cited a hypothetical example in which trouble might arise in Latin America and the Inter-American System wanted to act. Suppose the Security Council approved action but France and China as permanent members of the Council objected. What would happen then? MR. PASVOLSKY replied that, of course, if the Security Council failed to preserve the peace, the International Organization would have failed. COMMANDER STASSEN stated that he was merely citing an example; that he did not want the organization to fail because of two negative votes of powers like France and China. COMMANDER STASSEN agreed with Mr. Pasvolsky that it was necessary to preserve the veto of the Great Powers. MR. PASVOLSKY pointed out that there were two matters under consideration: (1) the enforcement powers of the Security Council; and (2) the power of the Security Council in the matter of recommendations. The basis of the idea of unanimity among the Great Powers was at times to prevent unilateral action. The Great Powers, under the Charter, were all committed to pacific procedure. If this were broken down, we might have force employed by a Great Power or a group of Great Powers.

REPRESENTATIVE EATON wanted to know if it were not implicit that the final assurance we could have in the International Organization was the moral obligation, and thought this was a job for the preachers. MR. DULLES said that the use of force should rest on law, it would work automatically, and that perhaps it would function better regionally than it would universally. He thought, therefore, that the Security Council should facilitate the development of regional arrangements. If it were always necessary to submit procedures under regional arrangements to the Security Council, the Great Powers would be able to exercise a veto and the International Organization might prove an obstacle to peace in that case.

MR. ROCKEFELLER cited the possibility that the Soviet Union, as some Latin Americans feared, might foment trouble in the Western Hemisphere, and then it might block action in the Security Council if the states of the Western Hemisphere desired to take collective regional action. COMMANDER STASSEN reiterated that he saw danger in the veto of the Great Powers and especially of states like China and France blocking regional action in the Americas unless we had some reservations. He did not want the Inter-American System destroyed, but MR. PASVOLSKY replied that to weaken the authority of the Security Council in regional matters would be tantamount to throwing all Europe into the hands of the Soviet Union, and would break the world up into regional units. COMMANDER STASSEN did not agree with this statement. He reverted to his original example of

the Security Council approving action under a regional arrangement with France and China voting against any action.

SENATOR CONNALLY felt that the regional issue should not becloud the thinking of the Delegation because of the Inter-American System, since he believed that the principles applied in the Americas would apply everywhere. He approved of the Declaration of Chapultepec [96] and did not want the regional principle endangered but COMMANDER Stassen insisted that the principles of the Declaration of Chapultepec could be vetoed by any one of the Great Powers at any time. MR. PASVOLSKY, however, pointed out that aside from the temporary provisions for a hemispheric alliance against aggression during the present war, the Declaration of Chapultepec provided only for consultation. COMMANDER STASSEN replied that it was hoped that the system would develop.

MR. DULLES declared that if the legal basis for collective action were established by regional arrangements and were approved by the Security Council, then it would work automatically. Why not act under the law? MR. PASVOLSKY stated that this position presupposed a world under which the same law applied everywhere; that because there were lacunae in the law, political decisions entered the field. MR. DULLES insisted that the position adopted by Mr. Pasvolsky would have prevented the formation of the American Union. But MR. PASVOLSKY denied this and stated that it could not have prevented the development either of the American Union or the Pan American Union. He was not sure, however, what was going to happen with respect to the Inter-American System in the development of an International Organization on a universal basis. MR. ROCKEFELLER pointed out that the initiative as to regional arrangements at the Mexico City Conference had come from the Latin American states, not the United States.

SENATOR CONNALLY inquired whether under the Dumbarton Oaks Proposals the Security Council had the authority to determine whether regional arrangements should exist and MR. PASVOLSKY replied in the negative, pointing out that it had the authority only to determine whether obligations under such arrangements were consistent with the Charter of the International Organization. There were two theories involved: (1) The theory of regional organizations and an over-all International Organization; and (2) one world organization.

SENATOR CONNALLY doubted the value of regional organizations except as to pacific procedure. In the matter of war and economic sanc-

[96] For Act of Chapultepec, resolution VIII, "Reciprocal Assistance and American Solidarity", see Department of State, *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Washington, 1946), p. 72. For documentation on this subject, see vol. IX, pp. 1 ff.

tions there would not be much value. There was general agreement with this position.

At this point SENATOR CONNALLY directed attention to the "draft statement [97] in support of the retention of Chapter VIII, Section C, on regional arrangements of The Dumbarton Oaks Proposals", which had been approved by the Committee on Security Aspects of Preparation for the United Nations Conference, and asked the military and naval advisers of the Delegation if they had any comments to make. ADMIRAL HEPBURN indicated that he had seen the paper and although he had not had an opportunity to read it carefully, endorsed it. GENERAL EMBICK was fearful lest the Declaration of Chapultepec, by implication, loosen the control of the United States over the Western Hemisphere. He approved of Chapter VIII, Section C, of the Dumbarton Oaks Proposals as it stood, but did not agree that peace was indivisible, since he could think of local disputes, particularly in Latin America, which had produced armed conflict.

GENERAL FAIRCHILD stressed that there was nothing in paragraph 2, Section C, Chapter VIII, which would prevent the Security Council from giving a general prior authority to a regional organization to act. If the Security Council acted in good faith, there was no reason why the Inter-American System could not appeal for prior authority, where a local dispute did not threaten the peace of the world. In that case a regional organization could go ahead without the interference of the veto of an outside Great Power. He thought this was a practical scheme. SENATOR CONNALLY said that this was just the point he had been trying to make. GENERAL FAIRCHILD stated that a regional organization could go ahead as to pacific procedure as paragraph 2 stood and could obtain prior authority for the Council for enforcement action. SENATOR VANDENBERG thought this was implicit but not entirely apparent.

ADMIRAL WILLSON, at this point, indicated that the basic issue involved in regionalism was whether stress was to be laid on the whole or on the parts—whether the whole were to be greater than the parts thereof, or vice versa. While it was true, as Commander Stassen had stated, that China and France might have a veto as to Inter-American regional action, if China had no veto as to this hemisphere, then the United States would have no veto as to any other parts of the world. The Charter, he thought, was quite adequate as a basis for discussion at San Francisco.

ADMIRAL HEPBURN pointed out that the discussion really involved the whole Charter of the Dumbarton Oaks Proposals. The Great Powers had decided to "stick together", and it was necessary to have some faith. He thought the chapter should stand as it was. SENATOR

[97] Not printed.

CONNALLY thought that this was the heart of the problem and ADMIRAL HEPBURN reiterated that the whole thing rested on faith, on promises. The Great Powers were not imposing anything on the smaller powers, but were simply asking them to contribute to the organization of peace. SENATOR CONNALLY stated that in fact only the Great Powers which had the power to make war could enforce the peace. ADMIRAL HEPBURN indicated that no two of the three really Great Powers could enforce their will on the other one. COMMANDER STASSEN stated that he still did not like to see China and France have a veto over possible regional action in this hemisphere, but ADMIRAL HEPBURN said that he did not see how any discrimination could be made, although he thought there was a weak point in the situation. COMMANDER STASSEN cited the possibility that France, with the assistance of a Latin American state, might make trouble, and then wondered what would happen, but ADMIRAL HEPBURN thought the three Great Powers might have the means to bring pressure on France in such a case. MR. ROCKEFELLER stated that it was also possible for France and the Soviet Union to make trouble in Europe.

### REVIEW OF PROPOSALS AND SUGGESTIONS
### CHAPTER XII—TRANSITIONAL ARRANGEMENTS

At this time the Delegation passed on to a consideration of Chapter XII which dealt with Transitional Arrangements. MR. DUNN stated that the Committee on Security Aspects for Preparation for the United Nations Conference had recommended that this chapter stand as it was written. Paragraph 1 provided that pending the entry into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in accordance with the provisions of paragraph 5 of the Four Nations Declaration signed at Moscow on October 30, 1943,[98] "the states parties to that Declaration should consult with one another and as occasion arises, with other members of the organization with a view to such joint action on behalf of the organization as may be necessary for the purpose of maintaining international peace and security."

MR. ARMSTRONG, citing a view of Senator Vandenberg, indicated, however, that paragraph 1 might be clarified to give the Security Council authority to determine when action should be taken. SENATOR VANDENBERG stated that the paragraph did not pin responsibility for initiating moves. MR. PASVOLSKY replied that the reason for this lack of precision was the desire not to commit the United States to the use of force. This was an interim provision based on the Moscow Declaration. SENATOR VANDENBERG said that he was not suggesting any change in procedure but thought the role of the Security Council

[98] *Foreign Relations*, 1943, vol. I, p. 755.

should be clarified. MR. DUNN said that every one of the four powers could initiate action. When SENATOR CONNALLY inquired whether other nations might not feel slighted, MR. DUNN said that no objection had been raised to this chapter. MR. PASVOLSKY suggested that the question would come up at San Francisco and that it might be necessary to refer to the Security Council in drafting at the conference.

MR. DUNN then read paragraph 2 which stated that "no provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present state by governments having responsibility for such action". The Committee on Security Aspects of Preparation for the United Nations Conference had recommended no change. If clarification were needed, however, the following paragraph should be substituted:

"The armaments and armed forces of the enemy states (to be named later) should be governed by the terms of their surrender and by the authority established thereunder. The Security Council should be empowered to take responsibility for assuring the execution of stipulations governing the armaments and armed forces of the enemy states to the extent that such responsibility may devolve upon it in succession to the authority established under the surrender terms."

COMMANDER STASSEN thought that we might not have formal surrender either in the case of Japan or of Germany and therefore, the term "surrender" might not fit the case. It was agreed that the text might be changed to cover the situation, using such a phrase as "terms imposed". SENATOR VANDENBERG wanted to know who would take the responsibility in the matter of the disarmament and control of Germany or Japan, and MR. DUNN stated that the victorious powers would do so, although it was possible that, in time, the international organization might be asked to do so. It was admitted that occupation of the enemy states might endure for years, and that a formal peace might not be made for some time, since one had to be negotiated with a recognized government.

SENATOR VANDENBERG thought that we might run the danger of not disarming Germany and of seeing powers like Great Britain disarm again, which got us into the present war, he thought, and might get us into another world war. MR. PASVOLSKY thought that the victorious powers were responsible for seeing to this but SENATOR VANDENBERG indicated his skepticism as to the set policies of these powers. SENATOR CONNALLY believed that the treaties of peace would take care of this matter but SENATOR VANDENBERG thought this matter would take ten years and MR. ARMSTRONG recalled the failure of the United States Senate to approve the Anglo-French-American Tripartite

Treaty of 1919.[99] It was agreed that this was a separate subject but SENATOR VANDENBERG considered it utterly fundamental.

MEETING WITH THE PRESIDENT

As the meeting was apparently drawing to a close, SENATOR CONNALLY stated that President Truman would receive the Delegation at 9:00 a. m. on Wednesday.[1]

CHAPTER VIII, SECTION A, PARAGRAPH 7[2]

At MR. PASVOLSKY's suggestion the meeting then passed to a reconsideration of Chapter VIII, Section A, paragraph 7, concerning "situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned." MR. PASVOLSKY said it was a question of whether (1) the paragraph should limit the effects of the section to paragraphs 2, 3, 4, and 5, or from 1 to 6; and (2) what provision should be made for determining the question of "domestic jurisdiction". It had been suggested at the last meeting that it might be determined by unanimous agreement of members of the Security Council or the Court of International Justice.

MR. DULLES said that he had objected to this paragraph at the time of his discussions with Secretary of State Hull in the fall of 1944.[3] It was, he thought, a contradiction in terms to say that a matter which threatened the peace of the world was solely a matter of "domestic jurisdiction". How could this be? We had to have limitations as to Section B dealing with action concerning threats to the peace or acts of aggression, but the whole effect of Chapter VIII would be destroyed with such a limitation in it. The Security Council should have authority to consider any matter which threatened the peace of the world.

COMMANDER STASSEN said he thought the Charter would be better off without paragraph 7, but SENATOR VANDENBERG declared that without it there would be no possibility of getting the Charter approved by the United States Senate. COMMANDER STASSEN said that

[99] Bilateral treaties between the United States and France and between France and the United Kingdom regarding assistance to France in the event of unprovoked aggression by Germany, signed at Versailles, June 28, 1919. The treaty between the United States and France was submitted to the Senate July 29, 1919. It was not considered by the Senate and was returned to the Secretary of State by resolution of the Senate February 12, 1935. For text, see *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, p. 757. For discussions in the Council of Four, see *ibid.*, vol. VI, index entries under "France: Guarantee against German aggression," p. 1006.

[1] April 18.

[2] See minutes of meeting of April 12, 9 a. m., p. 269.

[3] For general information on conversations of Secretary Hull with Mr. Dulles, adviser to Governor Thomas E. Dewey, the Republican candidate for the Presidency, in August 1944, see *The Memoirs of Cordell Hull*, vol. II, pp. 1689–1693.

that might be true but he still insisted on his position, pointing out that a state like Argentina might provide bombs and air force, etc., and then proceed to cause trouble and no action could be taken until its forces stepped across a boundary line. MR. ARMSTRONG pointed to the murder of Chancellor Dollfuss of Austria in 1934.[4]

MR. DULLES said that the trouble with international law was that it had reserved the right of any state to do as it pleased, although the Dumbarton Oaks Proposals represented an attempt to break this principle down. He wondered whether something might not be gotten through the Senate. SENATOR VANDENBERG said that a reading of the Senate's comments on the advisory opinions of the Permanent Court of International Justice were not reassuring. COMMANDER STASSEN thought the Senate had probably changed its opinions, since the debate on the court, and paid high praise to Senator Vandenberg's leadership in this respect. SENATOR VANDENBERG stated, however, that this was one of the "fantasies obsessing the Senate". COMMANDER STASSEN said that wars broke out because nations took cover under the concept that their actions fell only within their domestic jurisdiction.

SENATOR CONNALLY was skeptical whether the Senate would approve the idea of permitting the Security Council to decide as to "domestic jurisdiction". MR. DULLES thought it was just a matter of talk in the Security Council in any case. SENATOR CONNALLY thought that "talk" would imply responsibility and action. SENATOR VANDENBERG thought we would be lucky to get by the Senate with the reservations in any case, since the Senate had always thought that the United States should decide what was within its "domestic jurisdiction".

SENATOR CONNALLY said that we were covering virgin territory, and it would be best to proceed conservatively in order to accomplish anything at all. There was considerable objection, he thought, and we must allow experience and the passing of the years to develop the structure of peace. What we were now doing was starting, and he wanted to lay the foundations for success. MR. ARMSTRONG suggested that paragraph 7 might be modified to give the Security Council authority to determine whether a question were purely domestic, pointing out that we have a veto power in the Security Council, an idea which SENATOR VANDENBERG approved.

DR. BOWMAN thought we might accomplish something by leaving out the reference to international law in paragraph 7, since he believed this was restrictive in the sense that international law had developed

[4] Engelbert Dollfuss, Austrian Premier, whose assassination resulted from the Nazi coup in Vienna on July 25, 1934. For documentation on this subject, see *Foreign Relations*, 1934, vol. II, pp. 29–30.

only up to a certain point. MR. SANDIFER thought this would remove the criteria by which the Council should act, although DR. BOWMAN did not mean to remove all standards for such determination. In the last analysis COMMANDER STASSEN thought it best to leave the paragraph as it is since the public had offered no real objection. MR. DULLES confirmed this although Mr. Armstrong pointed out that the Hudson Group [6] had objected to it. MR. DULLES thought that this group and others which would go further—had challenged it because any nation could go to war under it.

FURTHER TOPICS FOR DISCUSSION

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500.CC/4–1745 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, April 17, 1945—8 a. m.
[Received 1 : 22 p. m.]

1911. This afternoon Chauvel raised the question of the desirability of France acting as a sponsor at San Francisco. He said that speaking informally he would like to outline the French position as follows: Although the French Government is not a sponsor it has already engaged in preliminary conversations and discussions in Washington on the question of trusteeship and an international court. In addition it has conducted exchanges of views with the USA Government through regular diplomatic channels. These preliminary conversations and exchanges of views have thus far proved entirely satisfactory. The French Government does not feel that it is in a less favored position or that there will be any discrimination against it because it is not a sponsor. On the whole the French are satisfied with their position insofar as UNCIO is concerned and any effort to change that position at this late date would call for discussions within the Cabinet and would probably take a considerable length of time.

On the other hand "if by becoming a sponsor the French position will be strengthened by concrete advantages or privileges which the sponsors have but which other participating governments do not have the French Government would wish to know so that all elements could be considered in taking a decision." He concluded by stating that France desired to cooperate in every possible way to make the

[6] The Hudson New York Group, a small informal committee convened by Judge Manley O. Hudson, of the Permanent Court of International Justice, met in New York. The group included Raymond B. Fosdick, Arthur Sweetser, Philip Jessup, Herbert L. May, George H. Rublee, Huntington Gilchrist, Frank Boudreau, Malcolm Davis, James T. Shotwell, Frank W. Aydelotte, and Philip C. Nash.

UNCIO a success. Nevertheless in the absence of specific material advantages gained by acting as a sponsor the French prefer to maintain their present position. He requested information as to what special advantages the sponsoring powers have which do not accrue to other participants. (ReEmbtel 1875, April 14.[7])

I know that the Department may be weary of French vacillation but I send this for what it is worth.

CAFFERY

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 11 (Exec)

*Minutes of the Eleventh Meeting (Executive Session) of the United States Delegation, Held at Washington, Tuesday, April 17, 1945, 9 a. m.*

[Unofficial Notes—Extracts]

[Here follows list of persons (38) present at meeting.]

TRUSTEESHIP ARRANGEMENTS

The meeting was called to order by Secretary Stettinius at 9 : 05 a. m.

MR. STETTINIUS announced that he had asked the Secretaries of War and Navy to meet briefly with the American Delegation this morning in order to discuss the question of trusteeship.[8] It was hoped that it would be possible to work out a policy recommendation on this question in the meeting for submission to the President. MR. STETTINIUS emphasized that there was to be no discussion outside of the meeting room on this question until President Truman has reached a decision as to the policy which this Government will follow.

STATEMENT BY SECRETARY STETTINIUS ON TRUSTEESHIP

MR. STETTINIUS traced briefly the history of the trusteeship question. He pointed out that the subject did not come up at Dumbarton Oaks. There was fear that any discussion of trusteeship at those conversations might lead to difficulties and complications in connection with the prosecution of the war. At the request of the Army and the Navy, therefore, who particularly feared that a discussion of trusteeship at that time might lead to disagreement among the Allies on questions affecting territories in the Pacific, the subject was not included in the agenda. At Yalta the matter was reviewed by

[7] Not printed. In telegram 1553, April 18, 7 p. m., the Secretary replied that it would be inappropriate for this Government unilaterally to make any representation to the French Government as to special advantages of the sponsoring powers, inasmuch as the United States was but one of the four powers sponsoring the Conference (500.CC/4–1745).

[8] For summaries of views exchanged at the meeting of April 17, see Henry L. Stimson, *On Active Service in Peace and War*, pp. 601–602; Walter Millis (ed.), *The Forrestal Diaries*, p. 45; and Arthur S. Vandenberg, Jr. (ed.), *The Private Papers of Senator Vandenberg*, p. 169.

President Roosevelt, Marshal Stalin, and Prime Minister Churchill. It was agreed there that the powers who had participated in the Dumbarton Oaks conversations and who were sponsoring the United Nations Conference would meet in preliminary consultations prior to the United Nations Conference on this question. These preliminary consultations have not taken place. Invitations have been sent out to the other nations involved, and their representatives are here, but the consultations have not been held because the three Departments, Army, Navy, and State, have not been able to agree on a paper as the basis of discussion with the representatives of the other nations.

MR. STETTINIUS further announced that the Secretaries of War and Navy and himself had met and had agreed upon a paper on a policy statement for presentation to the President.

MR. STETTINIUS pointed out that on the diplomatic side it was felt that we would be in a weak position if we cannot deal with the question of trusteeship in some way at the San Francisco Conference. The Department, he said, is in complete agreement with the Army and Navy with respect to the necessity for full protection of our security interests, but the Department also appreciates the difficulty in which this country would find itself if it should lay itself open to the charge of expansionist ambitions by pursuing a policy of annexation. An annexation policy would be contrary to the policy consistently followed by the late President Roosevelt. MR. STETTINIUS concluded by stating that he and the Secretaries of War and Navy felt that they had arrived at an agreeable solution and he asked Secretary Stimson if he would wish to make a statement on the subject.

### STATEMENT BY SECRETARY STIMSON

SECRETARY STIMSON stated that the position of the War and Navy Departments has been, and Secretary Forrestal and himself feel strongly, that under no circumstances should anything be done which would prevent the American Government and Delegation from presenting a united front at San Francisco. This, said SECRETARY STIMSON, tended to put Secretary Forrestal and himself in a somewhat difficult position. He stated that he knew nothing of the Yalta agreement on trusteeship until the results were made public.

SECRETARY STIMSON continued that in the treatment of the question of trusteeship it is imperative from the standpoint of the safety of the United States that there should be an understanding of the difference between the kind of bases we feel essential to the safety of the United States in the Pacific and the territories out of which the whole system of mandates and trusteeship has grown. SECRETARY STIMSON expressed the view that the question of mandates in the last war was completely different from the question of bases in this war. The

territories dealt with at the end of the last war were the colonies of Germany and the territories to be taken from Turkey. These were colonies and territories with substantial economic resources and significant populations. With respect to them there was a danger of an exploitation of the resources and the populations by the enemy nations, and there was also a little difficulty of possible acquisitive tendencies among the victorious nations. These territories were disposed of in such way that a strong light played on their population and resources. This was done in order to prevent their exploitation. These big territories were therefore held as a trust of the world, although that objective grew slimmer and slimmer as the years wore on.

This was the basis of President Roosevelt's position in this war. We in the United States have no desire for the acquisition of any kind of territory, but the kind of bases, said SECRETARY STIMSON, which those in the military departments are interested in are primarily not exploitable bases. Some of them have almost no population and almost no resources, and many of them are mere atolls in the Pacific.

The purpose for which we anticipate that such bases will be used in the future may be appraised by an examination of United States history. The United States has been, and particularly through this war, not an exploiting nation. We have been fighting a battle of freedom and justice. We have not sought to exploit any territory beyond our own lands. The United States has been seeking to keep the Pacific in a condition of freedom, and it is for this that we have fought and it is for this that we have already rescued Australia and the Philippines and that we are preparing to rescue China and the Netherlands East Indies. These things are inextricably connected. The United States is not taking a selfish attitude but is nevertheless much concerned that its own safety will be preserved.

SECRETARY STIMSON remarked that this peculiar position of the United States in the Pacific has not been made clear in the press reports and in the discussions of this subject. If anyone is looking for an exploiter the United States can say, "don't look here".

This, said SECRETARY STIMSON, is the background of the question. The next question concerns the methods of insuring that safety which we must have. For that we civilians must turn to our military advisers, who are experts on these questions. It is clear that the nation on whom responsibility for defense and security is thrust needs bases. If we are to have a naval base, for example, it is absolutely essential that there be complete control of that base. Naval bases are just as essential as battleships and supply lines. The advice of the naval and military officers is that control of a base must be complete, and Secretary Stimson pointed out that he was deliberately avoiding the use of "sovereignty". What he had in mind was that

management over such areas must be complete. This would be the only insurance against espionage, and the only means of protecting military installations.

THE SECRETARY explained that President Truman was waiting to meet the Delegation and that they would return to the meeting within a few minutes. The Delegates left at 9:24 a. m.[9]

On their return SECRETARY STETTINIUS stated that he had mentioned to the President the fact that the Delegates and the Advisers were engaged this morning in a discussion of the question of trusteeship. The President stated that he would meet the Secretaries of State, War and Navy whenever the discussions on trusteeship were completed.

Continuing his statement SECRETARY STIMSON observed that the interests which he and Secretary Forrestal were trying to protect in these discussions did not infringe on the concept of trusteeship. To a large extent, he said, it is a question of the atolls which this country will have to keep, and it is also necessary to avoid the paths of danger for possibly aggressive nations. He called attention to the error of our ways after the last war, and this, he said, had been burnt into his soul. After the last war, when the question of the disposition of the mandates to Japan was up for consideration, Mr. Wilson had been approached on the effect it would have on the Philippines.[10] We had for twenty years been building up the Philippines.

SECRETARY STIMSON stated that when he went to the Philippines in 1928 it had been his duty as Governor General [11] to know the defense lines. Everyone knew then that Corregidor and the Philippines were defenseless even with the power of the United States. THE SECRETARY OF WAR continued that it was then his unhappy fate that what he predicted would happen and what we had known would happen did happen. He stated that he was at the other end at that time and saw that fate carried out on those doomed islands under our Flag. We tried to get arms to them but could not sail the seas or fly our planes because we were cut off by Jap-held bases. Reinforcement was practically impossible. We had to see those doomed men, the garrison at Corregidor, and that Commonwealth trampelled under by unspeakable methods of warfare,[12] all because we had allowed the gates to be

[9] No memorandum of conversation between President Truman and the delegation found in Department files.

[10] For an explanation of the United States interest in the Japanese mandated islands, in relation to the Philippines, see memorandum by the Third Assistant Secretary of State (Long), December 14, 1918, *Foreign Relations*, The Paris Peace Conference, 1919, vol. II, p. 512. For the attitude expressed by President Wilson, see David Hunter Miller, *My Diary at the Conference of Paris*, vol. I, p. 100.

[11] See Henry L. Stimson, *On Active Service in Peace and War*, pp. 117 ff.

[12] See Louis Morton, *The Fall of the Philippines*, in the official Army history *United States Army in World War II: The War in the Pacific* (Washington, Government Printing Office, 1953).

shut between us and those wards of ours. Our obligations and ties, he emphasized, will not be a bit less moral after the Philippines achieve their independence. They speak our language; they practice our religion; we must keep that gate open.

SECRETARY STIMSON continued that after the last war we accepted the mandates system and then committed a further folly—the Four-Power Treaty [13]—which made the doom of those men in the Philippines even more certain. We saw what happened to the mandates and to the Four-Power Treaty when an aggressor power was on the loose. We cannot afford to make the same mistake twice. The role of the United States between East China and the Philippines must be such as to guarantee our ability to protect the Philippines. We cannot allow the necessity of the draftsmanship of the artifices of treaty-making to destroy what we in common sense know must be done. There are two essentials: (1) the United States must be affirmatively provided with full power over necessary protective bases; (2) we must have our eyes peeled as to what aggressive-minded but now quiet nations may wish to do. This can be worked out within the framework of international cooperation.

SECRETARY STETTINIUS expressed thanks to Secretary Stimson for his statement.

### STATEMENT BY SECRETARY FORRESTAL

Secretary Forrestal was then called upon to make a statement. THE SECRETARY OF THE NAVY began by saying that he was conscious of the fact that we are not the makers of policy. He considered it a restatement of the obvious to say that the world recognizes that the security of the Pacific depends upon the United States and therefore on the air and naval power of the United States. It follows, therefore, that the United States must have the means to implement this responsibility. The Navy, he observed, was in a difficult position because there was uncertainty as to what we are responsible for, and he appreciated this opportunity to present what naval people think they need.

SECRETARY FORRESTAL emphasized that he was not talking about isolated bases—pin points— but a system of defense in the Pacific. He then outlined the four essential American defense routes in the Pacific in 1943 and stated that we had lost the middle route which interdicted in the number one route, had only a toe-hold in the third route and decided to hold the fourth route in the South at all costs. We were able to make our hold on the third route firm after Guadalcanal.

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[13] For the treaty between the United States, the British Empire, France, and Japan, signed at Washington, December 13, 1921, see *Foreign Relations*, 1922, vol. I, p. 33; Department of State Treaty Series Nos. 669 and 670; or 43 Stat. (pt. 2) 1646 and 1652.

SECRETARY FORRESTAL stated that in the present draft the Navy people would like and would hope that that concept would be approved that whatever abstract ideas of trusteeship may be evolved there will be no commitment with respect to the islands in the Pacific which the United States occupies or will occupy without naval approval. SECRETARY FORRESTAL stated it as his view that American retention of power in such islands would not be inconsistent with the items embodied in the trusteeship concept. Power must remain with the people who hate power.

SECRETARY STIMSON stated at this point that it was his understanding that this would be an executive session and that discussion should be confined to this session.

### DISCUSSION ON TRUSTEESHIP

SECRETARY STETTINIUS pledged on behalf of the Delegation and all others present that the statements made in this meeting would be confined to this room.

SENATOR CONNALLY observed that the chief difficulty would appear to be the kind of tenure the United States would have in the island bases. He pointed out that some theorists hold that title to the mandated territories is vested in the League of Nations. SENATOR CONNALLY stated that he was in entire agreement that the United States should not come out of this war stripped of the strategic bases in the Pacific which are necessary to the security of this country and of the world. He remarked that we may have some difficulty with other nations with respect to the kind of tenure we will have in these islands.

SENATOR VANDENBERG inquired whether any of the essential bases have any substantial population. SECRETARY STIMSON stated it as his understanding that most of them have little or no population. SENATOR CONNALLY inquired if any consideration had been given to the possibility of American bases on New Caledonia. SECRETARY FORRESTAL stated that consideration had been given to this matter in connection with the development of a strategic system in the Pacific under which we may need to have rights in places such as New Caledonia.

REPRESENTATIVE BLOOM inquired whether the original mandates were outright possessions and whether the terms of transfer from the mandate status to the trusteeship status would have something to do with our position in them.

SECRETARY STIMSON stated that the mandatory was the trustee and could not fortify the mandated territories. He repeated that under a new system the United States must have full control in strategic areas and that this is not a question of who is the trustee or holds title. The question, he said, is really one of management involving full control, including the right to fortify.

REPRESENTATIVE EATON emphasized the importance of building up a strategic system and that this would be our responsibility for being out there. He stated that it would never be possible to get anything through Congress that didn't protect American interests in the Pacific.

COMMANDER STASSEN stated that these bases are as an essential a part of our armament as guns and ships. It is essential that these land bases must be under our own control. In some places there may be joint international bases, but these should not and cannot take the place of or interfere with our own defense network, but in the base areas for which we will be responsible we do have an obligation to protect the native population and not to exploit selfishly the economic resources of the area. We should agree that we will not do this and should accept an accountability for our administration.

SENATOR CONNALLY suggested the Army and the Navy might prepare a memorandum of the bases they would need.

SECRETARY STETTINIUS read a recommendation which had been drawn up by the Secretaries of War, Navy and State.[14] In these two paragraphs, he said, it was the feeling of the three Secretaries that the situation might be covered, and the approval of the recommendation was suggested to the Delegation, prior to its submission to the President. SECRETARY STETTINIUS added that he would think it advisable to make this statement public prior to the San Francisco Conference because of the wide public interest and discussion of the subject. The statement was read to the Delegation.

COMMANDER STASSEN objected to the phrase "we do not seek annexation of territory", and SECRETARY FORRESTAL explained that annexation would be considered only as a last resort. REPRESENTATIVE EATON observed that while the United States would not seek annexation, it would undertake it if it became necessary.

COMMANDER STASSEN remarked that in his view it would be carrying forward a confusion in thinking to employ the words "we do not seek the annexation of territory". SECRETARY STIMSON pointed out that at San Francisco the machinery of the system would be constructed, but there would be no determination of what territories would go under it.

COMMANDER STASSEN stated that it should be the policy of this Government that any bases which are essential to the security of the world and to our own security would be held in trusteeship, and that we would define the terms of the trusteeship. SECRETARY STIMSON observed that he preferred that approach, but that he recognized that the Secretary of State is confronted by certain reactions. SENATOR CONNALLY said that he saw no objection to taking Japanese territory.

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[14] Draft recommendation not found in Department files; for final draft, see memorandum to President Truman, April 18, p. 350.

DEAN GILDERSLEEVE remarked that on the whole she agreed with Commander Stassen's statement. We should, she said, make it clear that we don't intend to grab, but we do intend to hold what is necessary for our security.

SENATOR CONNALLY said that we are going to take these islands and hold them, but if we hold them under trusteeship we might get in difficulty with our Allies. The implication, however, is clear that we are going to take them and hold them. In his view we would be doing too little too fast in making a public statement. He said that it might be advisable to make a clear declaration, but that it should not be published at this time.

THE SECRETARY stated that all that is wanted is to agree on United States policy with respect to the subject of trusteeship at San Francisco.

SENATOR VANDENBERG stated that Congressional opinion is totally in sympathy with the position of the Secretaries of War and Navy. He suggested the substitution of "indispensable" for "necessary" in the next to the last line of the statement, and the deletion of the reference to annexation. SECRETARY FORRESTAL stated that he would prefer the retention of the word "necessary" and Senator Vandenberg withdrew his suggestion.

DR. BOWMAN stated that Secretary Stimson had used an expression which might stick in the minds of all present, and that was the Secretary's warning against putting our trust in a network of treaties. All conditions require that we cannot turn these islands over to a network of treaties, he said. We must remain in them. It is very easy to talk on that side of the problem. Moreover, it is no good assuming that we solve the problem by an appeal to the patriotism of the people. It is a question of timing. If we take unilateral action we destroy what we are going to San Francisco to achieve. We have been led into a situation in which the world expects us to do something on trusteeship. We are faced with such questions as whether we wish Somaliland to go to the British. We will have to participate in its disposition. What in this situation is our safeguard? It is in the fact that we have set up a principle—a principle of trusteeship in the interests of the natives.

DR. BOWMAN stated, however, that he was not ready to discuss a text he had not seen, but that he could be ready to discuss it on the following morning after an opportunity to study it.

He continued that it would be possible for this country to participate within the framework of a trusteeship system without any impairment of our military necessities. He stated that he would be willing to take the military version of this system without quibble, but he emphasized that it is important to nail down the position on the other side—that no matter how few the people in a particular

territory, to insure that our obligation to those people will be discharged, because if this should be given up there would be no defense at all in dealing with Britain and Russia. We would be at the bar of opinion, and if we accept the trusteeship system we will be able to say that we have taken a position.

COMMANDER STASSEN observed that it appeared that Dr. Bowman had misinterpreted the position of the Delegation. There was no intention to retreat from the idea of a trusteeship system, and there is a recognition and acceptance of the fact that we must account for what we do in territories for which we are responsible, but there must be a distinction in the degree or in the terms of the trusteeship in the strategic areas on the basis of military requirements. COMMANDER STASSEN pointed out that he had spoken about the desirability of trusteeship two or three years ago and that he had no intention of retreating one whit from the needs and the right of the peoples of such territories.

MR. BLOOM inquired whether there might be several kinds of trusteeship, and COMMANDER STASSEN replied that in some areas the trustee would be an individual nation; in others the trustee would be a joint agent.

SENATOR CONNALLY cautioned that it would be proceeding on a very tenuous basis if it should be assumed that this country is going to get what it needs easily.

MR. TAUSSIG suggested that if it should be decided, as Dr. Bowman had implied, that there could not be agreement on a statement at this meeting, that then the military people might outline their needs.

### VIEWS OF INTERDEPARTMENTAL COMMITTEE

MR. PASVOLSKY remarked that it is necessary for us to decide quickly the basis on which we would wish to negotiate. He pointed out that the interdepartmental committee on trusteeship had been working on this problem for some time and outlined the points on which agreement had been reached in this Committee. The trusteeship system was to be established under the Organization. There would be no reference to the territories to be placed under the system. The basic objectives would be broadly stated and there would be procedures and machinery on the basis of which the system would operate. Each territory would be subject to a separate agreement. A distinction would be made between the strategic and nonstrategic areas. The trusteeship arrangements would take into account such factors as the geographical situation of the territory; the stage of development of the people, its economic resources, etc.

MR. PASVOLSKY pointed out that under this system it would be entirely possible for the United States to control any territory it might

need and want. With respect to the question as to who are the title holders, MR. PASVOLSKY noted that the policy had been laid down by former Secretary of State Hull to the effect that the title is vested in the peace treaties. The initial arrangements affecting the Japanese mandated islands, therefore, would have to be made between the three residual Principal Allied and Associated Powers, namely, the United States, the United Kingdom, and France. On this basis, said MR. PASVOLSKY, nothing could be settled affecting these territories without United States consent.

GENERAL DISCUSSION ON TRUSTEESHIP

SECRETARY STIMSON pointed out that the United States would also have established certain rights of title deriving from occupation of the islands. MR. PASVOLSKY affirmed this, adding that our position would be actually one of the three title holders, and we would also be in possession.

SECRETARY STIMSON observed that he would be opposed to the suggestion made by Mr. Taussig of detailing the military needs. If this were attempted, he pointed out, something would surely be left out. GOVERNOR STASSEN added that in any case this would be done in the Charter for each specific territory as it was placed under the system.

MR. DULLES observed that there was in his view not a real difficulty involved. The trusteeship was originally a legal device and it was not intended to deal with military questions such as those under discussion. The new organization, he said, should have the authority to look into the condition of colonial peoples. This, he said, is not inconsistent with the right of military defenses. He could see no conflict in this respect. All that is needed, continued MR. DULLES, is to set up an organization with the power to look into these questions.

MR. FORTAS remarked that the problem of dependent peoples has in the past created a great deal of unrest in the world, and it will continue to do so. He referred to the work of the interdepartmental committee as showing the possibility of achieving strategic needs on the one hand and at the same time of erecting machinery to meet the needs of the dependent peoples on the other. In the view of Mr. Fortas it is entirely possible to reconcile these two points. With respect to the question of annexation, MR. FORTAS pointed out that if we were to confine our discussion to the Japanese mandates a simple result could follow—they could be annexed, but he cautioned, if that were to be done, if the United States were to take a position in favor of annexation, an international grab bag would surely follow. In that event we might well find that our tremendous military and security interests in other parts of the world would be prejudiced. MR. FORTAS

also advised that an effort should be made to avoid becoming legalistic on these questions.

MR. STETTINIUS suggested that a redraft of the statement be undertaken for the purpose of establishing United States policy for submission to the press.

SECRETARY STIMSON stated that he had taken an extreme position in his statement and that what is really wished by the military people is "full control".

MR. STETTINIUS inquired whether he represented the view of the Delegation accurately in assuming that they would wish more time to study the question. It was agreed that the matter would be taken up at the meeting of the Delegation on the following day.

COMMANDER STASSEN stated that he was opposed to complete annexation of any territory by this country.

The Secretary of War, the Secretary of the Navy, and the military advisers and staff left the meeting.

### PRESS STATEMENT ON WORK OF THE DELEGATION [15]

. . . . . .

### FURTHER TOPICS FOR DISCUSSION

THE SECRETARY asked what further topics remained for discussion. MR. PASVOLSKY indicated that there were three important points of substance still to be covered: (1) amendments, (2) an introductory statement on Chapter IX, Arrangements for Economic and Social Cooperation, and (3) completion of the discussion of domestic jurisdiction. MR. PASVOLSKY recommended that the three questions listed on the Agenda for discussion with advisers for Commission 4 should be studied by the staff between now and its arrival in San Francisco, and that recommendations would then be made to the Delegation. THE SECRETARY asked which questions Mr. Pasvolsky referred to, and MR. PASVOLSKY replied that the three questions were: (1) juridical status, (2) registration of treaties, and (3) inconsistent obligations.

At MR. PASVOLSKY'S suggestion it was generally agreed that the Agenda the following day would include: (1) trusteeships, (2) amendments, (3) domestic jurisdiction, and (4) reconsideration of Chapter IX, Section A—Economic and Social cooperation—and that following the clearing up of these points the Delegation would begin its general review of the decisions made during this series of meetings. MR. PASVOLSKY suggested that discussion of Chapter X could be deferred until San Francisco, and the Secretary agreed.

### LANGUAGE OF REPORT OF JURISTS' COMMITTEE

THE SECRETARY announced that Mr. Hackworth had a question he wished to raise with the Delegation.

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[15] See Department of State *Bulletin*, April 22, 1945, p. 724.

MR. HACKWORTH commented that the question was a very important one but that it would take only a brief time for him to present it. The question, he said, was what language the report of the Jurists' Committee and the draft statute of the court should be printed in. He reported that the Soviet Union wished to print the report in five languages, and that a heated debate had taken place on this matter,[16] since there was considerable opposition to printing the report in any languages other than English and French.

THE SECRETARY commented that it had been agreed by the sponsoring governments that they would recommend that there would be five official languages at the Conference and that all basic documents would be published in these five languages. He thought, therefore, that the suggestion of the Soviet Union was quite in line with our position. MR. HACKWORTH explained that the British representative had apparently not heard of this decision and that there was some confusion, although the point the Secretary had made had been stated during informal discussions following the main meeting. MR. HACKWORTH noted that it would be very difficult to find adequate time to prepare five translations, and that it would be impossible to postpone the translations until San Francisco, since some of the individuals not going to San Francisco would have to sign the document here. On the initiative of the Secretary the Delegation agreed that the report of the Committee of Jurists together with the statute of the court should be published in five languages. MR. HACKWORTH asked whether he was authorized to tell the Jurists' Group that this system of five languages had been agreed upon for the main Conference. THE SECRETARY said that Mr. Hackworth should simply agree to the Soviet proposal that five languages be used in printing the jurists' report and that he leave the other question in the hands of the delegation. He added that this was one of the questions which would be talked over with Mr. Molotov.

MR. HACKWORTH noted that to use other than English and French opened too many demands for other languages, including Greek for example, and that the larger number of languages that were recognized the more feelings would be hurt. THE SECRETARY explained that the political experts had given considerable attention to this question, and had advised him that French, Spanish, Chinese, Russian and English should be adopted as official languages. He thought if there were more time to discuss the matter a good justification could be made for this decision.

THE SECRETARY said that he had heard very good reports of the work of the Jurists' Committee and of Mr. Hackworth's chairman-

[16] See summary of tenth meeting (Jurist 58, G/46, April 16, 1945), UNCIO Documents, vol. 14, pp. 212 ff.

ship, and that he assumed that everything was going well and the revised statute would be ready for San Francisco. MR. HACKWORTH commented that there had been many difficulties, but that good progress had been made and a statute would be ready. He stressed that the spirit throughout had been cooperative.

. . . . . .

The Secretary adjourned the meeting at 11:45 a. m.

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500.CC/4–1745

*Memorandum of Conversation, by the Secretary of State*

[WASHINGTON,] April 17, 1945.

| Participants: | *Department of State:* | *British:* |
|---|---|---|
| | Mr. Dunn | Mr. Eden |
| | Mr. Hiss (part of the time) | Mr. Dixon |
| | Mr. Noyes | Mr. Makin |
| | The Secretary | Mr. Allen |

Mr. Eden, at his request, called upon the Secretary bringing with him his aides. After a short talk alone, the Secretary called in Mr. Dunn, Mr. Hiss, and Mr. Noyes. Mr. Eden called in Mr. Makin and Mr. Dixon.

A. SAN FRANCISCO MATTERS

1. *Chinese Position*

The Secretary told Mr. Eden that he just had a very satisfactory conference with Foreign Minister Soong of China.[17] Among other things, Mr. Soong had told him that the Chinese Delegation was strongly in favor of setting up a United Nation Organization at San Francisco and would cooperate in every way with the United States and the United Kingdom in making the Conference a success.

2. *Foreign Ministers Meeting re Conference*

It was agreed after discussions that the four Foreign Ministers representing the sponsoring powers should hold a meeting, if possible, this coming Saturday[18] to go over and settle various matters regard-

[17] In a memorandum of April 17 to President Truman, Secretary Stettinius transmitted a letter from Generalissimo Chiang Kai-shek to President Roosevelt, April 6, which Foreign Minister Soong had presented to him that afternoon, and the Secretary suggested that President Truman receive Dr. Soong, as he had the British and Soviet Foreign Ministers. Secretary Stettinius noted in his *Diary* of 15–23 April that the Generalissimo had informed President Roosevelt in his April 6 letter that he had appointed Dr. Soong as Chief of the Chinese Delegation with full power to "conclude all agreements of a political, economic and financial nature with your Government." For President Truman's comments on his meeting with Dr. Soong on April 19, see *Memoirs by Harry S. Truman*, vol. I, p. 66.

[18] For minutes of meeting of the Foreign Ministers to discuss procedural matters concerning the Conference, April 23, 9:35 p. m., see p. 363.

ing the organization of the Conference. Mr. Stettinius asked Mr. Hiss to plan to stay over the weekend in order to attend this meeting and to accompany him on his plane to San Francisco.

3. *Chairman of the Conference*

There was a discussion of the alternative proposals of having a single Chairman or a rotating Chairman. The Secretary stated that it was our position that in order to have effective operations, it was essential that there be one Chairman who could be responsible for directing the Secretary General on all matters relating to the Conference. We felt that one of the sponsoring powers should provide the Chairman but did not care from which country he came. Mr. Eden felt that the Secretary should be chosen in view of the fact that the U.S. was the host. It was agreed that Mr. Hiss would raise this issue on Saturday as one of the matters on the agenda for the Foreign Ministers and that either Mr. Eden or Mr. Soong would propose that Mr. Stettinius should be named as the permanent President of the Conference.

The Secretary explained what we had in mind in regard to the President and three Vice Presidents, we felt that the burden of presiding at plenary sessions would be too great for one man. We also desired to recognize the position of the sponsoring powers. We propose, therefore, that there should be a permanent President, and that the other three Chairmen of the Delegation of the sponsoring governments should be named as Vice Presidents. The President would preside over the first plenary session, and from then on he and the Vice Presidents would rotate as presiding officers. Mr. Eden raised a question as to whether this system would be practical and suggested that Mr. Stettinius preside at every meeting. Mr. Stettinius and Mr. Dunn both said that we felt it was better to have a rotating system. Mr. Eden asked, if this was the case, what were the Russians objecting to. Mr. Hiss stated they were insisting on four Chairmen entirely equal in name and prestige. The Secretary pointed out that this would not only cause great confusion but would provide a poor precedent for the International Organization itself.

4. *Membership of the Executive Committee of the Steering Committee*

Mr. Eden said that he had just come from a meeting of the British Commonwealth in London.[19] He was in agreement with our proposed list of nations to sit on the Executive Committee with one exception. He proposed that Iran be eliminated and that Australia be put in its place. The Secretary pointed out that it would be very difficult to have three British members on an Executive Committee of only eleven. Mr. Eden pointed out that there were no small or medium powers from

[19] The Dominion Prime Ministers held a conference, beginning April 4, to discuss the proposals on international organization.

the Pacific on the Executive Committee; that Australia had participated wholeheartedly in the war, and was prepared to take a substantial part in security arrangements for the peace. The Secretary and Mr. Dunn continued to raise objections to the British having three members on the Steering Committee. Mr. Dunn said that while the U.S. did not object, other nations most certainly would. He felt it might endanger the Conference and even react on the British themselves if they presented this point. He thought this was particularly true since it so happened that there were eleven members on the Executive Committee, and it was also proposed that there should be eleven members on the Security Council. Membership of the Executive Committee might therefore be considered as the forerunner of the Security Council, particularly if the membership of the Executive Committee got along well and worked out successfully. He suggested that if the British were to have three members on the Executive Committee, it might be wise to increase membership beyond eleven so that there would be no precedent. Mr. Eden said that he thought the point of the same number had been intentional and that it was wiser to leave the membership as it stood. Mr. Eden said that he thought it was essential that Canada should be a member, and he thought Prime Minister Smuts would be an enormous help; that he had stood out head and shoulders above the rest at the Commonwealth Conference. He was sure that Mr. Smuts would make a large contribution as he was strongly in favor of the Organization. He also stated that the British were clear that Canada had a prior right to membership on the Executive Committee as against Australia. He had informed Mr. Evatt of this fact. He suggested that they would send a message to Mr. Evatt advising him of our difficulties in accepting the proposal which he had made.[20] He suggested that possibly Australia might be given one of the one year term seats on the Security Council which were provided for in the Charter. Mr. Dunn thought this might be possible.

The Secretary stated that he did not think that the membership of the Executive Steering Committee necessarily set a pattern for the Security Council. Mr. Eden agreed but thought as a practical matter that it probably did.

Mr. Eden said that he did not agree to our recent suggestion that Czechoslovakia should be eliminated in favor of Chile. Mr. Dunn stated that we had dropped this proposal after the Russians had objected. It was stated that the Russians had urged that Yugoslavs should be given a seat on the Executive Committee instead of the Netherlands since they had suffered more and contributed more to

[20] Australia had asked for representation on the Executive Committee since there were no countries representing the Southwest Pacific area (minutes of first meeting of "Big Four" Foreign Ministers, April 23, p. 363).

the war effort. Our answer to that was no. Mr. Eden agreed, and said that it was essential to have one of the small Western European powers represented on the Committee.

5. *Official Language at the Conference*

The Secretary asked Mr. Hiss whether he had any urgent problems. Mr. Hiss said that the most urgent problem was the question of the official language. The Russians had taken an absurd position on this issue demanding that all important documents of the Conference be printed in Russian. In view of this position, the Chinese had also demanded that anything that was printed in Russian would also have to be printed in Chinese. This was out of the question, as we had few printers who could print in Chinese. Our position was that Russian and Chinese should be among the official languages but that we would not currently print all documents in those languages but would print the final document in those languages and have original signatures on those documents after the Conference was completed. Mr. Eden agreed to our position.

6. *Procedure for Steering Committee*

Mr. Hiss explained that the Steering Committee would have on it the Chairmen of all the Delegations—46 people. It would have as its operating arm the Executive Committee of eleven. It was expected that the Executive Committee would be the key organ for making decisions at the Conference. The Executive Committee would be expected to settle the major issues and prepare papers, recommendations and agenda for the Steering Committee as a whole. It was suggested that the Steering Committee would accept the recommendations of the Executive Committee. He stated that the session on the opening day would not be considered a plenary session of the Conference but would be a formal opening in which the U. S. will welcome the Conferees. The session is expected to last one-half hour. The Secretary said President Truman would open the Conference with a short speech from the White House and there would be a band present. After a few ceremonies and short speeches by the Mayor and Governor Warren,[21] the Secretary would close the meeting with a five minute address. Mr. Hiss said that the next morning the Steering Committee would hold its first session to organize the Conference. There would be no nomination committee as such matters would be handled by the Steering Committee. In any case, a great many decisions would already have been made. It was hoped that the Steering Committee could present to the first plenary session, the afternoon of Thursday, April 26th, a complete document outlining the Organization of the Conference. The first plenary session would be devoted

[21] Roger D. Lapham, Mayor of San Francisco, and Earl Warren, Governor of California.

to speeches by the Chairmen of the Delegations. It was planned that the President of the Conference would make the first speech and that the Foreign Ministers of the sponsoring powers would follow in alphabetical order. Mr. Eden wondered whether this would be wise and suggested the advisability of holding one or two of these speeches until later on so that a rebuttal, if necessary, can be made of the proposals raised. Mr. Hiss said that the publicity and radio people were very anxious to have the Foreign Ministers of the sponsoring powers speak on the first day. Mr. Eden acquiesced. It was agreed that the speeches should be limited to around fifteen minutes. It was decided that Mr. Hiss would prepare an agenda for the Foreign Ministers Conference Meeting on Saturday.

## B. Poland

Mr. Eden stated that he had just received a telegram from Moscow to the effect that since Harriman and Clark-Kerr had left, there was no longer the same urgency to deliver the message from the President and the Prime Minister to Stalin.[22] He [23] and the American Ambassador had therefore agreed to delay action until Wednesday morning April 18th to permit further changes to be made if the Prime Minister and Eden desired. If no word was received prior to that time they would send to Stalin the original message agreed upon. Mr. Eden stated that two new events had occurred since discussing this previously which might change our position. The first was that the Russians had informed us that they were about to sign a mutual assistance pact with the Lublin Government of Poland. The Secretary stated that we had received a cable to this effect [24] also, and was disturbed by it. Mr. Eden said that the Russians had come out again publicly demanding that the Lublin Poles be represented at San Francisco if no new government had been formed by that time. He stated that Ambassador Clark-Kerr had urged very strongly against making any concessions whatever in our joint telegram as the Russians would construe it as a sign of weakness. He thought there was still time to make a change if it was decided that such a change as Clark-Kerr had suggested was considered favorably.

The Secretary and Mr. Dunn both stated that they felt that no change should be made even though there might be time to do so. Mr. Dunn stated that we had received a similar message from our Embassy and had already telegraphed a reply instructing our Embassy to deliver the message as previously instructed.[25] Mr. Dunn

[22] See draft message from President Truman to the Ambassador in the Soviet Union quoting text of the proposed joint message, vol. v, p. 219.
[23] i.e., Ambassador Clark Kerr.
[24] See telegram 1198, April 16, 7 p. m., from Moscow, vol. v, p. 225.
[25] See telegram 882, April 16, 4 p. m., to Moscow, *ibid.*

gave our views on this matter at some length. He said that we felt it would be a mistake to demand that five Poles other than the Lublin Poles be brought from inside Poland to Moscow as the Russians would never agree to this. Any attempt to get them to do so would just be butting our heads against a brick wall.

It was agreed to stand by the original message. During this discussion, the Prime Minister called Mr. Eden and Mr. Eden advised that the Prime Minister agreed with this position.

Mr. Eden stated that there was considerable risk that Mr. Mikołajczyk would not proceed to Moscow at all if the non-Lublin Poles selected from Poland itself were not representative of the Polish people. The Secretary and Mr. Dunn agreed that this presented a problem. Mr. Eden stated that he might want some help from us to prod Mr. Mikołajczyk into going. The Secretary said he would be glad to do so.

Mr. Eden stated that the British were considerably disturbed at the prospect of a mutual assistance agreement being made between the U.S.S.R. and the Lublin Poles at this time. He suggested that we both ask the Russians to postpone action until Mr. Molotov arrived and he (Eden) and the Secretary had a chance to talk to him about the matter. The Secretary agreed and instructed that such a cable be sent.[26] Mr. Dunn felt that the Russians were going to proceed with this treaty regardless of any objections on our part, and that all we were doing in any case was to make our position a matter of record.

The Secretary told Mr. Eden that the position which the Catholics had recently taken in connection with the International Organization was very serious.[27] He felt that this position was accounted for largely by the failure of the Polish negotiations and fears about what the Russians were going to do. Mr. Dulles had told him that while a few weeks ago sixty percent of the religious organizations were in favor of the Organization now it was only fifty-fifty. The Secretary suggested that Mr. Eden have his people brief him on this.

### C. Argentina

Mr. Eden asked the Secretary what the latest position was on Argentina. The Secretary said that we were in a difficult position at the moment because the Argentine Government had requested that

[26] Telegram 899, April 17, 7 p. m., to Moscow, vol. v, p. 227.

[27] Reference here is to a statement issued by the Archbishop and Bishops of the Administrative Board of the National Catholic Welfare Conference, released April 14, expressing doubt and fear about certain provisions in the proposed Charter, such as the voting procedure in the Security Council, deploring the Polish problem and the enslavement of the Baltic States, and calling for the re-establishment of liberated European countries under genuine democratic regimes.

in accordance with the Mexico City Agreements they should be permitted to sign the United Nations Declaration.[28] Mr. Eden said that the British had no objection. The Secretary said that the Latin American Republics had none either but that we were quite sure that the U.S.S.R. was not prepared to agree. He said we had not yet decided what to do. He had told Mr. Rockefeller to advise the South American Ambassadors with whom he was discussing this matter that he, the Secretary, was prepared to take this matter up and discuss it with the Foreign Ministers when they arrived here later this week but that he was not prepared to request or propose favorable action. He felt this would hold the situation only temporarily. The Secretary said he thought recognition was one thing but acceptance as a United Nation was another. The United Nations had grouped together to stop the enemy and now we should go slowly before permitting the Argentine to join. . . .

Mr. Eden said this was fundamentally a U. S. decision and that he would support us in any decision we made but would not himself push the Argentine case. The question was asked as to whether the Argentine request involved the matter of an invitation to the Conference. The Secretary stated that this had not arisen yet but we did expect it in due course, and that if they became a United Nation during the Conference, the matter might have to be put to a vote in the Conference as to whether Argentina would be permitted a seat. Mr. Eden seemed somewhat surprised at this and wondered what would happen in that event.

The Secretary called Mr. Rockefeller into the meeting and he asked him to explain to Mr. Eden the Argentine situation as he saw it. They had a private discussion of five or ten minutes.

[Here follow sections D through G concerning Holland, Austria, Sweden, and prisoners of war.]

E[DWARD] S[TETTINIUS, JR.]

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500.CC/4–145 : Telegram

*The Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, April 17, 1945—7 p. m.

898. Gromyko has qualified Soviet approval of invitations to governmental international organizations to send unofficial observers to San Francisco by the condition that no such observers be nationals of countries not participating in the Conference.[29] Your 999, April 1,

[28] See telegram 2646, April 5, 5 p. m., to London, p. 199.

[29] At the third meeting of the Informal Organizing Group on April 13, Ambassador Gromyko stated that he had received new and specific instructions on this subject; see minutes of meeting, pp. 283, 285. Mr. Kapustin was informed by telephone on April 17 that on that date Sean Lester was leaving the United Kingdom as an official observer for the League of Nations and that "objection to his coming would be a serious inconvenience". (500.CC/4–1745)

1 p. m.[30] on basis of which invitations had already gone out does not mention this qualification. Can you have Foreign Office correct Gromyko's instructions? Please send us text of Molotov's March 31 note. The only case which has come to our attention so far is that of Sean Lester, an Irish national.

STETTINIUS

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500.CC/4–1745

*The Soviet Embassy to the Department of State*[31]

[Translation]

MEMORANDUM

In connection with the memorandum of the State Department dated March 29 on the question of the invitation of Poland to the Conference at San Francisco, the Embassy of the U.S.S.R., in accordance with instructions of the Soviet Government, has the honor to state that the Soviet Government cannot agree with the arguments of the Government of the United States set forth in the memorandum mentioned. The Soviet Government considers that the inviting of the presently functioning Polish Provisional Government to the Conference at San Francisco not only does not contradict the decisions of the Crimea Conference but is in full accord with the principles of these decisions in as much as the present Polish Provisional Government exercises governmental authority on Polish territory and is fully supported by an overwhelming majority of the Polish people.

The Soviet Government continues to insist on the necessity of the obligatory participation of the Polish Provisional Government now functioning in Poland in the forthcoming Conference at San Francisco.[32]

WASHINGTON, April 17, 1945.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 12

*Minutes of the Twelfth Meeting of the United States Delegation, Held at Washington, Wednesday, April 18, 1945, 9:10 a. m.*

[Informal Notes]

[Here follows lists of names of persons (34) present at meeting.]

TRUSTEESHIP ARRANGEMENTS

MR. STETTINIUS called the meeting to order at 9:10 a. m. and announced that he had been informed that the Secretary of the Navy

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[30] See last portion of footnote 22, p. 153.

[31] The Embassy in the Soviet Union was informed of this reply to the Department's memorandum of March 29 in telegram 920, April 20, 6 p. m. (860C.01/4–1945).

[32] For press statement concerning the Soviet request and the view of the United States Government on this subject, see Department of State *Bulletin*, April 22, 1945, p. 725.

would be coming in late. He further announced that the committee which met yesterday afternoon to draw up a revised draft statement on recommended policy on trusteeship had presented a statement, and that it was his understanding that Secretary of War Stimson has found the draft statement satisfactory. [This statement was then distributed to the delegates.] [83]

MR. STETTINIUS read the statement, and MR. GATES stated that the statement was satisfactory to Secretary Forrestal.

MR. BUNDY observed that he had shown the statement to Secretary Stimson last night, and that he had found it generally satisfactory. He had, however, pointed to certain redundancies and suggested that the word "namely" ought to be added after "thereunder" in the ninth line. MR. BUNDY stated further that it was his understanding that the State Department might raise a question about the phrase "trusteeship arrangements" in the eighth line, and that it was agreeable to him if it should be decided to remove this phrase.

ADMIRAL WILLSON questioned the use of the word "shall" in the fifteenth line, but MR. BUNDY stated that the Secretary of War prefers the word "shall" in a policy statement.

MR. DULLES stated that it was the committee's idea that this statement would be a directive primarily for the instruction of the American Delegation and that if it were to be used as a statement for publication it might need some changes. This would be particularly true in view of the fact that there is somewhat too much emphasis on United States interests and on the Pacific for a public statement.

MR. TAUSSIG suggested that in any statement for publication, paragraph 1, which is a negative statement, should be put last.

MR. PASVOLSKY suggested the addition of the word "political" after "social and economic" in the next to the last line. He pointed out that in all of the drafts the wording had been "social, economic and political".

MR. STETTINIUS stated that the draft statement has been recommended by the Army, Navy, and by our political and economic advisers and asked if there were any more questions.

MR. BLOOM raised a question about the meaning of the phrase in the second paragraph dealing with the territories to be put under trusteeship by "subsequent agreement" and wished to know if this meant that all territories in the above categories would be placed under the system.

MR. BOWMAN explained that the wording of the statement left open the question as to which specific territories might be placed under the system by "subsequent agreement".

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[83] Brackets appear in the original. Revised draft statement not found in Department files; for final text, see p. 351.

MR. STETTINIUS then asked each delegate in turn whether the statement was satisfactory to him, and it met the approval of all. MR. STETTINIUS then remarked that he would wish the three Secretaries to recommend this statement to the President today as a directive for the Delegates,[35] that in fact he would like to have this done within the next two or three hours, since he considered it a very important matter. With respect to the statement for the press, MR. STETTINIUS stated that in his view it would not be necessary to obtain Presidential approval for a statement for publication. The draft statement, he said, should be called "Recommended Policy on Trusteeship".

THE SECRETARY expressed appreciation to the committee for working up the statement.

### DOMESTIC JURISDICTION

MR. PASVOLSKY indicated that consideration should next be given to the provision regarding domestic jurisdiction in paragraph 7 of Chapter VIII, Section A.[36] SENATOR CONNALLY suggested that we should not try to solve the whole problem at one time, but that we should definitely limit action by the Organization to international questions. He thought that there would be a serious reaction if domestic questions were allowed to come within the scope of the Organization.

DR. BOWMAN proposed that the words "by International Law" and "solely" be omitted from Paragraph 7. SENATOR CONNALLY thought that in the long run the jurisdiction of the Organization would be wider if no attempt was made at the start to force states to submit questions of a domestic character to action by the organization. REPRESENTATIVE EATON thought that the present wording of the paragraph would provoke the question of immigration since it would be argued that the immigration question affected other countries. SENATOR CONNALLY said this particular objection would be overcome if Dr. Bowman's suggestion was adopted to strike out "by international law" and "solely". He thought that we would get into difficulties unless we left it up to the states themselves to decide whether a question was within their domestic jurisdiction.

General agreement was then reached by the members of the Delegation to adopt Mr. Bowman's suggestion, so that Paragraph 7 would read "The provisions of paragraph 1 to 6 of Section A should not

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[35] For a list of the chief points in a set of guiding principles with regard to policy toward dependent territories and trusteeship, for the information of the American delegation, see Conference Series No. 71: *Charter of the United Nations: Report to the President . . . June 26, 1945* (Department of State publication No. 2349), pp. 130–131.

[36] For previous discussions on this subject, see minutes of meetings of April 12, 9 a. m., and April 16, 9 a. m., pp. 269 and 296, respectively.

apply to situations or disputes arising out of matters which are within the domestic jurisdiction of the state concerned."

AMENDMENT PROVISIONS

THE SECRETARY asked Mr. Pasvolsky to continue the discussion and MR. PASVOLSKY indicated that the next topic would be the amendment provisions as stipulated in Chapter XI. MR. PASVOLSKY said that the basic question was whether to leave the chapter as it stood or whether to provide in addition for a system of periodic general review of the Charter.

(The Secretary was called from the meeting and asked Senator Connally to preside.)

SENATOR CONNALLY said that Mr. Pasvolsky's latter suggestion was hardly workable and that he personally preferred a more liberal and flexible amendment procedure that was clear-cut. SENATOR VANDENBERG indicated that the present rigidity of the amendment process might prove very serious if one of the permanent members of the Security Council dropped into the position of a third rate power. It was possible that one of the permanent members might at some time not be on hand to concur in a proposed amendment. SENATOR CONNALLY thought it was better to liberalize the amendment process than to provide for a general convention. He added that in any event he thought that the calling of a special convention should not be made the exclusive method for amending the Charter. He said he would tolerate the idea of recognizing the rights of the members to call a Constitutional Convention, but that he did not think this method should prevent the use of the amendment process.

MR. STASSEN suggested that paragraph 1 of Chapter XI remain as in the Dumbarton Oaks Proposal and that a new paragraph be added reading "A Revisionary Convention of the United Nations Organization shall be held in the year 1957 at a date and place to be fixed by the Assembly, for the purpose of revising the Charter of the Organization. Each Member of the Organization shall have one vote in the convention. New revisions proposed in the Charter of the Organization will take effect upon their ratification by two-thirds of the Members including the permanent Members of the Security Council." SENATOR CONNALLY asked why Mr. Stassen eliminated the other Members of the Council. MR. PASVOLSKY pointed out that the other Members of the Council would have their say in the action of the General Assembly. MR. STASSEN considered it very important to give the people a chance to review the Charter at a later stage and he thought that by this procedure many groups that would be dissatisfied with the results at San Francisco would come along with the Organization.

REPRESENTATIVE BLOOM commented that the date 1957 was twelve years off and he asked what would happen if changes were desired be-

fore that date. MR. STASSEN pointed out that the amendment process still would be available. SENATOR CONNALLY said he would have no fundamental objection to the general idea proposed by Commander Stassen, except that he did not think a definite date should be set. He did not object to suggesting in the Charter that a conference might be held, if needed, but he thought that the method of adopting the suggestions of the conference should be the same as that provided for the adoption of regular amendments. MR. STASSEN said that it might be possible to provide simply that "A Revisionary Convention of the United Nations shall be held on the call of a two-thirds vote of the General Assembly." REPRESENTATIVE EATON and REPRESENTATIVE BLOOM thought this was a useful proposal.

MR. PASVOLSKY remarked that this whole question had been discussed at Dumbarton Oaks and that the possibility of a provision for general revision had been considered.[37] He indicated that the argument against such a provision that had been raised at Dumbarton Oaks was that it would tend to detract from the prestige of the Organization, just at the time when the Organization should have all the prestige possible. It was agreed also, he said, that any Organization had the inherent right to have a general look at its provisions and to review its operations. In the final analysis, he said, we have to keep in mind that at the present stage of developments no system for amendments would be acceptable that would lead to a revision contrary to the wishes of any one of the major powers. He added that this assumption of the necessary unanimity of the major powers would have to be carried over into any revisionary process.

MR. STASSEN said he disagreed with Mr. Pasvolsky that a provision for periodic review would detract from the prestige of the Organization. He thought quite the contrary, that such a provision would strengthen the prestige of the Organization. He said that large sections of public opinion would be dissatisfied with the results of San Francisco, and that a provision permitting reconsideration of the Organization would help keep people in back of the enterprise.

MR. PASVOLSKY said that whatever we provided would get us into trouble, unless we recognized the principle of the unanimity of the permanent members on the Security Council. MR. STASSEN agreed with this view.

SENATOR VANDENBERG suggested that a final clause be added to the proposed addition to Chapter XI, to the effect that revisions cannot come into effect until they have been ratified in accordance with a state's constitutional processes. MR. STASSEN agreed that this would be a useful addition.

[37] See progress reports of August 31, September 7, and September 20, 1944, on the Dumbarton Oaks Conversations, *Foreign Relations*, 1944, vol. I, pp. 755, 776, and 828, respectively.

REPRESENTATIVE EATON felt that the attitude with which this whole matter should be approached was that we were at the beginning of a great world development, that this was only a first step, a beginning, and that it would be essential to make changes. SENATOR CONNALLY indicated that his main objection to the proposal was the setting of a definite time for the convening of a convention. Such a provision, he said, would simply announce to the world that we are establishing a temporary outfit. SENATOR CONNALLY thought that the calling of a general convention should be left up to an agency of the Organization to call it by a special vote.

DR. BOWMAN indicated that there was a very practical political problem to be met since there would inevitably be strong objections to certain provisions of the Charter. He thought the addition now of a provision for periodic revision would decrease the pressure of public opinion.

SENATOR CONNALLY said that Mr. Pasvolsky had mentioned that this question was discussed at Dumbarton Oaks. THE SENATOR questioned how strong the opposition to this proposal had been. MR. PASVOLSKY replied that the opposition had been very heavy, but that there might have been some change of opinion in view of the discussions subsequent to Dumbarton Oaks. MR. DULLES thought it would be very useful to be able to say that the Charter was not the last word, that it was just a start and so that people could have hope that at some future date changes might be made. DEAN GILDERSLEEVE thought that the amendment process should if possible be liberalized and that this proposal was one way of doing it. She added that she saw the difficulty pointed out by Senator Connally of specifying a date at which time a General Convention should be called.

MR. STASSEN suggested that his proposal might be redrafted to read "A Revisionary Convention of the Members of the United Nations may be held by a two-thirds vote of the General Assembly for the purpose of revising the Charter, at a date and place to be determined by the General Assembly. Any revisions proposed would take effect upon ratification in accordance with their respective constitutional purposes of two-thirds of the Members including the permanent Members of the Security Council." MR. PASVOLSKY pointed out that the special position given to the permanent Members in this procedure followed logically from their special responsibilities for security matters.

SENATOR CONNALLY wondered why the whole matter was not left to the Assembly. SENATOR VANDENBERG pointed out that this country would not have a veto in the General Assembly. MR. DULLES noted that if Mr. Stassen's suggestions were adopted, this country would have a veto over any revision proposed by the Conference, but that it would not have a veto over the calling of the Conference. MR. STAS-

SEN thought it would so work out that a conference would not be called unless there was general willingness on the part of the large nations, since there would be no use in a conference that could not count on the support of the large nations.

SENATOR CONNALLY thought that the calling of a conference should be with the approval of the Security Council, by a vote of seven. MR. STASSEN thought that rather than define the voting procedure the phrase might be included: "with the approval of the Security Council in accordance with the procedure stipulated in Chapter VI, Section C, Paragraph 3."

MR. BLOOM noted that the action of the Conference would be limited to revision of the Charter. He asked what was implied in the term "revision" and whether the Conference could be called for any other purpose. MR. STASSEN said he interpreted the word "revision" broadly and that it might be well to say "for the purpose of considering revisions." MR. BLOOM said he would prefer the phrasing "reviewing the Charter of the Organization."

SENATOR CONNALLY said he thought this matter should be deferred for final action and that it should be more thoroughly discussed. MR. STASSEN indicated that he was interested in having the Delegation indicate the general line of policy they favored and that the drafting Committee could then work out the language. MR. PASVOLSKY questioned introducing reference to the whole Security Council, preferring reference only to the permanent members of the Security Council.

MR. STASSEN asked whether the general principle of his proposal was acceptable to the Delegation if his original statement was modified to include Senator Connally's proposal that the Conference be called by a two-thirds vote of the General Assembly with the approval of the Security Council, if Mr. Vandenberg's addition was included "in accordance with their respective constitutional processes" and if Mr. Bloom's proposal was taken that the Convention be called for the purpose of reviewing the Charter. MR. DUNN thought it was important to use the term "Conference" rather than "Convention". SENATOR CONNALLY suggested that in place of the phrase "revising the Charter" there be substituted the phrase "for the purpose of considering revisions in the Charter." MR. STASSEN said what he had in mind was not to change the exact language, but rather to define the line of policy. He said he agreed that mention of a particular date should be eliminated.

SENATOR CONNALLY asked whether this line of policy presented by Mr. Stassen and amended in the course of the discussion of the Delegation was in general satisfactory. He said that it satisfied him. General agreement with the proposal was expressed by the

members of the Delegation. SENATOR CONNALLY asked why the Assembly by itself could not adopt proposals. MR. PASVOLSKY replied that there would be strong objection to having the Assembly alone possess this power, since the permanent members of the Council would then have no special position with respect to the making of amendments.

SENATOR CONNALLY pointed out that as suggested by MR. STASSEN, it would be more difficult to get a revision ratified than it would be to get an amendment ratified since an amendment would require ratification by members of the Organization having permanent membership on the Security Council and by the majority of the other Members of the Organization. According to Mr. Stassen's amendment proposal, ratification of proposed revisions would require two-thirds of the Members including the permanent Members of the Security Council. He thought this point should be borne in mind in the drafting and MR. PASVOLSKY agreed with him.

### WITHDRAWAL FROM MEMBERSHIP

MR. PASVOLSKY asked the Delegation whether a provision for withdrawal should be included. He noted that such a provision had been removed from the Dumbarton Oaks Proposals on our own recommendation and that it was primarily a political question.[88]

REPRESENTATIVE BLOOM asked Mr. Pasvolsky what his suggestion was. MR. PASVOLSKY replied that, so far, no provision for withdrawal was being suggested. MR. STASSEN commented that a provision for withdrawal would affect, in fact, only the smaller states who might find it desirable to withdraw if a veto of one of the permanent members tied up action of the Organization. He suggested that this Government should not put forward a provision for withdrawal but let the small nations if they wished make the suggestion themselves. MR. STASSEN thought that it might be well to have a provision for easy withdrawal. MR. PASVOLSKY replied that since this is an Organization based on the unity of the great powers, he did not think the great powers would be willing to make possible easy withdrawal. REPRESENTATIVE EATON said that if a provision for easy withdrawal was stipulated, the conditions leading up to the breakdown of the League of Nations would be reproduced. SENATOR CONNALLY thought it would be difficult to hold within the Organization states that really wanted to get out.

MR. BOWMAN remarked that it was important to keep in mind the unnumbered paragraph at the end of the Chapter on Principles, in which it was provided that states not members of the Organization

[88] For previous discussion of this question, see minutes of the meeting of the delegation, April 11, 9 a. m., p. 241; see also progress report of August 25, 1944, on the Dumbarton Oaks Conversations, *Foreign Relations*, 1944, vol. I, p. 732.

could not escape the obligation to conform to certain lines of action. He thought this provision should be kept in mind in considering the question of withdrawal.

MR. DULLES suggested that there were two possibilities for handling the matter, to grant a general right of withdrawal or to grant to a small power the right to withdraw if an amendment which it did not like was imposed upon it. He said he personally favored according the right of withdrawal to small states that did not wish to accept an amendment which the large powers favored. MR. DUNN thought this provision would get the Organization into trouble.

MR. STASSEN suggested that if the small nations came forward with a provision for withdrawal, then we would have to seriously consider it, but that since it is their problem, we might well withhold any decision at this time. REPRESENTATIVE BLOOM indicated that he would oppose a withdrawal clause included in the Charter on the ground that the public would then say we were writing only a very temporary agreement. He preferred, he said, to allow states to make reservations with respect to certain parts of the Charter while keeping the states bound together in the Organization. MR. PASVOLSKY suggested that Mr. Stassen's proposal to postpone a definite decision would seem satisfactory. It was then generally agreed by the Delegation to pass over this question for the time being and consider it later. [The Secretary returned to the meeting].[38a]

## RECONSIDERATION OF CHAPTER IX,[39] SECTION A, PARAGRAPH I—ECONOMIC AND SOCIAL COOPERATION

MR. PASVOLSKY then read the suggestion for the revision of Chapter IX, Section A, Paragraph I (April 12, 1945 Suggested Revision of Chapter IX, Section A, Paragraph I).[40] MR. PASVOLSKY noted that it might be well to reverse the order of reference to economic development and social advancement and the reference to promotion of respect for human rights and fundamental freedoms. MR. PASVOLSKY asked Mr. Stinebower to say a few words about the proposal.

MR. STINEBOWER explained that the suggestion embodied shorter text that had been asked for on the basis of the discussion at a previous meeting of the Delegation. He noted that the basic change that was being suggested was the addition of the phrase "encourage separate and cooperative action by all nations for the solutions of international, economic, social, health and other related problems." He indicated that the present draft was in lieu of a longer, detailed statement of functions which had previously been placed before the Delegation.

[38a] Brackets appear in the original.

[39] For previous discussion of chapter IX, see minutes of meeting of April 11, 11 a. m., p. 259.

[40] Not printed.

SENATOR CONNALLY said he liked the reference "encourage separate and cooperative action". MR. STINEBOWER indicated that this addition paralleled the idea that had developed at the Hot Springs Conference that the Organization would not take the action but rather that the nations would take the action.[41]

DEAN GILDERSLEEVE said she would like to say a few words on this proposal. She said she had been confronted with a good many questions as what the term "humanitarian" meant. She had wondered whether it would not be well to spell out what was meant, for example, health, education, control of opium traffic, etc. But in spelling out, the list seemed to get too complicated and she now wondered whether it would not be satisfactory simply to mention health and cultural relations so that the final phrase would read "the solution of international, economic, social, health, cultural and other related problems." Senator Connally stated that the enumeration of any fields tended to exclude other fields. DEAN GILDERSLEEVE replied that this was taken care of by the phrase "and other related problems". She said, however, that she recognized the advantage in leaving the text as it stood in the Dumbarton Oaks Proposals as long as one had authority to state what was included under the term "humanitarian". THE SECRETARY said that Dean Gildersleeve was correct in interpreting humanitarian to include social, cultural and health problems. He said he remembered that late one Sunday night at Dumbarton Oaks they had wrestled with the interpretation of "social and other humanitarian".[42] It had been agreed that this phrase included education, health, narcotics and cultural relations. He asked Dr. Bowman if this interpretation was accurate. DR. BOWMAN indicated that the interpretation had been just inclusive enough to allow him to go along with it. THE SECRETARY thought it would be preferable to leave the matter in general terms rather than to attempt to list the various fields in detail.

DEAN GILDERSLEEVE replied that she had recently received a letter with very important backing proposing the establishment of an Office of International Education. She said the situation would be satisfactory if she was authorized to say that the United States Delegation interpreted the text of the proposals, particularly the phrase "to facilitate solutions of international, economic, social and other humanitarian problems" as providing future opportunities for the

[41] Preamble to Constitution of the Food and Agriculture Organization of the United Nations; for documentation on the United Nations Conference on Food and Agriculture, Hot Springs, Virginia, May 18–June 3, 1943, see *Foreign Relations*, 1943, vol. I, pp. 820 ff.

[42] For reference to agreement by the American Group to accept the words "and other humanitarian" and not to insist upon specific reference to educational and cultural problems, see progress report of September 13, 1944, on the Dumbarton Oaks Conversations, *Foreign Relations*, 1944, vol. I, p. 796.

establishment of specialized organizations dealing with health, education, culture, control of opium and other related problems as well as other problems not obviously within the category "social and humanitarian", and that these organizations could be established whenever the Economic and Social Council under the general authority of the Assembly approved. Moreover, provisions could be made to bring them into relationship with the Organization.

THE SECRETARY said he welcomed this interpretation and that he did not think a statement to this effect would do any damage, although he thought that Dean Gildersleeve should make the statement not as a member of the Delegation but as an individual. MR. DUNN agreed that this would probably be desirable.

REPRESENTATIVE EATON questioned whether any reference should be made to education, particularly since it was important to avoid having any interference by the international organization with the educational processes of the member states. DR. BOWMAN said he would like to speak in support of Dean Gildersleeve and also support the chairman's suggestion that she make her statement as an individual and not as a member of the Delegation. Since education was as hot a subject as religion, reference to it as coming within the scope of the Organization might invite dissension. However, if she spoke only as an individual, it would still leave open the possibility of talking about the matter. He explained that he had received hundreds of letters asking him whether the term humanitarian covered education as well as other matters. The letters always asked, if the term did cover education, why education was not mentioned directly. He said he answered such letters by saying that if education was mentioned, then a lot of other things would have to be enumerated, and that, in any case, the representatives that met at Dumbarton Oaks interpreted "humanitarian" to include education.

SENATOR VANDENBERG noted that the greatest row that had taken place over UNRRA concerned an amendment on education which had been introduced. He said to get the agreement by it had taken a firm letter from Mr. Acheson [43] saying that there was no reference to education in the agreement. DEAN GILDERSLEEVE explained that after twenty-five years in the field of education, particularly in the field of international education, she was not interested in seeing education imposed on anybody, she was not interested in having an educational system imposed on this country, nor was she interested in using force to impose our educational system on other countries. She said she would be satisfied if she could say that education was not eliminated by the terms "social and humanitarian."

[43] For letter of January 22, 1944, from Assistant Secretary Acheson to Representative Edith Nourse Rogers (Massachusetts), see *Congressional Record*, vol. 90, pt. 1, p. 688.

SENATOR CONNALLY urged that the phrase in the suggested draft "encouraged separate and cooperative action" be added to the present text of the Proposals. MR. PASVOLSKY indicated that the term "facilitate" had been adopted and that it carried the same meaning as "encourage". He said that the matter of wording would be considered in the course of the work of the Drafting Committee.

THE SECRETARY asked whether there were not other words that could be used in place of "cultural enrichment". MR. STINEBOWER mentioned that it might be possible to say "economic enrichment and cultural development". THE SECRETARY suggested "cultural exchange". MR. STASSEN proposed that the phrase in the text might be condensed to "economic, social and cultural advancement". THE SECRETARY indicated that he preferred this modification.

SENATOR VANDENBERG said he would prefer to keep the present text and DEAN GILDERSLEEVE concurred. THE SECRETARY said he would like to see included the phrase "separate and cooperative action". MR. BLOOM, DEAN GILDERSLEEVE and MR. STASSEN expressed approval of this modification.

SENATOR CONNALLY proposed that the word "international" be omitted before "economic, social, and other humanitarian problems". SENATOR CONNALLY thought that the term international would arouse opposition in the Senate and would suggest that the Organization had powers that went beyond those of encouraging the solution of problems. MR. DULLES said he felt that the omission of the word international would create greater anxiety and opposition. MR. PASVOLSKY agreed that it was important to make clear that the organization would deal only with international problems and not with domestic questions. He suggested that one might say "should facilitate and encourage cooperative action by all nations for the solution of international, economic, social and other humanitarian problems."

SENATOR CONNALLY said he still objected to the term "international." MR. STASSEN explained that the term "international" modified the other problems and that the Organization would encourage separate and cooperative action with respect to international problems. The action, in most cases, he added, would be local and domestic action. MR. PASVOLSKY agreed that the Organization should deal only with problems of an international character and that considerable discussion had preceded the inclusion of the word "international".

SENATOR CONNALLY said that the term international definitely suggested that the Organization would have power beyond that of "encouraging separate and cooperative action". REPRESENTATIVE BLOOM thought that the term international modified the whole document and that any special mention at this point would get us into trouble on the floor of Congress. DR. BOWMAN said he thought what the Senator

had been getting at was that voluntary cooperation so far as it can go is a good thing and that anything that is imposed is bad.

MR. STASSEN suggested that for the phrases "to facilitate" and "international . . ." there be substituted "encourage separate and cooperative action by all nations for the settlement of economic, social, humanitarian and other related problems". MR. PASVOLSKY said he thought that the omission of the term international would cause trouble and that further thought should be given to the matter. DEAN GILDERSLEEVE said she feared that if any amendment was made in the text of the present Proposals there might be some danger of losing the reference to human rights and fundamental freedoms. THE SECRETARY agreed that each change we proposed created the danger that changes would be asked by other Governments. MR. DUNN indicated that he felt it was more important to retain the word "international". SENATOR CONNALLY thought that everything was modified by the term "international".

THE SECRETARY explained that the present text on Page 9 had been arrived at only after great difficulty and that the Soviet Union in particular had come along with much hesitation. To demand any change in this text, he felt, would run the great risk of upsetting the whole applecart. THE SECRETARY asked whether any essential changes were being proposed in this chapter. SENATOR CONNALLY replied that it was necessary at some point to say no to Mr. Stalin and that this would be a good issue on which to meet him.

THE SECRETARY suggested that the text of Section A [44] be reconsidered in San Francisco and that for the time being it be left as it stands. The Members of the Delegation generally agreed to this proposal. MR. STINEBOWER remarked that he did not regard any proposed change in the chapter as essential, except perhaps the phrase "to encourage separate and cooperative action". MR. STASSEN indicated that he would like to indicate his agreement with Senator Connally to omit the term international. THE SECRETARY said he especially favored the phrase "separate and cooperative action" and DEAN GILDERSLEEVE concurred.

## REVIEW OF DECISIONS TENTATIVELY REACHED FOR SUGGESTIONS ON THE PROPOSALS

THE SECRETARY suggested that each proposed revision in the draft before the Delegation [45] (Chapter I through Chapter VI, VIII, and XII April 16, 1945, yellow paper) should be reviewed to see which changes we would propose and which we would support if other governments proposed them. SENATOR CONNALLY hoped that, while

[44] Not printed.

[45] For previous discussion on this subject, see minutes of meeting of April 9, 3:15 p. m., p. 215.

general agreement might be reached, such agreement should not be considered final and that we should reserve final judgment until the proceedings in San Francisco. THE SECRETARY added that we were obligated to consult with the other sponsoring governments regarding any changes we intended to propose.

*Preamble*

MR. PASVOLSKY indicated that it was probably not necessary to discuss the Preamble in detail at this time and that the matter might well be deferred for consideration at San Francisco. This procedure was generally agreed to.

*Chapter I—Purposes* [46]

MR. PASVOLSKY noted that Paragraph 4 contained only a verbal change so that the proposal need not be pushed. He added that, at the Chinese stage of the Dumbarton Oaks Conversations, agreement had been reached to sponsor three proposals made by the Chinese Government: [47]

"1. The Charter should provide specifically that adjustment or settlement of international disputes should be achieved with due regard for principles of justice and international law.

2. The Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law.

3. The Economic and Social Council should specifically provide for the promotion of educational and other forms of cultural cooperation."

MR. SANDIFER explained that these proposals had been transmitted to the Governments invited to the San Francisco Conference simply as Chinese proposals. THE SECRETARY noted that the agreement on the Chinese proposals actually constituted a commitment on our part to support them. Copies of the three points as distributed to the sponsoring governments were then presented to the members of the Delegation. MR. PASVOLSKY noted that the Chinese proposals were quite in line with our own, and he wondered whether we should then propose the changes in paragraphs 1, 2 and 3 of Chapter I, or whether we should merely support them. MR. STASSEN said that these three paragraphs were proposing what the Chinese had already suggested. THE SECRETARY thought that we should support these proposals. MR. STASSEN urged that we propose them since they were in fact the work of the Delegation.

MR. PASVOLSKY thought there might be some difficulty with the Soviet Union in transferring mention of human rights and fundamental freedoms to Chapter I, but that he saw no objection to pro-

[46] For previous discussion on this subject, see minutes of meeting of April 9, 3: 15 p. m., p. 215.

[47] See progress report of October 4, 1944, *Foreign Relations*, 1944, vol. I, p. 865.

posing this change. THE SECRETARY then asked whether it was intended to propose paragraphs 1, 2 and 3 of Chapter I. The members of the Delegation replied in the affirmative.

*Chapter II—Principles* [48]

*Paragraph 1.*—It was generally agreed that the change in Paragraph 1 should be proposed.

*Paragraph 2.*—MR. PASVOLSKY remarked that nothing new was suggested in Paragraph 2 and that the Paragraph added nothing important to the Proposals.

It was agreed that the Paragraph should stand.

*Paragraph 3.*—MR. PASVOLSKY said that the change in Paragraph 3 was primarily one of clarification. MR. STASSEN thought that the Paragraph raised the question of the rights of states when a veto by a major power prevented action by the Organization. MR. PASVOLSKY indicated that the main purpose of Paragraph 3 was to indicate that a state would violate the principles of the Organization if it used anything but peaceful measures. MR. STASSEN said he would agree to Paragraph 3 with the change that had been worked out previously. MR. PASVOLSKY suggested that Paragraph 3 as changed be proposed. This was generally agreed to.

*Paragraph 4.*—MR. STASSEN said he would not agree to the suggested changes in Paragraph 4 since it would prevent necessary action by Member states when the veto power of the Organization was used arbitrarily. He thought the change made the paragraph more restrictive than before. He said he did not want the principle so restrictive that when the Organization failed to act, states would still be bound by the provisions of the Charter.

MR. PASVOLSKY said that we should examine the situation that would be created if Mr. Stassen's proposal was agreed to. He added that the basic question was whether states assumed obligations not to use force or whether they did not assume them. MR. DULLES agreed with Mr. Stassen that the proposed change enlarged the scope of the obligations of members. MR. STASSEN indicated that so long as the veto power remained, he would stand against enlarging the scope of the obligations.

THE SECRETARY announced that there would be a meeting of the Delegation in San Francisco not later than Wednesday [49] and that the discussion would continue at that time. Meanwhile he said there remained the job of going through the rest of the documents to discover what proposals we should present and which other ones we should support. MR. BLOOM said he wondered whether it would not be possible to postpone further discussion until arrival at San Fran-

[48] For previous discussions of Chapter II, see minutes of meetings of April 9, 3:15 p. m., and April 10, 10:15 a. m., pp. 215 and 227, respectively.

[49] April 25.

cisco. SENATOR CONNALLY thought discussions should proceed, but that we should not make final decisions before arrival in San Francisco. He said we would want to be free to reconsider our position in the light of the proposals made by other Governments. THE SECRETARY agreed... THE SECRETARY indicated that he wished to discuss with President Truman any fundamental changes that we were going to propose in the position that had been taken by Mr. Roosevelt. SENATOR VANDENBERG and MR. BLOOM remarked that President Truman had said that the Secretary was boss and that the President had left the matter in the Secretary's hands. SENATOR VANDENBERG thought that we should go forward on that basis. THE SECRETARY explained that what he had in mind was the necessity of keeping the President informed. SENATOR VANDENBERG added that in fact there was little departure from President Roosevelt's position.

THE SECRETARY requested that a memorandum be prepared for presentation to the President embodying a statement of the proposed changes in the Dumbarton Oaks document that were agreed to by the Delegation. THE SECRETARY then said that he would have to leave the meeting to go to the White House. [Senator Connally also left at this time.] [49a]

MR. DULLES referring to Paragraph 4, said that this paragraph only underlined his feeling about the whole Chapter on Principles—that the statements in that Chapter were either redundant or involved too sweeping undertakings. He thought that the Chapter had not been carefully drafted and that it ought to be revised to make the commitments more precise and more definite in order that we would not put states in the position of being open to the charge that they had violated their international commitments. It was then generally agreed to defer any decision on Paragraph 4 for consideration at San Francisco.

*Paragraph 5.*—MR. PASVOLSKY suggested that the change in Paragraph 5 was an important clarification and he thought that the change should be proposed. This was generally agreed to.

*Paragraph 6.*—MR. PASVOLSKY noted that the change in Paragraph 6 was also one of clarification, but that it was important and should be proposed. SENATOR VANDENBERG asked if there was any objection and none was expressed.

*Paragraph 7.*—MR. PASVOLSKY suggested that the addition of Paragraph 7 be supported. This was agreed to.

*Paragraph 8.*—MR. PASVOLSKY said that the addition of Paragraph 8 should be supported. This was agreed to.

*Unnumbered Paragraph.*—MR. PASVOLSKY indicated that this paragraph had been redrafted in order to emphasize that states not members of the Organization should not interfere with action taken by

[49a] Brackets appear in the original.

the Organization rather than that they should take certain types of action. MR. STASSEN said he preferred the original draft. SENATOR VANDENBERG indicated that the difficulty with the original draft was that we were imposing obligations on states that had not assumed them. General agreement was reached to defer decision on this paragraph until arrival in San Francisco.

*Chapter III—Membership*

*Paragraphs 2 and 3.*[50]—MR. PASVOLSKY proposed that the addition of Paragraphs 2 and 3 be supported since they were not fundamental changes. This was generally agreed to.

*Chapter IV—Principal Organs*

MR. PASVOLSKY proposed that the changes proposed in this Chapter be supported.[51] This was generally agreed to.

*Chapter V—The General Assembly* [52]

*Section A.* Composition

MR. PASVOLSKY proposed that the changes in Section A be supported. This was agreed to.

*Section B.* Functions and Powers

*Paragraph 1.*—MR. PASVOLSKY proposed that the changes in Paragraph 1 be supported since it was implicit that the General Assembly could formulate general conventions. At MR. BLOOM's suggestion the term "convention" was changed to "treaty". General agreement was expressed to support the changes in Paragraph 1.

*Paragraph 2.*—MR. PASVOLSKY favored the changes proposed in Paragraph 2. He explained that the point of this paragraph was to assure that the General Assembly could at all times discuss any question bearing on the maintenance of peace and security, and that the limitation of its power to make recommendations concerning matters which will be dealt with by the Security Council should be confined to specific recommendations. MR. PASVOLSKY urged that this matter would need to be discussed with the other sponsoring Governments. General agreement was reached to propose the changes in paragraph 2.

*Paragraph 3.*—MR. PASVOLSKY favored proposing the changes in Paragraph 3 on the ground that they constituted a basic additional thought. This was agreed to.

*Paragraph 4.*—MR. PASVOLSKY favored supporting the change in Paragraph 4 on the ground that it was not vitally important. This was agreed to.

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[50] For previous discussion of suggestion for the addition of a new paragraph as paragraph 1 and substitution of a new paragraph 2 for the present text, see minutes of meeting of April 10, 10: 15 a. m., p. 227.

[51] See minutes of meeting of April 10, 10: 15 a. m., p. 227.

[52] For discussion of chapter V, see minutes of meeting of April 11, 9 a. m., p. 241.

*Paragraph 6.*—MR. PASVOLSKY suggested that the change in Paragraph 6 be supported. This was agreed to.

*Paragraph 7.*—MR. PASVOLSKY proposed that the reference to the formulation of draft convention be omitted from Paragraph 7 and that the bracket be omitted from the last sentence. With these modifications he favored proposing the changes indicated for Paragraph 7, except that the first sentence should be redrafted to read "The General Assembly should initiate studies and make recommendations for the formulation of draft conventions for submission to states for ratification; for the promotion of international cooperation in political, economic, social and cultural fields and in measures to establish justice; and for the fostering of the observance of human rights and fundamental freedoms; and for encouraging the development of rules of international law." Mr. Pasvolsky's suggestion was agreed to.

*Paragraph 8.*—MR. PASVOLSKY proposed that the changes in Paragraph 8 be supported. This was agreed to.

*Paragraph 9.*—MR. PASVOLSKY proposed that the changes in Paragraph 9 be supported. This was agreed to.

*Paragraph 10.*—MR. PASVOLSKY favored supporting the addition of Paragraph 10, for the time being. He pointed out that it might be necessary at a later time in the discussions in San Francisco to bring the matter up. Mr. Pasvolsky's suggestion was agreed to.

MR. BLOOM asked how our proposals would be made. MR. PASVOLSKY replied that they would be made first when we went into discussions with the other sponsoring powers. At this time the four Governments would submit their suggestions for changes. As the discussion developed in the work of the main conference, he added, we might bring other of our suggestions forward.

*Section C.* Voting

*Paragraph 2.*—MR. PASVOLSKY suggested that the change in Paragraph 2 be supported. ADMIRAL WILLSON asked whether the reference to trusteeship was to remain. MR. PASVOLSKY said that it would remain but that we would only support the change. This decision was generally agreed to.

*Section D.* Procedure

*Paragraph 1.*—MR. PASVOLSKY suggested that the addition to Paragraph 1 be supported. This was generally agreed to.

*Chapter VI—The Security Council*

*Section B.* Principal Functions and Powers

*Paragraph 2.*—MR. PASVOLSKY proposed that the change in Paragraph 2 be supported. This was agreed to.

*Paragraph 4.*—MR. PASVOLSKY favored supporting the change in Paragraph 4. This was agreed to.

*Section D.* Procedure

*Paragraph 2.*—MR. PASVOLSKY asked whether the change in Paragraph 2 to take out the phrase referring to regional sub-committees of the Military Staff Committee should be proposed, or whether we should be guided by the discussions at the Conference. GENERAL FAIRCHILD and ADMIRAL WILLSON favored proposing this deletion. MR. PASVOLSKY thought that we might have a fight with the British on this point. General agreement was expressed to propose this change.

*Chapter VIII—Arrangements for the Maintenance of International Peace and Security Including Prevention and Suppression of Aggression* [53]

*Section A.* Pacific Settlement of Disputes

*Paragraph 5.*—MR. PASVOLSKY suggested that the addition to Paragraph 5 should be proposed. This was agreed to.

*Paragraph 7.*—MR. PASVOLSKY suggested that Paragraph 7 be proposed as amended earlier in the discussion that day. This was agreed to.

*Section B.* Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto

*Paragraph 1.*—MR. PASVOLSKY proposed that the change in Paragraph 1 be supported. This was agreed to.

DEFERRED ITEMS

MR. PASVOLSKY said that the review of the present draft was now completed [54] but that meanwhile certain matters of importance had been deferred including a possible withdrawal provision and Chapter IX. He said the question of the seat of the new Organization would also come up. He pointed out that the Delegation had before it a memorandum, that had not been officially approved but which presented the facts concerning the seat of the new Organization. [Report of the Fletcher Committee on the Location of the International Organization, November 1, 1944.] [55]

TRUSTEESHIP

MR. STASSEN said that he would like to submit the draft proposal which he had prepared on trusteeship for discussion. The draft reads as follows:

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[53] For previous discussions of chapter VIII, see minutes of meetings of April 12, 9 a. m., and April 16, 9 a. m., pp. 269 and 296, respectively.

[54] For statement to the press by the Secretary of State on the completion by the United States delegation of its review and examination of Dumbarton Oaks Proposals, April 18, see Department of State *Bulletin*, April 22, 1945, p. 724.

[55] Brackets appear in the original. Report not printed.

CHAPTER ——

ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP

*Section A.*

1. The organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be brought thereunder by subsequent agreement of the states concerned.

2. The Trusteeship system should apply only to such territories in the following categories as may, by trusteeship arrangements, be placed thereunder;

(*a*) territories now held under mandate;

(*b*) territories which may be detached from enemy states as a result of this war; and

(*c*) territories voluntarily placed under the system by states responsible for their administration.

3. The trusteeship of a particular territory may be established by either;

(*a*) The execution of a trust arrangement by a member of the organization as trustee and the approval thereof by the Assembly and by the Security Council.

(*b*) The adoption of a trust arrangement by the Assembly of the organization as trustee and the approval thereof by the Security Council.

4. All changes in any trusteeship arrangement shall be subject to the approval of the Assembly and the Security Council.

5. The basic objectives of the trusteeship system shall be to advance the purposes of the organization as set forth in Chapter One.

6. The Assembly, with the approval of the Security Council, may establish a Trusteeship Council to assist in the administration of the Trusteeship System.

MR. STASSEN said that he felt that the statement in the Charter should not go into detail and that he had accordingly proposed the present draft. He said he did not mean to criticize the work done over a long period of time in the Department and felt that this work could be used. He suggested that the draft be considered that afternoon at the sub-committee dealing with trusteeship.[56]

GENERAL RESOLUTIONS

DEAN GILDERSLEEVE asked whether it was expected that there would be many general resolutions offered in San Francisco. MR. PASVOLSKY replied that an effort was being made to limit the number of gen-

[56] The informal meeting of some of the Delegates, advisers, and technical officers was held that afternoon just before they boarded the train for San Francisco. A new draft was drawn up, on the train, based upon the general ideas expressed at the afternoon meeting. This new paper, after clearance by telegraph with the War and Navy Departments, was considered by the delegation at its April 26 meeting at San Francisco. See draft, p. 459.

eral resolutions and that it was hoped that not many would be brought forward since it was felt that they could be handled in other ways. REPRESENTATIVE BLOOM proposed that there be a special agency connected with the Conference where resolutions could be filed. SENATOR VANDENBERG suggested that the handling of this matter would be the job of the men working with the consultants.

At 11:50 the meeting adjourned.[57]

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RSC Lot 60-D 224

*Memorandum by the Secretary of State to the Under Secretary of State (Grew)*

[WASHINGTON,] April 18, 1945.

Subject: Meeting with the President on Trusteeship.

The Secretary of War, Secretary of the Navy and I saw the President today to discuss with him the proposed policy on trusteeship.

I opened the meeting by saying that the Army, Navy, and the Department had been working for many months endeavoring to find a satisfactory solution to the question of trusteeships, maintaining our strategic bases in the Pacific and at the same time not being charged with annexation and expansionist policies. I stated that the papers which I handed to him [58] were the result of much labor and had the endorsement of Secretary Stimson, Secretary Forrestal, and myself.

The President proceeded to read the memorandum very carefully and said he thought it gave him a clear understanding of the subject. He remarked that he had been asked at his last press conference about trusteeship and he wished to have it clear in his mind so that he could handle it properly at his next press conference.

Mr. Forrestal and Mr. Stimson then talked for a few moments. Mr. Stimson reviewed his experience as Governor of the Philippines and Secretary of State and said that it was unthinkable at this time that we give up our bases and our protection in the Pacific. Mr. Forrestal observed that this was a very innocuous statement which he and Secretary Stimson endorsed.

Mr. Truman then approved the statement and handed it back to me.

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800.014/4-1845

*Memorandum by the Secretaries of State, War, and Navy to President Truman*

WASHINGTON, April 18, 1945.

The Secretaries of State, War, and Navy have exchanged views with respect to the manner in which the question of the establishment

[57] For minutes of the next meeting of the delegation, held at San Francisco, April 23, 11 a. m., see p. 360.

[58] Memorandum printed *infra*.

of a trusteeship system is to be discussed at the Conference at San Francisco.

We have agreed upon the attached policy directive which we have discussed with the United States Delegation to San Francisco and they have approved. We recommend to you that you approve this directive and that it be sent to the Chairman of the American Delegation as a statement of United States policy on this subject.

We wish also your approval of making this United States policy on trusteeship made known publicly at a time and in a manner to be determined by the United States Delegation.

E. R. STETTINIUS, JR.
*Secretary of State*
HENRY L. STIMSON
*Secretary of War*
JAMES FORRESTAL
*Secretary of the Navy*

[Annex]

RECOMMENDED POLICY ON TRUSTEESHIP

It is not proposed at San Francisco to determine the placing of any particular territory under a trusteeship system. All that will be discussed there will be the possible machinery of such a system.

The United States Government considers that it would be entirely practicable to devise a trusteeship system which would apply only to such territories in the following categories as may, by trusteeship arrangements, be placed thereunder, namely: (*a*) territories now held under mandate; (*b*) territories which may be detached from enemy states as a result of this war; and (*c*) territories voluntarily placed under the system by states responsible for their administration. It shall be a matter for subsequent agreement as to which of the specific territories within the foregoing categories shall be brought under the trusteeship system and upon what terms.

This system would provide, by agreements, for (1) the maintenance of United States military and strategic rights, (2) such control as will be necessary to assure general peace and security in the Pacific Ocean area as well as elsewhere in the world, and (3) the advancement of the social, economic, and political welfare of the inhabitants of the dependent territories.

Approved Harry S. Truman.[59]

APRIL 18, 1945.

[59] See *Memoirs by Harry S. Truman*, vol. I, pp. 59–60 and 273–275, for Mr. Truman's review of various aspects of the trusteeship problem.

500.CC/4–1845 : Telegram

*The Chargé in the Soviet Union (Kennan) to the Secretary of State*

Moscow, April 18, 1945—4 p. m.
[Received April 18—3 : 40 p. m.]

1234. Text of Molotov's note of March 31 to Ambassador Harriman reads in translation as follows (re Department's 898, April 17, 7 p. m.) :

"I acknowledge the receipt of your letter of March 24 [59a] concerning the presence at the San Francisco Conference of non-official representatives of the inter-governmental organizations listed in your letter. I have the honor herewith to inform you that the Soviet Government does not object to the presence of non-official representatives of the above-mentioned inter-governmental organizations at the San Francisco Conference. The Soviet Government notes the statement of the State Department of the United States of America to the effect that these organizations are regarded by it as among those which should be liquidated or modified as a result of the creation of the International Security Organization or which will be officially or non-officially brought into relationship with this organization.

"The Soviet Government also agrees with the opinion of the American Government that non-governmental international organizations should not be invited to the San Francisco Conference.

Please, Mr. Ambassador, et cetera."

We will endeavor to discuss this question with the Foreign Office this afternoon and to have Mr. Gromyko's instructions changed.

KENNAN

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500.CC/4–1845

*Memorandum of Conversation, by the Secretary of State*

[WASHINGTON,] April 18, 1945.

Participants: Ambassador Gromyko
Mr. Hiss
Mr. Raynor
Mr. Bohlen
Mr. Thompson
Mr. Stettinius

The Soviet Ambassador called upon me this afternoon at his request. He stated that he had just been through the Blair-Lee House, had found it most attractive and that the only change he would suggest was that an office be made in a room adjoining Mr. Molotov's bedroom for his convenience.

[59a] See telegram 2267, March 23, midnight, to London, and footnote 22, p. 153.

He then stated that he had instructions from his Government to take up three items:

1. That it was impossible for his Government to agree on the names of Commissions and Committees at the San Francisco Conference as proposed by our Government because of the failure to reach agreement on the Chairmanship of these Committees and Commissions and agreement on the matter of the participation of Ukraine and Byelorussia (White Russia).

2. That originally it had been proposed by the United States Government that no observers be admitted at the San Francisco Conference who were not members of the United Nations; that this decision, his Government feels, covers the question of the nationality of representation from the other international organizations who have in their groups members who are not citizens of the United Nations attending the Conference. He mentioned in particular Mr. Lester, an Irishman of Aragon, who was on the United Nations list.

3. The Ambassador stated that it was the desire of his Government that this Government and the other sponsors agree that no proposals be accepted by any individuals; that only proposals for amendment to the Dumbarton Oaks Proposals be accepted from individual members of the Delegation. To clarify the matter, I said you mean that if Mexico has an amendment to offer, they are to offer it through their Delegation and you think it not proper to hear from a member of the Delegation as you might not be sure that he was speaking for the Delegation. He said that covered it precisely. I said the United States was in full agreement with that position.

I asked the Ambassador when he expects Mr. Molotov to arrive. He stated he knew less than I did and he would appreciate being kept informed. I said that we would keep him informed and that Mr. Thompson would undertake the responsibility of advising the Embassy in advance of the arrival time and place of arrival in order that the Ambassador and members of the staff who might wish to do so might meet Mr. Molotov.

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500.CC/4–1945

*Memorandum by the Secretary of State to President Truman*

[WASHINGTON,] April 19, 1945.

Subject: Charter for the International Organization.

The American Delegation to the United Nations Conference on International Organization is unanimously agreed that we should propose a few alterations in the Dumbarton Oaks Proposals during the San Francisco Conference.[60] We will reserve our final positions

[60] The proposed amendments outlined in this memorandum were based on a paper entitled "Tentative U.S. Revisions of the Proposals", which had been discussed by the delegation paragraph by paragraph, and on the resultant memorandum, "Substantive Decisions on the Dumbarton Oaks Proposals Reached on April 18 by the American Delegation [On basis of draft, April 16, 1945 (yellow paper)]", neither printed (U.S. Doc. Und. 1 and U.S. Del. 65/G–35).

on all of these, of course, until we learn the views of other governments. I am listing below for your information the most important points involved:

PURPOSES [61]

1. Inclusion of a statement that the organization should act in accordance with the principles of justice and equity in adjusting or settling disputes, and that the organization should foster the development of international law.

2. Inclusion of a statement on the promotion of respect for human rights and fundamental freedoms (in the Dumbarton Oaks Proposals this is stated in the chapter on economic and social cooperation only).

PRINCIPLES [62]

1. Change the expression "sovereign equality of peace-loving states" to "the sovereign equality of all member states".

2. Make clearer that members must refrain from using any but peaceful means in settling their disputes and must use such means pursuant to the provisions of the Charter.

THE GENERAL ASSEMBLY [63]

1. Clarify to show that the General Assembly can at all times *discuss* any question bearing on the maintenance of peace and security, and that the limitation on its power to make recommendations concerning matters which are being dealt with by the Security Council should be confined to specific recommendations.

2. Give the General Assembly power to determine the qualifications of membership, and to admit new members by its own action unless the Security Council interposes objections for reasons of security.

3. Apportionment by the General Assembly of expenses among the members should be on the basis of an appropriate pro-ration.

4. Add to recommendatory powers, so can make recommendations relative to the promotion of measures to establish justice, to foster the observance of human rights and fundamental freedoms, and to encourage the development of rules of international law.

5. Extend power to recommend measures for peaceful adjustment to include situations likely to violate the principles enunciated in the Atlantic Charter and situations arising out of any treaties or international engagements.

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[61] Dumbarton Oaks Proposals, chapter I (1–3); the Proposals are printed in *Foreign Relations*, 1944, vol. I, p. 890.

[62] Chapter II (1 and 3).

[63] Chapter V, section B (2, 3, 6, and 7).

THE SECURITY COUNCIL [64]

1. Eliminate provision that regional subcommittees of the Military Staff Committee can be established.

MAINTENANCE OF PEACE AND SECURITY [65]

1. Propose that the exclusion from the scope of the Security Council in peaceful settlement of matters within the domestic jurisdiction of a state should be stated without the present qualification that those matters must be ones which "by international law" are "solely" within domestic jurisdiction.

AMENDMENTS [66]

We should hold to the present proposals, but serious consideration is being given to proposing or supporting a possible additional provision to the following effect:

"A general conference of the members of the United Nations may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of the Security Council, for the purpose of reviewing the Charter. Each member shall have one vote in the Conference. Any alterations of the Charter recommended by a two-thirds vote of the Conference shall take effect when ratified in accordance with their respective constitutional processes by the members of the organization having permanent membership on the Security Council and by a majority of the other members of the Organization."

QUESTIONS DEFERRED

We have been considering, but have deferred, making decisions on the following questions:

1. Wording of the Preamble.
2. Defining the right of self-defense.
3. Possible changes in the wording in the chapter on economic and social cooperation.
4. Possible withdrawal provision.

E. R. STETTINIUS, JR.

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*Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State* [67]

[WASHINGTON,] April 21, 1945.

Participants: Dr. Ezequiel Padilla, Foreign Minister of Mexico
Sr. Manuel Tello, Under Secretary of State
Lic. Primo Villa Michell, President of the Mexico,

[64] Chapter VI, section D (2).
[65] Chapter VIII, section A (7).
[66] Chapter XI (2).
[67] Printed from draft copy obtained from the Library of Congress, Manuscripts Division, papers of Mr. Pasvolsky.

United States Economic Commission and Mexican Delegate to the United Nations Conference on International Organization
Lic. Luciano Wichers, (Adviser to the Mexican Delegation)
Lic. Alfonso García Robles, Minister Counselor, Mexican Foreign Office (Secretary General, Mexican Delegation to UNCIO)
Mr. Leo Pasvolsky, Adviser American Delegation
Mr. W. K. Ailshie, American Embassy, Mexico City, D.F.

I lunched today on the train with Dr. Padilla and the following members of the Mexican Delegation: Sr. Manuel Tello, Licenciado Primo Villa Michell, Licenciado Luciano Wichers, Licenciado Alfonso García Robles. In the course of the luncheon and during the conversation which followed, Dr. Padilla and his associates described the following four modifications in the Dumbarton Oaks draft which, in their opinion, they believe are the most important:

1. Dr. Padilla said that he was very anxious that the final Charter should reflect a spiritual note, as well as, the realities of power. He spoke of the great forces of ideas and ideals which, in his opinion, would do much toward building the kind of system of international relations that we all favor. He said that for this reason the Mexican Delegation was very eager to have incorporated in the Charter something approaching a statement of the basic rights and obligations of individuals and nations. As he and his associates explained, later on, they would like to see the Act of Mexico City (Resolution #30 of the Mexico City Conference [69] or as much of it as would be advisable, stated in the form of a preamble to the Charter.

2. There should be a stronger emphasis on international law and the basis of law in international relations. They were not clear as to how they would like to see this point explained in the Charter.

3. Their next point related to the designation of permanent members on the Security Council. They said that they recognized fully the need of placing the militarily powerful nations in a special category. However, they would like to see a democratization of the procedure for the selection of the Security Council, in such a way that the whole membership would be elected by the Assembly, but with an understanding that the five great powers would always have seats on the Council.

4. Their most important point related to the security functions and powers of the General Assembly. They explained that they did

[69] For text of resolution No. XXX on establishment of a general international organization, see *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945*, p. 102.

not wish to see the powers of the Security Council, as now projected, disturbed in any way, but that they would also like to increase the powers of the General Assembly.

On this last point, Tello described their ideas as follows: They are perfectly willing to leave undisturbed the procedures set forth in Section B, Chapter 8, but they would like to give the General Assembly the power to review the important acts decided upon by the Security Council as well as of the Security Council to act. They would like to have the Assembly make recommendations which would require action by the Security Council if two-thirds of the Assembly, including all the members of the Council would support such a recommendation. In the event that a difference of view then developed between the Assembly and the Security Council a joint commission of the two positions would then be set up to reconcile the differences.

In an informal discussion of the four proposals that followed, I pointed out that while the particulars of their proposals will, of course, be a matter of discussion at the Conference, our experience arising from our discussions with other Governments would lead me to make the following comments on their four major points:

1. It would be extremely difficult to incorporate in the Charter anything approaching a full statement of a bill of rights. They said that they would be satisfied with even a limited statement provided it contained the most basic points.

2. On the subject of international law, I called their attention to the fact that an international organization, if it were to be established at this time primarily on the rule of law, would have a very narrow basis on which to operate. Since there is not enough recognition of international law to provide such a basis there must, therefore, be ample scope for political action and for the extension and development of international law. The problem of intervention was raised in this connection and we all agreed that under the system that is being projected, intervention by a single nation in the affairs of another nation would be forbidden, but intervention by the community of nations for the purpose of maintaining international law and order would not only be proper but necessary.

3. On the question of the membership on the Security Council, I asked them whether or not their desire was already met by the fact that the five permanent members would be designated by the San Francisco Conference which will, in effect, be a constitutional conference of the general organization. I pointed out that, after all, the participants would be sovereign states each of which would have the choice of accepting or not accepting membership in the organization. Their proposals would only postpone to a future meeting or meetings of the Assembly the selection of the permanent members and the Assembly would be no more representative than the San Francisco

Conference. They then said that their desire would be satisfied if it were possible to say in the Charter that the nations assembled at San Francisco agreed on the designation of the five great powers as permanent members on the Security Council in view of their special position of influence and power. I said, that point could certainly be given attention.

4. On their last and most important point I raised the question as to whether, under the system which they proposed, the Assembly would have the power to over-rule the Security Council. At this juncture it became quite apparent that the group was not united on the subject. I pointed out that if there were to be two interpretations, then we would be confronted with a far-reaching analysis of the whole basis on which the Dumbarton Oaks proposals rests.

Tello took the position that what they had in mind was precisely the power of the Assembly to initiate or prevent action in those cases on which a grave emergency existed, although they were even more interested in forcing the Council to act in the event that the future power exercised by one of the permanent members would make action impossible.

On the other hand, Dr. Padilla said that in his thinking no action of the Assembly would interfere with action by the Council, but he was interested in providing for an expression of the conscience of the world and in this way to put pressure on the permanent members of the Council so as to dissuade them from using their veto power willfully. He also said that while the ideas developed by the Mexican Delegation were along the lines indicated by Señor Tello, what I said about the uselessness of a joint commission had convinced him that the proposed modification should be abandoned.

I said that, as the Dumbarton Oaks proposals stand, the Assembly already has the power to do everything that Dr. Padilla indicates, although it has not, in my opinion, and should not have the power implied in Señor Tello's statement. Nor could I see any usefulness in an Assembly procedure which would give a special position to the members of the Council and even to the permanent members of the Council. I said that we had carefully avoided any differentiation in the membership in the organization, except in those matters in which responsibility for it goes with the capacity to exercise it. We left the subject at that point.

Dr. Padilla spoke in very enthusiastic terms about the projected Economic and Social Council, and said that he attributed a very great importance to the types of activities which such a Council would be able to set into motion, and which in his judgment, were indispensable as a foundation for the maintenance of peace. I agreed with him fully, adding, however, that the one thing that we must constantly bear in mind is that economic progress and social betterment would

be impossible unless there exists a reasonable assumption that the peace of the world will be maintained. Without confidence in such an assumption it would be impossible for economic enterprise and social reform to go forward.

After the luncheon García Robles walked with me to my car and on the way we had a further conversation on the fourth point. I asked him point-blank as to how I should interpret the discussion regarding the two views of the power of the Assembly in the maintenance of security. He said that his delegation was extremely apprehensive of the possibility that because of the exercise of veto power by the permanent members, the Security Council would be completely stalemated when there would be need for it to take action against one of the permanent members. I asked him to bear in mind the point that the Dumbarton Oaks proposals were based on the proposition that coercion of a great power would mean war and that if such a need arose and the procedures for adjustment were found to be inadequate to take care of it, the only possible outcome would be the breakdown of the organization. I said that we must recognize frankly that although it may become possible at some future stage to have a system that would be universally applicable, in our judgment that is an impossibility today.

On the other hand, if we were to attempt to provide some mechanism by which recognition of a larger power would be provided for in one form or another within the framework of the organization, the only consequence would be that we would end up with the same system which we had under the League of Nations, namely, further freedom of action by each of the great powers, no pledge of responsibility for combined action, and the employment of military force left entirely to the discretion of each member state.

García Robles said that he would pass these ideas along to his associates, but that he would like to think about the danger which I had indicated, and which had not occurred to them. He said that it was quite apparent after the discussion that a great deal more thinking needs to be done on the whole subject, although he was sure that Dr. Padilla intended to raise the question. I said that I hoped that if the question is raised, it would be along the lines of his statement to me at the luncheon, because to raise it in the form in which Señor Tello stated it would certainly create very great difficulties.

In the course of the luncheon a question arose as to the possible duration of the Conference. Dr. Padilla expressed the view that with goodwill and a reasonable amount of effort the Conference could be concluded by May 15. An observation was made that there were a good many issues involved, including particularly the amount of stubbornness shown by the various delegations.

723-681—67——27

In connection with both the possibility of a bill of rights and the duration of the Conference Dr. Padilla expressed the view that we might well find ourselves confronted by a cleavage of the East and the West. He said that that was one of the reasons we ought to concentrate on a charter of basic obligations which could be accepted by both the East and the West.

Dr. Padilla also asked me what I thought the French attitude would be. He said that he was rather disturbed by the statements which have been made by Bidault and other members of the French Government. What interested him most was whether or not France really intended to operate outside the organization in matters of security. I said that it is not as yet clear what general attitude the French were going to assume, but it was apparent that they would attempt to argue in favor of special arrangements. In that case, I said that it would be the same question that confronted us in our Inter-American discussions. Dr. Padilla said that as far as Mexico was concerned, it was perfectly clear that in matters of security the world organization must hold a controlling position, because otherwise the whole question of world peace and security would be completely undermined.

On the question of the two Soviet Republics, Dr. Padilla expressed the view that their addition to membership might not be a serious matter from the point of view of Russia's position in the voting by the Assembly, but that there was an important question of principle involved, regarding the qualification for membership in the organization. He suggested that even without the two representatives Soviet Russia might have as many as eight votes which would be favorable to her. I did not press Dr. Padilla for his views as to what he would do if the Soviet delegation were to raise the question of the two Republics, and he did not volunteer any statement on that subject.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 13

*Minutes of the Thirteenth Meeting of the United States Delegation, Held at San Francisco, Monday, April 23, 1945, 11 a. m.*

[Here follows list of names of persons (17) present at meeting.]

SECRETARY'S SPEECH AT OPENING SESSION

SENATOR VANDENBERG opened the meeting at 11 : 00 a. m. and asked Mr. Pasvolsky what the business of the day would be.

[Here follows summary of discussion of draft text of the Secretary's speech to be made at the opening session and procedural matters such as agenda of meeting, list of deferred questions, trusteeship

paper drafted on the train, a paper presenting official proposals by other Governments, time of next meetings, distribution of documents, and conference procedures.]

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500.CC/4–1045 : Telegram

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

WASHINGTON, April 23, 1945—1 p. m.

3192. At the Yalta Conference consideration was specifically given on President Roosevelt's initiative to the question as to whether Denmark should be represented at UNCIO by an observer [70] (Embassy's No. 3647, April 10, 6 p. m.[71]). Because of British and Soviet objection this was decided in the negative. It was further decided that only the United Nations should be represented and that no provision should be made for observers from any other state. In view of these decisions and in the absence any proposal from the other sponsoring governments that it be reversed, we do not intend to transmit the request of the Freedom Council or otherwise to raise the issue during the conversations here with Eden, Molotov, and Soong.

Mr. Kauffmann [72] has already been informed that President Roosevelt suggested at Yalta that Denmark should be represented at UNCIO, as at previous United Nations Conferences, by an observer, but was opposed by Churchill with the concurrence of Stalin. We have pointed out to him that the decision concerning invitations was taken by all four sponsoring governments and that the United States as host Government issued the invitation on behalf of all four sponsors. Since any change in this policy would obviously have to be made by all four sponsoring governments, responsibility in this matter does not rest, as the Foreign Office erroneously informed you, with this Government alone.

Please convey this information to the Foreign Office.

This message is being repeated to Stockholm as No. 731.

STETTINIUS

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[70] See *Conferences at Malta and Yalta*, pp. 774–775.

[71] Not printed; it concerned a request by the Freedom Council of Denmark for representation at the San Francisco Conference.

[72] Henrik de Kauffmann, Danish Minister in the United States, was informed by Acting Secretary Grew, in a letter of March 6, that "no observers from countries which are not adherents to the United Nations Declaration will be invited to the Conference". He was subsequently informed by Mr. Grew that exclusion of Denmark was not based on a decision of the American Government but on an agreement reached at the Yalta Conference (500.CC/3–545).

500.CC/4–2345

*Memorandum by the Secretary of State to President Truman*

[WASHINGTON,] April 23, 1945.

Subject: The Conference of the Committee of Jurists.

As proposed at Dumbarton Oaks and confirmed at Yalta, a Committee of Jurists, representative of 44 nations, met in Washington from April 9 thru 20 to develop recommendations to present to the San Francisco Conference on the statute of the new Court.[73]

The Committee took as a basis for its work the present statute of the Permanent Court of International Justice and made many changes, the more important of which are listed below.

Briefly the court should be composed of fifteen judges, as is the present court; the judges to hold office for nine-year periods, one-third retiring every three years.

It is to have jurisdiction over such cases as parties to the statute may agree to present to it. There is a strong feeling on the part of some of the representatives at the meeting of the Committee of Jurists that the Court should have compulsory jurisdiction (that any government should have the right to bring a case before the Court against any other government without the necessity for special agreements). This would constitute a departure from the present statute under which it is made optional with the parties to the statute of the Court to accept compulsory jurisdiction generally or on the basis of reciprocity. This was left for decision at San Francisco.

The provisions in the statute authorizing the Assembly and the Council of the League of Nations to call upon the Court for advisory opinions has been retained as was contemplated by the Dumbarton Oaks Proposal, substituting the General Assembly and the Security Council of the new organization for the comparable bodies of the League.

There was a wide difference of view in the Committee on the question of the nomination of the judges. At present the nominations are made by the representatives of the various countries on the panel of the Permanent Court of Arbitration at The Hague under a convention of 1907 [74] and by similar groups set up for that purpose by countries that are not parties to The Hague convention. There was considerable support in the Committee for having these nominations made

[73] For the "Record of the Meeting of the Committee of Jurists for the Preparation of a Draft of a Statute for the International Court of Justice to be Submitted to the United Nations Conference on International Organization", see *The International Court of Justice*, pp. 98–133.

For full documentation of the meeting of the Committee of Jurists, see UNCIO Documents, vol. 14.

[74] For text of convention for the pacific settlement of international disputes concluded October 18, 1907, at The Hague, see *Foreign Relations*, 1907, pt. 2, p. 1181.

directly by the respective governments. This question remains open for discussion in San Francisco.

The Committee suggested the incorporation in the statute of an article designed to facilitate future amendments.

I am happy to say that the jurists demonstrated throughout their work a spirit of earnestness and complete cooperation.

E. R. STETTINIUS, JR.

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500.CC/4–2345

*Minutes of the First Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at Washington, Monday, April 23, 1945, 9:35 p. m.*[75]

[Informal Notes]

[Here follows list of participants, including members of the Delegations of the United States (3); United Kingdom (2); China (1); and the Soviet Union (2).]

MR. STETTINIUS stated that there were some questions regarding San Francisco which he felt should be discussed with Dr. Soong who had postponed his flight to San Francisco in order to be here.

MR. MOLOTOV stated that he had one question, which involved the Crimean decisions, which he desired to discuss before Dr. Soong joined the group. He then referred to the question of the admission of the Ukrainian and White Russian Republics as initial members of the world organization.

MR. STETTINIUS replied that the United States' position had recently been made clear to Ambassador Gromyko. He then asserted that the United States would vote in favor of the inclusion of these two Republics in the world organization but that this is a matter which the Conference itself would have to decide.

MR. MOLOTOV stated that since the Crimean Conference there had taken place a conference of Inter-American countries as well as a conference of the British Dominions. He then remarked that since the British and American Governments at these two conferences had undoubtedly discussed the Crimean decision regarding these two Republics and that since they had undoubtedly indicated their desire to vote in favor of the inclusion of the Republics in the world organization, he was sure that the Crimean decision on this question would be carried out not just in form but in substance. He added that he

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[75] This was the first of a series of so-called "Big Four" consultations which were held April 23 through May 4, 1945. The first six preliminary meetings (April 23, 25, 27, 28, 30, and May 1) concerned principally questions of organization and admission of States to the Conference; discussion at dinner on May 1 marked the transition to substantive consideration of the Charter proposals. The remaining five consultative meetings (May 2–4) were concerned exclusively with the Charter proposals.

felt sure of this since if this was not the case, he was certain that the Soviet Government would have received information from the British and American Governments as to any doubts regarding this matter.

MR. STETTINIUS replied that the United States Government would carry out the commitment made by President Roosevelt at the Crimea to support this proposal and vote for it at the Conference.

MR. MOLOTOV asked whether the United States and British Governments were aware of the opinions held by Latin American countries and the Dominions in regard to this matter. He added that he understood that certain of the Dominions supported this question but was certain that Mr. Eden had full information on this subject.

MR. EDEN replied that Great Britain would carry out its pledged word to vote in favor of the inclusion of the Republics but added that he could not answer for the Dominions or the Conference itself.

MR. MOLOTOV remarked that he was bound to say that from a moral point of view he felt that the countries who had made this decision at the Crimea should exert every effort to see that other countries voted favorably for this proposal.

MR. EDEN asked Mr. Stettinius if he could control Latin American votes.

MR. STETTINIUS replied in the negative.

MR. EDEN added that he could not control the Dominion votes.

MR. MOLOTOV stated that he could control no votes either.

MR. EDEN replied that it was therefore clear that all three countries were in the same position.

MR. STETTINIUS stated that he had been instructed by the President to carry out the pledge made by President Roosevelt in regard to this question.

MR. EDEN added that the British Government would do likewise and it [had?] so informed the Dominion governments.

MR. MOLOTOV stated that if we cannot clarify this question further he wished to ask another; namely, do the United States and Great Britain agree that the Ukrainian and White Russian Republics should take part in the Conference if the Conference agrees?

MR. STETTINIUS reminded Mr. Molotov that at the Crimea the only pledge taken was that we would vote in favor of making these two Republics initial members of the Assembly and that at Yalta the question of these Republics taking part in the Conference was not raised.

MR. MOLOTOV replied that since it was agreed that the Republics should be initial members of the Assembly, that meant that as initial members they would also take part in the Conference.

MR. STETTINIUS replied that this was not our understanding since this is a Conference of United Nations to set up a world organization,

and that we have only undertaken to vote in favor of making these two Republics initial members of the Assembly when the organization is set up.

MR. MOLOTOV stated that he agreed but expected that the United States and Great Britain will see that these Republics are made initial members of the organization.

MR. STETTINIUS replied in the negative, stating that this was a matter for the Conference to decide.

MR. MOLOTOV stated that the Soviet Government would form its own judgment as to how well we can carry out joint agreements by the success that is achieved in electing these two Republics as initial members of the world organization.

MR. EDEN replied that the favorable votes of Great Britain and the United States were assured but that he could not speak for the other forty-four countries.

MR. MOLOTOV stated that this was all he had to say in regard to this question.

(Dr. Soong joined the group for further discussions.)

MR. STETTINIUS declared the first meeting of the four Foreign Ministers to be open and suggested that they discuss procedural matters regarding the San Francisco Conference. He then stated that Mr. Alger Hiss, the temporary Secretary General of the Conference, would point out the procedural questions which remained unsettled.

MR. HISS pointed out that there were still a few problems which the British, Chinese and Soviet Ambassadors and the Secretary of State had not yet been able to settle. He then stated that the first question involved the organization of the commissions and committees of the Conference.

MR. MOLOTOV replied that he felt the first question to be discussed was that of the chairmanship of the Conference. He then asked whether it had been decided to apply the principle of equality between the four sponsoring powers. He then remarked that it was his hope that since the question of equality had been held to in regard to the invitations to the Conference, he felt that the same principle should apply to the proceedings of the Conference. He then stated that the Soviet Government claimed no special privileges and he was sure that none of the other sponsoring powers desired any special privileges. He then suggested that the chiefs of the delegations of the four sponsoring powers be elected chairman to act in rotation, and added that he felt it would also be advisable to elect four vice-chairmen from other countries and thus set the tone of the Conference on a basis of equality.

MR. STETTINIUS replied that as far as the United States Government is concerned we did not desire any special privileges but that the ques-

tion of the chairmanship had been given most careful consideration and it was felt that it would be necessary to fix responsibility and thus avoid confusion by electing one officer to preside over the Conference. He remarked that it would undoubtedly cause difficulties if the principle of rotating chairmanship should be adopted; confusion might arise when one chairman succeeded another. He remarked that this entire question had been reviewed in detail by both President Roosevelt and President Truman, and that they both agreed that it was desirable to have one presiding officer who would have full authority.

MR. MOLOTOV stated that he had explained the position of the Soviet Government.

MR. EDEN remarked that it was really a matter of procedure and a question of efficiency. He reminded Mr. Molotov that at the Moscow Conference, which had been a very great success, Mr. Molotov as host had been elected chairman of the Conference,[76] and therefore he felt that the same principle should apply in this case and that the Foreign Minister of the country in which the Conference was held should be elected chairman.

MR. MOLOTOV replied that at the Moscow Conference he had suggested that there be three chairmen, and although this proposal had not been accepted he felt that in order to preserve the question of equality four chairmen should be elected to preside over the San Francisco Conference.

DR. SOONG stated that he believed it was a question of efficiency and for this reason he felt that one chairman should be elected. He added that as regards the question of equality anyone may be elected chairman, but he felt that whoever is elected should remain chairman throughout the entire Conference.

MR. STETTINIUS stated that Mr. Hiss had studied this question carefully and perhaps he could clarify certain points regarding this matter.

MR. HISS replied that there was little he could add to what had already been stated but that he could review what Mr. Gromyko and the others had said in regard to this, when it was discussed a short time ago.

MR. MOLOTOV stated that he was familiar with these discussions.

MR. STETTINIUS asked whether it was believed advisable to throw this question into the whole Conference.

MR. MOLOTOV asked why it should not be decided by the Conference as a whole.

MR. STETTINIUS replied that he had no objection to this but it would

[76] For summary of the proceedings of the first session of the Moscow Tripartite Conference, October 19, 1943, 4 p. m., see *Foreign Relations*, 1943, vol. I, p. 577.

involve discussion with at least the forty-six delegates on the Steering Committee.

MR. MOLOTOV replied that he felt that this was a very important question and that therefore he felt that the other governments should have an opportunity to decide the matter. He then thanked Mr. Stettinius for all the work he had done in arranging for the Conference and assured him that whoever was elected chairman would receive the full support of the Soviet delegation.

MR. STETTINIUS thanked Mr. Molotov for his comments on the arrangements which had already been made and stated again that his Government had given careful consideration to this entire question and felt that in point of view of efficiency only one chairman should be elected.

MR. MOLOTOV replied that he had no doubts as to the efficiency of four chairmen and felt that in order to preserve the question of equality four chairmen should be elected.

MR. STETTINIUS asserted that as far as the United States Government was concerned, it made no difference who was elected chairman but it felt that one person should preside during the entire Conference.

MR. MOLOTOV asked permission of the other Foreign Ministers to maintain the position of the Soviet Government he had already expressed.

MR. STETTINIUS agreed.

MR. MOLOTOV stated that he would like to see the Conference conducted by the four sponsoring governments on a friendly basis and on a basis of equality.

MR. STETTINIUS asked whether Mr. Molotov desired that the chairman change every day or every week, or what he had in mind in regard to this question.

MR. MOLOTOV replied that this was a very simple question which could be worked out easily.

MR. EDEN stated that the Conference would be called upon to vote on this question.

MR. STETTINIUS asked Dr. Soong whether there was anything else to do on this matter except to put it up for decision to the Steering Committee.

(It was agreed that this procedure should be followed.)

MR. HISS then brought up the question of the structure of the Conference itself as regards the commissions and the committees.

MR. MOLOTOV asked why it would not be possible to reach agreement in regard to the Steering Committee and the Executive Committee, and asked who would be on the Steering Committee and who would be on the Executive Committee.

MR. STETTINIUS stated that the Steering Committee would be devoted to the forty-six chairmen of the delegations, and added that in regard to the Executive Committee Mr. Hiss had suggested that it be composed of eleven members.

MR. MOLOTOV agreed to the proposal regarding the Steering Committee but asked whether representatives of the Ukrainian and White Russian Republics would be on the Steering Committee if they were admitted to the Conference.

MR. STETTINIUS replied that if any country is admitted to the Conference, of course the chairman of its delegation would be on the Steering Committee.

MR. HISS stated that when the Ambassadors and the Secretary had discussed the question of the Executive Committee[77] they had generally agreed that there should be eleven members: the five permanent members of the Council, that is, the four sponsoring powers and France, and that in addition the United States representatives had suggested that Brazil, Canada, Czechoslovakia, Iran, the Netherlands and Mexico be represented on the Executive Committee. He added that there had been another suggestion made by the British and one by the Soviet Government, and therefore he felt that it might be advisable at this moment for each of the Foreign Ministers to express his ideas on this subject.

MR. MOLOTOV then suggested that Yugoslavia be substituted for Holland on the Committee since the government of Holland was now in the process of being reorganized while the Yugoslav government has already been reorganized and the Yugoslav people, who have contributed so much to the war, deserve a place on this Committee.

MR. STETTINIUS stated that this matter had been discussed at the last meeting with the three Ambassadors.[78]

MR. GROMYKO stated that he had put up the question of substituting Yugoslavia for Holland but that so far he had not received an answer from the other representatives.

MR. EDEN stated that it was his understanding that the American proposal as to the composition of the Executive Committee had been based upon the desirability of having various geographical units represented on the Committee, and that since Holland was a small Western European power and Czechoslovakia was a small Central European power he did not feel that you could leave Holland off. He added that if the Soviet Government felt that Yugoslavia was a better representative than Czechoslovakia, he had no objection to substituting Yugoslavia for Czechoslovakia.

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[77] See minutes of the second meeting of the Informal Organizing Group, April 10, 3 p. m., p. 235.

[78] See minutes of the third meeting of the Informal Organizing Group, April 13, noon, p. 283.

MR. MOLOTOV stated that it would be unjust to exclude Czechoslovakia since the Red Armies as well as the Armies of Great Britain and the United States were at this moment in the process of liberating that country.

MR. EDEN reminded Mr. Molotov that the British Army was in the process of liberating Holland, and then asked whether there was any fixed magic in the number 11.

MR. MOLOTOV remarked that he felt 11 was a good number.

MR. EDEN stated that, as Mr. Stettinius knew, Australia had asked whether it might not be possible for it to be represented on the Executive Committee since there were no countries representing the Southwest Pacific area. He added that he felt full consideration should be given to this since Australia had played a very prominent part in the war, and asked whether it was necessary to limit the membership of the Committee to eleven.

MR. STETTINIUS replied that as far as he was concerned there was no magic in the number 11, and he felt that the Australian request should be given careful consideration.

MR. MOLOTOV asked whether it had been agreed that Yugoslavia should be on the Committee.

MR. STETTINIUS replied in the negative and pointed out that to have both Czechoslovakia and Yugoslavia on the Committee would throw off the geographical balance which had been used in selecting members of the Committee.

MR. MOLOTOV remarked that the Balkan countries were not represented on the Committee.

MR. EDEN asked whether it would be agreeable to include both Yugoslavia and Australia on the Committee as well as the four chairmen of the commissions of the Conference.

MR. STETTINIUS asked whether there was any objection to that suggestion and pointed out that the chairmen of the commissions would in all probability be South Africa, Belgium, Norway and either Chile or Venezuela.

MR. MOLOTOV stated that if the Committee was enlarged to seventeen it would be composed of almost half the countries represented at the Conference.

MR. STETTINIUS stated that seventeen was a good deal less than half of the number of countries represented at the Conference.

MR. EDEN pointed out that if the four chairmen of the commissions were placed on the Executive Committee they were not to act for their countries but act as representatives of the commissions.

MR. STETTINIUS again asked whether it was agreeable to have an Executive Committee of seventeen as suggested.

MR. EDEN agreed.

MR. MOLOTOV then suggested that we should limit the number to twelve.

MR. EDEN suggested fourteen since thirteen would be an unlucky number.

MR. MOLOTOV asked who would be the additional members.

MR. STETTINIUS suggested Yugoslavia, Australia and Chile.

MR. MOLOTOV agreed.

MR. HISS then brought up the question of the four commissions and four committees.

MR. MOLOTOV stated that he agreed to the proposals on this point but added that he hoped that the organizers of the Conference had borne in mind that places should be held on the committees for the Ukrainian and White Russian Republics. He was certain that all three governments including China desired to have the Ukrainian and White Russian Republics admitted to the Conference, and that once admitted they would have appropriate seats on the commissions and committees.

MR. EDEN stated that of course such would be the case and pointed out that with the enlargement of the Executive Committee there would be vacant seats on some of the commissions and committees.

MR. MOLOTOV again stated that he wished to press this question and hoped that China would agree with the British, American and Soviet Governments that these two Republics should be elected to the Conference.

MR. STETTINIUS reminded Mr. Molotov that this depended on whether the Conference elected to admit these two Republics.

MR. EDEN remarked that we all are agreed that anyone who is elected to attend the Conference would have to work.

MR. MOLOTOV remarked that he would not forget this.

MR. STETTINIUS assured Mr. Molotov that if the Conference elects to have the White Russian and Ukrainian Republics placed at the Conference, he will see to it that they get places on appropriate committees.

MR. HISS then brought up the question of official languages.

MR. STETTINIUS moved that Chinese, French, English, Russian and Spanish be accepted as the official languages.

MR. HISS remarked that it was the feeling of the American delegation that it would be most practicable to have English as the working language but of course the others would also be the official languages, and stated that all statements would be translated into English and not into the other languages unless a special request was received to make such translation. He added that as regards documents, arrangements have been made so that any document may be translated into any language but the Secretariat hoped that this request would be used sparingly because of the time element involved in making such translations.

MR. MOLOTOV stated that in order to aid the Russian delegation in its work he desired that all documents be translated into Russian since Russian was one of the official languages.

MR. HISS pointed out that it had so far proved impossible to find a printing establishment in San Francisco that could handle the Cyrillic alphabet but that arrangements had been made so that documents in Russian could be mimeographed.

MR. MOLOTOV stated that he did not care whether it was printed or mimeographed so long as it was translated into Russian, and added that he was sure that American facilities would ensure that a good job was done.

MR. HISS stated that he would discuss this question further in San Francisco.

MR. STETTINIUS added that we will do everything in our power to ensure that the documents were printed in Russian.

MR. MOLOTOV again expressed the desire to have all documents printed in Russian since it is one of the official languages.

MR. STETTINIUS stated that investigations are being made in San Francisco to find out if it might not be possible to print the documents instead of having to mimeograph them.

MR. HISS stated that the next question concerned the matter of inviting unofficial international organizations to attend the Conference as observers or advisers. He added that a question had arisen as to whether nationals of non-United Nations could be admitted as observers or advisers to the Conference. He pointed out that this question had not been raised until March 31 [79] when it was raised by the Soviet Government and that in the meantime invitations had been sent informally to various of these organizations and that some of the unofficial observers were not citizens of one of the United Nations.

MR. MOLOTOV remarked that he felt that it should have been clearly understood that only citizens of one of the United Nations could be invited to the Conference.

MR. EDEN pointed out that these individuals would attend not as nationals of their own countries but as representatives of the unofficial organizations, and therefore he did not think the question very important.

MR. MOLOTOV agreed that the question was not too important, but he felt that it was logical that only citizens of a United Nations should be invited. He pointed out that while the Soviet Union is not a member of the League of Nations or the International Labor Organization it had not objected to these organizations being represented, but he thought that the individuals representing such organizations should be citizens of a United Nation.

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[79] See minutes of the third meeting of Informal Organizing Group, April 13, noon, p. 283.

MR. EDEN stated that he did not think that Mr. Molotov could accuse him of pushing to have an Irishman represent one of these organizations.

MR. MOLOTOV said that he did not, of course, think that, but he was just expressing the opinion of his Government.

MR. STETTINIUS pointed out that it would not be necessary for the official delegates to see or talk with any of these individuals, who in reality would only have "tickets to the balcony".

DR. SOONG agreed that it was a minor question.

MR. EDEN said that he was willing to have neutrals invited and asked whether Mr. Molotov agreed.

MR. MOLOTOV stated that he wished to maintain the position of the Soviet Government.

MR. HISS stated that Sydney Hillman had asked the Department whether it would be possible to have a representative of the International Labor Organization accredited as an adviser to the Conference. He added that all the sponsoring powers except the Soviet Union were against this proposal since this would mean that the International Labor Organization would have a different position than the other unofficial international organizations.

MR. MOLOTOV stated that the presence of any of these people in San Francisco would not interfere with the Conference.

MR. EDEN observed that representatives of this organization could not be invited as advisers since the organization was not a government and therefore it could not be an adviser to a government.

MR. MOLOTOV then suggested that they should be invited as observers.

MR. STETTINIUS pointed out that Mr. Hillman did not want this, and added that many other organizations had been invited as observers but that the International Labor Organization wished to be accredited as official adviser.

MR. MOLOTOV stated that he hoped an agreement would be reached to permit this organization to participate.

MR. STETTINIUS pointed out that the organization was not a governmental body.

MR. MOLOTOV then suggested that it might be advisable to make an exception for this organization and did not think it would be right to refuse this request.

MR. EDEN pointed out that if we accepted this request we would have to accept the many similar requests from other organizations.

MR. DUNN pointed out that we had had requests from about eighty-five similar organizations.

MR. EDEN stated that the British Government had requests from approximately forty such organizations.

MR. HISS replying to Mr. Molotov's suggestion that this be left up to the Steering Committee pointed out that invitations to the Confer-

ence were issued by the sponsoring powers and not by the Steering Committee.

MR. MOLOTOV remarked that he had with him the Chairman of the Soviet Trade Union organization.[80]

MR. STETTINIUS stated that we had discussed the question of Mr. Hillman at some length and that after careful consideration it had been turned down.

MR. MOLOTOV asked that reconsideration be given to this matter.

MR. EDEN remarked that in regard to the Chairman of the Soviet Trade organization, he was accredited as an official delegate of the Soviet Government and that of course any government could accredit individuals as official delegates no matter what his private capacity was.

MR. HISS then brought up the question of the proposed changes to the Dumbarton Oaks agreement which the Chinese Government had suggested. He pointed out that these suggested changes had been agreed to by the United States Government and that they had been sent to the Soviet Government on March 16 [81] but that no reply had yet been received.

MR. STETTINIUS suggested that these Chinese proposals be put on the table for discussion in connection with other proposed changes in the Dumbarton Oaks proposal.

MR. MOLOTOV stated that the Soviet Government would support the Chinese Government in this matter and hoped that the Chinese Government would also support the Soviet Union.

MR. HISS then brought up the voting procedure. He suggested that in closed sessions of the commissions and committees it would be advisable for each group to fix its own voting rules. In regard to the public sessions, however, he stated that we must have some rule for voting and suggested that in regard to procedural matters decisions should be taken by majority vote and that on matters of substance decisions should be taken on the basis of a two-thirds majority. MR. HISS added that he hoped that this question would be approached in a spirit of the Conference as a whole so that agreement will be reached in the closed sessions before the question at issue is discussed in public meetings, in order to avoid the possibility of the impression being gained that divergencies exist. He then asked whether the Foreign Ministers would agree that this question should be discussed with the other delegations.

(It was agreed that this question could be discussed with the other delegations.)

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[80] Vasily Vasilevich Kuznetsov, Chairman of the All-Union Central Council of Trade Unions of the Soviet Union.

[81] See telegram 619 to Moscow, p. 126.

MR. MOLOTOV asked whether it was contemplated to have consultations with the four sponsoring delegations in regard to other questions that might come up.

MR. HISS stated that of course there would be such consultations.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 14

*Minutes of the Fourteenth Meeting of the United States Delegation, Held at San Francisco, Tuesday, April 24, 1945, 9 : 30 a. m.*

[Informal Notes—Extracts]

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

SENATOR VANDENBERG opened the meeting at 9 :30 a. m. MR. PASVOLSKY pointed out that there were two items on the agenda. A discussion of a paper on United States Delegation, Organization and Procedures, drafted April 22, 1945 and discussion of a paper entitled Principal Proposals by Other Governments and Arguments Against Them, April 23, 1945.[82]

[Here follows discussion on the organization and procedures of the United States delegation; on relations with the press; and on arrangements for meeting the Secretary, who would arrive at the San Francisco airport at approximately 10 :30 a. m. (he had left Washington at midnight on Monday, April 23).]

PRINCIPAL PROPOSALS BY OTHER GOVERNMENTS AND ARGUMENTS AGAINST THEM

SENATOR VANDENBERG suggested that Mr. Pasvolsky introduce the document before the Delegation, Principal Proposals by Other Governments. MR. PASVOLSKY indicated that this document incorporated many points which had already been discussed but that its main function was to bring concretely together the main arguments against the proposals of other governments that we would not favor. SENATOR VANDENBERG thought this type of document was very useful and asked what procedure should be followed in discussing it. MR. PASVOLSKY proposed that the Delegation go over the argumentation to see whether the arguments were in each case adequate.

CHAPTER II—PRINCIPLES

MR. PASVOLSKY then introduced the first proposal by Brazil, Bolivia and other countries that there should be included among the principles maintenance of the territorial integrity and political independence of member states. Mr. Pasvolsky suggested that the two arguments against this proposal be reversed. MR. BOWMAN indicated that he would favor maintaining our position to exclude a principle of this

[82] Neither printed.

character. He thought particularly that we should be aware of the difficulties involved since to put the emphasis upon the possibilities of change would tend to take the lid off the box. He questioned whether the reference in the first argument to the modification of boundaries was wise. It would seem to give opportunities to states to revise boundaries.

REPRESENTATIVE EATON asked why New Zealand favored this particular principle. MR. PASVOLSKY replied that this principle was favored by the New Zealand Minister in Washington [83] who felt that the Dumbarton Oaks Proposals did not go far enough to guarantee the boundaries of states. He did not believe however, that the New Zealand argument needed to be taken too seriously. MR. ARMSTRONG thought it was important in arguing for our position not to say anything that would give the impression that we favored a change of boundaries. He was afraid this would open the door to a difficult situation.

MR. STASSEN asked whether the Act of Chapultepec did not guarantee the territorial integrity of states in this hemisphere. MR. PASVOLSKY replied that the Act of Chapultepec defined aggression as a crossing of a frontier.[84] He thought this might be all right. He proposed that argument 1 be omitted and that argument 2 be retained but expanded to include the idea that an enumeration of what is included under the term "sovereign equality" would weaken the concept which, stated in general terms, covers a very broad field.

MR. BOWMAN commented that since the question of territorial integrity would be raised by a large number of states he thought it was desirable to agree upon a formula which would satisfy everybody. He said he would be glad to attempt the drafting of such a formula at any time he was so directed. SENATOR VANDENBERG noted that this subject fell within the jurisdiction of Committee 1 of Commission I. MR. DULLES commented that this was a most delicate problem.

DEAN GILDERSLEEVE suggested that Mr. Bowman prepare a formula along the lines he had suggested and submit it to Committee 1 for consideration. MR. PASVOLSKY'S suggestion for the argumentation on the principle of territorial integrity was accepted generally by the Delegates.

## CHAPTER III—MEMBERSHIP

MR. PASVOLSKY commented that the main proposal on membership that we would wish to counter was the suggestion of the principle of universal membership. According to this principle all states would

[83] C. A. Berendsen.

[84] Resolution VIII of the Final Act of the Inter-American Conference on Problems of War and Peace, part I, par. 3, in *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945*, p. 74.

automatically be members of the organization. He pointed out that most theories of universal membership involved the idea that some countries would not exercise the privileges of membership although considered members of the organization. In practice he said, there would be the categories of initial membership and other members admitted later, and it was on the basis of this theory that we were proceeding. He suggested that to the present arguments there be added the idea that the organization is to be an association of states for certain purposes and not the super state indicated by a provision for universal membership.

MR. STASSEN commented that he was greatly interested in seeing that certain rules were established for the whole world, so that there would be some things which the Organization would decide that would be abided by by everyone. MR. DULLES noted that there was a principle dealing with that very conception. MR. PASVOLSKY, in reply to a question from Senator Vandenberg, said that this particular problem lay within the jurisdiction of Committee 2 of Commission I.

MR. STASSEN said he would like to see some language, possibly in the Preamble of the Charter, indicating that the Organization was concerned with the entire world and that states regardless of whether they were members or not would be expected to abide by certain laws. REPRESENTATIVE EATON agreed with Mr. Stassen that there would have to be created a world law and that non-member states would have to abide by certain provisions of it. MR. ARMSTRONG thought it might be provided that non-member states should act in accordance with it. SENATOR VANDENBERG indicated that he would hate to do anything that would brand the new Organization as a world state.

### CHAPTER V—THE GENERAL ASSEMBLY, SECTION B—FUNCTIONS AND POWERS

SENATOR VANDENBERG asked to which committee this topic fell. MR. GERIG replied that it came within the jurisdiction of Committee 1 of Commission II. MR. GERIG explained that a large number of states were unofficially pressing this idea of extending the powers of the General Assembly and that the main difficulty was that any such broad extension of its powers would involve the General Assembly in the security field. SENATOR VANDENBERG then read the proposal by Cuba, Mexico and Paraguay that the General Assembly be the supreme authority of the organization in all matters within the scope of the charter including the maintenance of international peace and security.

SENATOR VANDENBERG suggested that Mr. Gerig read the arguments, which MR. GERIG then did. MR. BOWMAN remarked that the most important argument was not stated and that was that the ultimate causes of war lie in certain economic conditions and relation-

ships and that it was these problems with which the General Assembly would deal. The Assembly after all would be the primary organ dealing constructively with all of the fundamental economic and social problems. MR. BOWMAN thought the argument should start off with this positive note. MR. DULLES explained that one got into the question of weighted voting the moment one thought of giving the General Assembly supreme authority in the organization in all matters within the scope of the Charter. He added that this question of weighted voting raised problems that could not be resolved. DEAN GILDERSLEEVE commented that it was a fallacy to believe that the only democratic way of settling questions was by a majority vote in the Assembly. MR. DULLES agreed that when each state with such different populations had one vote it was not democracy. MR. STASSEN agreed.

SENATOR VANDENBERG then read the second proposal by Chile, Ecudor, Guatemala, Paraguay and Venezuela, that the General Assembly should be empowered to review decisions of the Security Council and to consider appeals from such decisions. SENATOR VANDENBERG indicated that the argument against this proposal was obvious. MR. BOWMAN asked Mr. Gerig if the experience of the League did not bear out the undesirability of this proposal. MR. GERIG agreed that the League experience suggested that too much time would be lost if the General Assembly had a power of review of decisions of the Council. MR. ARMSTRONG pointed out that the fact had to be recognized, however, that the small states in the League Assembly had been more willing to take action than the large states on the Security Council. MR. GERIG noted that one reason for this was that probably the small states were not so immediately involved in taking action themselves.

SENATOR VANDENBERG said that the next proposal, to grant to the General Assembly the right of referendum on decisions of the Security Council and to provide that such decisions will not become binding on all member states until approved by a two-thirds majority of the Assembly, would fall within the jurisdiction of the Committee 2 of Commission II. MR. NOTTER noted that the right of the Assembly to approve action in fact involved the right of the Assembly to force action. He pointed out that Mr. Padilla had in mind empowering the General Assembly to take action if the Security Council was stopped by the veto of any one state.

At SENATOR VANDENBERG'S suggestion the meeting was recessed at 11:15 in order to permit the Delegates to greet the Secretary in his office. The meeting reconvened at 12:15.

PRESS POLICY

## Principal Proposals by Other Governments and Arguments Against Them, Chapter VI—Security Council

Senator Vandenberg commented that the next proposal to consider was one by Canada, that special provisions be adopted to insure due representation of the middle powers as non-permanent members of the Security Council. Mr. Pasvolsky explained that if this question comes up the Delegation had agreed that they would not recognize any single criterion, that if they have to recognize any criterion the Delegation would want to list a large number. He thought that the Latin American countries might emphasize moral contribution as one element but that in any case we should be prepared to bring forward a list of criteria in order to avoid settlement on any single criterion. Mr. Dulles commented that any middle power proposition would divide nations into two groups and that tremendous competition to qualify as a middle power would be started. Mr. Dulles suggested that the way to beat the proposal was to ask what states would be classified as middle powers. Mr. Pasvolsky agreed that in this way the situation could be snarled up so that we could probably maintain the present provisions.

## Press Policy

Mr. MacLeish announced that Mr. Byington, who had just arrived with the Secretary, had come to the meeting to discuss press policy with the Delegation. Senator Vandenberg remarked that there were a number of problems troubling the Delegation and that there was a general feeling that it was time to tell the press what they can and what they cannot do. All of the Delegation felt, he said, that relations with the press were vital and that the press contacts of the Delegation were almost as important as what happened in the substantive discussions themselves. Senator Vandenberg urged that a press policy was necessary.

Mr. Byington explained that as he understood it the press were free to see the Delegates and that a special press room had been provided for them. Mr. MacLeish added that in addition to the special press room on the fourth floor of the Fairmont, the Green Room on the main floor would be available for press conferences. Mr. Stassen urged that the press be prevented from entering any rooms except the press rooms and that in addition there be daily background press conferences. Senator Vandenberg commented that he saw no use of background conferences if there was going to be merely shadow boxing. We had to be frank he said and we would have to do something to counteract the fact that the Conference was opening with a natural attitude of anxiety, gloom and doubt. He said a specific story was what the press needed and that they could have it in the assignment of Delegates to Commissions.

MR. MACLEISH asked whether it would be possible to announce the proposals which this Government intended to make. MR. PASVOLSKY said this would be very unwise since other nations would think that we were trying to force their hand.

MR. DULLES noted that while it might be unwise to announce the specific assignments to Commissions and Committees since the organization of the Conference had not yet been agreed to, he thought the assignment of Delegates by subjects could be made public. This proposal was generally agreed to.

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SENATOR VANDENBERG adjourned the meeting at 12:55.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 15

*Minutes of the Fifteenth Meeting of the United States Delegation, Held at San Francisco, Tuesday, April 24, 1945, 3:35 p. m.*

[Informal Notes]

[Here follows list of names of persons (22) present at meeting.]

THE SECRETARY opened the meeting at 3:35 p. m.

[Here follows discussion of the Secretary's proposed remarks on a radio program; procedure for a press conference; general matters; Conference arrangements; and draft address by the Secretary for April 26.]

SENATOR VANDENBERG adjourned the meeting at 6 o'clock.

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500.CC/4–1745

*The Department of State to the Embassy of the Soviet Union*

MEMORANDUM

In referring to the proposal repeated in the Soviet Embassy's memorandum of April 17, 1945 that the Provisional Polish Government now functioning in Warsaw be invited to send representatives to the United Nations Conference on International Organization at San Francisco, the United States Government is compelled to state that its position in this matter, as already set forth in a memorandum to the Embassy dated March 29, 1945, is unchanged and that it cannot agree to the extension of such an invitation.[85] While the importance of participation in the Conference by Poland, the first United Nation to undergo Nazi attack in 1939, is fully realized, it remains the firm

[85] A copy of this memorandum and a copy of the Soviet Embassy's memorandum of April 17 (p. 330) were transmitted to the Ambassador in the Soviet Union, for the information of the Mission and the American delegate to the Polish Commission, in instruction 564, April 30, not printed.

opinion of the Government of the United States that representation by Poland at San Francisco should be reserved for the Polish Provisional Government of National Unity agreed upon at the Crimea Conference.

WASHINGTON, April 24, 1945.

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500.CC/4–2445

*Memorandum by Mr. Charles E. Bohlen, Assistant to the Secretary of State, of a Conversation Held at San Francisco, April 24, 1945, 5:45 p.m.*

Present: The Secretary of State
Mr. Molotov
Ambassador Harriman
Ambassador Gromyko
Mr. Pavlov
Mr. Bohlen

MR. MOLOTOV said: that he had come to see the Secretary to raise a number of points. His request was as representative of a sponsoring government that he be kept informed of all developments and arrangements affecting the Conference; that he did not wish to have to rely on rumors but wished to have first-hand information on all matters such as plans, arrangements, agenda, et cetera. He added that he designated Mr. Novikov of the Soviet Delegation to maintain contact with the U.S. Delegation.

THE SECRETARY replied: that he intended to see that Mr. Molotov was kept fully informed about everything, and that Mr. Hiss, as temporary Secretary General had already made plans for the full dissemination of such information. He added that in so far as the U.S. Delegation was concerned, he had delegated Mr. Thompson, whom Mr. Molotov knew from Moscow, as our representative to maintain contact with the Soviet Delegation. He emphasized, however, the difference between the Secretariat headed by Mr. Hiss and the U. S. Delegation and suggested that Mr. Novikov be put in touch both with Mr. Hiss' office and with Mr. Thompson.

MR. MOLOTOV agreed and expressed his satisfaction.

THE SECRETARY then said that since there had been much speculation of the press in regard to the matter of the final amendments proposed at Dumbarton Oaks, at a press conference this afternoon, he had informed them that last night the four sponsoring powers had agreed that these amendments be placed before the Conference together with the Dumbarton Oaks proposals. He said he had tried to get in touch

with the Soviet Delegation yesterday afternoon before the press conference but had been unable to do so.

MR. MOLOTOV said that he had no objection at all to the press statement which he felt was entirely satisfactory in view of last night's decision.

MR. MOLOTOV then said that he wished to raise again the question of the four Chairmen of the Conference since his government felt that this would establish before the other nations the principle of equality of the sponsoring powers. He said the matter had not been fully explored last night and would like to clarify further the American position.

THE SECRETARY explained that he had discussed this matter both with the late President Roosevelt and with President Truman and that his instructions were that we should support the view of one responsible Chairman for the conduct of the Conference's position. He said, however, that he thought that possibly some halfway point or compromise could be found whereby all four nations would be honorary Chairmen and in the absence of the responsible Chairman they could each have an opportunity to preside over plenary session.

MR. MOLOTOV inquired whether this meant that the U. S. did not wish to reach agreement on this question.

THE SECRETARY replied that, of course, we wished to reach an agreement but such were his instructions and that the matter would have to be decided at the first meeting of the Steering Committee.

MR. MOLOTOV said he would have to maintain the position of his government on this point.

After some discussion of the program of the plenary session tomorrow and the first meeting of the Steering Committee on Thursday, the 26th, Mr. Molotov said he had some other questions to raise.

He said that he had not had an opportunity to see the Secretary alone without representatives of other powers since he had arrived in the United States. He said he wished to speak first of the question of the Agreement at Yalta concerning the admission of White Russia and the Ukraine as initial members of the World Organization. (After some discussion, it was established that Mr. Molotov had in mind not a representation to the Conference which he said was the second phase of the question but the first phase, namely, of the execution of the Crimea Agreement regarding White Russia and the Ukraine).

He said that the discussions last night on this subject had been somewhat vague and he hoped to arrive at a more or less friendly understanding of the status of this matter. He said he must say frankly that the Soviet Government considered that the three governments who had made the Crimean decisions were responsible for its execution

and that he wished to know whether there was any justification to believe that the three nations would be able to have their agreement carried into effect.

THE SECRETARY said he thought he had made clear the position of the U.S. Government; namely, that he would live up to the agreement. He added that since Mr. Molotov had requested his personal opinion, he felt that the attitude of the Conference could not help but be affected by the failure of the three nations to reach an agreement on the Polish question. He added that this failure had cast doubt on the unity and collaboration between the three powers which was the corner stone of the Dumbarton Oaks proposals and that as a friend he must state this view frankly to Mr. Molotov. He said that he was confident that if we could agree on the Polish question that the Conference would in all probability be willing to accept the Soviet proposal.

MR. MOLOTOV replied that he felt that a failure to carry out the Crimea agreement on the admission of White Russia and the Ukraine could only worsen the situation; that to add failure on this point to our inability to carry out the decision on Poland would be an even more serious indication of disagreement between us. He added that he felt that since Mr. Stettinius had met with the Latin American countries at Mexico City and that Mr. Eden had met with the Dominions in London they both should have some idea as to the attitude of those countries towards the proposal in regard to White Russia and the Ukraine and he, therefore, wished again to ask whether there was grounds for believing that the three nations would be able to carry out at the Conference this agreement.

THE SECRETARY said, speaking quite frankly, that he could not tell Mr. Molotov that attitude of the Latin American countries; adding that he had not raised the question at Mexico City since he had not been authorized by President Roosevelt to do so, and in any event, the agreement had not been published.

MR. MOLOTOV remarked that the agreement had been published to which THE SECRETARY replied that that was after Mexico City.

MR. MOLOTOV then said that he had some indications that the Dominions were prepared to support this proposal.

THE SECRETARY again reported to Mr. Molotov his impression of the effect of failure to reach the agreement on Poland would have at the Conference.[86] He said that he felt if we could only agree here on the plan of consultation with Polish leaders from within and without Poland and that the Commission could go back to Moscow to continue its work, the effect would be most beneficial. He added that he felt

[86] See message of April 23 from President Truman to Marshal Stalin regarding the Polish question, vol. v, p. 258.

that the United Nations were firmly determined to create a World Organization; that they were prepared to make adjustments, but that they had come to look upon the Polish issue as a test case between the three powers. He concluded by saying that he was speaking as an individual and not as a representative of the U. S. at this Conference.

MR. MOLOTOV said that they had no objection to consultation but that he felt his position and that of his government of [*on*] the Polish matter had been made sufficiently clear. He then said that he expected to put the question of White Russia and the Ukraine at the first meeting of the Steering Committee on Thursday, April 26th, and that he would state that this was an agreement between the three powers at the Crimean Conference who bore the responsibility for its execution. He asked if he could expect that we would secure the maximum support for this proposal.

THE SECRETARY replied that he felt it would be unwise to raise this question so early in the proceedings of the Conference.

MR. MOLOTOV answered that the matter had been settled between the three powers and that he did not feel it would be possible to support [*suppress?*] this question.

THE SECRETARY said he thought it would be more logical to have the question come up when the composition of the assembly was under consideration rather than the other way around.

MR. MOLOTOV said that it could not be put off and that it was a question of membership in the Organization. He replied also that if the Soviet Government was confronted with the failure of the three powers to carry into effect the Crimea decision on the admission of White Russia and the Ukraine he would have to go home. He added that such a failure would be greeted with surprise and concern by the Soviet public opinion and that the consequences could not be good.

THE SECRETARY reported that we were prepared to carry out our commitment but that he had only been here a few hours and Mr. Eden had not arrived, and that they should be given some time to discuss the matter with the Chairman of some of the other Delegations. Otherwise, there might be the serious risk that when Mr. Molotov put the proposal before the first meeting of the Steering Committee that only he and Mr. Eden would vote for it.

MR. MOLOTOV said he did not know but that this was a risk.

THE SECRETARY again said that if we could only reach some agreement on Poland and announce that a list of leaders who were to be invited for consultation would have an enormous helpful effect on the attitude of the Conference towards the White Russia and the Ukrainian question.

MR. MOLOTOV said that in regard to Poland, his Government felt that instead of friendly support in the matter of the establishment of a Polish Government friendly to the Soviet Union, obstacles had been continually put in its path by the U.S. and Great Britain. He said this had created quite a difference in atmosphere than that at the Crimean Conference. He said that now attempts were being made to speak to the Soviet Union in the language of a dictator; that the Soviet Union was in the first rank of the powers and would not be pushed back into the second rank; that if the Soviet Union was treated as a partner, it would react as a cooperative partner along the lines of the Crimea Conference but that if attempts were made using the Polish situation as an excuse to dictate to the Soviet Union no good would come out of it.

THE SECRETARY said that there had been no change in our attitude since the Crimea; that we maintained to carry out our agreements and that all we asked was that the Polish leaders suggested by us be accepted for consultation.

MR. MOLOTOV replied that Mr. Stettinius was aware of his position and that of his Government on this question. He concluded by saying that if the Soviet Government was forced to accept anything but a friendly government in Poland after all the Russian blood that had been shed for Polish liberation, any other solution would mean for them that this blood had been shed in vain and they had lost the war. He said that aggression had come to Russia through Poland twice in a generation and that they could not abandon the interest of their state. He said that at the Crimean Conference the atmosphere had been satisfactory but since then they had noticed a definite change and that obstacles were being placed in the way of a formation of a Polish Government friendly to the Soviet Union.

THE SECRETARY denied that there had been any change in atmosphere on the part of the United States.

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It was agreed that at 11 o'clock tomorrow morning if Dr. Soong and Mr. Eden were agreeable there would be a meeting of the Foreign Ministers of the four powers to consider Conference arrangements and to begin the examination of amendments proposed by other countries to the Dumbarton Oaks document, and that this meeting would take place in Mr. Stettinius' office.[87]

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[87] See minutes of meeting, April 25, 11 a. m., p. 402.

## CHAPTER IV: APRIL 25–MAY 7, 1945

**Opening session of Conference; consultative meetings of Foreign Ministers of the four Sponsoring Governments completed on questions of organization, procedure, admission of States to the Conference, and suggested amendments to the Dumbarton Oaks Proposals; amendments proposed jointly by the four Sponsoring Governments; additional amendments to the Proposals suggested by the United States; beginning of a new series of informal consultations on proposed amendments, which included the Foreign Ministers and Ambassadors of the four Sponsoring Governments and France; United States proposals on trusteeship presented at the first preliminary five-Power consultative meeting on trusteeship; participation of the United States delegation in first meetings of the various Commissions and Committees of the Conference.**

RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 16

*Minutes of the Sixteenth Meeting of the United States Delegation (A), Held at San Francisco, Wednesday, April 25, 1945, 8:35 a. m.*[88]

[Informal Notes—Extracts]

[Here follow list of names of persons (26) present at meeting, and announcements concerning (1) agenda for meetings, (2) a meeting of Foreign Ministers of Sponsoring Governments, and (3) availability of tickets for plenary sessions.]

TRIBUTE TO LATE PRESIDENT ROOSEVELT [89]

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PRINCIPAL ADVISERS [90]

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The Secretary also asked and received the approval of the Delegation to have Mr. MacLeish and Mr. Dickey attend the meetings of the Delegation in order to provide proper liaison with the public relations staff of the Delegation.

[Here follow announcements concerning the daily program, and postponement of discussion of trusteeship and other deferred items.]

VICE CHAIRMEN OF THE DELEGATION

The Secretary announced that the President had approved the appointment of Senators Connally and Vandenberg as Vice Chairmen of the Delegation. He stated that under such an arrangement he would try to divide up his responsibilities between the two of them and to that end would discuss the matter with them later. He asked

[88] The United States delegation was housed in the Fairmont Hotel, and its meetings were held in the fifth floor Conference Room. For a list of residence and office quarters of other delegations, see UNCIO Documents, vol. 2, p. 10.

[89] For declaration paying tribute to President Roosevelt, introduced by Joaquín Fernández, Chairman of the Chilean delegation, at the first plenary session, April 26, 3: 48 p. m., see Doc. 15, P/3, April 27, UNCIO Documents, vol. 1, p. 121.

[90] See press release of May 2, Department of State *Bulletin*, May 6, 1945, p. 858.

the approval of the Delegation of this arrangement—which was given—and then asked that an appropriate announcement of this appointment be made to the press.

FOUR-POWER CONSULTATIONS

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CONGRESSIONAL OBSERVERS [91]

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The Delegation went into Executive Session at 9:30 a. m.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 16 (Exec)

*Minutes of the Sixteenth Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Wednesday, April 25, 1945, 9: 30 a. m.*

[Informal Notes]

[Here follows list of names of persons (19) present at meeting.]

POLISH QUESTION

The Secretary reported that he had brought with him to this session Ambassador Harriman, Mr. Dunn and Mr. Bohlen. He indicated that he wished to discuss frankly and with the utmost secrecy the whole question of our Soviet relations, in particular our relations with the Soviet Government on the question of Poland and the problem of two votes for the two extra Soviet Republics. He said he looked upon these as two separate issues.

With respect to the Polish question the Secretary stated that he had already indicated to the Delegation what had taken place in a general way. He said our position was that the Yalta Agreement [92] should be lived up to. This position, he said, had been made clear by Mr. Truman in his meeting with Molotov and Eden.[93] The Secretary reported that Mr. Truman, at a second meeting with Mr. Molotov and Mr. Eden, had reaffirmed our position that consultation should take place with an independent commission. He pointed out that nothing further could be done on this question until word was received from the Soviet Government.

ADMISSION TO THE ORGANIZATION OF THE TWO SOVIET REPUBLICS

He explained that the specific issue he wished to consider here concerned the proposal for two votes for the extra Soviet Republics. The

[91] See Department of State *Bulletin*, April 29, 1945, p. 802.

[92] For agreement on Poland, see section VI of the Communiqué issued at the end of the Crimea Conference, and section VII of the Protocol of Proceedings, *Conferences at Malta and Yalta*, pp. 973 and 980, respectively.

[93] No record found of any meeting with President Truman attended jointly by Mr. Molotov and Mr. Eden; with regard to their separate meetings with the President, see footnote 87, p. 294.

Secretary reported that he would like to read Mr. Truman's letter, addressed to him, to the Delegation.[94] The President directed that we support the proposal for admission to membership in the Organization of the Ukraine and the White Russian Republics. The Secretary then read the letter to the Delegation.

The Secretary reported that the President was only thinking of seats in the Assembly for the two Republics after the Organization was established. Mr. Bohlen said this was correct and that the admission of the White Russian Republic and the Ukrainian Republic to representation at the Conference was left open. Senator Vandenberg thought this open question would certainly be raised by the Russians. Mr. Bohlen agreed since it was logical he said, if the Republics were admitted as initial members, that representation would be asked for them at the Conference. This however, Mr. Bohlen said, was a second phase of the problem and that for the time being Mr. Molotov was dealing with the first phase of the question.

The Secretary stated that the question at issue was whether the two Soviet Republics would have seats in the General Assembly after the establishment of the Organization. With that introduction he said he would ask Mr. Dunn to make his recommendation for action on this question. Mr. Dunn replied that he would like first to refer to the terms of the Yalta Agreement on this question.[95] By this Agreement it was pledged that when the Conference was held a Soviet proposal would be supported to admit to original membership in the Organization the two Soviet Republics. Mr. Dunn said his thought was that at Yalta there had been several agreements regarding the new Provisional Government of Poland, the liberated areas, trusteeship questions, and that among these was the agreement on the admission of the two Soviet Republics.[96] All of these agreements he said had been made public. The question of timing arose only in connection with this one agreement on the admission of the Republics since that agreement began "when the Conference is held . . .". Mr. Dunn said we would have to face the fact that the Conference is now being held and that this question would come up at the first business session. The Polish question was in a state of consultation and development and was not up for final decision or conclusion at this time. However, the problem of admission of the two Republics was before us and Mr. Dunn felt that unless we followed through and went along in full good faith to do all we could to assure the admission of the two Republics our position with respect to the other agreements reached at Yalta would be very weak.

[94] For letter of April 22, see Department of State *Bulletin*, April 29, 1945, p. 806.

[95] See Protocol of Proceedings of the Crimea Conference, February 11, 1945, *Conferences at Malta and Yalta*, p. 976.

[96] For the various agreements, see the Communiqué and Protocol of Proceedings of the Conference, *ibid.*, pp. 968–982.

Mr. Eaton asked whether it would be possible for us to make the decision or whether it was not a decision of the Conference. Mr. Dunn indicated that the question was whether or not we would support the Russian proposal in full good faith. Senator Vandenberg remarked that, since this question did not involve the fate of the Conference he wondered why it needed to be settled immediately and why it could not be settled in the course of events. Mr. Dunn said that the Soviet Delegation was going to bring the question up and had in fact already told us that the matter would be brought up. Senator Vandenberg asked if any violation of the Yalta Agreement would be involved if the matter was referred to the Assembly Commission—Commission II—for decision. Mr. Dunn thought that a violation would be involved if we took steps to defer the vote on this question.

Mr. Dulles proposed that if we indicated our support for the Russian proposal then we would have to put it through. It would indicate bad faith if we nominally supported the proposal and did nothing to put it into effect.

Mr. Stassen agreed that to support the proposal without being successful would be unthinkable. He was afraid that to fail at this early stage in this way would result in the failure of the Conference. However, he thought a major problem was to secure for the proposal the support of the American people and that if this was to be done we would have to take the offensive in interpreting our decision. He said he did not wish to raise again the point that the Delegation had not been fully advised in this matter at the start. He said from one point of view this was only a minor issue and that the important thing was to proceed aggressively to find a basis for bringing in references to justice and international law and other important points and then proceed to a vote on this question. Senator Vandenberg said he agreed with this.

The Secretary commented that Mr. Roosevelt had, according to his understanding, told the Delegation of the Yalta Agreement on the Soviet Republics.[97] Senator Vandenberg replied that there had been some disagreement as to what the President had actually said. The Secretary indicated that he tended to agree with Mr. Stassen's statement. Mr. Bloom thought that we should not take on the responsibility for securing the adoption of the Russian proposal. While we should not do anything to retard it, he felt that we would be taking on an awful lot if we assumed responsibility for pushing it through.

Senator Vandenberg indicated that while he was reluctant about the whole proposal he would accept the obligation to back it, but he did not see why it was necessary to push the matter through at the

[97] See memorandum of March 22 by the Acting Secretary of State to President Roosevelt, p. 144.

beginning of the Conference. He thought we should be able to choose the time when we would reach agreement on this question.

Senator Connally said that if we supported the Russian proposal and failed to put it over we would be discredited. On the other hand if we insisted that the little countries should go along we would contribute to the already prevalent notion that the big countries were dominating the Conference. He wondered whether it would not be possible to settle the Russian proposals all at once. He thought that if a settlement of the Polish question could be reached it would ease the blow of this other agreement.

Representative Bloom asked at what point on the list the United States would vote since, if it led off, the impression would be created that we were trying to dominate, while if we voted later on the list this impression might not be given. The Secretary asked that a list of order of voting at the Conference sessions be brought into the meeting.

Mr. Rockefeller proposed that we should take advantage of the situation and support the Russian proposal wholeheartedly, thereby taking psychological advantage of a situation that we could not now avoid. He pointed out that the Latin American states would not be willing to vote as a bloc in favor of the Russian proposal unless Russia relaxes its position on Argentina. If the United States wants the Latin American votes for the Russian proposal there would have to be a settlement of the Argentinian question. Mr. Dunn said he did not think we could make a deal of this sort. The Secretary asked whether the Latin American countries were agreed that Argentina should be an initial member of the Organization. Mr. Rockefeller explained that they wanted Argentina invited to the Conference. They do not want to disrupt the Conference and therefore they would not push their position but they do feel that in view of the position taken in Mexico [98] that it is time to admit Argentina to the United Nations.

The Secretary noted that no word had come from Molotov on the request of the Argentinian Government to be recognized. The Secretary then announced that Ambassador Harriman had come to the meeting and that he wished to have him speak on the question under discussion.

Ambassador Harriman said that since the Yalta Conference our relations with Russia had taken a very different turn. The relations of war time were now developing into the beginning of the relations of peace time, which might in part explain the change in our relations. All men who have dealt with Russia know of the Russian

[98] See Resolution LIX of the Final Act of the Inter-American Conference on Problems of War and Peace, in *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945*, p. 133, or 60 Stat. (pt. 2) 1831.

attempt to chisel, by bluff, pressure, and other unscrupulous methods to get what they wish. We also recognize that they wish to have as much domination over Eastern Europe as possible, and that as the Red Army has advanced, governments in Eastern Europe have tended to come under the domination of the army. While we cannot go to war with Russia, we must do everything we can to maintain our position as strongly as possible in Eastern Europe. Russia is building a tier of friendly states there and our task is to make it difficult for her to do so, since to build one tier of states implies the possibility of further tiers, layer on layer. Our whole position, Ambassador Harriman said, the one advantage we had, was to stand firm on our position in Eastern Europe. He added that he felt just as warmly on this question as Senator Vandenberg, and that he recommended that we be as firm with the Russians as possible.

Ambassador Harriman pointed out that the Polish question was the major question, and that we should not confuse it with the admission of the two Soviet republics to the Conference or to membership in the Organization. Ambassador Harriman indicated that the basic issue at Yalta had been the voting procedure on the Security Council, on which the Administration had taken a strong position and on which there had been no weakening. When the President had put this position up to Stalin, Stalin had agreed to accept it for the admission of the two Russian republics.[99] He thought the special interest of Stalin in the two Russian republics reflected a problem of Communist control in the Ukraine and in the White Russian Republic.

Senator Connally asked whether Ambassador Harriman meant that the Russian proposal stemmed from a situation of domestic politics. Ambassador Harriman replied in the affirmative. He thought that Stalin was attempting to achieve a favorable public opinion in the two republics. He pointed out that we must face the fact that the foreign policies of the two republics would be dictated by the Kremlin, and that those republics were not autonomous. He noted that Stalin placed a great deal of emphasis upon the international recognition of these two republics, and that the question of their votes in the assembly was only a secondary one. Mr. Bowman questioned whether, on achieving two extra seats in the Assembly, it was likely that the Soviet Government would press for additional seats for other constituent republics. Ambassador Harriman replied that there was no doubt about this, and that that was the reason why the President had tied the matter of admitting the two republics to the particular circumstances of the war, in which they had suffered so heavily. It was clear, he said, that further demands would be made by the Soviet Government. Mr. Stassen asked whether the President agreed to the Soviet proposals because of the Polish *quid pro quo*. Mr. Bohlen

[99] See *Conferences at Malta and Yalta*, p. 712.

commented that the Russian proposal was put in at the same time that the Polish question was up.

Mr. Dulles asked whether the veto power on the Security Council in questions of pacific settlement had been gained in exchange for the agreement on the two Soviet republics. Ambassador Harriman indicated that Mr. Stalin had first agreed to the voting procedure. We had felt that it was essential not to give in on the voting procedure in order to give the small states some satisfaction. In fact, he said, the question of the Soviet Republics and the problem of the voting procedure were tied together in the discussion, although Stalin had never said he would agree to our proposal if we agreed to his. The Secretary pointed out that the discussion of these two matters took place within the same half hour. Ambassador Harriman agreed.

Mr. Bloom asked why the justification was used that these Republics had participated in the war. He wondered if other republics had not suffered equally. Ambassador Harriman replied in the negative, indicating that these two republics had been invaded. Ambassador Harriman pointed out that we should not consider the question of the two Soviet Republics in connection with the Polish settlement. He said he agreed with Mr. Stassen that we should carry out the agreement which the President had made, and do it in such a way so as to avoid giving any grounds for others going back on the other agreements at Yalta. He said the question of the timing was not one on which he could pass judgment, since he was not sufficiently in touch with American public opinion. His judgment, however, was that we should announce the matter four-square to the public. In any case, he said, we were not going to get the Polish settlement at this time, even if we allowed the Polish representatives to come here for consultation. The point was that there was still the question to decide as to what kind of government Poland would have, and this would inevitably delay the whole matter. On the question of the two Soviet republics, however, as Mr. Dunn had said, we were up against a date.

The Secretary indicated that there would be considerable delay in settling the Polish question, even if Mr. Molotov heard from Mr. Stalin, since it was planned to have the leaders invited to Moscow for consultation. Ambassador Harriman explained that the next step would be consultation in Moscow, and an attempt there to reorganize the government. He said it would be a hollow victory if we had assumed that having taken the first step the whole matter was settled. Mr. Eaton asked whether if we kept our agreement, there was any guarantee that the Soviet Union would change its spots. Ambassador Harriman replied that there was no such guarantee. Representative Eaton thought that we would then have given away our position and lost our bargaining power. Ambassador Harriman indicated that

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if the question of the Soviet republics was the only issue he would tend to agree with Mr. Eaton, but that there were in fact other issues connected with this question. The Secretary thought that frank recognition should be given to the fact that there were certain military considerations that could not be discussed here. Ambassador Harriman indicated that a primary motive of the Soviet Union was to get a position as a respected nation among the family of nations, and not to go back to its former isolation. He thought that there would be many issues coming up between us and that we must be more than certain not to give Russia grounds for saying that we had gone back on the Yalta agreement. He thought we should not raise the question of the invitation to the Conference at this time, but simply live up to our agreement. He doubted that the situation would be improved if we showed reluctance in living up to our agreement.

Senator Vandenberg commented that the problem remained to satisfy the people of the United States. He said he could not escape the notion that if the first action of the Conference was to admit the two Soviet Republics the repercussions on public opinion would be desperately bad. He agreed that a contract we had made would have to be completed, but he thought it better to postpone the completion until later. He said that he did not think that Russia had done anything to help us along the way on this question. Ambassador Harriman remarked that although there were a number of actions taken by the Soviet Government with which he did not agree, he did not think it was fair to say that the Russians had done nothing. Senator Vandenberg replied that the fundamental fact was that the American public would believe that Stalin was writing the ticket.

Mr. Armstrong asked whether it was true that there were no other time provisions on the agreements at Yalta. In connection with the agreement on liberated areas, he recalled that it had been stated that when we believe that conditions are unsatisfactory we shall invoke the consultative procedure. He pointed out that we had invoked the consultative procedure in regard to Rumania,[1] but that the Russians had not accepted that. Mr. Dunn said that there were two periods to keep in mind: 1, the period of military action, and 2, the period of political action. Rumania was still within the field of military operations. We would have to accept this fact just as we had made the Russians accept our position in Italy.[2]

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[1] See Protocol of Proceedings of the Crimea Conference (II. Declaration on Liberated Europe), *Conferences at Malta and Yalta*, p. 977; for documentation on the Rumanian situation, see vol. v, pp. 464 ff.

[2] For the Anglo-Soviet-American communiqué (Declaration Regarding Italy), issued at the Moscow Conference, held October 18–November 1, 1943, see *Foreign Relations*, 1943, vol. i, p. 759.

Ambassador Harriman said the big issue was the Polish issue and that we should concentrate on that. Rumania, after all, was an enemy country while Poland was a country which we respected and which had suffered considerably since the very beginning of the war, and was, in fact, the country over which war was declared.

Senator Vandenberg commented that the question uppermost in his mind was the American reaction. He indicated we did not have any idea whether the Russians would cooperate with us or would be bluntly hostile to our suggestions for a more liberalized amendment procedure.

The Secretary commented that the advantages would be better in getting a liberalized amendment procedure if we could get by this first hurdle. Ambassador Harriman replied that he agreed with the Secretary.

Senator Vandenberg said he thought it was about time we did not take Russian good intentions so for granted. Ambassador Harriman recommended that if Russia did not go along with us on changes that we considered fundamental in the charter of the organization, we ought to talk in a straight-forward manner, and tell the Russians to return to Russia. On a substantive question he would recommend meeting the issue head-on, but he did not like to see the Conference broken up on a relatively unimportant question.

Senator Connally explained that in any event there was not now time for a Polish representative to come to the Conference, since the Conference was upon us. The Secretary explained that we would not agree upon a Polish representative until a Polish Government was satisfactory to us, and we had recognized it. Representative Bloom asked whether the Yalta agreement on Poland was quite explicit. Ambassador Harriman replied that all decent people could understand it, and that it was very specific. The difficulty was that the Russians interpreted the agreement differently than we did. The phrase "other Polish leaders" meant to us leaders of all parties, including the democratic elements. The Russians thought that they had fulfilled the terms of the agreement if they merely brought to Moscow a few Communist stooges and non-party officials. Representative Bloom asked what had been done to carry out the Yalta agreement on Poland. Ambassador Harriman reported that there had been a half dozen meetings, lasting from three to four hours, and that careful work had been done.

Senator Connally said that if it was true that there were other considerations at Yalta that had not been made public, but that affected the Russian proposal on the two republics, then we ought to carry out our pledge at Yalta under the directives of President Roosevelt and President Truman. We should carry out their agreement graciously and promptly and not equivocate. We should not give the impression that we were not acting in good faith.

Senator Vandenberg indicated that we would have to be prepared to confront the demand that the Soviet republics be immediately seated in the Conference. Mr. Dunn said there had been no agreement on the invitations to the Conference. Mr. Stassen wondered whether we should not say that while we are opposed to the participation of the republics in the Conference, we will wholeheartedly carry through with our agreement on the admission of the two republics to the Assembly.

Representative Bloom thought we had already gone on record as a Delegation in favor of the Russian proposal. He questioned the use of the two terms "original" and "initial", and thought we should stick to the phrase "initial members". Dean Gildersleeve said she also thought the Delegation had agreed to the Russian proposal and had announced its position. The Secretary said he thought this was true and believed we should promptly make a statement to the Russians and to the public. Senator Vandenberg indicated that while he would go along with the proposal he was opposed to doing it until some plausible excuse was developed for going along. He did not like to give the impression of being ordered around, and would prefer to have the matter come up first in the Commission on the Assembly. He believed the impact would be terrific on the American public if it was presented simply with the bald fact.

The Secretary pointed out the fact that the Soviet Government was likely to bring up the issue in the Steering Committee. Mr. Bowman thought that we might merely announce that we reaffirmed our position taken at Yalta on the Russian proposal, and then we could follow the legal procedure in discussing and getting agreement upon the Russian proposal.

Mr. Stassen indicated his opposition to an additional announcement such as suggested by Mr. Bowman, feeling that this would only increase the difficulty.

The Secretary regretted that he had to leave the meeting and that Mr. Dunn would also have to leave, and he said that he would expect the Delegation to continue its discussions. The Secretary said that he would like an instruction from the Delegation on the question under discussion. (The Secretary and Mr. Dunn left the meeting.)

Mr. Hackworth did not think that we should qualify our position, but should indicate to the Soviet Government that we were ready to comply with our previous decision. Mr. Stassen remarked that no one had raised the question of reneging, but that the fundamental problem was how the matter should be brought up. Mr. Rockefeller said that we should not forget that we had to carry this out with the American Republics, and that if we wanted to put the proposal through, we would have to have their votes. The only way he thought we could get their vote was to give in to their desires on Argentina.

Mr. Armstrong thought this would only create a double handicap with the American people, since the American people did not want Argentina in.

Dean Gildersleeve suggested that careful consideration be given to a statement on the fundamental reasons why we had gone along with the Russian proposals, and that we could couple this statement with an announcement that we were standing firm on Poland.

Mr. Dulles thought that we might also add to this statement that the Delegation had determined that it would not favor seating the Russian republics at the San Francisco Conference. Senator Connally thought it was rather awkward to tie in the announcement of carrying out the Yalta agreement with the statement that we would not invite the two republics to attend the Conference.

Senator Vandenberg thought that any statement now, until we could produce something that we had gained in the bargain, would invite public opposition. Ambassador Harriman indicated that he would like nothing better than to have the people rise up in protest and indicate their real position, since it would be good for the Soviets to appreciate for once the reaction of the American people which he had been for such a long time trying to convey to them.

After a brief discussion, it was agreed by Mr. Pasvolsky and Mr. Raynor that the Delegation had not yet announced its own view on the Soviet proposal.

Mr. Pasvolsky pointed out that there was a real difference of interpretation of the Yalta agreement between the Russians and ourselves. While we were committed to admitting the two Russian republics to membership in the Organization, this meant to us listing them in the annex as initial members of the Organization. From our point of view the question of participation in the Conference did not arise at Yalta and is not now involved. The Russian interpretation, on the other hand, was that admission as original members of the Organization implied the right to send representatives to the Conference itself. Mr. Pasvolsky noted that there would be no problem of timing if we were merely listing the Soviet republics in the annex, but the reason that the Russians were pressing the matter was that they wanted to get the two Soviet Republics represented in the Conference. Ambassador Harriman commented that the agreement at Yalta did not imply the seating of the two republics in the Conference. Mr. Pasvolsky said that it would be tremendously difficult to avoid doing this if we lived up to our own interpretation of the Yalta agreement. Senator Vandenberg replied that if we yielded on the Russian proposal at all it did not much matter whether we seated the states at the Conference or whether we did not. Mr. Pasvolsky thought that the preferable position was to say that we did not intend to seat the two republics at the Conference. Mr. Stassen preferred to make our carrying

through on the two Soviet republics conditional on the Russians carrying through on Poland. He wondered if this was feasible.

Mr. Bowman asked what significance there was in the stepped-up interest of the Soviets in the Economic and Social Council. Mr. Pasvolsky thought that this was not particularly related to the question of membership. He pointed out that the Russians had come a long distance in supporting the effort for a firm organization, in large part because of the prestige which recognition as a great power gave the Soviets. Ambassador Harriman agreed that the prestige factor was the predominate one, and he said he was convinced that if the Russian Delegation returned without delivering on the General Organization they would pay for it. He said it would be a serious thing for the Kremlin to face if it backed out of the Conference.

Mr. Pasvolsky pointed out that the worry of the Government over its relations with the Ukrainian and White Russian republics was evident by the fact that in military reports the armies are always referred to as Ukrainian and White Russian armies. Ambassador Harriman indicated that officers fighting on the Ukrainian and White Russian fronts are referred to by those names.

Mr. Bloom asked how a decision on the Russian proposal would affect the military situation. Ambassador Harriman did not think that it would affect the military situation either in Germany or in the Pacific.

Mr. Hackworth asked why the two Republics should not be invited to the Conference. Senator Vandenberg replied that this would be in violation of our previous agreement that only United Nations should be invited. Mr. Pasvolsky commented that it would change the character of the Conference to invite the two Republics.

Mr. Bloom asked when this question was going to come up and what the urgency was. Ambassador Harriman replied that the question would be raised probably the following day. Mr. Pasvolsky thought it might be under discussion at this very moment. He explained that what was involved was a matter of interpretation of the Yalta agreement. He thought that to give up the interpretation that we have already urged, in other words that we were willing to admit the two Soviet Republics to membership in the Organization but not to extend invitations to them, would be bad. From our view, he said, the only question was the inscribing of the names of the two Soviet Republics on the list of initial members.

Senator Vandenberg indicated that he did not think that the Secretary of State would stand for the extending of invitations to the two Soviet Republics. Mr. Rockefeller said that he thought the matter needed to be looked at as a whole and that some position had to be taken on the Argentinian question if we expected to line up the Latin

American votes. Mr. Eaton asked whether Argentina was a United Nation. Mr. Rockefeller replied that Argentina had requested ten days ago to sign the United Nations Declaration and that nothing had been done about it. The Latin American countries, however, unanimously wanted Argentina in the United Nations. Mr. Pasvolsky noted that we did not want Argentina in. Mr. Stassen did not think that we could now invite Argentina to the Conference if we were going to give the Russians a negative reply on their demand to admit the two Republics to the Conference. Senator Connally thought the American public would be bitterly opposed to the Argentinian Government signing the Declaration by United Nations. Mr. Stassen wondered why it would not be feasible for Argentina to come in as an original member after the Organization was established. Senator Connally said that he did not even like the idea of Argentina coming in as an original member. Mr. Rockefeller said all he had in mind was that we had to keep in view the inter-connection of the two problems.

Mr. Armstrong pointed out that we must also keep in view the psychological effect on the Russian Delegation if it was presented with the double proposition of inviting Argentina to the Conference while the two Soviet Republics were not invited. He asked Ambassador Harriman what the Russians would do if the two Republics were refused representation at the Conference. Ambassador Harriman replied that the Russians would object very strongly, and that Molotov would probably pack up and go home. Moreover, he thought if we said that we could not guarantee the membership of the two republics until the Conference voted it, that the opposition of the Soviets on other issues would be greatly increased. He said that until the Soviet Government knew where it was going to come out on the issue, we were going to face increasing stubborness. Mr. Pasvolsky thought that in preference to stalling and to long negotiation on the admission to membership of the two republics our bargaining power would probably be bettered if the issue could be settled and gotten out of the way. Senator Connally asked what would happen if we voted "no" on inviting the Soviet republics to attend the Conference. Mr. Pasvolsky said that in making any decision we would have to be guided by the principle of not letting Russia walk out of the Conference on this issue. Ambassador Harriman thought that Russia would not walk out of the Conference on this particular issue but that Molotov would simply pack up and go home.

Senator Connally asked whether the Russians really wanted a peace organization. Ambassador Harriman replied that they wanted a peace organization but for different purposes than we did. Membership in the Organization, he said, would give them world prestige that

would be useful to them in extending their relations, particularly in Eastern Europe. Senator Connally asked how badly they wanted the peace organization. Ambassador Harriman replied that if the democratic world did not meet them on the terms that they generally favored they would probably go in the direction of isolation. He thought that it was a real possibility that, if the Conference voted down their request for membership of the two Soviet Republics, they would walk out on the Conference. He did not believe they would walk out on the question of the seating of the Soviet Republics at the Conference.

Mr. Dulles commented that we must face the fact that we are not in a position to deliver the Conference vote for the Russian proposal within the next twenty-four hours. If the Conference votes down the proposal there is every reason to expect a blow-up. The Russians would accuse us of having sent Nelson Rockefeller around to tell the Latin American governments to vote against the proposal. This, he said, inevitably raises the Argentinian question. Ambassador Harriman pointed out that the Argentinian question had not been raised in any form with the Soviet Government.

Senator Connally proposed that the Secretary tell Molotov that we would vote for and support the membership of the two Soviet Republics in the Organization, but that we would not vote for or support their participation in the Conference. Mr. Pasvolsky pointed out that the Russians would say "no" to this latter statement, since according to their interpretation initial membership meant representation in the Conference. Senator Connally said he did not know how we could speak for the Conference. If the Conference voted down the Russian proposal, then no breach of the Yalta agreement was involved.

Mr. Pasvolsky noted that the presence of the Soviet Republics in the Conference had not been discussed at Yalta. Mr. Stassen asked when the question was first raised. Mr. Pasvolsky replied that it was first raised when the Soviet Government informed us of the Delegation that it wished to send to the Conference.[3]

Mr. Stassen said he thought we should actively support the proposal for membership of the two Republics in the Organization, and support it early in the Conference, but that we should not support the proposition that the two Republics would be seated at the Conference. Mr. Pasvolsky asked what would happen if the Soviet said "no" to the proposal; would we face a break-up in the Conference. Senator Vandenberg said that the Russians could make one issue after another like this. Mr. Bloom said the question was whether we wanted to drive the Russians home at the beginning of the Conference. Mr. Stassen urged that we live up to our agreement at Yalta so that Russia

[3] See memorandum of conversation by the Assistant Secretary of State (Dunn), March 17, p. 132.

would not go home in a position to claim that we had broken our promise.

Senator Connally asked whether we should let them sit at the Conference. Mr. Bowman thought that this question was relatively minor and certainly was different from other more substantial questions. Senator Vandenberg asked what we intended to stand on and what we were going to surrender on. Mr. Bowman replied that we certainly should stand on the question of a more liberal amendment procedure.

Mr. Pasvolsky indicated that the question of participation in the Conference of the Soviet Republics was a relatively minor issue. He wondered whether the American public would resent this second step if, in any event, the first one was taken. Mr. Stassen pointed out that the American public had not discussed this second question, but that in fact this was now the real issue before the Delegation—whether we should support the seating of the two republics in the Conference. The other issue, he said, was already decided.

Senator Vandenberg remarked that this issue could not be settled in the absence of the Secretary, who had definitely opposed the issuance of invitations to the two republics. Mr. Rockefeller questioned whether the Secretary was fully informed on the entire background of the matter. He pointed out that in the discussions concerning the disposition of positions at the Conference positions had been left open for the two republics. Mr. Pasvolsky explained that the positions were allowed for only in the event that a decision was reached by the Conference to admit the two Soviet Republics. Mr. Stassen said the decision would have to be made within the next twenty-four hours and that the basic question was how we intended to interpret the Yalta agreement. Mr. Pasvolsky agreed and indicated that the British would probably support us in our interpretation that initial membership in the Organization meant listing in the Annex and not, as the Russians would have it, invitations to the Conference. Senator Vandenberg thought that the President would have to be communicated with.

Mr. Hackworth said that he had had a conversation with one of the Russian Delegates who had reported, when asked what position Russia would take on the nomination of judges to the World Court,[4] that he would go along with the United States. Moreover, he had indicated that he did not have a very strong feeling about the continuation of the present judges, since, like ourselves, Russia had never been a mem-

[4] For provisions on election of judges, see articles 5 to 14 of the Statute of the Permanent Court of International Justice in Conference Series No. 84: *The International Court of Justice: Selected Documents Relating to the Drafting of the Statute* (Department of State publication No. 2491), pages 2–3.

ber of the Court, and that Russia would probably go along with us on this question also.

Senator Connally reported that Russia would be greatly embarrassed at home if the Delegation returned without getting successful results, and that we had to face the fact that we must not continue simply to rubber-stamp the Russian position. Senator Vandenberg agreed that we could not make a Munich [5] out of San Francisco. Ambassador Harriman thought that if we could get this one difficulty off the decks, the Russians would be less likely to be suspicious of us. He added that they would not be satisfied until there was a vote of the Conference. He added that the Russians believed us capable of intrigue and double-crossing. Senator Vandenberg said that that is precisely what the Russians do. Ambassador Harriman replied that that is perhaps why the Russians think that we are capable of doing it also. Ambassador Harriman urged that we get the issue of the membership of the Soviet Republics off the boards.

Mr. Rockefeller proposed that the over-all picture be considered rather than just this one problem in isolation. Senator Vandenberg indicated that he was willing to go along with the Russian proposal if there was something else that would help counteract the bad effect on public opinion. Mr. Pasvolsky noted that the admission of Argentina to the Conference would not help us.

Ambassador Harriman urged that before Mr. Stettinius talked to Mr. Molotov we should be determined what should be done and should stick to it. He indicated that he could think of nothing more disastrous than to back down on our position. He felt that we should allow the Soviet Republics to become members of the Organization but that whatever we decided, we should not let Russia's threat to walk out on the Conference cause us to back down. Senator Connally said that, after all, the issuing of invitations to the Conference was a relatively minor one. Ambassador Harriman agreed that since we were giving in on the major question the decision on the minor question was less important. Senator Connally said that even if the Soviet Government would walk out, it would be better to have it walk out after we had fulfilled the Yalta agreement, and not on that issue. In that way we probably would still have the American public with us and could then work on with other nations and could organize the Security Organization.

Dean Gildersleeve wondered if the American people would be particularly interested in the question of the seating of the Republics in the Conference, once the decision had been made to admit them to membership. Mr. Stassen said that we would be vulnerable to attack

[5] For documentation on the German-Czechoslovak crisis, the Munich Conference, and agreement signed September 29, 1938, by Germany, the United Kingdom, France, and Italy, see *Foreign Relations*, 1938, vol. I, pp. 483 ff.

on many scores if we admitted the Republics to the Conference, since they are not United Nations and are not independent states. He added that if we could get a favorable Polish settlement, obtain mention of justice in the text, and achieve great flexibility in the organization, particularly in the amendment process, he would agree to the invitation to the Republics to the Conference.

Ambassador Harriman indicated that his first interest was to keep Molotov here long enough so that if he went home it would be over a substantial question. He did not like to have the departure of Molotov associated with a failure on our part to keep a promise. Senator Connally thought that this whole matter must be talked over with the Secretary before a decision could be made.

Mr. Rockefeller indicated that the Latin American votes, as he had said earlier, depended on the admission of Argentina to the United Nations. We had agreed on the procedure by which this would take place, if Argentina declared war, if she agreed to the Act of Chapultepec, etc.[6] It had been agreed that the United States would recommend an invitation to the other sponsoring powers. All but this last step had been taken. Now there was considerable confusion, and Argentina, herself, was not in a position as yet to sign the Declaration. We might make the condition that we would support invitations to the Russian Republics to the Conference if they would support the admission of Argentina within the next three week's time or so. Senator Connally asked how we could predict that Argentina would be invited by the Conference even if we asked for it. He asked Ambassador Harriman whether, if the Conference voted against us, the supposition that we had not been sincere would not operate to cause an unfavorable reaction? Ambassador Harriman replied that, if we had decided to support the Russian proposal in good faith, and if the Russians put a false interpretation on the situation, we would just have to face up to it. He agreed, however, that to be voted down would be very serious.

Mr. Pasvolsky suggested that the Secretary talk to Mr. Molotov and to Mr. Eden, and that we do not indicate our support for an invitation to the Soviet Republics to the Conference, but that we do raise the issue of the invitation. Mr. Rockefeller disagreed with the procedure on the grounds that if Russia insists on an invitation, he could not be held responsible for delivering the vote if nothing was done on the Argentinian question.

It was agreed after brief discussion that the next meeting of the Delegation would be held at 8:30 that evening. (Mr. MacLeish came into the meeting.)

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[6] For information on measures taken by the Argentine Government in accordance with Resolution LIX of the Conference of Mexico, see Department of State *Bulletin*, April 8, 1945, p. 611.

Senator Connally said that Mr. MacLeish wished to make a statement. Mr. MacLeish wanted to know whether the Delegates wanted to abide by their earlier decision to allow the press to come up to the corridors and be permitted to have the run of the corridors on the understanding that they would not enter the offices. General agreement was reached that this decision should be adhered to.

Senator Connally adjourned the meeting at 12: 50 p. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons. Four Pre. Min. 2

*Minutes of the Second Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 25, 1945, 11 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (5); the United Kingdom (4); the Soviet Union (4); and China (3).]

The meeting was called to order by the Secretary of State in his office at the Fairmont at 11 a. m., April 25, 1945.

The Secretary invited the Foreign Ministers to give at any time to the Secretariat any comments which they might have with regard to inadequacy of arrangements.

The Secretary outlined briefly the proposed program for the afternoon's opening meeting of the Conference [7] to determine if it is satisfactory to all the sponsors.

The Delegations would be seated in the Opera House in alphabetical order. There would be appropriate music but no national anthems. As temporary chairman the Secretary would at 4: 30 p. m. accompany the Governor of California and the Mayor of San Francisco on to the platform and call the meeting to order. In view of the wide variety of different religions represented among the participating delegations a religious invocation would not be undertaken but the Secretary would request one minute of silence. He would then say, "the President of the United States" and President Truman's speech by radio from Washington [8] would then follow. This would be followed by a word of welcome from the Governor of California (three minutes), and a similar welcome by the Mayor San Francisco. The Secretary would thank the Mayor for arrangements made. The Secretary would then speak for five minutes. On concluding this he would introduce Mr. Alger Hiss as temporary Secretary General and Mr. Hiss would outline arrangements for April 26. The band would then play appropriate music and the Secretary would adjourn the meeting.

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[7] For verbatim minutes of the opening session, April 25, see doc. 8, G/5, UNCIO Documents, vol. 1, p. 111.

[8] Department of State *Bulletin*, April 29, 1945, p. 789.

The Foreign Ministers indicated their approval of this program.

The Secretary called on Mr. Hiss to outline to the Foreign Ministers the suggested program for April 26. Mr. Hiss stated that the tentative plan is that the heads of delegations meet at 10:30 a. m. in an auditorium of the Veterans Building on April 26 [9] and draw up a report to submit to a first plenary session [10] of the Conference which would meet on the afternoon of April 26 at 3:30 p. m. in the Opera House.

Mr. Molotov asked what would be the nature of the report to be made by the heads of delegations.

Mr. Hiss stated that the report would of course depend upon the action taken by the heads of delegations, but that presumably it would consist mainly of recommendations to the Conference having to do particularly with form and in addition would include recommendations regarding commission and committee officerships and executive committee membership as discussed by the Foreign Ministers on the night of April 23.[11]

Mr. Hiss said that according to the proposed plan, if the recommendations of the meeting of the heads of delegations be accepted by the Conference, the presiding officer of the Conference would then speak and would be followed by the Chairmen of the other sponsoring powers speaking in alphabetical order.

Mr. Eden asked what sort of statements the Foreign Ministers would be expected to make. The Secretary said he would be delighted to supply to the Foreign Ministers copies of the remarks which he has in mind, and suggested that the Foreign Ministers should set an example in brevity of the statement in order that the other delegation chairmen will keep their remarks within reasonable limits. Mr. Molotov asked if twelve to fifteen minutes would be too long. Mr. Eden said that he feels fifteen minutes is necessary. A length of about fifteen minutes was mutually agreed to.

Mr. Hiss reported being in the receipt of request from the French to speak after the sponsors but before the other participating countries. Mr. Molotov indicated that he is agreeable. The Secretary asked whether it would not be embarrassing to single out one country for special treatment in this respect after France turns [*turned?*] down the opportunity of being a sponsor. Mr. Eden raised the question whether this matter might not be left to the Secretariat. Mr. Hiss stated that the view of the Secretariat is that there is no ground for giving France a special position in this respect but that he would, if

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[9] Doc. 29, DC/4, April 26, UNCIO Documents, vol. 5, p. 50.

[10] For agenda for the first plenary session, April 26, see doc. 10, P/1, *ibid.*, vol. 1, p. 120.

[11] For minutes of meeting of April 23, see p. 360.

agreeable, place the matter before the meeting of the heads of delegations to decide.[12]

Mr. Hiss mentioned the next item on the agenda having to do with allocations of officerships. He said that a meeting is set for 12:30 p. m. April 25 among deputies of the Foreign Ministers[13] to go into the matter further. Mr. Molotov suggested that the deputies exchange views on the subject. The Secretary suggested that decision be expedited and said that Mr. Dunn has complete authority to speak for the United States on this matter.

Mr. Hiss next referred to the subject of the unofficial observers of the five invited intergovernmental organizations being nationals of non-participating countries. Mr. Pavlov asked if the question involves only one person who is an Irish national. Mr. Hiss said that according to information already known to the Secretariat two Irish nationals and a Spanish national are involved. Mr. Molotov stated that the Soviet delegation will maintain its point of view on this question. Mr. Hiss pointed out that the invitations have already been delivered[14] and that the three persons are already present in San Francisco with the exception of one of the Irish nationals. Mr. Hiss added that such observers are unofficial and are subject to any limitations which the Conference may impose. He said that no specific action in the matter seems to be required of the Secretariat, but that Mr. Molotov is of course free to bring the subject up in such manner as he may wish. Mr. Molotov expressed agreement.

Mr. Hiss stated that he had informally received the information that the French Delegation will request that all speeches be put immediately into the French language which with English would be a working language of the Conference. Mr. Molotov asked why this proposal would not be acceded to. Dr. Soong stated that the business of the Conference would be unduly protracted thereby. Mr. Molotov suggested that it is necessary to convince the French that they should withdraw their request. Mr. Eden interposed that this would certainly be difficult. Mr. Molotov asked if there is not some way to meet the French demand half-way. The Secretary closed the subject by requesting Mr. Hiss to undertake to persuade the French Delegation to change its position with regard to this matter.

Mr. Hiss raised the matter of the request made by Mr. Hillman for the World Trade Union Conference to be invited to send a delegation to advise the San Francisco Conference and stated that he understood at the last meeting[15] that Mr. Molotov wished to consider the

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[12] The matter was not considered by the Heads of Delegations; for text of first statement by Georges Bidault, Chairman of the French delegation, at the sixth plenary session, May 1, see doc. 46, P/11, UNCIO Documents, vol. 1, p. 431.

[13] Record of meeting not printed.

[14] Doc. 3, G/2, April 26, UNCIO Documents, vol. 1, p. 3.

[15] See minutes of meeting of April 23, p. 360.

matter further. Mr. Molotov said to accede to the request would not be a bad thing, and that it might be discussed in the Steering Committee. The Secretary pointed out that the request was to serve in an advisory capacity to the Conference as a whole. Mr. Molotov said that the Soviet Delegation has already expressed to the World Trade Union Conference its approval of its request and that therefore anything other than favorable action to it would be embarrassing to the Soviet Delegation. Mr. Eden pointed out that the request was presented before the four sponsors and that if the sponsors are not in agreement in the matter it would presumably be necessary to report the fact to the Steering Committee. Mr. Molotov approved, and all agreed that the subject should be referred to the Steering Committee.

Mr. Hiss stated that papers suggesting a tentative and informal basis of organization and procedure of the Conference were yesterday circulated to the Secretaries General of the Delegations for their consideration.[16] Mr. Molotov said that it will be necessary to examine them. Mr. Hiss commented that the papers as circulated contain only points already agreed to between the various sponsors. Mr. Molotov said that he has not seen the papers and must withhold his position until he has had time to examine them. He asked further whether, among these papers, the agenda for the meeting of the April 26 Meeting of the Heads of Delegations is included, and Mr. Hiss replied in the affirmative. Copies were thereupon distributed among those present. Mr. Molotov asked what is contemplated under point 4 of the proposed agenda (i.e., Nomination of the presiding officer or officers of the Conference). Mr. Hiss replied that the inclusion of this item in the Secretariat's paper is simply to propose that the subject be laid before the Meeting of the Heads of Delegations, and that the resultant action would, of course, depend on the decision of that meeting.

Mr. Molotov asked for an explanation of point 7. Mr. Hiss replied that when invitations to the San Francisco Conference were sent out the comments of the invited countries upon the Dumbarton Oaks Proposals as supplemented at the Crimea Conference were invited; and that such comments submitted in response to that invitation[17] would logically be considered by the Conference.

Mr. Molotov asked if he might add one point to the agenda. He proposed that the question of invitations to the White Russian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic be point 9 of the agenda. He stated that he must reserve the right to raise the question of the Yalta Agreement on the subject.

Mr. Eden stated that while he understands the Soviet Union's goal in the matter, he would appreciate enlightenment as to how Mr. Molo-

[16] Doc. 25, DC/1, April 23, UNCIO Documents, vol. 5, p. 3.
[17] *Ibid.*, vol. 3, Dumbarton Oaks Proposals: Comments and Proposed Amendments.

tov proposes to go about it. Mr. Molotov replied that he should like to be permitted to raise the question before the Meeting of the Heads of Delegations. Mr. Eden asked whether Mr. Molotov would expect that the question would then be referred by the Meeting of the Heads of Delegations to the Conference itself. Mr. Molotov replied that he would expect that the question might go before any appropriate body of the Conference. He requested that he be empowered to argue the question before the Heads of Delegations and if possible to obtain their support of the Soviet Proposal. He stated that he sees no reason why the Meeting of the Heads of Delegations cannot vote and act upon the matter.

Mr. Eden noted that one of the committees proposed for the Conference, Committee 2 under Commission I, would presumably be concerned with this question.[18] Mr. Molotov took exception, stating that that committee will be concerned with questions relating to the Charter and the permanent organization to be set up, but that his wish is to obtain consideration of the subject of the Yalta Agreement and initial participation.

Mr. Hiss stated that it has been the Secretariat's understanding that the agreement at Crimea relates to the initial membership of the International Organization. Mr. Molotov stated that such is not the fact, and that he wishes the point added to the agenda. The Secretary stated that the request is agreed to, and Mr. Hiss stated that the additional point as point 9 of the agenda will be immediately circulated to the Secretaries General of Delegations.[19]

Mr. Hiss asked for clarification as to whether Mr. Molotov's intention is to request the Meeting of the Heads of Delegations to vote upon his proposal. Mr. Molotov replied that he sees no reason why it should not.

Mr. Molotov brought up the subject of trusteeship discussions. The Secretary commented that the American Delegation has just arrived but that Mr. Dunn and Mr. Pasvolsky are prepared to discuss the matter with the others just as soon as immediately pressing conference arrangements are completed. Mr. Molotov remarked that the Soviet representatives are ready to discuss the question even today. Doctor Soong indicated that Mr. Koo is prepared to represent the Chinese in discussing the trusteeship question. Mr. Molotov named Mr. Sobolev for the same purpose. Mr. Eden said that he has no person in mind for this purpose and would presumably have to ask his Government. He added that he is not able to take a position in the trusteeship matter upon five minutes' notice, and that

[18] Technical Committee 2, "Membership, Amendment, and Secretariat"; see chart entitled "Organization, Functions, & Officerships", doc. 67, G/20, May 5, 1945, UNCIO Documents, vol. 1, p. 79.

[19] Doc. 28, DC/2 (*a*), revised proposed agenda, *ibid.*, vol. 5, p. 48.

he must insist on opportunity to refer to his Government any proposals which the United States may have in mind.

Mr. Hiss proposed that the sponsors in speaking in the afternoon session on April 26, after remarks by the President of the Conference should speak in alphabetical order. Mr. Molotov expressed agreement, as did the others.

The Secretary stated that if a single presiding officer for the Conference should be chosen it might be wise for the sponsors to be in agreement about the position of the other three Foreign Ministers. Mr. Eden said that presumably the three would be Vice Presidents. Mr. Molotov said that if the Soviet proposal for a presidency of four [20] should be turned down then the position of the Soviet Delegation would become the same as that of all other delegations. The Secretary asked if the Soviet Union would definitely decline a vice presidency if offered to it. Mr. Molotov replied in the affirmative, adding that the Soviet Union would carry on as other delegations and help.

The Secretary asked for any other suggestions in solution of the problem. Mr. Eden said that the question of the presidency should be left to the meeting of the heads of delegations as proposed by Mr. Molotov.

The Secretary asked Mr. Molotov for clarification as to how he would expect his proposal of a joint presidency of the Four Foreign Ministers to work in actual practice. Mr. Molotov replied that it would mean rotation. He amplified this statement by saying that one person would preside at one session, at the next session the next person would preside and so on.

The Secretary asked how the press conference would be handled. Mr. Molotov stated that no one person can be responsible for all such functions.

The Secretary stated that his instructions are to favor the choice of a single responsible presiding officer.

Mr. Molotov suggested adjournment, and the meeting concluded.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 17 (Exec)

*Minutes of the Seventeenth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Wednesday, April 25, 1945, 8:40 p. m.*

[Informal Notes]

[Here follows list of names of persons (20) present at meeting.]

In opening the meeting the Secretary reported that he had talked briefly over the telephone to the President concerning the events of

[20] See minutes of first consultative meeting of the four Foreign Ministers, April 23, 9:35 p. m., p. 363.

the day; that the President had received an encouraging and conciliatory message from Marshal Stalin;[21] and that the President was pleased with the progress of events in San Francisco.

The Secretary reported that he had talked to Mr. Hull on the telephone and that Mr. Hull was also pleased with the way events had moved in the opening session.

### Election of Permanent President for Conference

The Secretary reported that he had just finished a conversation with Mr. Eden on the question of trying to find a compromise proposal which would be satisfactory to both the United States and the Soviet Union on the question of the election of a permanent President for the Conference. The Secretary stated that, in his view, the proposal to have four permanent Presidents—as suggested by the Soviet Delegation[22]—was dangerous because it might form a pattern and precedent for the International Organization when it was established. The Secretary reported that President Truman felt that it would be a tragedy if such a proposal were accepted by the Conference, and stated that the President said it was his view that the Delegation should insist upon one presiding officer.

The Secretary reported that Mr. Eden advanced a compromise proposal under which there would be a council of four presidents with the United States member being chairman of the council and the directing head of the Conference. Each of the presidents would preside in rotation from day to day. Messrs. Dunn and Pasvolsky pointed out that, if under such an arrangement the chairman of the council could not act without the agreement of the other three, it would be a very difficult and wholly unsatisfactory arrangement. If, on the other hand, the chairman could act without such agreement, it would be satisfactory.

The Secretary said that, in his view, the British proposal would not be acceptable to the Soviet Union; that the latter wanted to have four presidents of the Conference with equal rank and authority. The Secretary then inquired from Ambassador Harriman as to whether in the latter's view the Soviet Union would attempt to carry such a pattern over into the world organization. The Ambassador replied in the negative.

Senator Vandenberg raised the question as to what would happen if the United States maintained its position of proposing a single president as the operating head of the Conference. The Secretary replied that if such a position were maintained and agreement was not reached in the four-power consultations, then the matter would have to go to

[21] For message of April 24 from Marshal Stalin to President Truman, see vol. v, p. 263.

[22] See minutes of meeting of the Foreign Ministers, April 23, 9:35 p. m., p. 363.

the Steering Committee of the Conference, in which event he felt sure that the United States would win its point. In that event, there was a good likelihood that Molotov might refuse to serve as a vice-chairman of the Conference, although there was no doubt in his mind that Eden and Soong would accept vice-chairmanships.

Mr. Hackworth pointed out that this same question had been involved in selecting the chairman of the Committee of Jurists at the meeting in Washington.[23]

Commander Stassen observed that the Soviet proposal for four chairmen of equal rank was really an application of the veto principle of the voting procedure in the Security Council.

In response to a request from the Secretary, Mr. Pasvolsky stated that it was his view that the United States should maintain its position that there should be only one President of the Conference, with three Vice-Presidents.

Representative Eaton also made it clear that it was his view that the Delegation should not accede to the Soviet position.

The Secretary then inquired of Messrs. Rockefeller and Dunn as to whether the other countries at the Conference would support the United States position. Mr. Rockefeller said that the Latin American representatives thought that the Soviet proposal for four chairmen was absurd; that in Inter-American conferences the chairman of the delegation of the host country always had the honor of being the permanent chairman of the conference; and that the Chilean representatives had specifically told Mr. Molotov that the Soviet proposal was absurd. Mr. Dunn stated that he could not answer positively what would be the attitude of the countries other than the Latin American ones, but that, in his opinion, most of them would feel that the issue was not important enough to incur the displeasure of the Soviet Union by voting against the Soviet proposal.

Mr. Pasvolsky then proposed that the United States could conceivably take a new position—different from both the British and the Soviet proposals—along the following lines: The Conference would have four chairmen for plenary sessions who would serve in rotation but that there would be no President of the Conference as such. Instead, the Secretary would serve as chairman of the Steering and Executive Committees of the Conference and would be responsible for the executive management of the Conference as a whole. Mr. Dulles said that, in his opinion, such a proposal if advanced by the United States, would be a blow to our prestige.

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[23] For documentation on the United Nations Committee of Jurists meeting in Washington from April 9 to April 20, 1945, see *The International Court of Justice;* also, UNCIO Documents, vol. 14. For note of April 11 from Ambassador Gromyko to Secretary Stettinius protesting the failure to accept the Soviet proposal regarding the question of chairmanship, see *ante*, p. 269.

Following a general discussion of the problems involved—in which Messrs. Bloom, Stassen, Armstrong and Connally participated—the Secretary asked which position, in the opinion of the Delegates and Advisers, should the United States assume. It was the unanimous opinion of the Delegates and Advisers that the Secretary should insist upon the United States position of one President for the Conference who would serve as its executive head.

Accordingly, the Secretary asked Mr. Hiss to telephone Sir Alexander Cadogan and to convey to him the fact that the United States Delegation would continue to maintain its position that there should be one presiding officer for the Conference and three vice-presidents representing the other sponsoring powers, with the understanding that such vice-presidents would be invited by the President of the Conference to preside over the plenary sessions.

### Commission and Committee Assignments

Mr. Hiss said that the British Delegation was proposing a shift in the chairmanships of Commissions I and II. The current proposal was for Commission I to have as its chairman a representative from South Africa, while Commission II would have a representative from Belgium. The British were proposing that these two assignments be exchanged, so that Field Marshal Smuts, the South African representative, would become chairman of Commission II, where his prestige would be more greatly needed than in Commission I.[24]

The Delegation agreed to this proposal and Mr. Hiss was instructed to inform the British representatives of this fact.

### Seating of Two Soviet Republics

At the request of the Secretary, Mr. Dunn reported a discussion that he had had with Ambassador Gromyko. He said that the United States had agreed to the Soviet proposal that the Executive Committee be enlarged by the addition of three more members. However, the Soviets refused to agree to the slate of Commission and Committee chairmen and officials because the two Soviet Republics were not listed for any of the positions. It so happened, Mr. Dunn reported, that there were two vacancies on the proposed slate of candidates, one a chairman of a Committee and another a rapporteur of a Committee. The Soviets wished to have representatives of the Ukrainian and White Russian Republics named to these two posts. Mr. Dunn stated that he had explained to Mr. Gromyko that such an assignment could

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[24] See table entitled "Proposed allocation of Commission and Committee officerships", doc. 45, ST/1, May 1, UNCIO Documents, vol. 5, p. 169; chart entitled "Organization, Functions and Officerships", doc. 67, G/20, May 5, *ibid.*, vol. 1, p. 79; and list of officials of technical Commissions and Committees, doc. 639, G/3(2), May 28, *ibid.*, p. 10.

not be made until the Conference had passed on the question of whether the Soviet Republics were to be seated.

The Secretary pointed out that it was possible to propose the slate of candidates for Commission and Committee posts without approval of the Soviet Union, and for the Steering Committee to refer the proposed membership to a special subcommittee. Mr. Rockefeller agreed to such a procedure, stating that he was sure the Latin American Republics would support it. Mr. Dunn stated that he was not so sure of the support of the European countries, particularly the smaller ones who might be wary of a Soviet reaction.

It was clear, the Secretary said, that this question was not only bringing into the first sessions of the Conference the question of admission of the two Soviet Republics as initial members of the International Organization but was also raising the problem of the status of Argentina. Mr. Stassen proposed that Argentina and the two Soviet Republics might be seated at the Conference during the third week, although it could be agreed to earlier that they would become initial members of the International Organization. The Secretary pointed out that such a proposal was bound to meet opposition from President Truman, who was dead set against Argentina's being admitted to the United Nations.

Mr. Dunn therefore suggested that the Secretary General of the Conference propose the slate of Commission and Committee posts as it stood, and if it were not accepted by the Steering Committee, it would then be referred to a special subcommittee of the Steering Committee. The Secretary stated that he was concerned as to the countries which would be appointed as members of such a Subcommittee.

During the discussion that followed, it was brought out that the Secretary had inquired from the President as to his attitude regarding a public announcement of the United States attitude on admitting the two Soviet Republics to the Organization. At this juncture Mr. Dunn reported that the Soviets had insisted that an item be placed on the agenda for the first meeting of the Steering Committee covering the question of the admission of the two Republics to the Organization.

The Secretary asked the Delegation's opinion as to whether if this question of the two Republics was reached the next day in the Steering Committee, he should read President Truman's letter to the Committee stating the reasons why the United States would support the Soviet proposal. Senator Connally felt that the reading of such a letter might expose the strategy being followed by the Delegation and would thus weaken its hand. Mr. Stassen also pointed out that reading the letter might carry the implication that the United States Delegation was supporting the Soviet proposal only because it was a commitment by former President Roosevelt, and in this event, it would tend to further weaken the United States position. Representative Bloom

questioned the advisability of reading the letter, pointing out that what had been said in the letter had previously been stated publicly in the Secretary's press statement of two or three weeks ago.[25]

Messrs. Dunn and Hiss tried to resolve the issue by pointing out that there would be really two proposals to be faced in the Steering Committee. The first of these would be whether the two Soviet Republics would become initial members of the general international organization, and the second would be whether they should be seated at the Conference. The Secretary said that in such event he thought the Delegation should vote to approve the first and to disapprove the second. Mr. Rockefeller said that in his opinion the Latin American countries would not support either of these proposals unless the Argentine question was settled; he pointed out that the Latin American countries would want to support the United States but would no doubt vote to defer action if they were free to do so.

At this point, Mr. Dulles stated that he felt that the discussion of the Delegation was dealing too much with the details of negotiations which the Secretary would have to face on the following day; that what was really needed was for the Delegation to settle the large issues involved and to leave to the Secretary the details of handling the negotiations themselves.

Again Mr. Rockefeller, in response to requests from members of the Delegation, made the point that if the approval of the seating of the two Soviet Republics were given by the Conference, the Argentina question would be up at once, since the Latin American Republics would feel that Argentina should be given equal treatment.

Reverting to the proposal of Commander Stassen that Argentina be seated three weeks after the Conference opened, the Secretary polled the Delegation—Dean Gildersleeve questioned the advisability of such a procedure; Senators Connally and Vandenberg approved the proposal, as did Representatives Bloom and Eaton and Commander Stassen. Dr. Bowman suggested that, in view of this opinion of the Delegation, he felt that the two Soviet Republics should be brought in at the same time.

The Secretary then raised the question as to whether he should see Molotov at once on the question of the two Soviet Republics. Messrs. Harriman and Bohlen stated that he should not do so unless he could give the assurance that the vote on the seating of the two Republics would be favorable. This, in turn, brought up the question of Argentina, and the Secretary again gave it as his opinion that the President would be very adamant on the Argentine question. Mr. Bohlen inquired as to whether the question of the two Soviet Republics could be separated from that of Argentina. Mr. Rockefeller replied that

[25] For press statement of April 3, see Department of State *Bulletin*, April 8, 1945, p. 600.

that would be giving away our bargaining position with the Latin American countries.

Dr. Bowman said that the issues seemed to resolve into the following points: (1) whether to admit the two Soviet Republics to initial membership; (2) whether to seat the two Soviet Republics at the Conference; and (3) whether to admit Argentina and seat it at the Conference. He gave it as his opinion that the United States position on item (1) was clear, but that decision on items (2) and (3) would have to be delayed until the matters could be cleared with the President.

The Secretary then inquired the opinion of the Delegation as to whether they would agree to the seating of both of the Soviet Republics and Argentina within, say, three weeks from the opening of the Conference. Representative Bloom and Senator Connally agreed to such a procedure. Senator Vandenberg at first disapproved, then subsequently reserved his position. Representative Eaton agreed to the position, as did Commander Stassen. In this connection, Senator Connally also said that he felt that the United States Delegation was quibbling over an interpretation of the words "original member"; that if the United States were committed to the admission of the two Republics as original members, it seemed to be morally committed also to seating them at the Conference. The Secretary was very insistent that no such commitment as the latter had ever been made.

The Secretary then said that he would call the President early in the morning and state that the majority of the Delegation agreed to the admission of the two Soviet Republics as original members of the organization and that the two Soviet Republics and Argentina should be seated at the Conference at a later date. At this point the Secretary and Representative Eaton left the meeting.

### Rapporteur of Steering Committee

Mr. Rockefeller said that since Chile had been moved to a post on the Executive Committee of the Conference, a question of prestige among the Latin American Republics was raised. Therefore, he proposed that Cuba be made the rapporteur for the Steering Committee, a post which did not appear on the Conference chart at the time.

After discussion, Mr. Rockefeller's proposal was approved and Mr. Dunn was asked to clear it with the British, Chinese and Soviet Delegations.

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The meeting adjourned at 10:30 p. m. with the agreement of the Delegation that they would convene again at 9:30 the next morning.

RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 18

*Minutes of the Eighteenth Meeting of the United States Delegation, Held at San Francisco, April 26, 1945, 9:30 a. m.*

[Informal Notes]

[Here follows list of names of persons (19) present at meeting.]

Senator Connally presided during the absence of Secretary Stettinius [26] and called the meeting to order at 9:30 a. m. Senator Connally called upon Mr. Pasvolsky to present the business that should come before the Delegation.

CHAPTER II—PRINCIPLES, PARAGRAPH 8 [27]

Mr. Pasvolsky said that before taking up the deferred items on the agenda for the meeting, he wanted to bring before the group two points raised by the military advisers. The first one referred to Chapter II, paragraph 8. He reminded the group that it had been agreed to support the sense of this paragraph, but it had not yet been adopted in final form. The military advisers thought it would be better to omit the phrase "and treaty obligations". They thought it would be enough to stick to "respect international law . . .[28] and promote its development and adaptation to changing conditions".

Senator Vandenberg asked why the omission was suggested. Senator Connally remarked that it was desirable to leave in the reference to law, but it might not be desirable to leave the guarantee of treaty obligations. Senator Vandenberg asked if it was not desirable to respect treaty obligations. Mr. Sandifer commented that it was self-evident that as long as treaties were in force, they should be respected. Senator Connally said that the proposed Charter did not, however, admit that obligations to support treaties were assumed everywhere.

CHAPTER III—MEMBERSHIP, PARAGRAPH 1

Senator Connally said further that he wanted, himself, to raise a question about Chapter III, "Membership", paragraph 1, especially the phrase "all peace-loving states". He would like to have a definition of what is a state. He wondered, for example, whether India could be considered a state. It was true that this matter could be considered later. Mr. Bowman remarked that a memorandum on the status of various political units [29] had been prepared, and Senator

[26] Mr. Stettinius was attending a meeting of the Heads of Delegations to organize the Conference; see doc. 29, DC/4, April 26, UNCIO Documents, vol. 5, p. 50.

[27] The draft entitled "Tentative U.S. Revisions of the Proposals", (April 16–27, 1945), discussed herein, is not printed (U.S. Doc. Und. 1); see minutes of twelfth meeting of the United States delegation, April 18, 9:10 a. m., p. 330.

[28] Omission indicated in the original minutes.

[29] Not printed.

Connally said he would like very much to have a copy. He then asked Mr. Pasvolsky to proceed.

CHAPTER V—THE GENERAL ASSEMBLY, SECTION B, PARAGRAPH 1

Mr. Pasvolsky said that the second point arose out of Chapter V, Section B, paragraph 1. He recalled that the Delegation had agreed to support, although not to take the initiative in proposing, the amendment of the last clause of the first sentence to read: "and to formulate treaties embodying such principles and their application for submission to the member states for ratification". The military advisers objected to this provision on the grounds that the job of planning for the regulation of armaments was given to the Security Council under the Dumbarton Oaks Proposals.[30] If, however, the General Assembly begins to formulate a draft convention and insists on carrying through its application, there could be a conflict between the two bodies. Mr. Pasvolsky was inclined to think that this proposition should be dropped. He thought it would be better to take out at this point any reference to the power of the General Assembly to draft treaties or conventions for submission to the members. This power would be applicable to other aspects of the General Assembly's responsibility, but it might be handled at more appropriate points. Senator Connally said that under the present provisions and on the principle of differentiation between the Security Council and the Assembly, the latter body could discuss these matters but could not compel the states to comply with its suggestions. He thought this was a very important point. Mr. Pasvolsky stated that all the Security Council could do in the regulation of armaments was to propose plans for acceptance by the member states.

Mr. Pasvolsky asked Senator Vandenberg if he was satisfied that the language was clear enough. Mr. Stassen asked exactly what it was that would be struck out. Senator Connally said that if the Security Council had already been given the power to prepare draft agreements on the regulation of armaments, it would probably not be good to have this power vested in the General Assembly. Mr. Pasvolsky said that the United States all along had wanted all the power relating to armaments assigned to the Security Council. The Soviet Union, however, had wanted it assigned to the General Assembly and wanted the Assembly to discuss disarmament as well as regulation of armaments. The text incorporated in the Dumbarton Oaks Proposals was a compromise. The General Assembly was given the right to discuss principles but without power to do anything more than make recommendations. It was true that somewhere in the Charter it should probably be recognized that it was within the field

[30] Chapter VI, section B, paragraph 5.

of operations of the General Assembly to formulate treaties for submission to the member states. However, it would be better not to include it at this point. Moreover, he thought it would be best for the United States not to take the initiative, but to wait to see what other countries had to propose on this point.

Mr. Notter commented that under the present language the General Assembly had the power to consider without the power to put recommendations into effect. The General Assembly could state principles without imposing an obligation to live up to them. If the General Assembly had no power to formulate treaties for submission to the members, then it could only talk and not really do anything. He was under the impression that the American Delegation meant to try to build up the power of the General Assembly, but he thought that could not be done if the Assembly was restricted merely to general discussion.

[At this point the Secretary entered the meeting, and the discussion of the points raised by Mr. Pasvolsky was suspended while he consulted the delegates about two matters that he had discussed with the President, namely, the status of the two Soviet Republics and the position of Argentina.] [31]

POSITION OF ARGENTINA AND ADMISSION OF TWO SOVIET REPUBLICS

The Secretary said it was reported that Perón resigned the previous evening.[32] The President had agreed that the United States might approve an invitation to Argentina to attend the Conference at a later date if this invitation was understood not to include Argentina's signing the United Nations Declaration. As to the Soviet Republics, the President was willing to have the United States support actively the request of the Soviet Union that the Ukraine and White Russia be included among the initial members. He was also willing to have us support a move to have representatives of the two Soviet Republics seated in the Conference, but only at a later date. The Secretary said that he had to go immediately to see Molotov about the question of the two Soviet Republics, and he wanted to be able to assure him that the request would be granted when it was raised. He said he did not intend to discuss the question of Argentina with Molotov. Others might do it, but the United States would not. Before going, however, he needed the quick reaction of the American Delegation.

Representative Bloom said that he had understood from Assistant Secretary Rockefeller that the South American Republics wanted Argentina to sign the United Nations Declaration. The Secretary said he had information today that they were willing to drop that

[31] Brackets throughout remainder of this document appear in the original.
[32] Col. Juan Perón was Vice President, Minister of War, and Minister of Labor of the Argentine Republic; he did not resign until October 9, 1945.

part of it. Mr. Stassen asked whether it would not be necessary as a preliminary step to Argentina's being invited to sit in on the Conference. The Secretary replied that Argentina would be satisfied with this arrangement. Senator Connally asked why the United States was so opposed to having Argentina sign the United Nations Declaration. The Secretary replied that sentimentally we oppose it. We just cannot let Argentina come in at the last minute on a Declaration pledging full support to the war against the Axis when the Argentines had not given such support. It would spoil the spirit of the Declaration and would not be well received by a great many of the countries that had signed it in good faith.

Mr. Dulles asked whether the admission of Argentina without its signing the United Nations Declaration would open the way to demands from the other states that had not been invited to the Conference. The Secretary replied that it undoubtedly would have that result. He was sure, for example, that Representative Marcantonio [33] would make a long speech in the House about the fact that Italy was left out. There might be serious repercussions on American public opinion. Mr. Dulles said that he personally would not oppose having the Conference at the end become more universal in its membership. The Secretary said that it would be difficult to do that because if Switzerland and Portugal were invited, for example, the U.S.S.R. would object strongly. Moreover, he said that there was a distinction—that Argentina had declared war and was not a neutral country.

The Secretary then asked each of the Delegates for concurrence in the decisions about Argentina and the Soviet Republics. Senator Vandenberg said that the Secretary should proceed as he thought best, although his own position remained as it was. Mr. Stassen said it would be very important to delay the matter of inviting the Ukraine and White Russia to the Conference in order to give time for the preparation of American opinion. Senator Vandenberg asked what we were going to get in exchange for our concession on this point, and Mr. Stassen replied that we would get the basis for insisting that the Soviet Government should follow through on Poland. Senator Vandenberg said he hoped we would not go through the same process with regard to Poland, of giving in at the last moment. The Secretary said that he thought there was no danger of that, especially since he had seen the President's telegram on Poland.[34] He stated that there was a serious crisis now, in which the United States had to make this concession in order to keep the Soviet Government in the Conference. Mr. Armstrong said he thought it would be most important to get a delay on the request for seating representatives of the two Soviet Re-

[33] Representative Vito Marcantonio, of New York City.

[34] Message of April 23 handed to Mr. Molotov by President Truman for transmission to Marshal Stalin, vol. v, p. 258.

publics in the Conference. The Delegates agreed to the position that the Secretary had stated on the questions of Argentina and the Soviet Republics.

[The Secretary left the meeting to speak to the Consultants Group for a few minutes and then to see the Soviet Foreign Minister.[35]]

CHAPTER V—THE GENERAL ASSEMBLY, SECTION B, PARAGRAPH 1

Senator Connally suggested that the group resume its consideration of paragraph 1 of Section B in Chapter V. Mr. Pasvolsky said that if the clause in question was taken out, the power of the General Assembly to make recommendations on the general principles of cooperation and the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, would be restored. Senator Connally said that if there was no objection, this clause would be struck out. There being no objection, he stated that the Delegation had agreed.

CHAPTER VIII, SECTION B, PARAGRAPH 1

Mr. Dulles said that he wanted to raise one question before the discussion turned away from this paragraph. According to the language now proposed, the General Assembly does not have the power to make specific recommendations for the settlement of a dispute, and the Security Council does not have that power either. It seemed to him that the revised text of the Proposals did not permit any action on the merits of a dispute, and there was no real conflict on this matter between the Security Council and the General Assembly.

Mr. Pasvolsky said that under paragraph 1, Section B of Chapter VIII the authority to recommend procedures and terms of settlement would lie in the Security Council if it was determined that a threat to the peace exists. The Security Council under this paragraph would have unlimited powers to avert a threat to international peace and security and could even impose the terms of settlement. Perhaps this provision goes too far, but this is a possible interpretation.

Mr. Dulles said that it was a sweeping power, and Mr. Pasvolsky replied that if there was a threat to the peace the Security Council had to have very wide powers of action. Mr. Dulles said that under this power the Security Council could give the Sudetenland to Germany or could give Alaska to Russia in order to keep the peace. Mr. Bloom and Mr. Stassen said simultaneously that it must be remembered that the five permanent members would have to agree in order to impose terms. Mr. Dulles said that because of the veto power the United States would not be subjected to the imposition of terms of settlement, but that it would be terrific to put the small powers under

[35] See memorandum of conversation by Mr. Charles E. Bohlen, *infra*.

such a threat. Mr. Notter commented that two of the non-permanent members of the Council would have to agree.

Mr. Dulles stated that he thought that the provisions of VIII, B 1 [It should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.] referred to policing measures, such as economic sanctions and military enforcement. He did not think it was intended to decide such matters as revision of immigration or tariff policies or territorial revisions. Mr. Bloom asked if domestic questions could be subjected to the action of the Security Council. Mr. Dulles replied that the exemption of domestic affairs from the jurisdiction of the Organization applied only to the measures outlined in Section A of Chapter VIII. Mr. Pasvolsky observed that the Security Council could do anything and take any steps if peace and security were affected. Representative Bloom said that undoubtedly the immigration policy of the United States had been considered by Japan a threat to peace, and Mr. Pasvolsky answered that Japan had never given any indication of wanting to go to war over it. Representative Bloom said that in his opinion this provision went very far.

Mr. Sandifer said that this provision applied to an actual threat to or breach of the peace. If domestic affairs were excluded in such a situation, it would be difficult for the Organization to preserve peace under all circumstances. Certainly if there was an actual threat to the peace, the Organization must deal with it. Mr. Notter remarked that this provision would not come into operation until the parties had failed to settle a dispute by means of their own choosing and until the Security Council had failed to get them to settle their dispute peacefully. Finally, the Security Council might determine in such a case that the continuance of the dispute was a threat to the peace and that, if peace was to be maintained, the Council must have the power to deal with the dispute. Representative Bloom said that only Congress can regulate domestic matters.

Senator Connally said that, while it was true that the United States had a veto power in the Security Council, it seemed to him to be putting too much power and responsibility in the hands of one man to decide when that veto should be exercised. Mr. Dulles commented that if we should have as President or as delegate to the Security Council someone who believed that the immigration or tariff policies of the United States should be changed, then by not exercising the veto he could enable the international organization to force the United States to change them. Mr. Stassen said that this pointed up another problem, and he thought it most important: that when Congress decides about the position of the delegate to the Security Council, it must restrict his powers very carefully. Mr. Dulles said that if paragraph 1 means

what Mr. Pasvolsky says it does, Congress will certainly act to restrain the American delegate, and Mr. Stassen said that it should certainly do so. Representative Bloom queried why some such restriction should not be put in here.

Mr. Pasvolsky asked the group how the matter should be handled. Mr. Dulles said he thought that the word "measures" should be read in the context of the next paragraphs. He could see that it would include invoking sanctions in order to prevent nations from going to war, but he thought it would be going too far to decide substantive questions and remake the world economically and socially. He suggested that the phrase be amended to read: "measures of the character hereinafter referred to". Senator Connally thought this would be too broad because it might be taken to refer to all the rest of the Charter. Mr. Dulles said that in that case it could be restricted to the measures hereinafter referred to in this Chapter. [Mr. Pasvolsky left the meeting at this point.] Mr. Stassen said he thought that the experts had better confer on this matter and readvise the Delegates with regard to the interpretation of paragraph 1 and any possible revision that should be proposed or supported.

Mr. Dulles said that measures of pacific settlement would already have been attempted, and when those had failed, the dispute would come under the provisions of Section B. He thought it right to say to the member states, "If you go to war, the Organization will impose diplomatic and economic sanctions or call out the contingents of armed forces to bomb your cities." Senator Connally added that this was, however, wholly different from settling disputes. Mr. Dulles thought that the measures referred to ought not to include that. There would certainly be discrimination if the Security Council could impose settlements. It put too great a power in the Security Council, and it was not fair to subject small countries to it. Mr. Stassen said he thought that the measures referred to in this paragraph involved alternative means of action if disputes were not settled on the recommendations of the Organization or on some other basis. He did not think the Security Council could create substantive changes unless the disputants agreed, although they might be made to agree under pressure.

Mr. Notter said that in drafting the Proposals one theory had been followed. The International Organization is being created because the nations want peace. It is not basically concerned with just settlements. It says to the nations, "You cannot fight", and in Section A many procedures are offered for settlement without the use of force. Under Section A the Security Council has no right to recommend the terms of settlement. Under paragraph 1 of Section B, however, as a very last resort to keep the peace the Security Council would have the power to recommend terms of settlement in order to prevent a given dispute from continually threatening the peace of the world. Mr.

Bowman said it was his recollection that there had originally been a provision for the Security Council to recommend terms of settlement, and Mr. Notter added that that was before the Dumbarton Oaks Conversations.

Mr. Notter said it was conceivable that the Security Council would apply force in order to preserve peace, and then, when the immediate crisis had passed, the parties might again threaten war, and it might be necessary to achieve a settlement in order to keep them from starting over again. If they do threaten to start over again, the Organization is in a dilemma as to whether to keep on applying force or to try to settle the matter itself. Mr. Sandifer said that if the Organization is to maintain peace, it must at some point be able to establish terms of settlement, and if it has that power, it would come in at this point in the Charter. Such a provision would not be unusual, however. Under the League of Nations Covenant, Article 11, if the Council voted unanimously to approve the terms of settlement the parties had to accept them.[36] Mr. Dulles said that he did not recall this part of the Covenant. However, it was important to remember that the League of Nations did not impose obligations as far reaching as those involved in this Organization. Moreover, the Council's vote would now be seven out of eleven—not unanimous.

Mr. Armstrong asked whether anyone had ever suggested that the powers of the League of Nations were too broad because of the power of the Council to impose the terms of settlement. Mr. Gerig said that in the Covenant there had been no limitation on the power of the League in this respect. Senator Connally said that there would be serious difficulty in the Senate if paragraph 1 were construed to give the Security Council the power to impose terms of settlement.

Senator Vandenberg asked whether the power to take any measures necessary for the maintenance of international peace and security was not qualified by the clause "in accordance with the purposes and principles of the Organization and the provisions of this Charter". Mr. Bowman said that this was the only place in the Proposals where the ultimate possibility of action was referred to. Mr. Bowman said that under the League of Nations and in the Dumbarton Oaks Conversations this was really a key question and that the language to cover it had not yet really been devised.

Senator Vandenberg asked if Mr. Dulles would be satisfied if the word "measures" were construed to cover the provisions of paragraph 3. Mr. Dulles replied that paragraphs 3 and 4, to his mind, were included under the word "measures". Mr. Notter added that

[36] For the Covenant of the League of Nations (Part I of Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles June 28, 1919), see *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, p. 69.

the provision would mean, then, that the Organization would have no power to recommend terms of settlement. Mr. Dulles said that the power to make recommendations had been taken from the Assembly. He thought it strange that if the Organization was to recommend terms of settlement, the power was not included in Section A, which deals with the situation before the fighting starts.

Mr. Notter said that the Assembly can still make recommendations if the Council does not act on a dispute. Senator Connally said that if the Security Council, acting under Section A, had already tried to bring about a peaceful solution but had failed, then the word "any" in paragraph 1 of Section B means something more than has already been attempted. This constituted a very wide sweep of authority. Mr. Bowman suggested that the measures contained in paragraphs 2 and 3 defining the powers of the Security Council were really paralyzing powers and that if thoroughly applied they could stop unlawful action by the offending states. He doubted that it was necessary to assume that some ultimate great last resort has to be spelled out here. It seemed to him that peace would be restored and the dispute settled long before the states would let themselves be driven to that point.

Mr. Armstrong observed that before Munich, Czechoslovakia would have been delighted to have an International Organization take the measures foreseen in paragraphs 3 and 4, but it would certainly not have agreed to the terms of the Munich settlement. Mr. Dulles said he feared that the World Organization, in a second Munich, could say to the disputing states, "If you do not accept the terms here laid down the enforcement measures such as economic sanctions and military pressure will be applied against you." It would become too easy to give away the territory and the rights of the small nations in order to appease possible aggressors. This would be a far greater power than ought to be given to the World Organization.

Senator Vandenberg asked Mr. Notter if he believed that this was meant by the wording of paragraph 1. Mr. Notter replied that respect for the sovereign equality of the members included respect for their territory, and he did not see how the Organization in that case would have a right to impose settlements involving the giving up of territory by any state. Mr. Armstrong commented that many modifications of sovereignty had been accepted in these Proposals, and that as a matter of fact every obligation that was undertaken by a state modified its sovereignty. Mr. Notter added that these obligations were, however, freely given and defined. Mr. Stassen said that this paragraph was open to the interpretation that it did not give the Security Council the power to change territories or matters within domestic jurisdiction without the consent of the states involved.

Senator Connally commented that if there was as much difference of opinion elsewhere as there was in the American Delegation about the interpretation of this paragraph, it should be more clearly defined. Mr. Stassen said he believed that the Advisers should discuss the matter thoroughly and report back the result of their discussion. Mr. Dulles said that he would like to know more clearly the views of the Delegation as to what should be incorporated here, and then the Advisers could find the language to reflect their views, but he felt that the Advisers needed an indication of policy.

Senator Vandenberg asked if the question would be covered by stating that the Security Council could take such measures as are described in Section B of Chapter VIII. Mr. Stassen said that since the Principal Advisers seemed to disagree in their interpretation of the paragraph, he believed that they must go over it again and reach some agreement. Mr. Bowman said that the matter had been discussed endlessly in the State Department, and then the question had been taken to Dumbarton Oaks and the controversy had raged again there.[37] It was his belief that the problem would still come up in the Organization if it were not clarified in the Charter. Now it was facing the American Delegation, and we would have to take some decision on it. He wanted to know the judgment of the Delegation as to whether an attempt should be made to deal with the last, ultimate consequences, assuming that such a point must inevitably be reached. Perhaps another position would be feasible, and he thought that the Advisers must be guided by the political judgment of the Delegates on this point.

Senator Vandenberg said that he proceeded on the assumption expressed by Mr. Bowman that the measures described in paragraphs 3 and 4 could be so totally paralyzing that it is needless to go beyond them in the document. Mr. Gerig said that it must be kept in mind that many of the other countries wanted to have a phrase guaranteeing territorial integrity and political independence. This guarantee had been left out of the Dumbarton Oaks Proposals deliberately.

Mr. Bowman added that while everyone would like to have boundaries drawn so that they could be permanent as well as possible and ideal, we cannot let boundaries be broken down continuously and cannot allow indiscriminate free migration across them. There are some boundary disputes in the world that are not yet settled, and we do not want to give the interpretation that all the treaties governing boundaries will be torn up on every complaint. There will be some cases, for example, the eastern boundary of Poland and the boundaries of Southern Albania, where there will be frequent disputes. We do

[37] See progress report on Dumbarton Oaks Conversations, September 19, 1944, and memorandum of November 20 analyzing the Proposals, *Foreign Relations*, 1944, vol. I, pp. 824 and 901, respectively.

not want to shut off every chance for adjustment, and we should leave it open to the Council to make some investigations and assist in the ultimate settlement of these problems.

As to the matter of sovereign equality and the integrity of states, the memorandum prepared by Mr. Gerig [38] indicates how the relationships of certain states to others vary, and it is difficult to define their exact degree of sovereignty and independence. The number of these political units goes up to about 70. The first 45 or so can be considered fully independent, but the sovereignty of the remainder is qualified in some degree. We have to leave out of the Charter any attempt to define a state or to guarantee boundaries, but we should come as close as possible to maintaining the integrity and independence of political units by regulating their behavior and preventing aggression. The question is likely to be discussed in the Conference and to rage in the Senate. On the one hand, we cannot guarantee boundaries. On the other, we cannot proceed to tear them up constantly. In order to make an adjustment a state must have a real case. In the matter of relationships of states, we must start where we are and work out from this point. We cannot jump to the millenium.

Representative Bloom said he was somewhat concerned about the matter of guaranteeing all the new boundaries that would be made at the end of this war. Mr. Bowman said we would have no difficulty with the enemy states, since they were not signing this document, but there might be troubles with many of our present allies.

Senator Connally stated that paragraph 1 of Section B would come into play if a dispute cannot be settled even though every attempt has been made to settle it under paragraphs 3 to 5 of Section A.

[3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their dispute by such means.

4. If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and, accordingly, whether the Security Council should deal with the dispute, and, if so, whether it should take action under paragraph 5.

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.]

[38] Memorandum on political units of the world, not printed.

It was his interpretation that the word "any" in Section B, paragraph 1, meant additional powers.

Mr. Bowman said he agreed with the suggestion made by Mr. Dulles and would subscribe to it, since he thought it was better not to attempt to meet the ultimate possible crisis. He could see that there might be many questions coming up on the imposition of settlements and that such a provision would mean all things to all men. Mr. Dulles said that we face a dilemma. The small states are clearly afraid that under paragraph 1 of Section B another Munich could be imposed and there could be a new wave of appeasement. That is why they want to guarantee territories and boundaries. Such a guarantee, in his view, was not the answer, and he thought it would certainly produce war if the Organization attempted to guarantee boundaries in perpetuity. He would advocate making it clear that the provisions of paragraph 1 do not extend to giving the power to the big nations to sacrifice small ones but only to preventing changes through violence.

Senator Vandenberg asked what language could be used to clarify this matter. Mr. Sandifer suggested empowering the Security Council to take any means "as hereinafter specified in this Section". Mr. Notter suggested examining just what that would mean. After all of the conditions foreseen in Section A had been dealt with, we passed, in Section B, to the first stage of enforcement measures. He called attention to paragraph 2 of Section B, which he thought made it clear that the Security Council should have the power to recommend terms of settlement but not to impose them.

[2. In general the Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures to be taken to maintain or restore peace and security.]

He thought it most important that the Security Council should be enabled to mediate adjustments, and if it could make recommendations regarding terms of settlement, it might not have to use force in order to preserve peace. Senator Connally said that paragraph 2 would undoubtedly have to be adapted also. Mr. Dulles said that these two paragraphs could not be redrafted extemporaneously but would require a little more study. Mr. Stassen said he thought that the Advisers should consider the matter carefully in the light of the discussion.

Mr. Bowman said he felt the Delegates had now given the necessary guidance, and he wanted only to be sure that it was agreed that we would not pursue all the ramifications of the theory of maintaining peace. He believed that the intention of the Organization to encourage peaceful settlement was spelled out in paragraph 3 of Section A. Section B, however, described the working of the Organization in

case these efforts at peaceful settlement were to break down. Mr. Gerig said that paragraph B, 2 was really sufficient without paragraph 1, and he recalled that at one time paragraph 1 was actually the last paragraph in Section A. When the possible voting formula had been discussed at Dumbarton Oaks, it was decided that it would be better to have this paragraph under Section B. He thought that paragraph 2 covered everything that was important in paragraph 1.

Mr. Bowman commented that there were many people who wanted a complete and perfect system of philosophy, and others wanted to implement a philosophy. It was difficult to attain a perfect system in the present world with all its interconnections. He thought that the Charter should be short and to the point and should indicate a wide range of means, powers, and procedures for accomplishing the basic purposes. He thought it unnecessary to fill out all the corners. If the Delegates were agreed on their point of view, the Advisers could develop the text.

Senator Connally asked if the Delegates agreed that the Advisers should reconsider paragraphs 1 and 2 of Section B. Senator Vandenberg said he was willing to have them proceed on that basis. Senator Connally added that the Advisers should consider paragraph 2 together with paragraph 1 and recommend a revision of the text to limit the word "measures" to the enforcement action envisaged in paragraphs 3 and 4. Mr. Bowman said he was sure that the Advisers could bring the text into harmony with the views of the Delegation.

### Chapter II—Principles, Paragraph 4 and the Problem of Self-Defense

Mr. Sandifer called attention to the items on the agenda for this meeting. The first of the deferred items was Chapter II, paragraph 4. Mr. Sandifer read the text with the proposed amendments: "All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the Organization and the provisions of its Charter". He stated that the question was whether the phrase "and principles" and the "and the provisions of its Charter" should be included.

Mr. Stassen said he objected to the new language because if Russia vetoed action by the Organization, he wanted it to be possible for the United States to take whatever action was necessary, consistent with the purposes of the Organization. He believed the original language, confining the obligation to refraining from the use of force in a manner inconsistent with the purposes, was preferable.

Senator Vandenberg said he was nervous about the problem of self-defense in view of the long arguments that had occurred in the

Senate when the Kellogg-Briand Pact [39] came up. The Foreign Relations Committee of the Senate had never been willing to yield until a reservation on the subject of self-defense was made.[40] Mr. Dulles said he thought it would be better to go back to the original language. Senator Vandenberg, rereading the original language, said he would support it. Senator Connally stated that the Delegation had now agreed to support the text of this paragraph as it stood in the Proposals.

Senator Connally said he would appreciate it very much if he could have a statement on the subject of self-defense to use when the Charter comes before the Senate. Mr. Sandifer said he agreed with the importance of a statement on this point, especially since there was nothing in the Proposals. Mr. Gerig commented that the problem of self-defense could be looked at in the light of Section A, paragraph 3, which describes the measures to which parties to a dispute are expected to resort for peaceful settlement. If, in spite of the willingness of a state to resort to these measures, it is attacked by military force, then clearly such a state has the right to defend itself. Mr. Stassen said he thought that interpretation was sound, but that it would still be useful to have an authoritative explanation that could be used when necessary.

Senator Connally asked Mr. Sandifer to proceed with the agenda of the meeting, and Mr. Sandifer called attention to the unnumbered paragraph proposed for inclusion in Chapter II, "Principles".

[The Organization should insure that states not members of the Organization should not interfere with action taken by the Organization, in accordance with these principles, for the maintenance of international peace and security.]

Senator Vandenberg said he hoped someone would give him and Senator Connally a statement of the State Department's conception of the answer to the argument on self-defense. Mr. Notter said that such a statement had already been drafted and would be available if needed. Senator Connally said he believed that if a dispute was not settled by peaceful means, and an innocent state was attacked, it could still act with its own forces. Senator Vandenberg said he was concerned with the intermediate situation between the failure of peaceful means of settlement and a decision on the part of the Security Council to use the armed forces at the disposal of the Organization. Mr. Sandifer said he believed that the test was whether the use of armed force was in accordance with the purposes of the Organization

[39] Treaty providing for the renunciation of war as an instrument of national policy, signed at Paris on August 27, 1928, *Foreign Relations*, 1928, vol. I, p. 153.

[40] See minutes of sixth meeting of the United States delegation, April 10, 10:15 a. m., p. 227.

and that the individual use of armed force by a state might on occasion be construed as serving the purposes of the Organization and at the same time constitute self-defense.

Representative Bloom said that he was interested also in having a statement on the right of self-defense because the House of Representatives would want such a statement, and in general he wanted to get a copy of everything the Senators obtained.

Senator Vandenberg read the second paragraph of the report of the Foreign Relations Committee of the Senate on the Kellogg-Briand Pact [42] to illustrate the attitude that must be faced when this Charter comes up for discussion.

Representative Bloom asked why it would not be a good idea to repeat the qualification about self-defense in the Charter. Mr. Bowman said that it was questionable whether the Charter should go so far as to acknowledge the right of each state to "judge its own measures". Mr. Stassen said that the Charter should be drafted in such a way as to take cognizance of this problem and that he for one would welcome a memorandum on this subject.

Mr. Notter asked if the Senators thought that a reservation on this subject would be made by the Senate if the Charter did not mention it specifically. Representative Bloom asked if it was the intention to foreclose all possibility of reservations to the Charter. Mr. Notter said that there might be a movement in the Conference to say something about the right of self-defense in the Charter, and Senator Connally commented that, if it was not included in the Charter, the Senate would certainly make a reservation. Mr. Notter and Senator Vandenberg simultaneously queried whether it would not be better, then, to have some statement included in the Charter.

Representative Eaton inquired what was the use of all the provisions of the Organization if the right of self-defense under all circumstances remained fundamental. Senator Vandenberg said he disagreed with this position. Representative Eaton asked what all the machinery was for if it was intended that each state would still have the right to use military force whenever it thought necessary in its own defense. Mr. Sandifer said he thought it might be better to make some statement about self-defense in general language. The test could still be whether action when taken was in accordance with the

[42] Preceding the vote of the United States Senate (legislative day Monday, January 14, 1929) giving advice and consent to ratification of the Kellogg-Briand Pact, the Committee on Foreign Relations submitted a report which contained the following statement:

"The treaty in brief pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in bona fide self-defense and never to seek settlement of such controversies except through pacific means. . . ." (Ex. Rept. No. 1, 70th Cong., 2d sess., in *Congressional Record*, vol. 70, pt. 2, p. 1730; for the voting on adoption of the Senate resolution of ratification, see *ibid.*, p. 1731.)

purposes of the Organization. A state might have the right to act in an emergency, and, if there was an allegation that this action was contrary to the purposes of the Organization, the Security Council might review it.

Mr. Stassen said it might be assumed that the right of self-defense was inherent as long as it was not taken away by the language of the Charter. Mr. Dulles said it could be resorted to in order to repel invasion. Senator Vandenberg commented that the proposed Charter certainly involved approval of the use of force to maintain or restore peace and security, but required that such use should be regulated. Mr. Dulles said there was no prohibition on the individual use of force if it was done for the purposes of the Organization. Senator Vandenberg said he thought we needed an affirmative statement, and Senator Connally asked to have a draft prepared, which Mr. Notter said the Advisers would take up.

### Chapter II—Principles, Unnumbered Paragraph

The group returned to its discussion of the proposed unnumbered paragraph of Chapter II. Mr. Sandifer asked what the Delegation had agreed to do about paragraph 8. Senator Connally said, and the other Delegates confirmed the statement, that it had been agreed to take out the phrase "and treaty obligations" and to support the remainder of the paragraph if some other Delegation proposed it in the Conference. Senator Connally stated that the unnumbered paragraph involved the question of imposing on non-member states the obligations of members of the Organization. Mr. Sandifer read the original text.

[The Organization should insure that states not members of the Organization act in accordance with these principles for the maintenance of international peace and security.]

Senator Connally thought this form was better. Senator Vandenberg said he thought this had already been agreed upon and asked why it was included in the deferred items. Representative Bloom asked whether this paragraph was to be proposed by the United States Delegation or supported by it. Mr. Sandifer said that the final decision on it had been deferred.

Mr. Stassen commented that it would be of great importance to keep non-members in line so that they should not interfere with enforcement action by the Organization, since, if non-members were free to act as they wished, they might greatly weaken the Organization. Mr. Armstrong said he thought that the suggested new wording would make the provision more palatable to non-members. Mr. Sandifer pointed out that the new form was stated in the negative. Mr. Stassen said that the ultimate objective of the Organization was to

have all decent states as members. The outlaws have to be kept in line, however.

Mr. Notter said that the original language could be objected to on the ground that it gave the Organization the power to exert compulsion on non-member states, on an undefined basis. Senator Vandenberg said that actually the Organization should not police non-member states until a specific instance arose requiring such policing. Mr. Notter said that the purpose was to make the non-member states conform their actions with that approved by the Organization. Senator Vandenberg said he thought about all that can be done is to arrange it so that non-member states will not interfere with action taken by the Organization. Senator Connally said he thought the negative language was better and that the Organization certainly had a right to protect itself against interference. Representative Bloom commented that this was important, since it could be done for the purpose of maintaining international peace and security.

Mr. Stassen observed that of course the ideal situation would be to have all states within the Organization, where they would all have a right to vote and to take part in the work of the Organization. Senator Connally said that this would amount to a world state. Mr. Bowman said it would be inadvisable for the states in the Organization to try to make all other countries conform to the provisions of the Charter. Senator Connally said that we want to get them in voluntarily. Mr. Bowman said it was important to keep in mind what Mr. Stassen had said about wanting to bring in all peace-loving states. Therefore, it was important to write the obligations in broad terms and make it clear that one of the main purposes was to prevent threats to peace and security.

Senator Connally said that under this paragraph, if the Organization took enforcement measures, then states neighbors of the one against which enforcement action might be taken could be prevented from giving assistance that would undermine the efforts of the Organization. Mr. Notter said he was of the opinion that it would be better to have the action that might be taken by the Organization against a member state directed toward preventing interference than to try to force such a state to act according to the provisions of the Charter.

Mr. Sandifer asked whether the Delegation wished to propose or support this paragraph. Senator Connally said that he thought the United States should propose it. He considered that the sense of the paragraph was implicit in the document. The unnumbered paragraph with the language proposed in the April 16 document was approved by the Delegation for proposal to the Conference if no other Delegation brought it up.

CHAPTER X—SECRETARIAT, PARAGRAPH 1

Mr. Sandifer said that the next item of business was to discuss Chapter X, The Secretariat, which had not yet been considered by the Delegation at all.

Senator Connally said he was still concerned about Chapter III, Membership, especially the phrase "all peace-loving states". He wondered if it would not be a good idea to define what a state is. Mr. Dulles said that any definition would exclude some political unit already taking part in the Conference, for example, India. He thought the important thing to do was to agree on who would decide whether a given political unit had enough of the characteristics of a state to be entitled to membership in the Organization. Mr. Bowman said the General Assembly should decide it in the light of conditions.

Mr. Sandifer presented Chapter X to the Delegation. Mr. Gerig opened the discussion on paragraph 1.

[Suggested Revised Text:

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization. He should be elected by the General Assembly ~~on recommendation of the Security Council~~ with the concurrence of the Security Council ~~for such term~~ for a period of five years ~~and under such conditions as are specified in the Charter~~ and should be eligible for re-election. He should be subject to removal for cause by a two-thirds vote of the General Assembly.]

Mr. Gerig noted that the first suggestion was that the Secretary-General should be elected by the General Assembly with the concurrence of the Security Council rather than on the recommendation of the Security Council. This revision would emphasize the position of equality between the two bodies. Senator Vandenberg thought this was an improvement. Mr. Gerig said that there were two other proposals in this paragraph, first, that the Secretary-General should have a term of five years and should be eligible for re-election, and, secondly, that he should be subject to removal for cause.

Senator Vandenberg asked what "for cause" meant and said he thought it was not necessary to include these words. Senator Connally commented that concurrence of the two bodies in the election of the Secretary-General must mean that they would vote separately. Mr. Gerig agreed and said that they would vote by their ordinary votes. Senator Connally said that this would mean that seven votes would be required in the Council. Mr. Gerig agreed, saying that this was not a procedural matter. Senator Connally stated that in that case any one of the permanent members could veto the choice of the Secretary-General. Mr. Gerig said that it was important

for the successful operation of the Organization that the Secretary-General be acceptable to the great powers. Representative Bloom said that there could be a situation in which one state by voting against the candidate could prevent any election. Then there was a question as to whether the Secretary-General already in office would just continue, or whether the office would become vacant.

Senator Connally said he thought that the question of voting in the Security Council as applied to the election of the Secretary-General was extremely important. Mr. Notter stated that, if the permanent members were to have a veto power, perhaps it would be better for the Security Council to decide first on its choice for Secretary-General. He liked the suggested revision better, except for the possibility of the veto, because it would be most unfortunate if two-thirds of the Assembly were committed to a given candidate, and then one great power could block that decision. Mr. Dulles said that it would create a very bad situation if the Assembly took action which was then vetoed by one member of the Security Council.

Senator Connally suggested that the Secretary-General be elected by the General Assembly with the concurrence of the Security Council by a vote of any seven members. Mr. Notter said that this would amount to having the General Assembly cast its tightest vote, namely, two-thirds, and the Security Council its loosest vote. Mr. Armstrong suggested that this be considered a procedural matter. Senator Connally said that perhaps this would be the way out and reiterated his objection to the possibility of a veto by one great power. Mr. Dulles said that this possibility might block the entire functioning of the Organization.

Representative Bloom commented that the Organization had to have somebody in charge of its administration before it could actually get started. Senator Vandenberg said that of course there would have to be some sort of temporary organization. Mr. Sandifer noted that this would be taken care of by an agreement here at the Conference and that there was a plan for an Organizing Committee, which was not in the Dumbarton Oaks document. Representative Bloom asked what would happen if the temporary Security Council did not agree on the choice of a Secretary-General.

Mr. Gerig referred to the experience of the League of Nations in electing judges of the Permanent Court of International Justice. He said that election of the judges had required the unanimous concurrence of all members of the Council. No difficulty had ever arisen, and two panels of judges had been elected. Senator Vandenberg commented that that was before Stalin had taken over. Mr. Gerig observed that the position of the Secretary-General of the Organization would be very difficult if he was *persona non grata* to any of the principal states.

Senator Connally said he had liked Mr. Armstrong's suggestion that the Secretary-General be elected by the General Assembly with the concurrence of the Security Council, both bodies acting under their respective procedural authority. Mr. Notter said that another possibility would be to provide that the Secretary-General should be elected by the General Assembly unless the Security Council by its procedural vote interposes an objection. Mr. Sandifer suggested the possibility of going back to the original language. Mr. Armstrong said he thought that was still bad because one of the permanent members could still impose a veto. Senator Vandenberg said we must be very careful about the total veto power of the permanent members.

Mr. Gerig stated his opinion that the new language gave the Assembly more power. Mr. Armstrong said that it would put more heat on the Assembly to take initiative in organization matters and put the responsibility on the Security Council for blocking any decisions. Senator Connally said that if there was a choice between the two bodies, the Security Council should have the primary power to choose the Secretary-General. He did not want the General Assembly to impose a Secretary-General on the Security Council, but he thought that if any seven members wanted a Secretary-General, that person should be elected.

Mr. Notter said he had been checking over the probable membership of the General Assembly to estimate what states would hold the balance of power under a rule requiring a two-thirds majority for electing the Secretary-General. The Western Hemisphere states and the British Dominions would amount to more than one-third of the Assembly. In the Security Council there would undoubtedly be some of these states represented, and he thought that for Britain and the United States the arrangement that any seven could vote on this matter would be perfectly safe. Representative Bloom asked if the suggestion was that any seven members of the Council would be required to approve the action of the Assembly in its choice of a Secretary-General.

Mr. Dulles said that he thought Mr. Armstrong's suggestion should be adopted in some form. Senator Connally stated that he thought some such plan would be desirable. Mr. Dulles said that the veto power as exercised by the U.S.S.R. might be dangerous in this situation. Senator Vandenberg said that perhaps it would be exercised so as not to let a provision be incorporated permitting the Secretary-General to be elected without the veto right.

Mr. Armstrong suggested providing that the Secretary-General should be elected by the Assembly and the Security Council acting under their respective procedural authorities. Mr. Sandifer amended this to "respective procedural votes". Senator Vandenberg called attention to the fact that in the General Assembly the procedural

vote is a simple majority. Mr. Notter said it was provided in Section C of Chapter V that a two-thirds vote was required in the General Assembly for elections. There would be less safety in a simple majority. Senator Connally said he did not intend that a simple majority should suffice in the General Assembly. Mr. Sandifer said he concluded, then, that only the Security Council should vote in this instance by its procedural formula. Mr. Stassen suggested that it be provided that the Secretary-General be elected by the General Assembly with the concurrence of the Security Council acting under Section C, paragraph 2 of Chapter VI. The Delegates agreed.

Mr. Gerig pointed out that the next proposed revision was to prescribe a five-year term instead of leaving the term to be determined by the General Assembly. It was not desirable to have the term too long, but if the Secretary-General was good, it should be possible for him to be re-elected. Senator Connally asked what the provision had been under the League of Nations, and Mr. Gerig replied that the Secretary-General had been elected for a first term of seven years with the possibility of re-election for three years. Senator Connally asked if the Delegation agreed to including the provision about the term of office for the Secretary-General, and the Delegates replied in the affirmative.

The Delegates agreed to the suggested provision for removal by a two-thirds vote of the General Assembly with the words "for cause" left out. Mr. Sandifer asked if this was to be proposed or supported by the American Delegation. Representative Bloom said that if we wanted it in the Charter, we should propose it. Mr. Stassen said it would be better, however, if others proposed it. Senator Vandenberg said he thought the American Delegation should support it for the time being, and this view received general assent.

CHAPTER X—SECRETARIAT, PARAGRAPHS 2, 3, 4, 5 AND 6

Mr. Gerig called attention to the proposed changes in paragraph 2 of Chapter X.

[Suggested Revised Text:
2. The Secretary-General or his representative should act in that capacity in all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council, and of the Trusteeship Council and should make an annual report to the General Assembly on the work of the Organization.]

He noted that if it was desired to assign trusteeship functions to the Organization, an organ would have to be provided to handle the matter, so that it would have to be listed at this point. It would be more efficient if the Secretary-General could designate a deputy

to attend meetings, since there would undoubtedly be a great many of them. Senator Connally stated that in the absence of objections the Delegation would approve this revision for support.

Mr. Gerig presented the suggested amendment of paragraph 3.

[Suggested Revised Text:
3. The Secretary-General should have the right to bring to the attention of the Security Council or the General Assembly any matter which in his opinion may threaten international peace and security or impair the general welfare.]

He commented that this involved a substantive addition to the text. At present the Secretary-General has the right to call the attention of the Security Council to any matter threatening peace and security. Therefore, it seemed necessary to empower him to call to the attention of the General Assembly any situation which might impair the general welfare. This provision would give him a similar right to that which he would have in relation to the Security Council. Representative Eaton commented that the Secretary-General is an agent of the General Assembly as well as of the Security Council. Mr. Gerig pointed out that this suggestion gave the Secretary-General some discretion in deciding what matters to bring up and to which body to refer them.

Mr. Notter suggested it be provided that the Secretary-General have the right to bring to the attention of the Security Council and the General Assembly any matter within their respective competencies. Mr. Bowman asked if it was necessary to spell out the respective fields of jurisdiction. Mr. Notter said perhaps it would be better to hold back the tendency to obscure the differentiation between the two bodies. Senator Connally said there might be considerable discussion as to where a given dispute or situation should be referred. Mr. Sandifer said there were two different kinds of situations: (*a*) those which might threaten peace and security, and (*b*) those which might impair the general welfare. Representative Bloom objected to the phrase "in his opinion". Senator Vandenberg said that situations tending to impair the general welfare might also threaten international peace and security. Mr. Stassen suggested taking out the phrase "in his opinion".

Senator Vandenberg read the revised suggestion, which was approved for support.

[3. The Secretary General should have the right to bring to the attention of the Security Council any matter which may threaten international peace and security, and to the attention of the General Assembly any matter which may threaten or impair the general welfare.]

Mr. Gerig presented a suggested new paragraph 4.

[4. The Secretary-General should appoint such officers and other personnel as may be required. The appointment of principal officers should be subject to confirmation by the General Assembly.]

Representative Bloom asked how "principal officers" should be defined. Mr. Gerig said that in practice there was a pretty clear understanding that the Deputy Secretary-General, Under Secretary-General and Assistant Secretaries-General, and Directors of Divisions and Departments would be considered principal officers. This would conform to the practice of the International Labor Office and the League of Nations. Mr. Dulles suggested amending the text to make the appointment of principal officers subject to such confirmation by the General Assembly as it may require or specify. Senator Connally asked if there was any objection, and, since there was none, he declared that the Delegation agreed.

Mr. Gerig presented the suggested new paragraph 5.

[5. Subject to the requirements of technical or administrative competence and experience, officers of the Secretariat should be recruited on the widest practicable geographical basis.]

He said this was intended to give satisfaction to all countries and make the provisions for the Secretariat more acceptable to the small states. Senator Connally asked if the Delegation approved it, and the Delegates gave their assent. Senator Vandenberg asked why it would not be a good idea for the United States to propose it. Senator Connally answered that we would probably not catch many flies that way, and it was agreed that the United States should support it if proposed by other Delegations.

Mr. Gerig presented the suggested new paragraph 6.

[6. In the performance of their duties, the Secretary-General and the staff should be responsible only to the Organization. Their responsibilities should be exclusively international in character, and they should not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The members should undertake fully to respect the international character of the responsibilities of the Secretariat and not to seek to influence any of their nationals in the discharge of such responsibilities.]

Mr. Dulles said he thought this provision extremely important. Senator Vandenberg said that having such a statement in the Charter would not stop the nations from trying to influence their nationals on the Secretariat. Mr. Bowman said it had worked quite well in the League of Nations except for the Axis countries. Senator Connally asked if there was any possibility of removing officials who would violate such a provision. Mr. Gerig said that the principal officers of the Organization would have the authority to remove members of the staff in

such a case. Senator Connally said it was worth thinking about making some clear provision for removing officials who violated this provision of the Charter. Mr. Bowman observed that the League of Nations had had a scheme for retirement and that it would be possible to work out the necessary regulations. Mr. Dulles said that normally the officials of the Organization would be removable for violations. Senator Connally remarked that he thought a penalty was needed in addition to the general policy.

Mr. Gerig called attention to the fact that in the draft constitution for the Food and Agriculture Organization there was a provision similar to the suggested new paragraph 6.[43] Mr. Dulles said it might be suggested that the Assembly would have a general power to remove any official who violated this provision. Mr. Stassen said it would be important not to interfere with the authority of the Secretary-General as the chief administrative officer of the Organization.

Mr. Armstrong suggested that there should be some discussion of the responsibility of the member states to grant immunities and privileges to the officials of the Organization, and members of its organs and other bodies, especially since it was contemplated in some quarters that the Organization might meet from time to time in different countries. Mr. Gerig said there was a section on that point in the proposed new chapter on juridical status. Mr. Armstrong read the proposed new chapter on juridical status, paragraph 3.

[3. The members of the Organization should accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organization, and to the higher officials of the Organization, not being their own nationals. Immunity from jurisdiction shall be subject to waiver by the members of the Organization in the case of their representatives in or to the Organization, and by the Organization in the case of higher officials of the Organization.]

Mr. Sandifer said that this chapter together with the ones proposed on the registration of treaties and on inconsistent obligations had been left for Mr. Hackworth's committee[44] to consider. Mr. Armstrong said he just wanted to open up the question whether it would be suitable to have such a provision in the chapter on the Secretariat if there were no separate chapter on Juridical Status. Mr. Stassen said that in Chapter X only the members of the Secretariat were involved, but that in the proposed separate chapter all officials and representatives of the Organization could be included.

Senator Vandenberg asked how it would be possible to exempt officers of the Organization from taxation of their salaries. Mr. Sandi-

[43] See Article VIII (Staff), paragraph 2, *First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture* (Washington, August 1, 1944), p. 44.

[44] Commission IV (Judicial Organization).

fer said that it could be taken care of by a treaty regulating the legislation of each country. Senator Connally said that the Charter could exact a promise from each country not to levy taxes on the salaries of the nationals of other states working in the Organization Secretariat.

Mr. Stassen asked if it was desirable to support or propose the suggested new paragraph 6. The Delegates agreed to support it. Mr. Gerig said that it was important to make sure that it gets into the document. Mr. Stassen said in that case the United States should propose it, and the Delegates agreed.

CHAPTER XI—AMENDMENTS, NEW PARAGRAPH 2

Mr. Sandifer presented the suggested new paragraph of Chapter XI, Amendments.

[2. A general conference of the members of the United Nations may be held at a date and place to be fixed by a two-thirds vote of the General Assembly with the concurrence of the Security Council, for the purpose of reviewing the Charter. Each member shall have one vote in the Conference. Any alterations of the Charter recommended by a two-thirds vote of the Conference shall take effect when ratified in accordance with their respective constitutional processes by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.]

He said that at the last meeting in Washington [45] the substance of this paragraph had been discussed, and it had been suggested that there should be a new provision to provide for a constitutional convention at a later date. This draft had been prepared subsequently but had not yet been considered by the Delegation. Senator Connally commented that this proposal would make the Charter more liquid. Mr. Dulles pointed out that the adoption of a new Charter would be accomplished by the same process as the adoption of an amendment. Mr. Stassen said he was willing to agree to this formulation, although he preferred to say that there must be a constitutional convention within twelve years. Senator Vandenberg said that this proposal was all right as far as he was concerned.

Mr. Notter pointed out that the Soviet Union could still prevent the calling of a conference for revision of the Charter. Mr. Dulles said that the Soviet Government would have the power to veto amendments also and that this was the same as the amending process. Mr. Notter said that this differed from the amending procedure, which did not require the prior approval of the Security Council before an amendment could even be considered by the member states. Mr. Sandifer said that the United States was protected either way.

[45] Twelfth meeting of the United States delegation, April 19, 9:10 a. m.; for minutes, see p. 330.

Mr. Dulles was in favor of classifying as a procedural matter, covered by the provisions of paragraph 2 of Section C, Chapter VI, the concurrence of the Security Council in the call for a general conference. Since this was not a matter involving the use of enforcement measures, he thought it would be better to consider it a procedural question. Mr. Sandifer said it was a more important matter than electing a Secretary-General. Under the provisions of a procedural vote, a conference could be called against the opposition of four permanent members, and he thought that would be going too far. Senator Vandenberg asked if it was not procedural to call a convention. Mr. Sandifer said he thought not. Mr. Armstrong said that many of the smaller Governments would say that apparently nothing was procedural under the Charter. Senator Connally said that he agreed that this was a more fundamental matter than a question of procedure.

Representative Bloom asked whether it would not be desirable to require a larger vote in the Assembly. Then if there was a deadlock in the Security Council, the Assembly might break it. Senator Vandenberg commented that that would give the Assembly an overriding veto. Mr. Notter said the matter might be taken care of by requiring a higher vote in both the General Assembly and the Security Council, but no veto for the permanent members. For example, there could be a requirement for a three-fourths vote in the General Assembly and ten members of the Council. Representative Bloom said that some way should be provided to take the matter out of the hands of the Security Council if one of the permanent members tried to block the obvious desire of all the rest of the Organization. Dean Gildersleeve said it was terrific to think that any one member could block the will of the whole Organization.

Mr. Sandifer said that any provision other than the one mentioned here would involve a new type of voting in the Security Council. Representative Bloom commented that the call for a conference would be merely to consider matters of general concern to the Organization in connection with the Charter. Mr. Notter said that this was, however, a fundamental matter which opened the door to a far-reaching revision of the Charter. Dean Gildersleeve said that the actual amending power would be left as it stands. Senator Connally said that the ordinary amending processes could still be used. Mr. Sandifer added that two-thirds of the General Assembly could adopt amendments, which would come into force only when ratified by all the permanent members and the majority of the other members of the Organization.

Mr. Dulles observed that this provision was more liberal than the proposed second paragraph. He did not think, in fact, that the proposal added anything that could not be done much more easily under paragraph 1. In the first paragraph the Assembly can take the initia-

tive and does not need the concurrence of the Security Council. Mr. Sandifer asked whether this country would be willing to have a constitutional convention called by two-thirds or three-fourths of the General Assembly, without requiring the concurrence of the Security Council.

Senator Vandenberg said there might be some advantage in having the same process for both amendments and the calling of a constitutional convention. Mr. Sandifer said this could be much more serious than a single amendment, and the situations would not be parallel. He thought it should require a minimum of a three-fourths vote in the General Assembly. Mr. Dulles said that if the great powers lose their influence to such an extent that they cannot block the will of three-fourths of the Assembly, then the Organization has come to a sad pass. Mr. Bowman said he doubted whether it was good judgment to provide for a general revision of the Charter, especially since there is provision for amendments.

Representative Bloom asked whether there was any limit on the time in which amendments are to be adopted. Mr. Bowman said he did not like the proposed paragraph 2. Senator Connally said that by setting a date for a constitutional convention, the United Nations would be admitting at the start that the Organization as constituted now is likely to fail. If the Organization is confronted by a demand for amendments, then it could start work on revisions, but it would not invite some 30 or more dissidents to start agitating right away for revisions. He thought that it would be within the competence of the Organization to undertake drastic revision of the Charter if necessary. Mr. Bowman said he thought this was implicit in the Charter. Mr. Stassen said that in that case the provision concerning a call for a conference would show the intention of the Organization. Mr. Bowman doubted the wisdom of inviting the member states to plan to call for a conference to revise the Charter before this one has had an opportunity to work. Mr. Stassen said it had not worked out that way in our Constitution. Representative Bloom said that if the provision is to be included, it should be made flexible. Mr. Bowman said that we already have the amendment provisions of paragraph 1. Mr. Stassen thought that too remote a means of dealing with the matter. Representative Bloom felt there should be a way to call a conference if necessary to revise the Charter and referred to the fact that in New York State there was a provision for constitutional conventions.

Mr. Bowman asked why it would not be satisfactory merely to indicate the process by which the matter of a thoroughgoing revision could be approached and leave it in a two or three line formula. Mr. Dulles said he thought there should be much less formality and pro-

cedure, and he thought the suggested provision actually did not give any fresh implementation. The General Assembly could meet and consider the revision of the whole document itself without calling a special conference, and this would be a more flexible arrangement. Mr. Bowman said that the Assembly could amend everything. Mr. Dulles said he thought it a question of policy whether there should be a paragraph explicitly recognizing the need for subsequent revision. He himself thought it might be desirable to recognize that the Charter is inadequate as it stands and that it would be a good idea to improve it later. Mr. Stassen said it would make it clear that we did not presume that all wisdom had been accumulated here. He thought the whole discussion had been a wholesome one and that it would be good to have some such provision in the Charter. Senator Vandenberg said the psychological value would be very great.

Mr. Notter suggested that it would be making the draft a little too loose to incorporate a thoroughgoing revision by the same process as the making of amendments. He thought it might be possible to empower the General Assembly, at "a time and place which it should determine", to convene in special session for a thoroughgoing reconsideration of the Charter. Mr. Bowman asked what vote would be required and whether the Security Council should have some check on such a determination in the interests of security. Mr. Armstrong said it would be important to avoid having the threat of such a move hanging over the Assembly. He thought it probably desirable to have some sort of provision but not so imminent as this.

Senator Connally asked if it would be acceptable to provide that "a general conference of the members of the United Nations may be held at a date and place to be fixed by a three-fourths vote of the General Assembly with the concurrence of the Security Council by a vote of seven members". Mr. Stassen said he agreed, and Mr. Bowman added that he was satisfied. Mr. Notter estimated that there were eleven small Eastern European states that could be considered as coming within the orbit of the Soviet Union. While this was close, it was still not enough to block a three-fourths vote of the General Assembly. Senator Connally said that with a majority as high as three-fourths, there would be more stability. He foresaw that the smaller states might be dissatisfied with the Charter, and if they were agitating for changes all the time, it would weaken the effectiveness of the Organization. Mr. Bowman said he was now prepared to agree with this paragraph. Mr. Stassen said that he would accept the incorporation of this paragraph with the suggested amendments, and he thought that the American Delegation should propose it to the Conference. The Delegates agreed that a constitutional conference could be called by a three-fourths vote in the As-

sembly with the concurrence of the Security Council acting under the provisions of paragraph 2, Section C, Chapter VI. Senator Connally commented that the United States would be protected in the provisions for ratification.

Mr. Gerig asked if the last four lines of the suggested paragraph should be eliminated, since it was merely a repetition of the description in the previous paragraph. Mr. Stassen said he thought it would be better to keep it as it is, as it is a complete statement. Senator Connally stated it was agreed by the United States Delegation to keep the last four lines and that the whole paragraph as revised should be classified among the items to be proposed.

### WITHDRAWAL PROVISION

The group turned to the next item on the agenda: the question of a provision for withdrawal. Mr. Sandifer read the following proposal, which had been drafted but not yet considered:

"Any member may withdraw from membership in the United Nations for stated cause and upon six months' notice, during which period its rights, privileges, and obligations of membership with respect to the functions allocated to the Security Council shall be suspended automatically. Any provisions of the Charter relating to voting that may be affected by the withdrawal of any member shall be adjusted accordingly by the General Assembly, subject to amendment of the Charter."

Senator Connally asked for an explanation of the last phrase "subject to amendment of the Charter". Mr. Sandifer said that it meant pending the amendment of the Charter. Since the withdrawal of a permanent member of the Security Council would affect the voting provisions of the Security Council, Representative Bloom said it was reasonable that a member of the Council should not vote if it had announced its intention to withdraw.

Mr. Notter explained that the withdrawal problem would affect the Organization seriously only if one of the great powers should go out of the Organization. The first question was how quickly a state could withdraw if it was permitted to do so at all. If a member of the Security Council decided to leave the Organization, it would want to do so quickly, and it would not want to be held to the obligation to join in the use of force. Therefore, a short period was desirable. There was also a question of how quickly such a state could drop its responsibilities. If the United States were to withdraw, it would certainly not want to have any responsibility for the work of the Security Council any longer. Therefore, the rights, privileges, and obligations of membership with respect to the functions allocated to the Security Council should be suspended automatically for a state upon its giving notice of intention to withdraw.

Senator Connally said that under this provision any nation could withdraw whenever it was called upon to use force and did not wish to comply. Mr. Sandifer said this was an important question; it should be given sufficient time for careful consideration, and he would like to have an opportunity to circulate the draft of the proposal he had read to the group. He thought a prior question was whether it was desirable to have any provision for withdrawal in the Charter and that could be considered at a later meeting the same day.

. . . . . .

Senator Connally said that in the few moments remaining he would like to discuss the general attitude of the United States Delegation toward the Dumbarton Oaks Proposals. It was his impression that except for the items which the United States Delegation had agreed to propose as amendments, or those which they had agreed to support if amendments were offered, the Dumbarton Oaks Proposals should stand as the framework of the Charter that we would like to see adopted. Mr. Bowman said that many of the American proposals reflected the views of other governments, which had been taken into account in the drafting of suggested alterations. Senator Vandenberg said it would not be desirable for the United States to take a hard and fast position of refusing to consider any other amendments. Miss Gildersleeve said the Delegation could not really decide until it had had an opportunity to hear what the other Governments expected to bring up. She thought the group might wish to alter its position after hearing other proposals.

Senator Connally said that of course it might be necessary to accept amendments offered by other countries. What he was trying to get at was a view of our main objectives. Miss Gildersleeve said she thought the Delegation should agree in the first instance to adhere to the position defined in these meetings. If other proposals are made with good arguments to back them up, then the Delegates should come back and report to the whole group. Mr. Bowman said that other Governments might have later thoughts than those that were incorporated in memoranda circulated before the Conference, but he thought it advisable to have a general attitude defined.

Senator Connally said that there should be a meeting of the Delegation every day, with the members of each Commission reporting on the most important items that came up in their respective groups. Mr. Bowman said that is where any revisions of the American attitude would be worked out. Mr. Stassen said he thought that would give the group a stable basis for its work.

Mr. Sandifer pointed out that there were still several items on the agenda, especially the Preamble; Chapter IX; Chapter VIII, Section A; and trusteeship. It was agreed that a meeting would be held

at 8:30 on the evening of the same day to complete this agenda. Mr. Sandifer suggested that the order of business be Chapter IX; Chapter VIII, Section A; trusteeship withdrawal, and the Preamble. Mr. Stassen asked that the subject of trusteeship be considered first, and the group agreed to this arrangement. Representative Bloom said that it would be a safeguard to provide a 24-hour legislative day for the Delegation to consider amendments.

The meeting was adjourned at 1:00 p. m.

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500.CC/4–2645

*Memorandum by Mr. Charles E. Bohlen, Member of the United States Delegation, of a Conversation Held at San Francisco, April 26, 1945, 10:20 a. m.*

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| Present: | The Secretary of State | Mr. Dunn |
| | Mr. Molotov | Mr. Bohlen |
| | Ambassador Harriman | Mr. Sobolev |
| | Ambassador Gromyko | Mr. Pavlov |

THE SECRETARY said he asked to see Mr. Molotov to give him his opinion on the matter which Mr. Molotov had raised the day before yesterday.[46] He said that first of all he wished to make it plain that that U.S. Government had always been fully prepared to live up wholeheartedly to the agreement reached at the Crimea in regard to the admission of White Russia and the Ukraine as initial members of the World Organization. The day before yesterday, Mr. Molotov had asked him as to his opinion of the attitude of the other countries at this Conference. He had then frankly told Mr. Molotov that he did not know. Since then he had had an opportunity to consult other Delegations and to ascertain their views, and that as a result of this work, he was now glad to be able to tell Mr. Molotov that he was confident that the Soviet proposal regarding the admission of these two Republics as initial members of the proposed Organization would be approved by the Steering Committee.

MR. MOLOTOV expressed his pleasure and gratitude for the Secretary's statement. He then said that he would like to inquire as to the second phase of his question—invitations to attend the Conference.

THE SECRETARY replied that this was another question and one for which he would need more time to consult with other Delegations before giving an answer. He advised Mr. Molotov not to press this second phase of the question but to delay it until a little later. He said he thought it could be arranged if some time was given.

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[46] See memorandum of conversation by Mr. Bohlen, April 24, 5:45 p. m., p. 380.

RSC Lot 60–D 224, Box 96 : U.S. Cr Min 19

*Minutes of the Nineteenth Meeting of the United States Delegation (A), Held at San Francisco, Thursday, April 26, 1945, 8: 40 p. m.*

[Informal Notes]

[Here follows list of names of persons (28) present at meeting.] Senator Connally presided during the absence of the Secretary.

*Trusteeship System.* Mr. Pasvolsky announced that agreement had been reached on a draft of a proposed trusteeship system, with the exception of three minor suggested changes in the draft before the Delegation. (Arrangements for International Trusteeship (D–1o [47])). It had been pointed out that in Note 2 of the document the wording required revision since if the trusteeship plan were to be included as a chapter of the Charter of the Organization, the provisions of the Charter would have to be modified in order to accommodate the trusteeship provisions. Therefore the wording of the note should read that the Charter would have to be harmonized with the trusteeship provisions. He also noted that with respect to paragraph 3 of the draft it had been suggested that a statement be added to this effect: "It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms". This, said Mr. Pasvolsky, would be consistent with the Yalta agreement,[48] and there would be no objection to adding a sentence of this nature. The sense of this statement, however, was already implicit in the wording of the draft document as would be noted in paragraphs 1, 3, and 4. While there would be no objection to adding this sentence, there is a question as to whether the addition of a statement of this nature would be good for negotiations on the document.

Representative Bloom raised a question as to whether the proposed trusteeship draft ought not to be taken up point by point, in order that the discussion might bear upon the merits of the plan. Mr. Pasvolsky replied that he had assumed that the Delegation had studied the plan and would be ready to discuss it. Senator Connally suggested that Mr. Pasvolsky might present a five-minute summary analysis of the draft. Senator Vandenberg suggested that Mr. Pasvolsky might take a territory as an example and trace the working of the plan for the benefit of the Delegation.

Mr. Pasvolsky then undertook a paragraph-by-paragraph analysis of the draft document. With respect to paragraph 1, which he read, he pointed out that the phrase "by subsequent agreement" in this paragraph should be interpreted to mean that no territory could be

[47] Not printed; see draft text (D 1–p), April 26, p. 459.
[48] *Conferences at Malta and Yalta*, p. 977.

placed under the trusteeship system except by agreement among the states concerned, subsequent to the establishment of a trusteeship system.

Representative Bloom queried as to what would happen to a mandate if no "subsequent agreement" respecting it would be made. Mr. Pasvolsky replied that in that case the particular territory could not be placed under the system. Representative Bloom expressed the view that this would seem to be entirely different from the original conception of the mandated territories.

Recapitulating, Mr. Pasvolsky stated that the first point is that territories would be placed under the trusteeship system only by agreement among the states directly concerned. The second point is, he stated, a statement of the objectives of the trusteeship system. He read paragraph 2 of the draft. These objectives, explained Mr. Pasvolsky, would be applied in each territory placed under trusteeship in accordance with the trusteeship arrangement for that particular territory. In paragraph 3, which he read, he pointed out that there is a limitation in the form of a statement of the three categories from which territories to be placed under trusteeship may be drawn. He cited a Japanese territory as an example in point for category A on the one hand with respect to the Japanese mandated islands and for category B with respect to Japanese territory other than that under mandate which might be detached from Japan at the end of this war. These three categories of territories, Mr. Pasvolsky observed, were set forth in the Yalta agreement. Mr. Pasvolsky read the relevant passage of the Yalta agreement: "It was further agreed that no discussion of the specific territories will take place during the preliminary consultations on trusteeships or at the United Nations Conference itself. Only machinery and principles of trusteeship will be formulated at the Conference for inclusion in the Charter, and it will be a matter for subsequent agreement as to which territories within the categories specified above will actually be placed under trusteeship."

Senator Vandenberg asked who would make the agreements, and Mr. Pasvolsky replied that the answer would be found in paragraph 4 which refers to the "states directly concerned". Continuing, Mr. Pasvolsky remarked that the negotiation of the agreements with respect to the mandated territories, for example, would presumably be among the nations concerned with the mandatory system, that is, the Principal Allied and Associated Powers.

Senator Connally asked what role Japan would play in this agreement, and Mr. Pasvolsky explained that Japan and Italy would be required by the peace treaties to renounce all of their rights in these territories. Mr. Pasvolsky continued with an explanation of category

B of paragraph 3. The Italian colonies to be detached at the end of this war and any Japanese territory which would be taken away from Japan, for example, would involve negotiations based upon any arrangement to which the United States would agree in the peace treaties with these nations. The question as to what disposition would be made of such territories, under whom they would be placed, is not yet settled, of course, and there is an open question as to whether Great Britain, the Soviet Union and the United States as Principal Allied Nations would make the decisions, whether China would be included, or the United Nations outside of Europe would be included—these questions are not yet settled.

Mr. Gates observed that it should not be assumed that the mandated territories would be turned over to trusteeship.

Representative Bloom inquired whether it had not been decided in the Delegation that a distinction should be recognized as between territories of economic importance and territories of strategic importance. Mr. Pasvolsky pointed out that this distinction had been made and was recognized in the draft document, which carried special provisions affecting the strategic territories.

Mr. Pasvolsky then read paragraph 5 of the draft document without comment and continued by reading paragraph 6. With respect to paragraph 6 he emphasized that some of the territories under the trusteeship system may be designated in whole or in part as a strategic area or areas. Paragraphs 7, 8, and 9 were then read by Mr. Pasvolsky, and with respect to the last paragraph he pointed out that the idea was that in formulating the composition of the Trusteeship Council the nations administering trust territories would be permanently on the Council.

[Mr. Stettinius arrived at this point, accompanied by a photographer. After the pictures were taken the meeting was resumed.] [49]

Discussion was held as to whether the Delegation should go into executive session at this point or continue its discussion of trusteeship. Mr. Stettinius inquired how long the trusteeship discussion might take. Representative Bloom pointed out that it was just getting underway, and Mr. Pasvolsky had not yet completed reading and commenting on the draft. Mr. Gates stated that the military advisers had had no opportunity to comment and wished a hearing. Representative Bloom observed that Congress was very much interested in this question, that a number of Congressmen had introduced resolutions on the subject recently, and that some time should be taken to discuss the matter thoroughly in the Delegation.

Senator Connally stated that it would be hard on the advisers to have to leave the meeting again, but it could not be helped. Governor

[49] Brackets appear in the original.

Stassen moved that the meeting go into executive session. This was agreed upon, and Secretary Stettinius informed the advisers on trusteeship that he did not think the executive session would take very long, perhaps 20 to 25 minutes.

[Following the executive session,[50] discussion on trusteeship was resumed at 10:35 p. m.] [50a]

Mr. Pasvolsky suggested that the three changes in the draft proposal recommended by the Secretaries of War and Navy had been accepted. The three changes involved: (*a*) a rewording of the explanatory note 2 at the beginning of the document to read, "If this draft is to be included as a chapter of the Charter of the Organization, the relevant paragraphs and clauses of the Charter would require revision in order that they might be brought into harmony with the trusteeship provisions." (*b*) the addition of a statement in paragraph three to the effect that "it would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms"; and (*c*) omission of the words "by the Organization" in line 4 of paragraph 4 (D–lo).

These suggested changes were agreed upon.

Senator Vandenberg suggested that an example of what would happen under the proposed system with respect to a particular territory should be given.

Admiral Willson explained in outline the process of negotiation with respect to a given island. He stated that the nations directly concerned with that island, which in the case of the Japanese mandated islands, would be the Principal Allied and Associated Powers and in which the United States would have a veto power, would agree that the territory would be placed under the trusteeship system and would work out the particular arrangements which would apply to that territory. If the arrangements provided that the territory was to be designated as a strategic area the arrangements would be presented to the Security Council, if not, to the General Assembly. Until the trusteeship arrangements were agreed upon nothing could be done to place the territory under the trusteeship system. Admiral Willson further pointed out that as a permanent member of the Security Council the United States would also have a veto vote in that body.

Senator Connally inquired if under this system the United States would be "free to make agreements". Admiral Willson replied affirmatively but pointed out that an assumption would have to be made with respect to the negotiation of satisfactory peace treaties, since the territories taken from enemy states would be involved in the peace treaties. He pointed out that nothing about the peace treaties could be undertaken in this document.

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[50] For minutes of the executive session, 9:05 p. m., see *infra*.

[50a] Brackets appear in the original.

Senator Vandenberg inquired whether this could be taken to mean that nothing in the draft of the proposed trusteeship system would hamper the United States in negotiating the peace treaties. Admiral Willson replied that the proposed system would not hamper the United States in the peace treaties, and that the United States would have a free hand in the negotiation of treaties, strengthened by the fact that with respect to the Pacific islands in which the United States is interested the United States is in possession. He emphasized that nothing could be done with respect to such territories without the agreement of the United States and reiterated the importance of the veto vote of the United States in the Security Council. It was for this reason, he stated, that the strategic areas were placed under the Security Council in the draft proposal.

Senator Vandenberg stated that he would like to take up the matter of island "X" and that he would then be through with his questions. He asked what would be the situation if our military people decided that island "X" is strategically necessary, and we are in physical possession of the territory. When negotiations are entered into with respect to the peace treaties affecting this island "X", would there have been any prior commitment which would prejudice the question of our control or which would require any special negotiations affecting our right of control?

Admiral Willson replied that this would depend entirely on the peace treaty and would not involve the proposed trusteeship system, since this system would make no prior commitments on the part of anybody with respect to any territory. There is nothing in the proposed trusteeship system, he continued, which would prevent the United States from obtaining outright possession of any territory. Our hands would be completely free in so far as the trusteeship system is concerned in this matter. If, however, it should be decided that territory "X" would be placed under the trusteeship system, then the procedures required in this system as outlined previously would be invoked. If we, as one of the powers directly concerned, decided that territory "X" should be placed under trusteeship, then nothing could happen.

Senator Vandenberg inquired further whether there was anything in the draft proposal which would prevent the United States from taking an island outright. Admiral Willson answered that there was not, and that the proposed system would apply only to those territories which would be specifically placed under it. Governor Stassen remarked that it would be a matter of our own national policy as to whether a territory would be placed under the system or kept out of it, and that this would be the case with respect to the Japanese islands. He stated, however, that he would personally hope that the United States would place such territories under the trusteeship system, since

in its present form it incorporated full safeguards with respect to areas essential to our security.

Senator Connally inquired whether there were any reservations with respect to the proposal on the part of the Army and Navy. Governor Stassen pointed out that the three amendments offered by the Army and Navy had been accepted and would be incorporated in the draft.

Mr. Gates explained that the Army and the Navy were in agreement with the proposal if the three small changes suggested were made. Since they had been accepted on that basis he could say that the plan would be acceptable to the Army and Navy.

Senator Connally inquired whether this statement ought not to be interpreted as meaning that the Army and Navy were accepting this proposal because they were unable to do anything better.

Mr. Gates replied that the Army and Navy would prefer that the subject not be discussed at this time but that if for political or other reasons it had to be discussed at this time the proposal was acceptable.

Governor Stassen pointed out that this position would be going behind the policy clearly fixed by the President.

Mr. Pasvolsky gave reassurance that the draft proposal was entirely within the framework of the President's directive.

Mr. Pasvolsky went on to inform the Delegation that the question of trusteeship had come up in the Steering Committee at its meeting this morning [51] and that the heads of two of the delegations had raised the question as to whether trusteeship would be discussed and had suggested that there would be trouble if it were not discussed. They also intimated that it would be unacceptable to try to pin the discussion down exclusively to the security question. Mr. Pasvolsky stated that he did not know what the reaction of the other governments would be to this paper, but that he would like to recommend it as a basis for discussion. This recommendation was accepted and the paper was approved.

Governor Stassen stated the feeling that the technical experts and advisers who had worked on the trusteeship subject had done a fine job on an extremely difficult subject. He considered the report a significant contribution to the Charter of the Organization.

Senator Connally observed that a motion had been made to approve the document and inquired whether it was satisfactory to Dr. Bowman. Dr. Bowman replied that he accepted it.

Senator Connally stated that it had been suggested during the afternoon that he should be on the negotiating committee for this document, but that he would like to renege. Senator Connally inquired of Governor Stassen whether he would like to substitute for him. Governor

[51] Doc. 29, DC/4, April 26, UNCIO Documents, vol. 5, p. 50.

Stassen replied that he would have no objection, but that arrangements with respect to his other assignments would have to be made.

Senator Connally inquired if General Embick concurred in the acceptance of the proposed trusteeship draft. General Embick replied affirmatively and added that the Army and Navy feel that there are two essential bases for our security—hemispheric solidarity and control of the necessary islands in the Pacific.

Senator Vandenberg inquired of General Embick whether he was aware that we are engaged in creating a world organization and wondered whether this might be the source of trouble over this document.

General Embick responded that he had believed in the League of Nations and in world order, but that he believes there was more chance for the League of Nations to endure than for a new world organization to endure.

General Embick stated that there is too much chaos in the world of today. He felt, however, that the people in America would give the new world organization full support, but the American people must recognize the extent of the chaos in the world and the lack of common standards of value. Therefore, the American people must keep a sharp lookout for United States interests. In 1918, he stated, the military people did all they could to keep the Pacific islands from being mandated to Japan, and later to prevent their fortification. He pointed out that the American military leaders had made plans for defense of the Philippines which they knew were hopeless. He stated that they had told the President when Japan took those islands that all the military could do at Corregidor would be to continue to fly the American Flag as a matter of national prestige. If the United States is to be adequately protected, he said, we must have an entire chain of island bases.

Admiral Willson called attention to the fact that the trusteeship plan as now formulated falls under both the Security Council and the General Assembly. Therefore, he felt that there might be an organizational problem in that the draft proposal would actually need to be considered by two committees of the Conference. Senator Connally pointed out that the classification of territories was based on islands that we had need of for strategic purposes and those which were not needed for such purposes.

Mr. Pasvolsky explained that consideration had been given to the question of Conference organization during the afternoon, and that a statement had been made to the effect that in some instances there would be unavoidable overlapping and that this would be taken care of.

Mr. Pasvolsky's recommendation that the draft proposal incorporating the three changes suggested by the Secretaries of War and Navy be adopted as the negotiating document was approved.

Mr. Pasvolsky announced that there were some economic matters outstanding which ought to be discussed for three quarters of an hour the next morning and inquired whether it would be possible for the Delegation to meet at 9:50 on Friday morning, April 27. This was agreed upon.

The meeting was adjourned at 11:15 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 19 (Exec)

*Minutes of the Nineteenth Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Thursday, April 26, 1945, 9:05 p. m.*

[Informal Notes]

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

SECRETARY'S REPORT ON STEERING COMMITTEE

THE SECRETARY, in opening the session, gave a brief report of the Steering Committee meeting that afternoon.[52] . . .

THE SECRETARY said that he had talked to the President and to Mr. Hull regarding the situation and had received from them encouragement to follow the policy which the United States Delegation was advocating. He said that the President particularly said that he felt the Delegation should "stick to its guns" in the matter of advocating the election of a single President.

ELECTION OF PRESIDENT OF CONFERENCE

In reporting the general discussion on the subject of the election of the President, THE SECRETARY said the proposal for the election of a single President [of the] Conference had been supported by Foreign Minister Padilla of Mexico, who had said that it was in the tradition of this Hemisphere. THE SECRETARY said that then the British had advocated—as a compromise proposal—the election of four Presidents of the Conference, but that they had failed even to specify that any one of the four should serve as a chairman. However, he said, the British did propose that the United States representative should be chairman of the Steering and the Executive Committees.

At this point, the Secretary turned the discussion over to Mr. Dunn for a more detailed report on the British position on this matter.

MR. DUNN said that the previous evening, word had been sent to Mr. Eden that the United States Delegation declined to accept the

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[52] Reference is made to the meeting of the Heads of Delegations at 10:37 a. m.–2:30 p. m., April 26. After the three meetings of the Heads of Delegations, April 26, 10:30 a. m., April 27, 10:45 a. m., and April 30, 11:18 a. m., they became the Steering Committee which came into existence in accordance with recommendations of the Heads of Delegations adopted by a plenary session of the Conference on April 30.

British proposal of four chairmen for the Conference. He said that Mr. Hiss, on Wednesday night, had talked to Sir Alexander Cadogan and that he, Mr. Dunn, had talked to Sir Alexander on Thursday morning regarding this matter. MR. DUNN said that it was his understanding that Mr. Eden hoped that Field Marshal Smuts or Prime Minister King would present the Secretary's name as the President of the Conference, and later, at the Steering Committee meeting, MR. EDEN said that he himself would do it. Instead, however, Mr. Eden made the proposal that the Conference have four Presidents and that each one of the four should rotate as presiding officer at the plenary sessions, with the United States representative being Chairman of the Steering and Executive Committees.

MR. DUNN said that Mr. Molotov had proposed in the Steering Committee that the Conference have four Presidents of equal status, and that the Conference be run by the four Presidents equally and together. Mr. Padilla had been caught unawares by the British proposal, since he had expected to second the nomination of the Secretary to be the President of the Conference and the other three representatives of the sponsoring Governments to be Vice-Presidents. Consequently, Mr. Padilla, in speaking to the point in the Steering Committee meeting, had to make his case on the basis of the precedent at Inter-American Conferences, and was forced to make the original motion proposing the election of the Secretary as President and the representatives of the other three sponsoring Governments as Vice-Presidents.

MR. DUNN reported that Mr. Molotov had made a strong speech in reply to Mr. Padilla's proposal, pointing out that the Soviet Government considered it a principle of equality and unanimity among the four Governments that the Soviet proposal of four Presidents be accepted. Mr. Molotov had implied that Mr. Padilla had made a prepared speech. Mr. Padilla replied—Mr. Dunn reported—that his speech had been prepared on the basis of the traditional operations of Conferences in the Western Hemisphere.

MR. DUNN reported that considerable confusion had then developed in the Steering Committee, with Field Marshal Smuts favoring the Soviet proposal, although it was originally understood that he had been furthering Mr. Eden's proposal. Mr. Fraser of New Zealand, in effect, also supported the Soviet proposal. On the other hand, representatives of the other American republics clearly favored the proposal advanced by Mr. Padilla.

MR. DUNN further reported at this point in the Steering Committee meeting that the Secretary made it clear that the United States could not accept the Molotov or Eden proposals. MR. DUNN explained that under the Eden proposals, the Conference would have four presidents who would preside in rotation at the plenary sessions, with the Secre-

tary of State presiding at the Steering and Executive Committee meetings with full authority to conduct the affairs of the Conference. MR. DUNN also reported that there was clearly great sentiment for the Eden proposal.

MESSRS. DUNN and PASVOLSKY then both reported the happenings at the Steering Committee meeting during which it developed that Mr. Molotov appeared to favor the first part of Mr. Eden's proposal for the four Presidents of the Conference, but did not appear to favor the second part of the proposal, whereby the Secretary of State would preside at the Steering and Executive Committees. It was clear, however, that Mr. Molotov had agreed that the Secretary should be chairman of the four Presidents. Further, it developed that Mr. Molotov had also proposed that there be four chairmen who would serve in rotation as heads of the Steering and Executive Committees.

MR. DUNN reported that a vote had been taken on the issue but that it was not a clear-cut one. In the confusion, Mr. Molotov had made his point that he wanted the vote divided into two parts to cover the two items of the Eden proposal, but Mr. Eden would not consent to such a division, although Mr. Fraser of New Zealand had indicated his willingness. Following the confused situation, the Steering Committee had taken a brief recess and THE SECRETARY reported that he had adjourned the meeting following the end of the recess, since it looked as if the situation would develop beyond control.

THE SECRETARY said that he wished to have Ambassador Harriman report upon his conversation with Mr. Eden and other British officials regarding their apparent failure to carry out the understanding of the previous evening whereby they would have proposed that the United States representative be elected President of the Conference.

MR. HARRIMAN said that he had seen Messrs. Eden and Attlee, Lord Cranborne, Lord Halifax and Sir Alexander Cadogan just prior to the meeting of the United States Delegation. He said that he had told them that the United States Delegation felt that they had been "let down" by the British Delegation. MR. HARRIMAN said that Mr. Eden told him that they had understood that the United States Delegation had accepted the British proposal made the previous evening, stressing particularly that Sir Alexander Cadogan said he so understood from his conversation with Mr. Dunn. MR. HARRIMAN also reported that Mr. Eden said it was his understanding that Mr. Molotov did not accept the British resolution made in the Steering Committee meeting that afternoon, but accepted only that part of the proposal covering the four Presidents for the Conference. MR. HARRIMAN said he reported to them that the Secretary had talked with the President and that the President had insisted that the host Government have the presiding officer for the Conference. Furthermore, he said, he had

reported to them that, in the opinion of the United States Delegation, this whole question was a matter of substance and not of form. Furthermore, he said, he had conveyed to them the views of the United States Delegation that the Delegation would not accept any proposal under which the Secretary of State was not made President of the Conference, chairman of the Steering and Executive Committees, and responsible—with full authority—for the conduct of the Conference.

MR. HARRIMAN reported that Mr. Eden said he would consult the representatives of the Dominions and would report their reactions later in the evening. He said that Mr. Eden felt that if his own proposal were divided into two parts as suggested by Mr. Molotov, he—Mr. Eden—and the British Delegation would support the United States proposal on the Conference Presidency. In response to an inquiry from Senator Connally, THE SECRETARY assured him that the British had known of the United States proposal for the Conference Presidency for more than a month. MR. DUNN said that he had even called Sir Alexander Cadogan to find out which of the British Dominions was going to nominate Mr. Stettinius for the post. SENATOR CONNALLY said that he felt that this appeared to be a lack of good faith on the part of the British Delegation.

MR. HARRIMAN said that he felt that Mr. Eden and the British Delegation thought they were carrying out the wishes of the U.S. Delegation in the matter in the Steering Committee. He said that in his conversations with them he had said that the United States Delegation would undertake to handle the matter with the other American Republics if the British would undertake to handle the question with the Dominions. He said that, in his opinion, it would be better not to let this matter come to a vote in the Steering Committee without careful political preparation.

REPRESENTATIVE BLOOM inquired as to why the Dominions had opposed the United States proposal of that afternoon. MR. HARRIMAN replied that in his judgment, the matter had not been discussed with them properly, and as a consequence, misunderstanding had occurred.

THE SECRETARY at this point said that he wished to make clear his position in regard to this whole matter. He said that he did not think that the issue of the Presidency of the Conference was of terrific importance insofar as the San Francisco Conference was concerned. But he did believe that if the Soviet proposal were accepted by the Conference, there would be thereby provided a pattern for the proposed international organization which might prove to be very serious in the end. MR. HARRIMAN added that, in his opinion, the Soviets were advocating four Presidents for the Conference because they wanted a "veto" position, which attitude arises out of their mistrust of other nations.

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SENATOR CONNALLY inquired as to whether it might not be possible that the British Delegation were using the Dominion Delegations in this instance as a "stalking horse". MR. PASVOLSKY said that in his opinion such was not the case; that Mr. Eden had said in the Steering Committee meeting that his original position was the same as that of Mr. Padilla. MR. EDEN said that the compromise which he had put forth was advanced in the hope that if he moved from his original position Mr. Molotov would also move and it might be possible to agree on a compromise proposal.

SENATOR CONNALLY inquired as to whether there was any possibility that the British Delegation was doublecrossing us; that they were petting the Russians at our expense. MR. HARRIMAN replied that he did not believe that such was the case; that the entire affair was due entirely to a misunderstanding and because of that fact he believed that it would be possible for the United States Delegation to straighten out this situation. Furthermore, he said that in his opinion, no useful purpose was served in questioning the motivations of the British Delegation in this particular instance. DEAN GILDERSLEEVE said that she agreed with this general position of Mr. Harriman. SENATOR CONNALLY said that in his opinion it all developed into an unfortunate situation.

REPRESENTATIVE BLOOM then inquired as to whether the Delegation would continue to maintain the original United States position in this matter. THE SECRETARY said that both the President and Mr. Hull had advised him to stick to the original position. He also said that he would like to have the advice of the Delegation in this matter as to whether (*a*) he should stick to the original position or (*b*) accept the Eden proposal.

The Delegation was then polled by the Secretary with the following results: DEAN GILDERSLEEVE said that if the Eden compromise satisfied the Soviet Delegation, then she thought it should be acceptable to us. If it did not, then she thought we should revert to our original position. REPRESENTATIVE BLOOM said that he thought we ought to adhere to the original United States position in this matter, but if the Soviet Delegation was willing to accept the Eden compromise, he thought it should be accepted by us.

When he was asked for his views, SENATOR CONNALLY inquired as to what the wishes of President Truman were. THE SECRETARY replied that the President preferred a single President for the Conference, to be chosen from the United States Delegation, but that we were authorized to accept the proposal advanced by Mr. Eden.

SENATOR VANDENBERG said that he felt the Secretary had been too scrupulous in this matter; that he was, in effect, tying his own hands too much by asking for detailed instructions from the Delegation. He said that in his opinion the Secretary should be authorized to

accept the proposition upon which the United States Delegation could obtain the most votes.

COMMANDER STASSEN said that in his opinion the question of equal authority and rank of the four nations was involved. MR. DUNN added that the Soviet Delegation wanted four equal Presidents so that no one could act without the approval of the other three. MR. STASSEN suggested that it might be wise to find out if the Soviet Delegation would accept the Eden compromise. If the Soviets would not, then, he suggested, the United States Delegation might determine whether it could obtain the necessary votes for the original United States proposal. He further stated that he thought the Secretary should make a clear statement in the Steering Committee meeting that no question of rank was involved in these matters. Furthermore, COMMANDER STASSEN thought it might be helpful if the Secretary would get in touch with the Soviet Delegation at once.

THE SECRETARY then asked for further opinions on this matter of the Advisers to the Delegation, with the following results:

MESSRS. PASVOLSKY and HARRIMAN said that if the Soviet Delegation did not get its way in this question, there was a possibility that they might withdraw from their position as a sponsoring power in order that they might have a free hand in the Conference.

MR. HACKWORTH pointed out that the same situation had been faced in the Committee of Jurists in Washington; that the Soviet representative there would not serve as one of the three Vice Presidents after the Soviet proposal for four chairmen of the Committee had been defeated.[53]

MESSRS. GATES and DULLES agreed that it might be better to delay the vote in the Steering Committee the next day in order to gain time to consider the situation and mobilize support for the United States proposal.

At this point Mr. Hiss entered the meeting and THE SECRETARY inquired as to whether there was any possibility of a misunderstanding the previous evening when Mr. Hiss had conveyed to the British Delegation the views of the United States Delegation on the British proposal. MR. HISS said that he thought that he had clearly stated the situation to Sir Alexander Cadogan and that there was no doubt in his mind at the time that the British Delegation clearly understood what the views of the United States Delegation were in the matter.

THE SECRETARY said that it was his sense of the discussion that the United States Delegation was willing to accept the compromise advanced by Mr. Eden but that, in the opinion of the Delegation, it would be better to go back to the original United States proposal.

[53] See exchange of notes on this subject by the United States and the Soviet Union, April 11 and 14, pp. 269 and 291, respectively.

SENATOR VANDENBERG suggested that the Delegation might advance a proposal under which the Conference would have four Presidents with the Secretary of State as Executive Chairman of the Conference chosen by the four Presidents. MESSRS. DUNN and PASVOLSKY opined that the Soviet Delegation would accept such a proposal at once.

SENATOR CONNALLY said that in his opinion the United States Delegation was defeated on its original stand and that it could not go back to the original United States position. Therefore, it appeared better to him to accept the Eden compromise.

In attempting to summarize the discussion again, THE SECRETARY said that it was his view that the Delegation preferred the original United States proposal but that they would authorize him to compromise on the Eden proposal as a minimum. MR. ARMSTRONG added that in his opinion it would be much better if the Delegation were defeated supporting the compromise than if they were defeated on their original proposal.

DR. BOWMAN said that this discussion had somewhat disturbed him because he felt that the Delegation was attempting to go too far in giving detailed instructions to the Secretary as to what his position should be. He felt that this was the type of a decision which should be made at the top, and that only the general position of the Delegates and the Advisers ought to be stated.

MR. PASVOLSKY said that after what had happened that afternoon, the smaller countries now thought that the present situation in the Steering Committee was essentially a fight among the four sponsoring Governments. Therefore, it was impossible at this time to obtain a real heartfelt vote on the original United States proposal. He said that he felt that it would be better, however, to let the original proposal stand and if it were accepted by the Conference to see what the Soviet reaction would be. If Mr. Molotov refused to serve as one of the Vice Presidents, that situation would have to be met when it arose. Therefore, he thought it might be well for the Secretary to talk to Mr. Molotov regarding this situation before the next meeting of the Steering Committee.

The meeting of the Delegation closed with MR. DULLES expressing the view that the Secretary should attempt to obtain the best deal that he could; with SENATOR CONNALLY expressing the belief that the original United States proposal was a better one but that the Delegation was licked on it and that it would have to go ahead on a compromise; and finally, with both COMMANDER STASSEN and SENATOR CONNALLY stating clearly to the Secretary that he had their vote to do whatever he thought was best under the circumstances.

The meeting was adjourned by the Secretary at 10:35 p. m.

RSC Lot 60 D 224 : D 1–p

*Draft United States Proposals for Trusteeship* [54]

[San Francisco,] April 26, 1945.

CHAPTER ——

ARRANGEMENTS FOR INTERNATIONAL TRUSTEESHIP

(*Note 1:* This draft deals with principles and mechanism only and makes no assumption about the inclusion of any specific territory.)

(*Note 2:* If this draft is to be included as a chapter of the Charter of the Organization, the relevant paragraphs and clauses of the Charter would require revision in order that they might be brought into harmony with the trusteeship provisions.)

1. The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement.

2. The basic objectives of the trusteeship system should be: (*a*) to further international peace and security; (*b*) to promote the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government; and (*c*) to provide for non-discriminatory treatment in trust territories with respect to the economic and other appropriate civil activities of the nationals of all member states.

3. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms.

4. The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states directly concerned and should be approved as provided for in paragraphs 7 and 8 below.

5. The trusteeship arrangements in each case should include the terms under which the territory will be administered.

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[54] Text of this draft (D 1–p, the 16th draft of United States proposals for trusteeship made since the beginning of interdepartmental consideration early in 1945) was adopted by the United States delegation at its nineteenth meeting, April 26, 8:40 p. m.; after clearance by telegraph with the War and Navy Departments copies were transmitted to the Acting Secretary of State in telegram 9, April 27, and to President Truman in memorandum of May 1, neither printed.

With the omission of Note 2, this document is the same as that submitted to the Conference at midnight, May 5 (Doc. 2, G/26 (*c*), UNCIO Documents, vol. 3, p. 607).

6. There may be designated, in the trusteeship arrangement, a strategic area or areas which may include part or all of the territory to which the arrangement applies.

7. All functions of the Organization relating to strategic areas, including the approval of the trusteeship arrangements and their alteration or amendment, should be exercised by the Security Council.

8. The functions of the Organization with regard to trusteeship arrangements for all other areas should be exercised by the General Assembly.

9. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there should be established a Trusteeship Council which would operate under its authority. The Trusteeship Council should consist of specially qualified representatives, designated (*a*) one each by the states administering trust territories; and (*b*) one each by an equal number of other states named for three-year periods by the General Assembly.

10. The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, should be empowered to consider reports submitted by the administering authorities, to accept petitions, to institute investigations, and to take other action within their competence as defined by the trusteeship arrangements.

11. The administering authority in each trust territory within the competence of the General Assembly should make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 20

*Minutes of the Twentieth Meeting of the United States Delegation (A), Held at San Francisco, April 27, 1945, 9:30 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (21) present at meeting.]

PRESS POLICY

The Delegates and Advisers assembled between 9:30 and 9:40 A. M., with the exception of the Secretary and Senators Connally and Vandenberg. . . .

REPRESENTATIVE BLOOM asked Mr. Stassen to take the chair for the discussion, and it was agreed that the Delegates present should consider the problem of press relations and perhaps formulate a proposal which could be put before the remainder of the Delegation.[55]

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[55] See minutes of the twenty-third meeting of the delegation, April 30, 9:30 a. m., p. 488.

## CHAPTER IX—ARRANGEMENTS FOR ECONOMIC AND SOCIAL COOPERATION—EDUCATIONAL AND CULTURAL COOPERATION

MR. STASSEN suggested that the Delegates present should now take up some of the deferred items that had not yet been dealt with. He thought everyone was present who was concerned with the Preamble. MR. GERIG suggested that the Arrangements for Economic and Social Cooperation had better be taken up and that it would be a good idea to wait with the Preamble. MR. DULLES said this could be taken up better than some other questions.

MISS GILDERSLEEVE said that before this was discussed, she wanted to clarify the status of the official text in the light of the Russian approval of the Chinese proposals.[56] She asked whether this made the official text different. MR. GERIG said there was a revised draft of Chapter IX[57] being proposed which took account of the suggestions that the Chinese Government had made at Dumbarton Oaks. MR. STASSEN said it was his understanding that the three Chinese proposals now had the same status as the Dumbarton Oaks Proposals themselves.

MR. GERIG asked whether they should be treated as a separate paragraph or woven into the text of the document. REPRESENTATIVE BLOOM commented that Miss Gildersleeve, himself, and Representative Eaton were on this committee.[58]

MR. BOWMAN recalled that the Advisers had put before the Delegation in Washington a program on this subject and that this program had been discussed and some revisions had been suggested. He asked whether the text had been redrafted, and MR. NOTTER said it had been. MR. BOWMAN said that the group that had discussed the matter was here, and REPRESENTATIVE BLOOM said that they should come in to listen to the discussion now. MR. BOWMAN asked if it would be all right to open the discussion again. MR. STASSEN thought that the Delegates could discuss the draft more intelligently if these people were available and if the Delegates could have their views.

. . . . . .

MR. NOTTER said that ordinarily Mr. Stettinius decides when an executive session should be held, and MR. BOWMAN added that the group present had to decide in his absence. MR. STASSEN said that unless there was some objection, he would call in the Economic and Social Advisers and Experts. Mr. Gerig sent for them. . . .

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[56] For Chinese proposal, see telegram 619, March 16, 11 p. m., to Moscow, p. 126; also, UNCIO Documents, vol. 3, p. 25; for Soviet approval of Chinese proposal, see minutes of first consultative meeting of the Four Foreign Ministers, April 23, p. 363.

[57] U.S. Doc. Und. 1, not printed.

[58] Committee II/3.

MR. STASSEN asked if the advisory group felt that the tentative draft of Chapter IX had adequately incorporated the Chinese Proposals. MR. STINEBOWER said that in working over the draft they had gone back to the original formulation except for a small change in Section C. He was sure that the language definitely would have taken care of the Chinese Proposals with some insertions, although these proposals were not specifically covered under the specific language of Section A, Purposes and Relationships. MR. STASSEN said he thought some change was undoubtedly needed in Section A, and he asked whether the Technical Advisers would agree that this was so. He asked whether it was not necessary especially to make provision for education and other forms of cultural cooperation. He asked Dean Gildersleeve her opinion.

DEAN GILDERSLEEVE said she would be very glad to see specific mention of education and cultural cooperation in the draft. It was true that some of the Delegates and other members of Congress seemed to see dynamite in the word "education". She thought it was possible to use educational cooperation internationally with great profit. For 25 years she had worked in this field with some success through private international organizations. As the world is today, this cooperation cannot be carried on completely and efficiently on an entirely non-governmental basis. There is undoubtedly some need of a governmental framework, nationally and internationally, and it is important to provide for international educational cultural cooperation in planning for the new international system. We have evidence of the results of international educational and cultural cooperation right here in San Francisco. For example, certain members of the Chinese Delegation were educated in American institutions and acquired a considerable understanding of this country and its ways, and an attitude of friendliness toward America as a result. This type of educational exchange was certainly all to the good. She wanted to repeat that she was opposed to the idea of an international education office that would undertake to dictate or force forms of education on the people of any country, because she thought it would be harmful and ineffective. However, she would certainly feel that an international education office that served as a center of information and mutual aid and facilitated the interchange of teaching ideas and equipment and the visits of students and teachers was not only harmless but admirable. She thought it would be enough to use the word "cultural" although many people in this country would be disappointed if the word "education" was left out.

REPRESENTATIVE BLOOM said he agreed with the Dean in the desire to have the word "education" in this document. However, he felt that it would be hard to get it through Congress. He said the word "cultural" was bad enough, and he recalled that there had been

trouble in the Foreign Affairs Committee when the program of cultural cooperation with Latin America [59] had come up. Also, the Committee had voted down any proposition that UNRRA should have anything to do with education and that it should even be allowed to rebuild schools.[60] He also recalled that when Mr. Fulbright came back from London last year after the conference on education,[61] and made a statement that it would cost about $20,000,000 to carry through the projects of educational reconstruction, there were a great many members of Congress who would not listen any more to the idea of an international educational organization.

DEAN GILDERSLEEVE asked whether Congress itself could not be educated.

MR. DULLES said he thought it was significant that the Chinese Proposals had been accepted as the basis for discussion by the sponsoring governments, and he thought this gave reason for some hope of changing the Dumbarton Oaks Proposals for the better. He then read the three Chinese Proposals.

[1. The Charter should provide specifically that adjustment or settlement of international disputes should be achieved with due regard for principles of justice and international law.

2. The Assembly should be responsible for initiating studies and making recommendations with respect to the development and revision of the rules and principles of international law.

3. The Economic and Social Council should specifically provide the promotion of educational and other forms of cultural cooperation.] [62]

MR. DULLES said it was important to recall that it had been agreed by the four Governments that these proposals were acceptable for discussion by the Conference, and this agreement had been specifically announced. He wished to inquire whether this Delegation was competent to reject a stand that already had been taken publicly by our Government. He questioned also, whether it would be expedient to

[59] An act was approved on August 9, 1939, by the United States Congress "To authorize the President to render closer and more effective the relationship between the American republics" in accordance with the treaties, resolutions, declarations, and recommendations signed by all of the twenty-one American republics at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires, Argentina, in 1936, and the Eighth International Conference of American States held at Lima, Peru, in 1938 (53 Stat. (pt. 2) 1290). For documentation on these two conferences, see *Foreign Relations*, 1936, vol. v, pp. 3 ff., and *ibid.*, 1938, vol. v, pp. 1 ff.

[60] See U.S. Congress, House Committee on Foreign Affairs: *Hearings on H.J. Res. 192, a Joint Resolution to enable the United States to participate in the work of the United Nations Relief and Rehabilitation Administration*, December 1943 and January 1944 (78th Cong., 1st and 2d sess.).

[61] Representative J. W. Fulbright, of Arkansas, member of the Committee on Foreign Affairs, House of Representatives. For documentation on the meeting of the Conference of Allied Ministers of Education, April 5–29, 1944, see *Foreign Relations*, 1944, vol. I, pp. 965 ff.

[62] Brackets throughout remainder of this document appear in the original.

do so, especially since it might open the way for the Russians to go back on their commitments.

MR. STASSEN said it was his opinion that this Delegation has the right to reject any part of the Dumbarton Oaks Proposals if it deems wise, and that it was not bound by previous actions of the Government, not even by this agreement. Perhaps there were consequences that would have to be faced if any change were made, but the Delegation had the right to do so. REPRESENTATIVE BLOOM asked Mr. Dulles if it would be satisfactory to leave out the word "education" and include the rest. MR. DULLES commented that the Russians leave out the word "justice". MR. COX remarked that this stand had been taken publicly and that an announcement had been made, so that it might have unfortunate repercussions to make any change.

MR. STASSEN said that all that happened was that Molotov agreed to what the British and American Governments had already agreed to at Dumbarton Oaks and that the four Governments had agreed to release this information.

REPRESENTATIVE EATON asked for a definition of educational cooperation among nations. REPRESENTATIVE BLOOM said he had tried that in the Foreign Affairs Committee and that Mr. Fulbright and Mr. Murray [63] and others who had experience in this field had attempted to define the word "education" for Congress.

MR. COX said that the general public impression is that the Chinese Proposals are now supported by the United States and by the other sponsoring powers.

REPRESENTATIVE EATON repeated his question as to what educational cooperation is. MR. BOWMAN said he had already given a definition and did not want to bore the Delegation by repeating it, but he would repeat it if they wished. He said that there were as many definitions of "education" as of "religion" and that since various forms of propaganda had been developed, some of which we condemned and some of which we approved under the name of "education", there was considerable confusion about the whole matter. A great many fears had been aroused by the misuse of education to propagandize whole peoples, and he thought there was some feeling of the hopelessness of trying to educate entire nations by the processes involved in ordinary educational contacts. He said there were no serious differences as long as international educational cooperation meant setting up machinery for exchange of materials and students, but the difficulties began when we tried to establish values and preach about them. There is considerable controversy as to how to stay away from the latter while doing the former. He spoke of the experience of the Scientific Unions,

[63] Representative Howard J. McMurray, of Wisconsin, member of the House Committee on Foreign Affairs.

where members from some countries had frequently tried to promote highly objectionable ideologies. He concluded that all that can be done is to exchange information and people on a friendly personal basis. He said it was a matter of having *a* in this country knowing *a* in another country. There will be a tremendous demand for exchange of materials after this war. Countries that have been blocked off from normal contacts need everything, beginning with journals and books. When we are faced with such a demand and it comes in the form of a concrete practical job to be done, we can agree on that. Looking at the Chinese Proposals again, he said that the Technical Advisers should see what could be done with the text to incorporate the intention of Paragraph 3. The professional educators would not be satisfied, it is true. He was not enough of a politician to know what storms might be created if the word "education" was taken out.

REPRESENTATIVE BLOOM said he was willing to have all sorts of international interchanges carried on but that it would be impossible to write the word "education" into the Charter and then hope for favorable action by the Senate and the House.

REPRESENTATIVE EATON said he believed it necessary to face realities of the world situation on the intellectual and spiritual side. During the last century the world had developed a four-pronged philosophical life. One system was based on the ideal of freedom. That was essentially represented by America and Britain. Three other ideologies stemmed from one source, and the forms they take are the Communism of Russia, the Naziism of Germany, and the Fascism of Italy. Molotov had spoken on behalf of his ideology and with him, being against Fascism apparently meant being against tyranny.

The real question was what would happen in trying to carry on cooperation with the three-pronged systems of education where the Governments supported and dominated educational life. We have not educated people for Democracy as these other nations have educated their people for their ideologies. We take Democracy rather for granted and feel that we need not worry. The Russian system hopes now to advance by pacific means and to gain converts as, in fact, it has already done on a large scale even in this country. He was anxious to get background information on what we mean by educational cooperation. What would happen if we sent our educational philosophies to the U.S.S.R. and they sent theirs here? Our people would come back converted to the Communist system. The Russians have succeeded admirably in educating us here with the people they have sent over. How is it possible to cooperate with the educational system of Russia, which is a country that indoctrinates its people deliberately?

MR. BOWMAN said he was in favor of simply working along the line of cultural cooperation. MR. STASSEN called on Mr. Hovde to outline

what he thought was included in the term "cultural cooperation". MR. HOVDE said that personally he felt that the word "cultural" was broad enough. If that was left in, he thought it would be possible to persuade others that education, art, science, etc., were a part of culture. There was a practical situation, however, of which due account must be taken. Between the two Great Wars and during this War, professional educational people had been organizing to promote educational cooperation on an international basis. They were interested in school systems and methods of education and in developing the content of education for international understanding. It was not only the educational people who have drives to insert various descriptive words. Some people want specific mention of science and scientific cooperation. He added that Mr. MacLeish would bear out the assertion that artists in the United States feel very strongly on the matter of having artistic cooperation included. If all of them could be brought to agree that the word "culture" covers all of them and would permit them to engage in their proper lines of activity, it would be a very good thing. However, if we want the support of various groups, it may be important to try to satisfy them with a more precise formulation.

MR. STASSEN said that as the adjournment time of 12:30 was approaching, he thought that the Delegates would like to know what was happening in the Steering Committee, and he suggested sending Mr. Notter to go over to the meeting and come back and inform the group. MR. NOTTER said that before going he wanted to say that by this time there had been a great deal of experience with programs of cultural cooperation, and he was for all achievable progress in this field. He thought the big test was whether cultural cooperation would involve freedom of information. He wanted to raise this question of a free exchange of information, thinking this a far more serious problem. It reached all the way to radio, news, etc., and was actually much more explosive. [Mr. Notter left the meeting.]

MR. BOWMAN said that in the period when the Dumbarton Oaks Proposals were being explained, it had been necessary to take a position on policy and to interpret and explain various points in detail. It was not enough to take a timid attitude and try to avoid the issues. We should have to come out and explain what we read into any formular that was adopted. In public discussions now, as after the Dumbarton Oaks Conversations, public interest is intense, and it is important to enlighten the public as to our meaning. He believed it necessary to state what elements of education we think suitable to have flourish in the world after the war. He thought it well to expand the idea of cultural cooperation and explain that it includes education, arts, and sciences, and perhaps that would bring us a little farther along the road.

REPRESENTATIVE BLOOM said that if any other word besides "cultural" was used, that is any specific term, the other specific terms would have to be added. He thought it usually better to keep to more general formulas. For example, Congress under the Constitution was given the right to regulate Post Offices and Post Roads and because of that had been able to deal with a great many specific matters. Thus, he thought it better to use a broad term and interpret it to include science, arts, and education. He had one further example. When Congress was considering a proposal to finance the committee for the preservation of the monuments of Europe, there was a great deal of misunderstanding until it was explained that this term covered art treasures, museum objects, etc. He cited this as an illustration of how difficult it is to work with certain words. He was sure that if the word "education" was in the Charter, there would be a fight in Congress.

MR. MACLEISH said he had been a member of the Delegation to the education meeting in London last year and had been living with his [*this*?] problem for some time. He was reluctant to make any suggestions on the subject of public pressure, knowing what the members of Congress felt on this matter. He would like, however, to underline what Mr. Hovde had said. The American people feel strongly on the subject of education, and there is a considerable body of opinion and a tremendous support for proposals that lie in the educational field. One aspect of the problem was that the people of the United States, having seen that education had been used as a weapon by the Nazis, now believe that this tendency could not be left uncombatted. He thought that the difficulties were obvious, and it was a problem how to deal substantively with the problem in any terms. The matter could be approached in terms of interchanging the instruments of education, that is, technical information, documentary films, books, new developments and the techniques of education everywhere. Then we could favor an international organization to exchange information about advances in these fields, and circulate reports on developments in different countries. However, it would be difficult and dangerous to ignore the fact that in many minds, education has been abused; and if we really intend to stop war, we must begin to do so and not refuse to take necessary steps in all fields. He would agree that one general word was better than several specific terms. The word "culture" is suspect in America, but there is no substitute for it. He thought it would be better to take the general term and develop it in statements afterwards. He spoke of plans for establishing a special international organization for education and cultural cooperation, which would encourage the interchange of knowledge and techniques and throw light on the developments of education in various countries. This

might give part of the control that is needed when things begin to go wrong substantively.

REPRESENTATIVE EATON asked if this is what Mr. MacLeish meant by the term "education". MR. MACLEISH said he thought there was something risky about having announced acceptance of the Chinese Proposals and then whittling them down, and we should face the consequences. REPRESENTATIVE BLOOM asked if Mr. MacLeish could not suggest any other word, and MR. MACLEISH said he could not. REPRESENTATIVE BLOOM said that he was trying to ease the way and thought it would be helpful if the word "culture" could cover the word "education".

DEAN GILDERSLEEVE said she thought the word "culture" could cover it, although she would have to do a lot of explaining when it became generally known. It was an important point to keep in mind that the four Governments had agreed on the Chinese Proposals and were now making changes. The American people have an almost superstitious reverence for the word "education" and would be shocked if the word is cut out. She thought the matter could be explained if the Delegates were permitted to talk freely about it, so that actually we were coming back again to the question of public relations.

MR. STASSEN said that the word "education" is a fighting word and a symbol. To many it means better information and an opportunity to learn more. To others it is a device through which to establish central control of what people shall learn, and it is this element of control that is opposed by a great many people.

MR. DULLES thought this problem could be met by making the language clear and saying that control is not intended.

MR. MACLEISH said that the proposed Constitution of the United Nations Organization in this field [64] had been drafted in the State Department and approved by President Roosevelt shortly before his death, and it was intended for later consideration. However, it was relevant to mention it here. It had been very carefully gone over and worded so as to indicate the objectives very clearly, and to limit and define them. If this draft constitution is brought out soon after the Charter is agreed upon, it may resolve some of the misunderstanding.

MR. ARMSTRONG said he would like to ask about a specific application of the theory of international educational cooperation. What would an exchange of knowledge and techniques between the United States and the U.S.S.R. involve?

MR. HOVDE said that educational cooperation as we conceive it includes a continuous study of methods of education as they are carried

[64] For the final United States draft, March 8, 1945, which was explained to the Conference of Allied Ministers of Education in London at its meeting on April 11, 1945, see *Postwar Foreign Policy Preparation*, p. 649.

out in various countries and of reports describing them as they are published. For example, some country might want improvements in its educational system and might request the international body or the United States directly to help it obtain a survey of its educational system. Then there could be exchanges of students, professional educators, and leaders in various fields who would learn how the people doing corresponding work in other countries conducted their operations. If they should see something worth adopting, they might recommend making use of it in their own countries. It was conceivable that there might be some sort of cooperative model school established to test out various educational methods in actual conduct and to see whether a real contribution could be made through them. It is not merely a matter of the interests of professional educators in this country. American education is admired to a high degree in many other countries, for example, in China, the Balkan countries, Scandinavia, England, and France. Many people look to the United States for suggestions and help. MR. BOWMAN asked if Latin America should not be included in this list. MR. HOVDE said it should be.

REPRESENTATIVE BLOOM asked Mr. Hovde what was the name of the division of which he was chief, and MR. HOVDE replied the Division of Cultural Cooperation. REPRESENTATIVE BLOOM said that this was another place where the word "cultural" was used rather than "education". He thought Congress would have to be educated, but he was trying not to give them an excuse for opposing the Charter at this point. DEAN GILDERSLEEVE said she would like to be free to tell the educators that the effort to use the word "education" had been blocked by Congress. REPRESENTATIVE BLOOM said it would not do to say that the word "culture" meant something else. It would be better just to say that the word "culture" is all-embracing and that the word "education" is too limited.

REPRESENTATIVE EATON said he thought it should be remembered that the members of Congress quite faithfully represent the cultural and educational level of the people they represent in Congress and that their views are not peculiar.

MR. ARMSTRONG said he still wanted an answer on Russia. He said he wanted to help the people who wanted us to help them, but we might not be so much interested in interchanges with those who wanted to educate us.

DEAN GILDERSLEEVE said she believed it would be much better if more Americans had been in Russia and could speak Russian. She thought we were handicapped in this Conference by a shortage of people who can talk freely with members of the Russian Delegation. It would be desirable to have international machinery to facilitate sending American students to learn about Russia and to learn to speak the Russian language.

MR. ARMSTRONG said he did not think of this as coming under the heading of educational techniques. MR. MACLEISH said it was generally thought here that the cure for the failures of Democracy is more Democracy. If this is true, then it seems that the cure for failures of information is more and not less information. We cannot and should not exclude ideas, but we must be sure that they are fully exchanged. It is true that there are difficulties imposed by the Russians themselves. We, however, would like a very full exchange of students, teachers and documents and would like to make available to all the common body of knowledge. MR. STASSEN said that the real difficulty was that Russia so far has not opened up the avenues of information about the rest of the world to its own people, though we might live in hope of improvement.

REPRESENTATIVE EATON said that ideas are like thistledown and they fly like the wind. He said that you take American boys and girls and send them to Russia and they come back Communists. However, whenever Russians come over here they do not go back as Democrats. Very few Russian missionaries had become converts to Democracy.

DEAN GILDERSLEEVE and MR. BOWMAN questioned this observation, saying that most American young people who went to Russia came back anything but Communists.

MR. STASSEN then read a proposal made by Mr. Dulles for an addition to the Chinese Proposals on educational and cultural cooperation, suggesting the the phrase be added: "through exchanges between the states; but the Economic and Social Council should not itself sponsor or permit any particular educational or cultural methods or matter."

MR. WHITE said he thought the sole question here was the impact on the public and Congress, and the attitude of Congress was decisive. All Governments supported some degree of educational interchange, and the phraseology would not affect the actual operations. The question here was not what would actually be done in this field. He thought that "culture" as the broader concept was preferable. He believed that the matter could be explained and that it would be useful to have the experts instructed to prepare a redraft of Chapter IX taking the Chinese Proposals into account.

MR. COX said there was bound to be some emotional reaction, but he thought it was important to get in the concept of freer interchange of knowledge and to include the idea that cultural interchange includes science, art, and education.

MR. STASSEN said he did not see that the use of the word "education" would be enough of a gain to justify the loss of support that might come if the word was used.

MR. STINEBOWER presented the alternative draft for the first paragraph in Section A, Chapter IX.

[1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, and in order to further their common economic, social, and cultural development, the Organization should promote respect for human rights and fundamental freedoms and should encourage separate and cooperative action by all nations for the solution of international economic, social, health, and other related problems.]

In substance, it was the same as the one presented at the last meeting in Washington. Moreover, it included the words "cultural development" but not "education". DEAN GILDERSLEEVE said she thought that in this formula, human rights seemed an intrusion. It was certainly vital to keep in the recognition of human rights, but she thought this was not the right place for it. MR. STASSEN expressed the view that there were an unnecessary number of words used here. Representative Bloom asked why the phrase "all nations" should be used and not just "nations". MR. STINEBOWER said it was not a very important matter, and REPRESENTATIVE BLOOM suggested taking out the word "all".

MR. STASSEN asked if the wording of Subsection B had been approved.

[to make recommendations on its own initiative with respect to international economic, social, cultural and other related matters, provided any such recommendations made to governments or to specialized organizations are not inconsistent with those adopted by the General Assembly.]

REPRESENTATIVE BLOOM asked if the technical experts had not gone too far in redrafting this text. MR. STINEBOWER said they intended to go less far than the Dumbarton Oaks Proposals by encouraging "separate and cooperative action" and looking to the nations as well as to the international organization for action.

REPRESENTATIVE BLOOM asked if it would not be preferable to have fewer words if the same results could be obtained. He thought that the original language was as broad and even broader. MR. STINEBOWER said it had been retained because the Committee thought it a desirable safeguard. MISS GILDERSLEEVE said she thought that the simplest thing to do would be to keep the original language and put in the word "culture" in order to adapt the draft to the Chinese Proposals and also to leave the order of words as in the original.

MR. STASSEN said that with the agreement of the Delegation, he would ask the Technical Advisers and Experts to prepare a draft, taking account of the Chinese Proposals, and then bring it back for decision. The Delegates agreed with this suggestion.

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MR. STINEBOWER asked whether the word "humanitarian" could not be struck out and the word "related" used instead. MR. ARMSTRONG suggested it would be better to leave out the word "other". REPRESENTATIVE BLOOM said that the word "humanitarian" is a good word and that it should be left in.

MR. STASSEN instructed the Technical Advisers and Experts to draft a text which would include the cultural phase of the Chinese Proposals with a minimum of words. He then thanked them for their assistance. The meeting was recessed at 12:15 and reconvened in executive session at 12:35.[65]

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*Minutes of the Third Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 27, 1945, 10 a. m.*

[Informal Notes]

[Here follows list of participants, including members of delegations of the United States (6); United Kingdom (2); Soviet Union (4); and China (1).]

THE SECRETARY said he had called this meeting in order to clarify the results of the Steering Committee [66] concerning Chairmanship of the Conference. He said that Mr. Eden's proposal had been accepted by the Committee and Mr. Molotov had made a reservation, and he hoped to be able to go before the Committee today and say that the four powers were united on the text of Mr. Eden's proposal which Mr. Molotov had received.

MR. MOLOTOV said he could accept points one, two and three in Mr. Eden's proposal but that he proposed that the plan of four Chairmanships be carried on to the Steering Committee.

MR. EDEN inquired as to the last sentence of the resolution which stated that the three other Presidents would give Mr. Stettinius full powers to conduct the position [*business?*] of the Conference.

MR. MOLOTOV said that if the word "practical" was added before business, he felt he would be able to accept that sentence.

MR. EDEN said he did not believe he could accept any changes in the wording of the proposal, and he was very much opposed to the idea of four official Chairmanships for the Steering and Executive Committees.

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[65] The delegation went into an executive session to hear a report from Mr. Notter regarding the events during the morning at the meeting of the Steering Committee (Doc. 30, DC/5(1), April 27, UNCIO Documents, vol. 5, p. 81); minutes of the meeting of the United States delegation in executive session, 12:35–12:50 p. m., not printed.

[66] Doc. 29, DC/4, April 26, *ibid.*, p. 50.

THE SECRETARY pointed out that they had gone almost all the way in trying to meet Mr. Molotov's desire that the plan of equality of the four guiding powers should be established, and he did not feel that it was possible to go any further. He asked Mr. Eden whether he thought that Mr. Molotov's amendments could be accepted.

MR. EDEN said emphatically that he did not believe they could.

DR. SOONG agreed with Mr. Eden.

THE SECRETARY then said that his position; that of Mr. Eden's, and that of Dr. Soong was that the resolution as adopted at yesterday's session should stand unchanged.

MR. MOLOTOV said in that case, if his amendments were not accepted, he could not agree.

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RSC Lot 60–D 224, Box 96 : US Cr Min 21

*Minutes of the Twenty-First Meeting of the United States Delegation, Held at San Francisco, Friday, April 27, 1945, 8:30 p. m.*

[Informal Notes]

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

SENATOR VANDENBERG called the meeting to order at 8:38 p. m. in the absence of the Secretary and Senator Connally.

ECONOMIC AND SOCIAL COOPERATION

MR. PASVOLSKY announced that it would be necessary to take up the suggestions made with respect to Chapter IX, Arrangements for International Economic and Social Cooperation (Yellow Paper, 4/18/45).[67] In this connection MR. STINEBOWER called attention to the paper on this Chapter incorporating suggested changes, which had been circulated as a result of the morning's meeting. REPRESENTATIVE BLOOM explained that the idea was to discuss possible modifications in view of the Chinese proposals.

DEAN GILDERSLEEVE recalled that tentative agreement had been reached in the morning's meeting to insert "cultural cooperation" in paragraph 1 of Chapter IX.

MR. STINEBOWER proceeded to explain the following suggested changes:

(*a*) Paragraph 1: The insertion of the phrase "cultural cooperation and" in line 6 between "promote" and "respect", that is, the paragraph would facilitate solutions and promote cultural cooperation.

MR. PASVOLSKY pointed out that this was not a new proposal. This change was agreed upon.

MR. PASVOLSKY pointed out that the elimination of the word "other" might cause trouble.

[67] Not printed.

[Senator Connally arrived at this point.] [68]

(b) The addition of a paragraph on the responsibility of the Organization, the first sentence of which was formerly the last sentence of paragraph 1, and the last sentence of which would be new and would read "The Organization shall, where appropriate, initiate negotiations among the nations concerned for the creation of any specialized economic, social or other organizations or agencies for the accomplishment of these objectives."

MR. STINEBOWER stated that this paragraph had been considered by the Delegation at its first meeting when the economic questions came up.[69] The first part of the paragraph, he observed, was not new. The new part is the part underlined. The first part of the paragraph was originally the last sentence of paragraph 1.

MR. PASVOLSKY stated that this again was something which should be put up by other governments, and in that event it might be supported by the United States.

SENATOR CONNALLY inquired whether this was to involve any authority beyond that of recommendation, and MR. PASVOLSKY replied that this was all that was involved. SENATOR CONNALLY stated that he would then have no objection.

[The Secretary of State and Commander Stassen arrived at this point.]

MR. STINEBOWER explained that the next suggested change was something new—a new statement in Section B, providing for a staggered system of representation on the Economic and Social Council.

MR. DUNN inquired whether this had been proposed by any other Delegation, and MR. STINEBOWER said that it had not. It was not to be considered a substantive proposal, however.

SENATOR VANDENBERG suggested that it appeared unobjectionable and might be marked "B".[70]

MR. STINEBOWER further explained that the suggested changes in Sections C and D were not new and had been approved by the Delegation in Washington.

It was agreed that all of these changes, while acceptable, would be marked "B" and although they would not be put forward by this Government, they would be carefully watched by the American representatives on Commission II.[71]

An executive session was called at this point (9:05 p. m.) and the Economic Advisers left.

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[68] Brackets throughout remainder of this document appear in the original.

[69] See minutes of meetings of the United States delegation, April 11 and 18, pp. 259 and 330, respectively.

[70] The classification "B" refers to changes in the Dumbarton Oaks Proposals which the United States delegation was prepared to support.

[71] April 28 draft of chapter IX, in "Proposals Which the U.S. is Prepared to Support (B)", not printed.

### Chapter VIII, Section B, Paragraphs 1, 2, and 3

Following the executive session the meeting turned its attention to Chapter VIII, Arrangements for International Peace and Security, Including the Prevention and Suppression of Aggression, with particular attention to the suggested reorganization and rewording of Section B, paragraphs 1, 2, and 3 proposed by Messrs. Armstrong, Bowman, and Dulles, which read as follows:

"Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in Paragraph 3 of Section A, or in accordance with its recommendations under Paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security or if the Security Council should otherwise determine the existence of any threat to the peace, breach of the peace or act of aggression, it may make recommendations as to how to maintain or restore peace and security and it may invoke the measures provided for by Paragraphs 2 and 3 of this Section."

"Renumber Paragraph 3 to be Paragraph 2 and strike out 'to give effect to its decisions' and substitute 'to maintain or restore international peace and security'. Renumber the succeeding paragraphs."

It was pointed out by Mr. Pasvolsky that the proposed change in the wording of these paragraphs would involve a fundamental change in substance, namely, from a mandatory position to a permissive position, and Mr. Pasvolsky pointed out the desirability of retaining the mandatory position. Mr. Pasvolsky observed that this would alter the sense of paragraph 1, which was a compromise, and that it would cause considerable discussion.

Mr. Dunn inquired whether the meaning was that the Security Council would have to make recommendations. Mr. Dulles remarked that the Security Council may make recommendations, and it may invoke action, that these are two entirely independent powers, and that there may not be time to make the recommendations first.

Mr. Notter pointed out that the biggest change involved in the suggested wording is that the Council is given discretion to act, whereas in the Dumbarton Oaks Proposals this action was mandatory.

Dr. Bowman pointed out that paragraphs 3 and 4 are severe, and that diplomatic channels might be employed in the interval.

Mr. Dulles stated that paragraphs 3 and 4 are to be interpreted as giving the Security Council the power to take measures but not to compel it to do so.

Mr. Dunn inquired why the word "may" had been used instead of "should" in the rewording. Dr. Bowman explained that this was to convey the thought that there may be an interval which might bring about an agreement before action becomes necessary. Mr. Dunn suggested that the phrase might read "should make recommendations, and

if necessary should invoke". MR. DULLES stated, however, that he would prefer the term "may" with respect to recommendations. MR. PASVOLSKY pointed out that "may" would become "shall" in any case in the final drafting, but MR. HACKWORTH stated that it need not become "shall".

MR. PASVOLSKY stated it as his view that it would be desirable to adhere to the Dumbarton Oaks language.

MR. DULLES pointed out that it would be possible to argue in the Council for a month as to what recommendations to make. SENATOR CONNALLY stated that the Council might make recommendations and might act on them, and MR. PASVOLSKY added that the meaning is that the Council would have complete freedom of action and suggested the wording "it should make recommendations as to how to maintain or restore peace and security *or* it may invoke . . .". It might make recommendations, it might invoke non-military sanctions, it might invoke military sanctions, or it may do all three.

MR. DUNN stated that he also favored the original language.

MR. PASVOLSKY agreed and suggested an alternative wording "decide upon the measures to be taken to maintain or restore . . .". He pointed out that the object of the redraft is to eliminate the word "any" in paragraph 1 and that this had been done.

MR. PASVOLSKY observed that another possible wording would be "it should make recommendations or decisions on measures to be taken to maintain or restore peace and security as provided for in the paragraphs below".

MR. DULLES stated that they could sit around in the meeting all night discussing language.

MR. PASVOLSKY suggested that the meeting might focus its attention on the proposition that it is desirable to eliminate the word "any" and to make sure that we preserve the measures provided for in paragraphs 3 and 4.

MR. DULLES remarked that force is to be used to maintain peace and it should not be coupled with recommendations. MR. PASVOLSKY added that that is precisely why distinction is made between recommendations and measures. It is certainly clear, he said, that what we had in mind was that the Council might make recommendations or take measures, or do both. The use of "or" therefore is more flexible.

MR. DUNN remarked that if recommendations are made they would come first.

MR. HACKWORTH suggested that paragraph 2 should actually be paragraph 1.

MR. PASVOLSKY stated that the two paragraphs could be combined necessarily if there is agreement that the measures to be taken are

solely the measures provided for in paragraphs 3 and 4, and that the Council will not use force with respect to recommendations. He continued that we would get into international arguments if we play with the language.

MR. NOTTER called attention to the last two lines of paragraph 1 as it was originally and pointed out that words had been added which have been dropped in the suggested rewording.

COMMANDER STASSEN urged that serious effort should be made to finish the consideration of American proposals at this meeting in preparation for our discussions with other governments.

DR. BOWMAN inquired of Mr. Pasvolsky whether the weight of his objection to the new draft was the substance of the draft as opposed to the substance of the old wording or the difficulty of negotiating the new draft.

MR. PASVOLSKY replied that there were two points involved. One was the change from a mandatory to a permissive position, and this, he said, is fundamental. The position should be mandatory. The second was his acceptance of the position that the word "any" should be eliminated. He was inclined to put aside the question of the difficulty of negotiating the draft resulting from the deletion of the word "any". MR. DUNN read paragraph 4, Section B and observed that it would seem that any action that was deemed necessary could be taken under this wording. MR. PASVOLSKY remarked that up to now the interpretation had been one whereby the Council would have the right to impose a settlement when there is a threat to the peace.

It was finally agreed that the desired end could be attained by accepting a formula offered by Mr. Dulles, which would involve adding the phrase "set forth in paragraphs 3 and 4 of this Section" following "measures" in line 7 of paragraph 1, Section B, and following "measures" in line 4 of paragraph 2, Section B, and by adding the phrase "to maintain or restore international peace and security" following "decisions" in line 4 of paragraph 3 of this Section.

It was agreed that the proposal of Commander Stassen be accepted that the suggestion advanced by Mr. Dulles be marked "A".[72]

## PREAMBLE

SENATOR VANDENBERG observed that the next item on the agenda would be a discussion of the Preamble.

MR. PASVOLSKY stated that the Preamble is all new and read the new Preamble, noting that it provided that "The High Contracting Parties hereby agree upon this Charter and accept its obligations".

COMMANDER STASSEN read a suggested wording for a preamble which

[72] The classification "A" refers to changes in the Dumbarton Oaks Proposals which the United States delegation was prepared to initiate (U.S. Und. Doc. 2).

he had drafted, which he pointed out would draw considerably from the Constitution of the United States.

MR. PASVOLSKY commented that the difficulty encountered in attempting to write a preamble embodying such ideas is that they would be repeated three times. He said he would like to be sure that a substantial part of the document would contain these ideas and remarked to Commander Stassen that in the draft he had just read all of the basic ideas were present and well-stated. He noted also that several people were working on a preamble.

DEAN GILDERSLEEVE remarked that it would be desirable to have a simple preamble which could be hung up and should be hung up in every peasant's cottage throughout the world. This, she said, would not be easy to draft.

MR. PASVOLSKY read a second version of the preamble, which SENATOR VANDENBERG stated that he liked. COMMANDER STASSEN, however, expressed dislike of the phrase "The High Contracting Parties".

MR. HACKWORTH stated that instruments such as this usually start out with the names of the parties signatory. This, he said, is a drafting problem and should be turned over to a drafting committee.

MR. PASVOLSKY advised that there are two questions involved in this matter: (1) should the United States Delegation put forward a proposal on a preamble; and (2) if so, should it be of the type that has just been read.

COMMANDER STASSEN suggested a wording as follows: "The United Nations, in conference assembled ordain the creation of an international organization to maintain peace and security, establish justice, and promote the general welfare of all peoples".

DEAN GILDERSLEEVE stated that she rather liked this wording, but MR. DULLES suggested that it was too much reminiscent of war.

MR. DUNN stated that the most forceful approach would be one in which the states would obligate themselves to do the things mentioned in Commander Stassen's wording.

MR. PASVOLSKY remarked that it should make reference to the determination of states to maintain international peace and security, law and order, to foster respect for these concepts. SENATOR VANDENBERG added facetiously that he "rather liked the idea of getting Foster's name in there".

MR. PASVOLSKY advised that the Mexican Delegation would propose a very long preamble which would incorporate a bill of rights for individuals and nations. He suggested that the Delegation might collect all preambles that would be proposed, take a look at them, and come forth with one of our own.

MR. HACKWORTH advised that all preambles with which he was acquainted named the states involved, but MR. PASVOLSKY pointed out that the Covenant of the League of Nations did not name the parties.

SENATOR VANDENBERG suggested that it might be given to the Preamble Committee to handle.

SENATOR CONNALLY remarked that he would be in a much better position with respect to the proposals of the other governments if we had a short draft of our own.

MR. PASVOLSKY suggested that it would be better if we would take a look at the preambles of the other delegations and then suggest one of our own, but if we should introduce a preamble proposal of our own first, the other groups would try to tack things on to it.

SENATOR CONNALLY repeated that any proposal on the preamble that we might advance should be short and business-like.

MR. PASVOLSKY suggested that the matter might be left to Committee I/1 to propose a preamble after that Committee had examined the suggestions of the other delegations.

SENATOR VANDENBERG inquired whether there were any other suggestions and in the absence of any stated that it was agreed that the procedure outlined by Mr. Pasvolsky would be followed. He then called attention to the subject of withdrawal.

### REGISTRATION OF TREATIES AND REGIONAL ARRANGEMENTS

SENATOR CONNALLY stated that there should be a provision somewhere in the Charter requiring members making treaties of alliance to register them.

MR. PASVOLSKY pointed out that there was not only the question of registration of treaties but also inconsistent obligations, and MR. DULLES inquired whether the recent Russian-Polish treaty [73] involved an inconsistent obligation.

MR. PASVOLSKY commented that this raises a very difficult problem. It is not a matter of a proposal. The Franco-Russian treaty,[74] for example, raises certain special questions, for this was directed solely against Germany. The British, he said, had already raised the question as to what position we would take on this matter. If the French advance a claim, he said, we would probably have to allow that claim, but only with the very clear understanding that if the Organization takes over the functions of the victor nations with regard to the control of Germany and Japan, then the Franco-Russian treaty would become inconsistent with the provisions of the Charter.

MR. DULLES remarked that there should be more liberality with respect to regional rather than bilateral arrangements.

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[73] For agreement regarding friendship, mutual assistance, and postwar cooperation, between the Soviet Union and the Polish Republic (National Council of the Homeland), signed at Moscow on April 21, 1945, see Department of State, *Documents and State Papers*, vol. I, No. 4 (July 1948), p. 231.

[74] For treaty of alliance and mutual assistance between the Soviet Union and the Provisional Government of the French Republic, signed at Moscow, December 10, 1944, see *ibid.*, p. 230.

MR. PASVOLSKY noted that when the section of the Charter on regional arrangements was drafted those drafting it had in mind bilateral and multilateral as well as regional arrangements.

WITHDRAWAL

SENATOR VANDENBERG stated that there were no questions in connection with this problem which had to be settled at this time. He again mentioned the question of withdrawal.

SENATOR CONNALLY stated that he always thought there should be some provision whereby a nation could disassociate itself from the Organization in its own interests.

MR. HACKWORTH expressed the view that a withdrawal clause would weaken the document by fifty percent.

SENATOR VANDENBERG said that in his opinion a withdrawal provision should be included. If the United States wants to withdraw, he said, then it will withdraw.

MR. HACKWORTH admitted that this would be the case, but it was not necessary to include a provision in the Charter to provide for this.

SENATOR CONNALLY remarked that he had just gone through a Senate fight on a treaty which was only because the treaty was "forever".

COMMANDER STASSEN observed that as long as we have a veto power which operates in such way that the Organization cannot do anything we don't agree with, then he could see no reason why we should not stay in it.

SENATOR CONNALLY stated that this may be true, but the country that wants "out" and not "in" should be able to get out.

DEAN GILDERSLEEVE inquired whether any countries had proposals on withdrawal.

MR. PASVOLSKY observed that we now have sixteen "A" proposals and that that is an awful lot.

COMMANDER STASSEN stated that we would settle for eight of these if we could pick the eight. MR. DUNN stated that he did not think that the British would offer many.

MR. PASVOLSKY wondered whether they should all be advanced as formal proposals.

SENATOR VANDENBERG inquired whether they would fall within the role requiring them to be present within a week, and MR. PASVOLSKY replied affirmatively.

COMMANDER STASSEN suggested that we not propose anything on withdrawal and this was agreed upon. MR. DULLES pointed out that it would have a bad psychological effect if this country should propose it in any case.

COMMANDER STASSEN inquired whether the discussions were not finished and whether it would now be possible to put the document together and take it up with other governments.

MR. PASVOLSKY replied that this was the case, and he added that by early next week the International Secretariat would provide the Delegation with a list of all proposals which the other governments are offering.

### CHAPTER VII—THE INTERNATIONAL COURT OF JUSTICE

MR. HACKWORTH observed that Chapter VII of the Dumbarton Oaks Proposals relative to the Court had not been discussed in the Delegation. He suggested that a time should be set at which he could present the Delegation with a résumé of what took place on this subject in Washington.[75] There are, he said, only a few questions outstanding.

SENATOR VANDENBERG inquired whether this meant that the Delegation would have to reach a decision on some fundamental questions, and MR. HACKWORTH said that such matters as compulsory jurisdiction, and the continuation of the present Court would have to be decided.

SENATOR VANDENBERG announced that the Delegation would meet at 9:30 the next morning at the suggestion of the Secretary to meet with its "dissident constituents", and would also meet at 9:30 Monday morning to discuss the outstanding questions on the Court.

The meeting was adjourned at 10:48 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 21 (Exec)

*Minutes of the Twenty-First Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Friday, April 27, 1945, 8:55 p. m.*

[Informal Notes]

The Delegation went into Executive Session at 8:55 p. m.

### REPORT ON THE CONFERENCE STEERING COMMITTEE

THE SECRETARY reported that he had just talked to both the President and Mr. Hull and that he felt that all in all the day had been a very successful one and that he was greatly encouraged by the events of the day.

THE SECRETARY then gave the following detailed report on the events during the day at the long meeting of the Steering Committee.[76]

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[75] Report on draft of Statute of an International Court of Justice, submitted by the United Nations Committee of Jurists to the United Nations Conference, April 25, 1945, Jurist 86, G/73, April 25, UNCIO Documents, vol. 14, p. 821.

[76] For minutes of meeting of the Heads of Delegations to organize the Conference, 10:45 a. m., see doc. 30, DC/5(1), April 27, *ibid*, vol. 5, p. 81.

1. He said that Mr. Molotov had withdrawn his proposal that the World Trade Union Congress be made an official adviser to the Conference. He said that the British, the Chinese and the United States Delegations were prepared to oppose such a proposal and that he felt that it would have been defeated if it had come to a vote.[77]

2. He said that before the meeting he had tried to persuade Mr. Molotov to accept the Eden compromise but that he had been unsuccessful. However, he said that after the meeting began, Mr. Molotov, sensing the situation, had finally withdrawn the Soviet proposal and the Steering Committee had accepted the British compromise.

3. He reported that the Dumbarton Oaks Proposals constituted the agenda of the Conference and that amendments to these Proposals, if they were to be considered by the Conference, would have to be submitted not later than midnight, May 4. At this point, REPRESENTATIVE BLOOM inquired as to whether counter amendments to any such amendments submitted could be made later in the Conference, and the Secretary assured him that such was the case. REPRESENTATIVE BLOOM then said that he hoped that appropriate provision had been made so that any such counter-proposals would have to be submitted twenty-four hours in advance of the time at which action upon them would be decided. MR. DUNN assured him that such was the case.

4. THE SECRETARY reported that Field Marshal Smuts had asked for speed in completing the Conference work. As a sidelight on the afternoon's events, THE SECRETARY reported the details of his press conference following the Steering Committee meeting and said that hereafter he would hold no more press conferences after Steering Committee meetings but only after Plenary Sessions of the Conference.

5. He reported that the Executive Committee had been approved as recommended.

6. The proposal for a two-thirds vote in the Conference on all substantive matters had been opposed by the Australian Delegation and had been deferred for later consideration. In this connection, THE SECRETARY again mentioned that there had been great sentiment among the Delegates for speed in concluding the work of the Conference and that he had made the statement that he was for as rapid action as could be taken, but not at the expense of producing a good Charter.

7. The question of the seating of the two Soviet Republics had been advanced by Mr. Molotov who proposed them as initial members of the organization. He said that Mr. Molotov, on his advice, had made only a very brief statement on the question, and that the Secretary had then endorsed the proposal and said that the United States Delegation would vote for it. He said that Mr. Eden also approved the

[77] See UNCIO Documents, vol. 5, p. 82, for report on the Soviet proposal made at the April 27 meeting; the action described herein by Mr. Stettinius took place at the April 30 meeting of the Heads of Delegations; see *ibid.*, pp. 152–154.

proposal in a short statement and that it had been voted unanimously by the Steering Committee. THE SECRETARY said that Mr. Molotov then raised the question of seating representatives of these two Republics at this Conference. In this connection, he said that the British Dominions were not at all helpful in the debate and it was with some difficulty that the matter had been referred to the Executive Committee for action at that Committee's next meeting. He said that Mr. Molotov had tried unsuccessfully to have a report on this matter made available in twenty-four hours.

8. THE SECRETARY reported the next major item taken up by the Steering Committee concerned the question of inviting Poland to the Conference. He said that such a proposal was made by Mr. Masaryk of Czechoslovakia.[78] The Secretary had formally replied that such a proposal could not be accepted in view of the Crimea agreement. Mr. Eden then endorsed the United States position in this matter. Other countries objected to introducing such a matter into this Conference, and a motion by Foreign Minister Spaak (Belgium) on this question was adopted unanimously. The sense of Spaak's motion was that the question of Poland did not belong before this Conference but instead was a matter for the three major powers concerned to settle among themselves.

### CONVERSATIONS WITH THE PRESIDENT AND MR. HULL

Following this long report of the activities in the Steering Committee during the day, THE SECRETARY also said that there were two other matters which he wished to report to the Delegation:

1. He said that he had reported on the happenings of the day by telephone to the President, who was both delighted and pleased; and that the President now felt that the Conference was off to a good start. THE SECRETARY said that he advised the President that there was another big hurdle looming, and this involved the seating of the two Soviet Republics at the Conference, as well as the question of Argentina. He said that the President told him that if the seating of these two Republics and Argentina did not involve the signing of the United Nations Declaration, he would give the United States Delegation full power and responsibility to deal with this question as best they could when it arose.[79]

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[78] For summary discussion regarding admission of Poland, following statement by Jan Masaryk, chairman of Czechoslovak delegation, see doc. 30, DC/5(1), April 27, UNCIO Documents, vol. 5, p. 93.

[79] In his message to President Truman reporting on developments at the Conference on April 27th (telegram 3, April 28), Mr. Stettinius stated: "At my press conference this afternoon I released the President's letter to me directing me, pursuant to the commitment assumed by President Roosevelt at Yalta, to support the Soviet request for initial membership for the Ukrainian and White Russian Republics." (500.CC/4-2845) For the President's letter of April 22 to the Secretary of State, see Department of State *Bulletin* April 29, 1945, p. 806.

THE SECRETARY also reported that he had talked to Mr. Hull and that Mr. Hull preferred not to advise the Delegation in this matter. THE SECRETARY said that he inquired of Mr. Hull as to whether he would not feel better if Argentina were merely seated at the Conference. He said that MR. HULL replied that he would not like it, but if the Delegation had to agree to such a proposal, of course, they would have to agree to it.

THE SECRETARY closed this report on these two conversations by saying that the President and Mr. Hull both felt strongly that neither the Soviet Republics nor Argentina should be permitted to sign the United Nations Declaration.

### SEATING OF SOVIET REPUBLICS

THE SECRETARY said that he felt it necessary to impress upon the Delegation the seriousness of this situation; that Mr. Molotov would press and press on the question of seating the two Soviet Republics at the Conference; that the Argentina question would go hand in hand with whatever Conference action was taken on the two Soviet Republics. THE SECRETARY again made the point that the solution of these two questions would have to be made at the same time.

### ADVISERS TO THE DELEGATION

THE SECRETARY also reported that, according to his information, the Advisers to the Delegation were in a rather uneasy frame of mind, since they felt that the Delegation was not paying them the proper attention. Consequently, he suggested that he and one or two other members of the Delegation should appear before the entire group of Advisers on Saturday morning, and that the Delegation meet with them at 9:30.

THE SECRETARY also reported that he wanted to recommend to the Delegation that Assistant Secretaries Gates and McCloy of the Navy and War Departments sit with the Delegation at all times. MR. STASSEN said he was strongly in favor of such a recommendation, and this recommendation was accepted without objection.

### SOVIET REPUBLICS AND ARGENTINA

SENATOR CONNALLY reverted to the Secretary's statements with respect to the two Soviet Republics and Argentina, and inquired as to whether the Secretary believed Mr. Molotov would be open to negotiation on this matter. MR. DUNN said that he had discussed this matter with Mr. Gromyko and that he had warned the Soviet Delegation that the American Republics would bring up the Argentina question as soon as the Soviet Republics question was brought forward by the Soviet Delegation. He said, however, that at his next meeting with Mr. Gromyko, he would warn him again that continued Soviet in-

sistence on action regarding the seating of the two Soviet Republics would be sure to raise the Argentina question.

COMMANDER STASSEN said that he thought that the general tactics should be that of attempting to delay action on the entire question, and to that end he thought the Delegation should give the Secretary full authority to act when, as, and if necessary. He said that he thought that his original suggestion of having the Soviet Republics seated perhaps three weeks after the Conference was too much of a concession.

SENATOR CONNALLY said that despite attempts to delay action, Mr. Molotov would insist that that question of the status of the two Soviet Republics be settled before regard to the issues which might be raised on Argentina.

MR. DUNN pointed out that it was almost impossible to organize the Conference properly until the question of the two Soviet Republics was settled, since the Soviet Delegation was insisting that these two Republics be given positions in the Conference organization. MR. PASVOLSKY suggested that it might be possible to set up an organization slate with two vacancies left for the Republics and to assure Mr. Molotov that representatives of the two Republics would be assigned to these positions whenever they were seated.

MR. ROCKEFELLER said that the reason that Argentina was not being brought up at this point was that the American Republics did not wish to disturb the possible success of the Conference, but that if the Soviet Government insisted on pursuing its proposal for seating the other two Republics, the American Republics would feel duty-bound to insist on the seating of Argentina.

THE SECRETARY suggested that the Delegation should take the week-end to consider the Argentina matter and to meet together early next week to decide what course of action they should follow. As the Secretary left the meeting at the close of the Executive Session, MR. WARREN said that he wished to make clear that the support of the American Republics for the admission of the two Soviet Republics as initial members of the international organization was a gesture of support for the late President Roosevelt; that they had not liked the proposal and that they had agreed to support it out of respect and honor to him.

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RSC Lot 60–D 224, Box 96 : US Cr Min 22

*Minutes of the Twenty-Second Meeting of the United States Delegation, Held at San Francisco, Saturday, April 28, 1945, 9:30 a. m.*

[Here follows list of names of persons (42) present at meeting, and statements by the delegates to the Advisers, announcement of sched-

ule of meetings, discussions regarding a memorandum on press policy, report on work of the Conference, and anticipated study of the problem of withdrawal.]

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500.CC/4–2845

*Minutes of the Fourth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, Saturday, April 28, 1945, 6: 45 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (5); United Kingdom (2); Soviet Union (3); China (1); Brazil (1); Chile (1); Mexico (1); and Venezuela (1).]

THE SECRETARY said he had asked the sponsoring powers to meet with the four representatives of the Latin American countries in order to hear the requests they had to make.

DR. PADILLA said that all the countries of Latin America had been glad to vote for the admission of White Russia and the Ukraine as initial members of the Organization at the session of the Steering Committee. He said he felt that this unanimous vote was a splendid indication of unity among the powers represented here. He said in this connection he wished to refer to a commitment which had been assumed by all the Latin American countries at the Mexico City Conference in regard to Argentina. At that Conference, it had been agreed that if Argentina fulfilled certain conditions in accordance with the spirit and contents of the Act of Chapultepec then the other South American countries would accept her back into the American family of nations. He added that the Argentine had fulfilled these conditions, had declared war on the Axis, and had subscribed fully to the plans set forth at Mexico City. He said that from the point of view of the Latin American countries Argentina had taken these steps in confidence that the other Republics would keep their share of the bargain. He said he felt it would be appropriate, in view of Argentina's action and the commitments of the Latin American countries if Argentina would be invited to this Conference as a recognition of the steps which she had carried out in good faith. He said it would be a very pleasant matter for the South American countries if this request could be treated in the same spirit of cooperation and unity which they had displayed in regard to White Russia and the Ukraine. He concluded expressing the hope that Mr. Molotov would find it possible to agree to this.

MR. MOLOTOV inquired "How would it be understood if we were to invite Argentina to attend this Conference and not Poland?" He

said he thought it would be difficult to explain since Poland had suffered so much in this war and had been the first country to be invaded whereas Argentina had, in effect, helped the enemy.

DR. PADILLA answered that the Polish question had been considered at the last meeting of the Steering Committee [80] and that he personally felt that since the three great powers had an agreement on the subject at the Crimea Conference it should be left to them to decide the Polish question. He said he did not feel that the other countries had any right or authority to attempt to decide this question. He went on to say that in regard to the Argentine, he felt that twenty American countries would be in a position of having failed to carry out their commitment and that Argentina could legitimately consider that she had been let down.

MR. MOLOTOV made a statement in which he repeated his previous arguments that both India and the Philippines although not independent countries were represented at this Conference. He said, in addition, there were a number of small nations who had no diplomatic relations with the Soviet Government but they had not objected to these countries coming to the Conference. He said that it would be impossible to explain the absence of Poland if Argentina were to be invited. He repeated his argument that Argentina had helped the enemy at least until very recently whereas Poland had been one of the first victims of German aggression. He stated that there might be no objection to Argentina if Poland were to be invited but otherwise it would be impossible to explain an invitation to Argentina.

MR. VELLOSO said that as Dr. Padilla had explained, there was no comparison between the two questions. In the case of Poland, the issue was not whether Poland as a country should be at the Conference—he knew everyone warmly desired their presence—but rather the question as to which Government should be considered as representing Poland.

MR. FERNANDEZ then inquired whether Mr. Molotov meant that an invitation to Argentina from his point of view was conditional upon invitation to the Warsaw Government. He said he supported the view of Dr. Padilla and Mr. Velloso that there were two distinct and unconnected problems. He added that it was up to the three powers who had been at the Crimea to decide the question of the Polish Government whereas Argentina had carried out in good faith what had been asked of her at the Mexico City Conference, and that the question irrespective of which side she may have been considered on before.

MR. VELLOSO then said that he regretted very much Mr. Molotov's position and he was afraid that if Argentina was not admitted, the

[80] April 27, 10: 45 a. m.; see UNCIO Documents, vol. 5, p. 93.

American countries would have to vote against an invitation to White Russia and the Ukraine.

SIR ALEXANDER CADOGAN in the absence of Mr. Eden, said he wished to make it quite clear that from the point of view of the British Government it was absolutely impossible to accept an invitation to the representatives of the Warsaw regime and that he did not feel the Polish question could be decided in this manner by the Conference.

MR. MOLOTOV stated that without an invitation to Poland, he could not agree to one to Argentina and repeated his suggestion that it be brought before the Executive Committee on Monday.[81]

The meeting broke up with this suggestion accepted.

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500.CC/4–2845

*The Soviet Embassy to the Department of State* [82]

[Translation]

MEMORANDUM

Relative to the memorandum of the Department of State of April 24 regarding position of the Government of the United States on the question of inviting representatives of the present Provisional Polish Government to the conference in San Francisco, the Soviet Government has the honor to state that for the reasons stated in the memorandum of the Soviet Government of April 17, it cannot agree with the position of the Government of the United States and continues to insist upon the participation in the conference in San Francisco now functioning, of the representatives of the Provisional Polish Government and that the position of the Soviet Government on this question remains as before.

WASHINGTON, April 28, 1945.

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RSC Lot 60–D 224, Box 96 : US Cr Min 23

*Minutes of the Twenty-Third Meeting of the United States Delegation, Held at San Francisco, Monday, April 30, 1945, 9 : 30 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (21) present at meeting.]

In the absence of the Chairman of the Delegation SENATOR CONNALLY presided, and opened the meeting at 9 : 30 a. m.

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[81] April 30.

[82] Copy of memorandum in translation was transmitted by the Acting Secretary of State to Moscow in instruction 6, May 19 (not printed), for the information and files of the Embassy.

## Press Policy

Mr. Byington read the following proposed statement of press policy for the American Delegation:

1. Official announcements by the Delegation shall be made through the Chairman.

2. All members of the Delegation are free at all times to converse with the press for background or to make such personal statements as they may consider appropriate. Copies of any formal statements made to the press should be sent to the Delegation's Press Officer immediately after they are made.

3. All arrangements to speak on the radio shall be made through Commander Lloyd Dennis.

4. The Press Officer of the Delegation will arrange as frequently as possible for a background conference by one or more members of the Delegation together with one or more of the technical advisers.

5. In making the arrangements for press conferences the Press Officer of the Delegation will consult with Commander Stassen who will act in behalf of the Delegation in directing the Press Officer with regard to general arrangements. This suggestion is made on the basis of the Delegation's discussion last Friday.[83]

6. The Chairman of the Delegation will attend the background conferences and preside. However, arrangements shall be made by the Press Officer, through Commander Stassen, for a delegate to be definitely on hand to preside in case it is not possible for the Chairman to attend, as will undoubtedly sometimes be the case.

7. The first background press conference will be presided over by the Chairman of the Delegation and it is hoped that as many of the Delegates and advisers as can arrange to do so will be present. It will be held Tuesday at 2:45 p. m. in the Red Room of the Fairmont Hotel. There will be a further background meeting with the press at 2:45 on Wednesday. During the latter part of the week, an effort will be made to move the time for the conferences to 1:00 p. m. or quarter to one if possible.

In view of the tremendously large number of correspondents attending the conference, it is suggested that these background conferences should be started on an experimental basis and without commitment on the part of the Delegation to continue them daily in any set form since it may not prove feasible to have background conferences with such large groups as may attend. The press should be informed, however, that it is the intention of the Delegation to meet with them as often as possible and that all announcements of future conferences will be made through the Press Officer of the Conference Secretariat.

[83] April 27, 9:30 a. m.

All newsreel and still camera arrangements shall be made through the Delegation Press Officer who will follow a policy of endeavoring to see to it that the camera men get all the pictures they want.

SENATOR VANDENBERG asked if the United States Proposals or amendments to the Dumbarton Oaks Proposals had been submitted formally as yet, and if they were not available for public discussion. He thought they were a legitimate subject of publicity and that it was important to get them out. MR. GERIG explained that it was necessary to get an approved Russian text before these Proposals could be released and that the Russian approval had not yet been obtained. CONGRESSMAN BLOOM commented that it seemed to take a long time to get this clearance. . . .

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TICKETS FOR PLENARY SESSIONS

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TRUSTEESHIP

At the request of SENATOR CONNALLY, MR. GERIG reported on the subject of trusteeship. He stated that it had been agreed at Yalta that the five permanent members of the Security Council would consult with respect to trusteeship prior to the San Francisco Conference. Mr. Stettinius and Mr. Dunn had been in touch with the other four governments over the weekend, and there would be preliminary conversations with those governments beginning that evening at 8:30.[84] Commander Stassen, Mr. Gates, Mr. McCloy, and Mr. Gerig (as Technical Expert) would represent the United States. MR. GERIG thought these conversations would take several days. The paper prepared by the United States Delegation[85] would be submitted; and it was Mr. Gerig's understanding that the British did not have a paper but would rely upon the United States paper. Developments in this matter would be brought to the attention of the United States Delegation and every effort would be made to push the matter as rapidly as possible. REPRESENTATIVE BLOOM asked how this was different from the manner in which it would be handled in the Conference, and also asked if any over-all committee on trusteeship had been appointed for the Conference, as he had heard that there was such a United Nations Committee with Saudi Arabia represented on it. MR. GERIG stated that under the organization of the Conference, there would be a Committee on Commission II dealing with this subject but that such a committee had not as yet been appointed. The International Secretariat would

[84] This meeting was the first of eleven consultations on trusteeship held by delegates of the four Sponsoring Powers and France: April 30, May 3, 5, 8, 14, 23, 29, June 1, 8, 13 and 18; approved minutes of these meetings not printed.

[85] Draft United States proposal on arrangements for international trusteeship, April 26, p. 459.

inform the United States Delegation at the earliest moment as to the membership of this committee.

MR. DULLES observed that it would be desirable to decentralize this work. He noted that on this trusteeship question, the Delegation had considered primarily the military aspects, but that other countries would raise many other considerations, such as the Dutch East Indies, etc. He thought, therefore, that Commander Stassen would need advisers other than the Army and Navy people. CONGRESSMAN BLOOM thought that with all due respect to Commander Stassen there should be some one representative from Congress dealing with this subject.

SENATOR CONNALLY noted that the Army and Navy advisers took the position that strategic bases would be under the Security Council, and that other areas would be under the Assembly. He noted that Senator Vandenberg was associated with both Commission II and Commission III and therefore Senator Vandenberg should handle this matter with Commander Stassen. COMMANDER STASSEN observed that this present consultation was merely to present the United States Delegation document regarding trusteeship to the other four governments, and to explain to them informally what the United States Delegation intends. This was just a preliminary consultation and before anything would be decided, the full Delegation would be informed.

THE INTERNATIONAL COURT OF JUSTICE: COMPULSORY JURISDICTION

SENATOR CONNALLY asked Mr. Hackworth to present a report to the Delegation on the work of the Committee of Jurists in Washington.[86] Since Senator Connally and Senator Vandenberg had to leave in a few minutes, Mr. Hackworth was asked to take up the subject of compulsory jurisdiction first.

MR. HACKWORTH stated that in the Committee of Jurists there had been a considerable demand to write compulsory jurisdiction into the Statute of the International Court, particularly on the part of the small powers and also on the part of such countries as China and Brazil. On the other hand, he reported that the USSR, the United Kingdom, Netherlands, Yugoslavia, Norway, Haiti, and France were opposed to compulsory jurisdiction and supported the Optional Clause of the present Statute, which also appears in the United States draft.[87] These countries stated that they would not be parties to the Statute if it contained a provision for compulsory jurisdiction. MR. HACKWORTH stated that this situation presented a real problem.

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[86] See memorandum on this subject by the Secretary of State to President Truman, April 23, p. 362; for documents on the meeting of the United Nations Committee of Jurists, April 9–28, 1945, see UNCIO Documents, vol. 14.

[87] For text of the Statute of the Permanent Court of International Justice with revisions proposed by the United States, see Jurist 5, G/5, April 9, *ibid.*, p. 323; for article 36 (compulsory jurisdiction), see *ibid.*, p. 338.

SENATOR CONNALLY asked if under the Optional Clause a state could agree to accept the jurisdiction of the Court, either generally or just with certain states. MR. HACKWORTH replied that under the Optional Clause a state could go as far as it wished, i.e., it could accept the Court's jurisdiction for a limited period of time or for certain types of cases, etc. REPRESENTATIVE BLOOM asked if Russia would object to that type of provision too. MR. HACKWORTH replied that the United Kingdom and Russia were willing to accept the Optional Clause and, he supposed, the United States also. However, he said, a large number of the small countries wanted the compulsory jurisdiction provision. Therefore, he had suggested that this article be put in alternative forms for the San Francisco Conference.[88]

CONGRESSMAN EATON asked what argument these countries used in insisting on compulsory jurisdiction. MR. HACKWORTH replied that the little states seem to feel that it would be a great protection to them if they could bring other countries, both large and small, into the Court. CONGRESSMAN EATON remarked that he could see their point.

SENATOR VANDENBERG stated that he had the definite feeling that this was one situation where we would have to depend upon evolution to reach the desired objective. He thought that a provision for compulsory jurisdiction would be a red-danger signal in the Senate. He recalled the Court fight in the Senate which he had gone through. He felt, therefore, that the Optional Clause of the Statute must be retained for the purposes of the Senate. SENATOR CONNALLY agreed with Senator Vandenberg. He felt that from the United States' standpoint, the Optional Clause must be retained. He said if we accepted the compulsory jurisdiction provision, we would not know what suits would be brought against us by other countries, both in this hemisphere and elsewhere. He thought, therefore, that the optional jurisdiction provision should be retained. He noted that unless nations were willing to submit a dispute to the Court on an optional basis, the case would probably have to go to the Security Council in any event.

MR. DULLES observed that everybody would like to have the compulsory jurisdiction clause, but that we would have to move toward it through the process of evolution. He thought that the United States' acceptance of the Court Statute with the Optional Clause would be as great a step at present as would be practical.

COMMANDER STASSEN thought that this country had moved a long way from the old debates in the Senate on the world court. He would

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[88] See Jurist 86, G/73, April 25, 1945, report submitted by the Committee of Jurists to the United Nations Conference, UNCIO Documents, vol. 14, p. 821 (for article 36, see *ibid.*, p. 841).

like to have a provision for the compulsory jurisdiction of the international court over certain limited types of cases and permit the Senate to make what reservations it wished with respect to the compulsory jurisdiction provision. For example, he did not think that the Senate would make any reservation with respect to compulsory jurisdiction of the court with respect to the interpretation of international documents. COMMANDER STASSEN thought that this country had gotten away from the idea that the United States is above all law. He felt that it was ingrained in the American people that there are standards of justice applicable to everybody. COMMANDER STASSEN then asked that whether or not the United States insisted upon compulsory jurisdiction, would it not be better to let this matter come up in the form of a reservation in the Senate?

MR. DULLES asked if Commander Stassen was proposing that the provision for compulsory jurisdiction be made part of the world Charter. COMMANDER STASSEN said that he preferred to let the Senate make a reservation to a compulsory jurisdiction provision rather than to propose the Optional Clause in the first instance. SENATOR VANDENBERG disagreed with Commander Stassen because, he said, it was very undesirable to invite deliberately the process of reservation in the Senate. COMMANDER STASSEN asked if the Senators expected that there would be no reservations made to the documents of this Conference in the Senate. SENATOR CONNALLY said that they intended to stand by what they had done here and would oppose any reservations to the Conference documents in the Senate. COMMANDER STASSEN said that if we got a document here for which the two Senators would fight in the Senate without reservation, he would gladly withdraw his position with regard to compulsory jurisdiction in the Court and would support the United States Delegation's policy.

MR. FAHY noted that the American Bar Association had proposed that there be a provision for compulsory jurisdiction of the court and also a provision for reservations to that jurisdiction. He observed that if the Optional Clause were adopted, it would still be necessary for the Senate to take affirmative action before the United States would become a member of the Court. SENATOR VANDENBERG said that could be taken up at the same time the Charter was ratified. COMMANDER STASSEN noted that the Optional Clause could be accepted by separate action in the Senate.

SENATOR CONNALLY asked Mr. Fahy if the American Bar Association's proposal for compulsory jurisdiction were limited to certain categories of cases. MR. FAHY read the categories of cases involved, as follows: "(*a*) the interpretation of a treaty; (*b*) any question of international law; (*c*) the existence of any fact which, if established, would constitute a breach of an international obligation; (*d*) the

nature or extent of the reparation to be made for the breach of an international obligation."

At this point, Senator Connally and Senator Vandenberg left the meeting, and Commander Stassen presided. COMMANDER STASSEN asked Mr. Hackworth to give the Delegation an explanation of the other points involved in the Statute of the Court.

MR. HACKWORTH stated that he had prepared a draft with respect to compulsory jurisdiction which he thought would be safe. COMMANDER STASSEN stated that in view of the opinion just expressed by Senator Connally and Senator Vandenberg, that Mr. Hackworth had better prepare a draft containing the Optional Clause and also the simplest possible provision for its acceptance by the various countries, which would also make it convenient for the countries individually and, subsequently, to consent either to limited or compulsory jurisdiction of the Court. REPRESENTATIVE BLOOM asked whether it would be necessary to specify what cases would be covered by the Optional Clause. MR. HACKWORTH replied that the Optional Clause covers four categories of cases and read Article 35 of the present Statute: "(*a*) the interpretation of a treaty; (*b*) any question of international law; (*c*) the existence of any fact which, if established, would constitute a breach of an international obligation; (*d*) the nature or extent of the reparation to be made for the breach of an international obligation."

REPRESENTATIVE BLOOM asked if Congress might not object to some of those cases covered by the Optional Clause. MR. FAHY noted that under the Optional Clause the World Court would be limited to these four types of problems. REPRESENTATIVE BLOOM asked if this were safe enough, and MR. FAHY replied in the affirmative.

MR. DULLES asked if under this provision the Court would be limited to justiciable questions rather than political questions. He thought that if this were the case, then the Delegation should consider changing the corresponding part of the Dumbarton Oaks Proposals, Chapter VIII, Section A, paragraph 6, which read: "Justiciable disputes should normally be referred to the International Court of Justice." MR. HACKWORTH observed that in the Committee of Jurists, the United Kingdom Delegation had wanted to insert the word "justiciable" in the first paragraph of Article 36 of the Statute.[89] He reported that the question of getting "justiciable" had been debated at great length, and that it had also been suggested that the Court's jurisdiction be limited to all cases "of a legal character". CONGRESSMAN EATON asked if the Committee of Jurists did not know what the word "justiciable" meant. It was stated that there were many different meanings given to this word.

[89] Jurist 58, G/46, April 16, UNCIO Documents, vol. 14, p. 204.

MR. JESSUP observed that in line with Mr. Dulles' comment, the language of Chapter VIII, Section A, paragraph 6 of the Dumbarton Oaks Proposals should be toned down, because it suggested at present an obligation to refer justiciable disputes to the Court. MR. DULLES stated that it might be changed to read that justiciable disputes should be referred to the Court "if the parties have agreed." COMMANDER STASSEN noted that in theory the countries have to agree to action under the Security Council, with respect to the pacific settlement of disputes, although he thought that there might actually be some element of compulsion involved.

### NOMINATION OF JUDGES OF THE INTERNATIONAL COURT

MR. HACKWORTH explained to the Delegation the present system for the nomination and election of the judges of the Permanent Court of International Justice. He stated that the method of making nominations under the present Statute was somewhat complex, but this is a result of a determined effort made by the Committee of Jurists who drew up the original Statute in 1920 to avoid as far as possible the making of selection on the basis of political considerations. Nominations under the present Statute are made by the national groups on the panel of the old Hague Court of Arbitration under the Conventions of 1899 and 1907.[90] These national groups (composed of four persons in each country) meet and nominate jurists for election to the Court. MR. HACKWORTH stated that no group may nominate more than four persons, not more than two of whom shall be of their own nationality; nor may it nominate more than two persons for the same vacancy. MR. HACKWORTH then said that the British representative at the Washington meeting had proposed that each government nominate one of its own nationals, and the Judges would be elected from this list.[91]

MR. HACKWORTH stated that there was a sharp division of view on this matter in Washington and that sixteen countries had favored the British proposal while sixteen others favored retention of the present system.[92] MR. HACKWORTH recalled that this had been discussed in the United States Delegation in Washington, and that in accordance with the Delegation's instructions, Chief Justice Strong and Chief Justice Hughes had been consulted. Both emphatically felt that the present system was better than having direct nominations by governments. It was felt that while the United States might try to select the best man, other nations might nominate politicians rather than jurists. MR. HACKWORTH stated, therefore, that in the Committee of

[90] Department of State Treaty Series Nos. 392 and 536, respectively, or 32 Stat. (pt. 2) 1779 and 36 Stat. (pt. 2) 2199, respectively.
[91] Jurist 14, DP/4, April 10, UNCIO Documents, vol. 14, p. 315.
[92] Jurist 57, G/45, April 16, *ibid.*, p. 195.

Jurists the United States representative had supported this system of nomination by national groups.

REPRESENTATIVE BLOOM asked if a vacancy occurred on the Court in a position to which the United States had appointed a Judge, whether the United States could appoint someone else. MR. HACKWORTH replied that while the United States might have nominated a Judge, the Judge would be elected by all of the countries. MR. JESSUP noted that none of the Judges are appointed, but elected by the Council. REPRESENTATIVE BLOOM still thought that such a vacancy should belong to the United States; he also wanted to know if the countries could not select the Judges in their own way. COMMANDER STASSEN felt that the Delegation ought to consider Representative Bloom's proposal, and that some way should be found to compromise the two points of view so as to make the best of each. He thought that if the vote had been sixteen to sixteen on this matter, it was time to find another way of nominating Judges of the Court.

MR. JESSUP noted that under the present system an international group would nominate two nationals and two other persons, whereas the British were proposing that each government would nominate their own national. This proposal, therefore, constituted a real change and he did not see how the two points of view could be harmonized. COMMANDER STASSEN thought it would be necessary to try and blend the two. MR. FAHY stated that there might be two alternatives: (1) Let each government decide for itself or (2) Let the nomination be made from a group recommended to the government. REPRESENTATIVE BLOOM said he preferred the first alternative because it would make the people of a country feel that they were independent in the matter. COMMANDER STASSEN thought that the group could not go too far on this point at that time because of the absences in the Delegation that morning.

MR. NOTTER noted that the result of the British proposal would be that there would always be a Russian Judge on the Court and that any jurist exiled from his country for political activities would be barred from a seat on the Court. REPRESENTATIVE EATON thought that the system of appointment by governments would result in continuous seats for the five big powers. MR. DULLES noted that the Judges of the Court would be elected by the Assembly. COMMANDER STASSEN commented that the major powers would naturally attempt to push their nominees through. He thought, however, that this question would have to be explored thoroughly. MR. HACKWORTH noted that under the British proposal, those countries who already had nationals on the Court would in effect be precluded from making further nominations.

### CONTINUITY OF THE COURT

MR. HACKWORTH then explained the problem as to whether the present Permanent Court of International Justice should be continued under that name or whether a new Court under some other name, such as the "International Court of Justice", as used in Chapter VII of the Dumbarton Oaks Proposals, shall take its place. He stated the arguments for continuing the present Court as follows: (1) it would give greater continuity to the system set up under the existing Statute; and (2) it would create less difficulty and confusion with respect to a large number of treaties between states, which provide for the jurisdiction of the Court in certain categories of cases. He noted in this connection that it would be possible to provide in the United Nations Charter that wherever treaties between members of the United Nations refer to an international court, the new court shall be the court intended. Thus, there would be no break in the treaty situation as between members of the United Nations, but there would be between members of the United Nations and states which are not members of the United Nations.

MR. HACKWORTH stated the arguments against continuing the Court, as follows: (1) there are a number of parties to the present Statute, who are not members of the United Nations, and hence were not represented on the Committee of Jurists and not represented at San Francisco; (2) there are certain legal difficulties in continuing the existing Court where some of the parties to the present Statute do not become members of the new International Organization; and (3) acceptance, particularly in the United States, of a new court might be more general, in view of the long controversy regarding the United States' adherence to the old Court.

REPRESENTATIVE BLOOM asked if the present Court were retained whether it would not avoid a debate in Congress with respect to the establishment of a new court. MR. HACKWORTH replied that all the people opposed to the present Court will object. He thought that if a new court were proposed, some of the controversy would be avoided. He noted that the present Court had never been accepted by the United States, and that the Senate had refused to ratify the Protocol several times. He thought it would be desirable to keep the present Court going if it were possible to avoid the recurrence of political controversy. He noted that the judges would have to be elected to the court and that no judges had been elected since 1939. MR. HACKWOTRH stated that three of the United States advisers felt that it was simpler to start fresh with a new court of the United Nations and to take over the equipment of the old Court so that it would be unnec-

essary to bother with states who are not members of the United Nations.

MR. FAHY stated that he did not feel strongly on this matter as he did not think it was a critical point. He suggested renaming the court and starting anew. He noted that the revised draft statute retained about 99 per cent of the Statute of the present Court, so that it had the benefit of the experience of the Court. He suggested that it be called "The International Court of Justice", as stated in the Dumbarton Oaks Proposals.

MR. DULLES noted that the American Bar Association was unanimously in favor of continuing the present Court. He felt that the Delegation ought to follow the line strongly supported by the American Bar Association. COMMANDER STASSEN observed that the jurisdiction of the old Court could be carried forward by a clause in the Charter in which the United Nations could accept a substitution of a new court.

REPRESENTATIVE BLOOM asked if actually only the name of the court were being changed, since it was stated that 99 per cent of the present Statute would be taken over. MR. FAHY observed that a new court would really be created, if this statute were adopted. He observed that he did not think that Russia would join the present Court.

DEAN GILDERSLEEVE asked what Russia's attitude was on the Court. MR. HACKWORTH said he thought that Russia had no strong feeling one way or another, and would go along with a strong movement in either direction. REPRESENTATIVE BLOOM stated that the Delegation must consider what it can get most easily from Congress, whether a new or an old court. It was important to avoid any controversy in Congress on the matter of the court. MR. HACKWORTH asked if it would be easier to get a new court through the Senate than an old one. REPRESENTATIVE BLOOM observed that the House of Representatives would have to be considered as well as the Senate. REPRESENTATIVE EATON said that it was important to consider the House because if the House had a strong feeling about a matter, the reaction would be felt in the Senate; and that moreover the House, as the voice of the people, could back up the Senate. MR. JESSUP noted that the House of Representatives had first passed a resolution in favor of a world court.[93]

At this point, the meeting was adjourned.

[93] For resolution approved by the House of Representatives, March 3, 1925, see the *Congressional Record*, vol. 66, pt. 5, pp. 5404 and 5413. For documentation on proposed accession of the United States to the Statute of the Court, see *Foreign Relations*, 1926, vol. I, pp. 1 ff.; *ibid.*, 1929, vol. I, pp. 1 ff.; and *ibid.*, 1935, vol. I, pp. 383 ff.

500.CC/4–3045 : Telegram

*The Acting Secretary of State to the Chairman of the United States Delegation at San Francisco (Stettinius)*

WASHINGTON, April 30, 1945—11 : 23 a. m.

3. The question of Italian participation in the conference at San Francisco was discussed in the Staff Committee[94] this morning. Reference was made to the communication of the Italian Government[95] sent directly to the President of UNCIO and the forty-six delegations protesting Italy's exclusion from the conference; to the recent liberation of the north of Italy,[96] due in large measure to action of Italian Patriots and unification of Italy under Government at Rome; and to indications that Argentina may be invited to participate at UNCIO in some capacity other than United Nation. In the light of these developments and the desire to support the moderate and democratic elements represented in the Government at Rome at a time when the heavy responsibilities of the north's liberation will fall upon it, it was the consensus of the Staff Committee that we should reopen the question of Italy's immediate participation in UNCIO in some capacity.[97] Before putting this question up to the President we would of course like to have your views.[98]

There was some feeling in the Committee this morning that you would meet serious objections to such a proposal in certain quarters principally from the French, Greek and Yugoslav delegations if not the British.

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[94] The Secretary of State's Staff Committee.

[95] Not printed.

[96] See *United States and Italy, 1936–1946: Documentary Record* (Department of State publication No. 2669), p. 126.

[97] A memorandum of April 13, 1945, by the Secretary of State to President Truman, providing special information on top diplomatic matters at the moment, contained the following statement on Italy: "Although a cobelligerent since October 1943, Italy is still subject to an armistice regime and considerable control by the Allied Commission. Chiefly through our efforts, Italy's status has improved, but less than we desire in view of the British policy of keeping Italy dependent. We have been unable to end the anomaly of Italy's dual status as active cobelligerent and as defeated enemy. Great pressure is being brought to bear by groups in this country to make Italy one of the United Nations—a step essentially in accordance with our policy but not with that of certain other allied governments." (711.00/4–1345)

[98] Mr. Stettinius replied in telegram 6, May 3, as follows: ". . . While we appreciate the considerations behind the suggestion, we feel it would be unwise, at least this early in the Conference, to raise the matter here. We shall keep it in mind." (500.CC/5–345)

RSC Lot 60–D 224, Box 96 : US Cr Min 24

*Minutes of the Twenty-Fourth Meeting of the United States Delegation, Held at San Francisco, Monday, April 30, 1945, 6: 20 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (25) present at meeting.]

THE SECRETARY called the meeting to order at 6 : 20 p. m. and apologized for being late, explaining that he had just talked with the President and Mr. Hull in order to bring them up-to-date on the day's developments. He announced that he had a number of routine announcements to make.

Regular and daily meetings of the advisers are to be held at 6 : 15 p. m. in Room 462, Fairmont Hotel. At these meetings Dr. Bowman will usually preside. Twice a week the advisers and delegates will meet together to consider policy questions, the first of these meetings to be held Thursday, May 3, at 6 : 15 p. m. THE SECRETARY explained that the Soviet Union was still holding up agreement on the slate of assignments to commissions and committees, but that it was hoped that a final decision could be reached in the Executive Committee at 10 : 30 a. m. the following day [99] so that the serious business of the Conference could start promptly. . . .

REPRESENTATIVE BLOOM asked whether the assignments to the Trusteeship Committee had been determined. THE SECRETARY announced that Mr. Dunn and Mr. Rockefeller were now working on getting an agreed slate for all the committees. MR. SANDIFER pointed out that every country would be represented on Committee 4 of Commission II, no matter what the decisions on the assignment of positions.

THE SECRETARY announced that an exchange was now under way of amendments suggested for the Dumbarton Oaks Proposals by the sponsoring governments. This exchange, he reported, was taking place on the working level, and within 48 hours he thought there would be some reaction on the views of the other governments on our proposals.

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DEVELOPMENTS OF THE DAY

THE SECRETARY announced that he would review the important developments of the day. He said that two subjects had been discussed at the meeting of the Executive Committee at 9 a. m.[1] and at the meeting of the Steering Committee at 10 : 30 a. m.[2]—the question of the seating of the Soviet republics and of Argentina at the Con-

[99] Doc. 51, EX/3, May 1, UNCIO Documents, vol. 5, p. 397.
[1] See Doc. 41, EX/2, April 30, *ibid.*, p. 375.
[2] See Doc. 43, DC/11, May 1, *ibid.*, pp. 154–155.

ference. He noted that the question of the signing by either of the Soviet republics or Argentina of the United Nations Declaration had not been raised at any time by any one. He explained that Mr. Molotov had pled that the seating of the Polish Government be linked with the seating of Argentina and the two Soviet republics, but that we had stood our ground. He explained that what Mr. Molotov had said in the Steering and Executive Committees was practically the same as what he had said in the afternoon.

The Latin American states, he felt, had behaved extremely well in voting for the admission of the two Soviet republics to the Conference before receiving a commitment on Argentina. The admission of the two Soviet republics, he explained, had been unanimously passed in the Executive and Steering Committees. In these committees Mr. Molotov had attempted to block the seating of Argentina until the Lublin Poles were admitted, but there was great resentment at this, and when it was put to a vote, Mr. Molotov was overwhelmingly voted down. THE SECRETARY stated that it had been the general feeling that the business was then completed on these two questions. In fact, he had received permission to announce the action of the Executive and the Steering Committees to the press. He had felt that the major hurdle had been cleared and that the Conference could now settle down to its serious business. However, MR. MOLOTOV had arisen in the Plenary Session and had made a long speech against the seating of Argentina.[3] This was followed by several Latin American speakers who urged the admission of Argentina. The question was then up to be thoroughly thrashed out in the Plenary Session. He explained that he himself had finally pled that the matter be disposed of promptly, that the log jam was finally broken, and another vote taken which was substantially the same vote as in the Steering Committee. The motion of admission of Argentina to the Conference was approved 31 to 4.

THE SECRETARY explained that the representatives of the two Soviet republics had already asked for visas and that he had wired that they should be granted.[4]

THE SECRETARY commented that no one could tell whether the Polish settlement would come up again, but that we were taking the position that this question upon which agreement had been reached at Yalta was still in consultation and did not belong in the Conference.

[3] See Doc. 42, P/10, May 1, UNCIO Documents, vol. I, p. 343.

[4] In telegrams 15, 16, and 17, May 1, to the Acting Secretary of State, the Secretary-General (Hiss) requested that the Department inform the Governments of Argentina, the Ukrainian Soviet Socialist Republic, and the Byelorussian Soviet Socialist Republic that the Conference in plenary session on April 30 had resolved that, having decided that those Republics would be invited to be initial members of the proposed international organization, the representatives be invited to take their seats at the Conference immediately (500.CC/5–145).

THE SECRETARY pointed out that Mr. Molotov had suggested from the start that he would not stay at the Conference for a long period. He suspected that, when the work of the Conference got under way, the allocation of positions established, and the views of the sponsoring governments on the proposals thoroughly discussed, Mr. Molotov might return to Moscow.

THE SECRETARY explained that the question of the nationality of representatives of official international organizations invited to the Conference had been raised in the Executive Committee by the Soviet Government, but in view of the opposition which developed, Mr. Molotov did not ask for a vote and merely put himself on record.

THE SECRETARY described the events which led up to Mr. Molotov withdrawing his suggestion for the invitation to the World Trade Union Conference to send representatives as official advisers to the Conference. THE SECRETARY explained that he had taken the position that it had been previously determined that only five organizations should be invited to attend, and that, if this question was now opened up, it would raise many problems. THE SECRETARY noted that Mr. Molotov, in the face of opposition, did not press for a vote, and it was agreed to instruct the Secretary-General to address a letter to the World Trade Union Conference stating that the Steering Committee regretted not being able to invite their representatives as advisers, but that, if they liked, any suggestions which they transmitted would be distributed to all the delegations.

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### STATUS OF REPRESENTATIVES OF OFFICIAL INTERNATIONAL ORGANIZATIONS

DEAN GILDERSLEEVE raised the question of the position of the I.L.O. representatives at the Conference who felt that they had in fact no status at all, not even as much as the representatives of Rotary,[5] and who would like to be given a more dignified position and be invited in as advisers in commission and committee discussions. THE SECRETARY asked Mr. Tracy for his view on this problem. MR. TRACY noted that there was considerable disappointment among the representatives of the five official organizations[6] who would like to have an opportunity to be heard before the committees and commissions. THE SECRETARY thought that, if the rule was broken and outside organizations were permitted to be heard in the commissions and committees, the Conference would go on until next autumn.

MR. STINEBOWER stated that the representatives of the five organizations had clearly understood their status prior to coming to San Francisco, that they were only unofficial representatives. . . .

[5] For a list of names of consultants, representative of Rotary International, see *Charter of the United Nations: Report to the President . . .*, p. 265.

[6] For list of organizations, see UNCIO Documents, vol. 1, p. 3.

## Assignment of Positions on Commissions and Committees of the Conference

At the request of The Secretary, Mr. Dunn presented the Draft Statement on the Assignment of Positions on the Commissions and Committees of the Conference.[7] He pointed out that the one question that was holding up a definite agreement on the assignments was whether Argentina was to have a position in any one of the commissions or committees. The Soviets were opposed to Argentina having any position on any of the commissions or committees. Mr. Stassen thought it would be well to keep them off. He sympathized with the Soviet position on this matter. The Secretary agreed that this was [not] an easy pill to swallow. Mr. Dunn said he thought it should be clear that Argentina would be the only country without a position on the commissions and committees, but that of course Argentina would be represented on each commission and committee. He noted that the Ukraine would have a chairmanship and the White Russian republic a rapporteurship.

Mr. Stassen urged that now that we had defeated Russia on the Argentinian question we should not rub the defeat in. Mr. Dunn remarked that the Soviet Delegation would never agree to a slate giving Argentina a position, and that he was sure that they would fight this matter through the Executive Committee, the Steering Committee, and the Plenary Session just the way they had fought the earlier question. Mr. Rockefeller pointed out that perhaps Mr. Molotov had not had instructions, and that, if his instructions come through, the situation might change. Mr. Dunn reaffirmed the fact that the Russians would fight the issue through the Plenary Session. The Secretary urged that in that event we back down. Mr. Rockefeller suggested that we agree to leave a vacancy on one committee and then see what happens. Mr. Dunn commented that the sponsoring governments ought perhaps to meet tonight to settle this question, so that the slate could be taken up with other countries, including France. The Secretary agreed and asked that a meeting be scheduled for 9:00 that evening.

Senator Vandenberg said he did not like the decision that was being made at all. He felt that we were letting down our only friends, the Latin Americans, and that what we had come through today was just a preview of the fight that lay ahead of us. He did not like the idea of letting down the one group of states we could count on. Mr. Stassen commented that this was precisely not the basis on which we could go forward to an effective organization and that having fought the Russians on one issue we should now make a decision on this less im-

[7] Not printed; see chart entitled "Organization, Functions & Officerships" (Doc. 67, G/20, May 5), UNCIO Documents, vol. 1, p. 79.

portant issue that would permit the Conference to go forward. MR. Cox suggested that a statement might now be issued by the four sponsoring powers. MR. STASSEN urged that no statement be issued, but that we now demonstrate practically that we could go forward together.

TRUSTEESHIP

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ASSIGNMENT OF POSITIONS ON COMMISSIONS AND COMMITTEES OF THE CONFERENCE

MR. DUNN presented the completed draft of assignments to commissions and committees, reading the assignments to each commission and committee (Draft Prepared for Discussion with Sponsoring Governments Monday Evening, April 30, 1945).

THE SECRETARY questioned whether New Zealand should have the chairmanship of the committee on the trusteeship system. MR. HICKERMAN explained that Mr. Fraser was all right. MR. MCCLOY said he might be satisfactory on security questions, but might not be satisfactory from the angle of the welfare of the dependent peoples. MR. WHITE urged that, although the chairman could not write the decisions of the committee, he wielded a great influence and that on committees important to us we should see that someone was picked who would not give us trouble. MR. DUNN thought Mr. Frazer would be a good choice.

MR. DUNN pointed out that no one of the sponsoring governments had positions on commissions and committees, except that the Soviet Union, Great Britain, and China were each assigned a rapporteurship. The United States had of course the chairmanship of the Executive Committee, the Steering Committee, and responsibility for the administration of the Conference.

THE SECRETARY asked that the question of leaving a chairmanship for Argentina be left in his hands, and that we not press the question of a seat for Argentina this evening. MR. PASVOLSKY thought that the Soviet Union would agree to a vacancy. MR. WHITE urged that we recognize the possibility that the Soviet Union might not agree. MR. DUNN said that the Soviet Union will certainly raise the question. MR. ROCKEFELLER thought there might be some difficulty with his Latin American friends on the decision taken by the Delegation. MR. STASSEN thought that they would come along, and MR. ROCKEFELLER agreed that they probably would. SENATOR VANDENBERG stated that he thought the decision was a "lousy" one, but that, if Mr. Rockefeller was agreeable, he would accept it. Anything, he said, that pleased Mr. Rockefeller on this question would satisfy him.

The Secretary adjourned the meeting at 7:55 p. m.

RSC Lot 60–D 224, Box 99 : UNCIO Cons Four Pre Min 5

*Minutes of the Fifth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, April 30, 1945*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (5); United Kingdom (3); Soviet Union (5); and China (1).]

The meeting convened in the apartment of the Secretary at the Fairmont Hotel in San Francisco at 9:15 p. m. April 30, 1945.

THE SECRETARY said that he had received from Mr. Dunn a report that the deputies of the four Foreign Ministers [8] had agreed to recommend that the four Ministers approve the attached list of officerships of the commissions and committees.[9]

DR. SOONG indicated his agreement to the list.

MR. MOLOTOV said that something along that line might be acceptable, and to THE SECRETARY'S question whether he would accept it, MR. MOLOTOV replied in the affirmative.

MR. EDEN said that he liked the list, but referred to the blank in the rapporteurship in the fourth commission and asked what would happen there. MR. MOLOTOV suggested thinking that matter over for a day, but agreed to the immediate submission of the report of the list with the blank. THE SECRETARY stated that, because of general agreement among the four ministers, the list would be submitted to the Executive Committee and then to the Steering Committee in the hope that it would be accepted.

MR. EDEN suggested that the Plenary Session meeting on the afternoon of May 1 be reconvened to meet also in the evening in an effort to finish the statements of the various chairmen of delegations. General agreement was expressed and the recommendation was approved.

MR. MOLOTOV also suggested a Steering Committee meeting at 11:00 a. m. May 1. This was likewise agreed to.

MR. MOLOTOV referred to the importance of having the commissions commence their work. MR. DUNN stated that it should be possible for them to organize on the morning of May 2.

The meeting adjourned with agreement that the calendar for the following day should be an Executive Committee meeting at 10:30 a. m., a Steering Committee meeting at 11:00 a. m., a Plenary Session at 3:30 p. m. and an additional sitting of the Plenary Session at 8:30 p. m.

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[8] The Deputies of the four Foreign Ministers held meetings April 29, April 30, May 1 and 2; record of meetings not printed.

[9] Not printed.

500.CC/5–145 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, May 1, 1945.
[Received May 1—3 : 20 p. m.]

7. Will you be good enough to send the attached to the President in memorandum form as from me:

MEMORANDUM FOR THE PRESIDENT

Subject: Charter for the International Organization

The United States delegation to the United Nations Conference on international organization is unanimously agreed that in addition to the alterations in the Dumbarton Oaks proposals that it was previously agreed we should propose during the San Francisco Conference, and which were listed in the memorandum to you of April 19, 1945,[10] a few additional alterations should be proposed.[11] It has also been agreed that we should give our support to certain other suggestions when made by other governments.[12]

*Alterations To Be Proposed.*

The most important additional points that we have agreed to propose are:

*Principles:* [13]

1. Change the principles concerning non-member states so that instead of the organization being obligated to ensure that non-member states take positive action in accordance with the principles for the maintenance of peace and security, the organization would be obligated to ensure that non-member states should not interfere with action by the organization for the maintenance of peace and security.

*Maintenance of Peace and Security:* [14]

1. Extend the power of the Security Council to recommend appropriate procedures or methods of settlement as well as of adjustment.

2. Specify that the measures which the Security Council should take when it has determined that a threat to the maintenance of international peace and security exists are limited to diplomatic, economic, or other measures not involving the use of armed force and action by air, naval, or land forces necessary for the maintenance of international peace and security.

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[10] *Ante*, p. 353.

[11] Document giving texts of proposals which the United States was prepared to initiate, designated "A", April 26, not printed.

[12] Document giving texts of proposals which the United States was prepared to support, designated "B", April 26 and 28, not printed.

[13] Dumbarton Oaks Proposals, chapter II, unnumbered paragraph; the Proposals are printed in *Foreign Relations*, 1944, vol. I, p. 890.

[14] Chapter VIII, sections A(5) and B(3).

*Secretariat:* [15]

1. Specify that in the performance of their duties, the Secretary-General and the staff should be responsible only to the organization, that they should not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the organization, and that the members should undertake fully to respect the international character of the responsibilities of the Secretariat.

*Amendments:* [16]

1. Supplement the amendment procedure by providing that a general conference of the members of the United Nations may be held for the purpose of reviewing the charter at a date and place to be fixed by a three-fourths vote of the General Assembly with the concurrence of the Security Council by a vote of seven. Each would have one vote in the conference, and recommendations of the Conference by a two-thirds vote would take effect in accordance with the procedure prescribed for amendments.

*Alterations To Be Supported.*

The most important points that we have agreed to support are:

*Principles:* [17]

1. Specify the obligations of all members

(*a*) To cooperate in the solution of international economic, social and other humanitarian problems, and

(*b*) To respect international law and treaty obligations and to promote their development and their adaptation to changing conditions.

*Membership:* [18]

1. List the initial member states in an annex to the charter.

*Principal Organs:* [19]

1. Eliminate the distinction between principal organs and other agencies of the organization, and list together all the main bodies mentioned in the proposals.

*General Assembly:*

1.[20] Specify the power of the General Assembly to

(*a*) Determine the number of representatives each member state could have in the General Assembly,

(*b*) Formulate draft conventions for submission to states for ratification,

(*c*) Act within the limits of the charter on matters of concern to the organization which are not allocated to other organs.

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[15] Chapter X, additional paragraph following paragraph 3.
[16] Chapter XI (2).
[17] Chapter II (7) and (8).
[18] Chapter III (2).
[19] Chapter IV.
[20] Chapter V, sections A, B (6), and (9).

2.[21] Indicate that the rights and privileges of members that have been suspended may be restored by the same process as that required for suspension (by the General Assembly upon recommendation of the Security Council), except that if the General Assembly is not in session they may be restored by decision of the Security Council.

3.[22] Provide that the members of the organization should report periodically on the effect given by them to recommendations of the General Assembly.

4.[23] Indicate that special sessions may be called by the Security Council or on request of a specified number of members.

*The Security Council:* [24]

1. Specify that the Security Council, and member states in carrying out the decisions of the Security Council, should act in accordance with both provisions of the charter and the purposes and principles of the organization.

*Arrangements for International Economic and Social Cooperation:*

1.[25] Specify that the organization should:

(*a*) Promote cultural cooperation,

(*b*) Initiate negotiations for the creation of specialized agencies for the accomplishment of its objectives.

2.[26] Empower the Economic and Social Council:

(*a*) To initiate the agreements to bring specialized organizations into relationship with the organization,

(*b*) To make only recommendations that are consistent with those adopted by the General Assembly,

(*c*) To perform functions entrusted to it by inter-governmental agreements, subject to approval by the General Assembly, as well as functions assigned it by the General Assembly.

3.[27] Specify that the Economic and Social Council should:

(*a*) Initiate the agreements to bring specialized organizations into relationship with the organization,

(*b*) Set up such commissions, committees, or other bodies as it needs, rather than to specify an economic and a social commission.

*Secretariat:* [28]

1. Provide that the Secretary-General shall be elected by the General Assembly with the concurrence of the Security Council acting by a vote of seven, for a period of five years and eligible for re-election. Also that he should be subject to removal by a two-thirds vote of the General Assembly.

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[21] Chapter V, section B(3).
[22] Chapter V, section B(8).
[23] Chapter V, section D(1).
[24] Chapter VI.
[25] Chapter IX, section A(1) and A(2), additional paragraph.
[26] Chapter IX, sections A(3), C(*b*), and C(*g*).
[27] Chapter IX, sections A(3) and D(1).
[28] Chapter X (1) and (3).

2. Empower the Secretary-General to bring to the attention of the General Assembly any matter which may threaten or impair the general welfare.

[STETTINIUS]

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RSC Lot 60–D 224, Box 99: UNCIO Cons Four Pre Min 6

*Minutes of the Sixth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco, May 1, 1945, 7:15 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of Delegations of the United States (3); United Kingdom (4); Soviet Union (3); and China (2).]

1. Matters discussed during the casual conversation at dinner [29] were as follows:

The question of the relationship of the Franco-Soviet Pact and the Anglo-Soviet Pact [30] on the one hand with the new United Nations Charter came up. Mr. Molotov stated that he felt that if these pacts related to the question of new aggression on the part of Germany, and as the new United Nations Organization will have nothing to do with dealing with Germany, at least for the present, these pacts could continue in force without any modification. He produced a formula which he proposed for addition to the second paragraph of Section C of Chapter VIII of the Dumbarton Oaks Proposals. This formula was somewhat as follows:

"Except as to action provided for under treaties or arrangements which may have been entered into with regard to protection against aggression by Germany".

Mr. Eden was in entire agreement with this proposal. Mr. Dunn said this would seem to be satisfactory and acceptable as to the present situation and for some time to come, that is, during the period when the United Nations Organization would not have anything to do with the matter of dealing with German action, but that this proposal would not take care of the situation which would arise at some time in the future when the United Nations Organization might assume the responsibility of dealing with new German aggression.

Mr. Molotov said that at that time the reason for these special treaties with respect to German aggression would cease and those

[29] Dinner given by Mr. Eden in his apartment at the Mark Hopkins Hotel.

[30] For text of treaty of alliance in the war against Hitlerite Germany and her associates in Europe and of collaboration and mutual assistance thereafter concluded between the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, May 26, 1942, see British Cmd. 6376, Treaty Series No. 2 (1942), or Department of State, *Documents and State Papers*, vol. I, No. 4, p. 227.

treaties might very well be cancelled. He said this was a point which could be discussed further. He left with Mr. Eden a copy of his suggested formula, and Mr. Eden promised to have it copied and sent on to Mr. Dunn the next morning.

2. Mr. Stettinius at one point asked Mr. Molotov whether it would be possible for the four sponsoring Governments to complete their consultations with regard to proposals of amendments or changes to the Dumbarton Oaks Proposals before Mr. Molotov left San Francisco, the American suggestions having already been presented to the British, Russian, and Chinese Delegations. Mr. Molotov said that he did not expect to leave until the Commissions and Committees of the Conference were set up and working. That would be two or three days and he hoped very much that agreement could be reached on suggested amendments among the four sponsors before he left.

3. Mr. Molotov himself brought up the question of Poland, and said that there would be a great advance in the atmosphere of cooperation of the Big Powers of the Conference if some future step could be taken with regard to Poland and that he hoped that some exchange of views while he was here would help to make some progress along those lines. The Secretary said that he was looking forward to discussion of this matter the next day at 11 o'clock, as already arranged, and Mr. Eden said that he was intensely interested in the matter and would be glad to take it up at that time.[31]

4. Mr. Molotov took occasion to refer to the enormous influence exercised by the Latin American Republics, even including the very small ones, which, he indicated, seemed, in his opinion, to have a voice out of all proportion to their power and resources, merely by associating themselves with others in the South American group. This matter was not pursued, but Mr. Molotov was plainly indicating his concern at the possible control of the Conference by a bloc as opposed to his own conception of having the Conference controlled by the four Major Powers under an agreement to maintain unanimity with respect to all major questions which came before the Conference.

These were about the only subjects of a serious political nature which arose at the dinner, as most of the conversation was on non-controversial subjects and in a tone of complete cordiality and friendliness on the part of all those taking part. Immediately after the dinner, all the Foreign Ministers proceeded to the Opera House for the evening Plenary Session,[32] which was presided over by Dr. Soong, the other three Ministers sitting together in the seats of the United Kingdom Delegation. The obvious friendliness and cordiality of tone displayed by the three Ministers sitting in the British Delegation's seats was remarked on by all those present, including the press

[31] See memorandum of conversation, May 2, 11 a. m., vol. v, p. 272.
[32] Doc. 58, P/15, May 2, UNCIO Documents, vol. 1, p. 498.

and photographers, and a general spirit of hopefulness resulted from their appearing together in this manner.

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RSC Lot 60–D 224, Box 96: US Cr. Min. 25

*Minutes of the Twenty-Fifth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 2, 1945, 9 a. m.*

[Informal Notes—Extracts]

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

SENATOR CONNALLY stated that the Chairman of the Delegation had requested him the previous evening to preside at this meeting. He asked Mr. Hackworth to proceed with his report on the International Court of Justice.

MR. HACKWORTH stated that there were three questions as to which the United States Delegation should take a position so that we could know what the United States' views were in the Committee proceedings. He observed that he had talked to Sir William Malkin of the United Kingdom, who had told him that the British Delegation had made up its mind with respect to the court. MR. HACKWORTH said he did not know what the British position was yet. The three questions to be decided were: (1) Continuity of the court, which had been left open in Washington as it was largely political; (2) nomination of the judges of the court; (3) compulsory jurisdiction—MR. HACKWORTH thought it had been decided the other day that the present optional clause should be retained.[33] SENATOR CONNALLY told Mr. Hackworth that it had been definitely decided to keep the optional clause. MR. HACKWORTH asked the Delegates for guidance on these questions to enable him to discuss them with the British, Russians, and Chinese, so as to reach some sort of understanding in Commission IV.

MR. DUNN suggested that perhaps Mr. Hackworth and the legal representatives of the other sponsoring powers might be added to the Subcommittee of the four sponsoring powers which was discussing the changes in the Dumbarton Oaks Proposals.[34] He thought that by bringing in the legal representatives, this group could discuss those points there. REPRESENTATIVE BLOOM noted that Mr. Hackworth was asking for the Delegation's decisions on these matters before going into the small Subcommittee.

### CONTINUITY OF THE COURT OF JUSTICE

SENATOR CONNALLY then said that with regard to the continuity of the court, he understood that if the old court were retained, its present name would be retained as would its statute with some modifications.

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[33] See minutes of the meeting of April 30, 9 : 30 a. m., p. 488.

[34] The Four-Power Deputies held four consultative meetings on suggested amendments to Dumbarton Oaks Proposals, April 29–May 2; notes not printed.

MR. HACKWORTH pointed out that whether a new court or an old court were accepted it would still be necessary to elect new judges, as the present incumbents were hold-overs from 1939. REPRESENTATIVE EATON commented that in any event the court would be new to that extent.

SENATOR CONNALLY stated that Judge Hudson had asked him to be permitted to come to a delegation meeting as a representative of the court. MR. HACKWORTH commented that the court now had three representatives in San Francisco: Judge Hudson; the President of the Court, Sr. Guerrero, of El Salvador; and the Registrar,[35] who were representing the Court, as one of the organizations authorized to have representatives at the Conference. DEAN GILDERSLEEVE remarked that two or three of the Delegates had agreed to meet with the representatives of the ILO and wondered if the same procedure could not be followed with respect to the representatives of the Court.

SENATOR VANDENBERG said he understood that the American Bar Association was on one side and the Lawyers Guild on the other, with respect to continuing the court. MR. HACKWORTH said that the American Bar Association wanted to retain the old court, while the Lawyers Guild wanted a new court. He personally thought it would be possible to have either court, although there would be some difficulty in taking the old court out of its present group and putting it into the United Nations. SENATOR CONNALLY stated that if the present court were retained, it would have to be modified somewhat. SENATOR CONNALLY then asked that Commander Stassen be sent for, as he hated to arrive at any decisions on this matter, since Commander Stassen was assigned to Commission IV.

DR. PASVOLSKY then introduced the following Brazilian proposal with respect to the power of the court to review treaties:[36]

"Where any Contracting Party of an executory treaty alleges that it can not be carried out, either partially or totally, or that it is unjust to maintain its existence, the Assembly, by a majority of two thirds, may invite the other or other Contracting Parties to agree with the first as to the revision or annulment of such treaty. Should one of the Contracting Parties not agree to the revision or annulment, the other or other Contracting Parties shall be authorized to have recourse to the Permanent Court of International Justice which, by a declaratory verdict, shall decide whether the treaty in question has partially or totally lost its binding force in consequence of changes in the conditions which brought about the treaty, or because it has become unfairly burdensome for one or more of the Contracting Parties."

DR. PASVOLSKY commented that this proposal would amount to compulsory jurisdiction in this type of case.

[35] J. López Olivân.
[36] Doc. 2, G/7(*e*), May 2, UNCIO Documents, vol. 3, p. 239.

At this point, Commander Stassen entered the meeting, and MR. HACKWORTH restated the question whether the present court should be continued or a new court set up. MR. DUNN asked if this related only to the personnel of the court; and MR. HACKWORTH replied that it involved the organization of the court.

MR. DULLES observed that Mr. Jessup had reported the impression that the British, Soviet and Chinese preferred to retain the present court. MR. JESSUP said that Mr. Fitzmaurice of the United Kingdom had told him yesterday that the Russians would be willing to continue the old court and also that the British and Chinese had the same point of view. SENATOR CONNALLY asked if that position would preclude modifications. MR. JESSUP said that it assumed that modifications would be made.

DR. PASVOLSKY then asked about the states members of the present court who were not members of the United Nations. MR. HACKWORTH said that the neutral countries which are parties to the present Statute presented a real difficulty, but that of course the enemy states could be handled. He suggested that the Statute be opened immediately to the neutral countries. SENATOR CONNALLY asked if it would not be desirable to do so if a country qualified, as he thought that this would strengthen the organization. MR. HACKWORTH agreed, as he thought the judicial process should be opened up to all countries. In his opinion, however, the Soviet Union would not allow Portugal, Spain and Switzerland to join the court. He said on the train coming out, the Russian representative had definitely questioned both Spain and Portugal. He wondered if it would be desirable to have the League take up with these people the matter of liquidating their interest in the court.

REPRESENTATIVE BLOOM asked if Russia would let Spain come in if Spain had a different government. MR. HACKWORTH thought that Russia's objection to Spain was directed at its present government. MR. DUNN noted that it was important as a general practice to avoid suggesting that Spain be brought into any part of this organization.

MR. FAHY stated that there should be a new court. He said that the present Permanent Court of International Justice is a creature of the League of Nations. He noted that this court would be a new court since it will arise out of the United Nations Charter. While the Statute of the present court would not be changed in many respects, nevertheless, that statute comes out of the United Nations Conference. An election of judges would have to be held and the court constituted under the statute would be under the new statute. In other words, whether it is called the Permanent Court of International Justice or the International Court of Justice, as stated in the Dumbarton Oaks Proposals, it would in substance be a new court. MR. FAHY thought the main question was whether the old name be

retained, since there would be continuity with regard to the statute in either event. Thus, the precedents created under the Statute of the Permanent Court of International Justice would be appropriate under the new statute.

He thought the sole question was whether there was any advantage in changing the name of the court. He noted that it was true that the American Bar Association preferred the old court and the old name; but he observed that most of those American Bar Association discussions had been in terms of American adherence to a World Court, without emphasis on the name of the court.

SENATOR CONNALLY asked if the old court had not been named in numerous treaties as the forum to which various matters should be submitted. MR. FAHY replied that that could be covered by a provision in the United Nations Charter to the effect that wherever the Permanent Court of International Justice was referred to in treaties, the new court should be deemed to be the court referred to. He stated that this would leave a question as to treaties in which one of the parties was not a member of the United Nations. However, he thought that this problem would exist even if the name of the old court were retained, since states not members of the United Nations might not be parties to the new statute.

SENATOR CONNALLY asked if it were Mr. Fahy's view that the name of the court were the only point of divergence. MR. FAHY replied that one difficulty he had with respect to the old Statute was that it really would not be the old Statute if it were modified. He did not think this was a critical point however.

SENATOR VANDENBERG thought that the Delegation should give Mr. Hackworth the option to proceed in either direction with respect to the statute. SENATOR CONNALLY asked if the Delegation should hear the American Bar Association on this matter. MR. HACKWORTH reported that Mr. Simmons'[37] attitude was that the American Bar Association would accept whatever the Delegation would decide here at San Francisco.

SENATOR CONNALLY thought that the idea of continuity, especially with regard to judicial matters, is entitled to some weight. He thought it would be desirable if we could retain the old organization with pertinent modifications. COMMANDER STASSEN observed that there was no basic difference between the two positions. He thought that with regard to the old court, there was an asset in its precedents, an asset in its statute, and an asset in the fact that numerous countries had signed treaties referring matters to the court. On the other hand, the old court had the liability that there are countries now in it that we do not want in it; and also the fight over the old court in this

[37] David A. Simmons, President, American Bar Association; Consultant, United States delegation.

country was a liability. He thought it would be sound to give the court a new name, to provide in the Charter that the United Nations accept this court as a substitute for the old court, that the precedents of the old court are accepted by the countries, and that the statute of the old court would be accepted with modifications. In this way, Commander Stassen thought you would have a revised court rather than a new or an old court.

REPRESENTATIVE BLOOM thought it would be a better talking and trading point for the United States to hold out for the new court at present, although he agreed that Mr. Hackworth and his advisers should be allowed to do what they think best. He felt that if the other three powers have agreed to the old court and we also agree to the old court, we have no further arguing point with them.

MR. ARMSTRONG asked Mr. Hackworth what Chief Justice Hughes, Chief Justice Stone, and Secretary Stimson had said in this respect. MR. HACKWORTH stated that they had only been consulted with respect to nomination of judges.[38] MR. MCCLOY stated that Secretary Stimson felt that there was not much difference between keeping the old court and creating a new court, although the Secretary had favored continuity.

SENATOR CONNALLY thought it would be desirable to retain the court, but that it was not important. He then called for an expression of the Delegation's views to Mr. Hackworth. COMMANDER STASSEN therefore moved that the option be left with Mr. Hackworth to proceed in either direction in Commission IV, with the following provisos: (1) if a new court were created, some provision must be made for protecting the treaties involving the present court; if the old court were retained, some provision must be made to keep out the countries which are not members of the United Nations.

MR. HACKWORTH agreed to report back to the Delegation on this matter; SENATOR CONNALLY stated that the motion made by Commander Stassen states the view of the United States Delegation on this point.

### NOMINATION OF JUDGES OF THE COURT OF JUSTICE

MR. HACKWORTH stated that the next question was whether the judges of the court should be nominated as at present by national groups or whether they should be nominated directly by the governments as the British had proposed. He stated that in the Committee of Jurists in Washington there had been a 16–16 vote on the motion to change the method of nomination.[39] He had held that the motion was lost, since the vote was divided. SENATOR CONNALLY asked about the procedure of nomination through the panels of The Hague Court.

[38] See footnote 31, p. 270.
[39] Jurist 57, G/45, April 16, UNCIO Documents, vol. 14, p. 195.

MR. HACKWORTH replied that under the Hague procedure, each country appoints a group of four of its nationals, and these groups decide upon the nominations. He said that the British want each government to make one nomination. SENATOR CONNALLY asked who elected the judges; MR. HACKWORTH replied that at present, the Assembly and the Council of the League of Nations. He noted an important consequence of the British proposal, to the effect that if the United States already had a national on the court, its right to nominate would be worthless because it could not nominate a Brazilian or some foreign national and it was clear that the Assembly and Council would not elect another United States national.

SENATOR CONNALLY asked whether it would give the nominations a political tinge to allow the governments to nominate directly. MR. DULLES thought this was an extremely important question. He noted that the United States would undoubtedly name some outstanding non-political person, but that the United States was as much interested in the other judges on the court as its own judge. Thus, to make it the kind of a court to which the United States would submit disputes, the court must be non-political in character. MR. DULLES, therefore, recommended the method of nomination now in effect.

SENATOR VANDENBERG asked about countries which are not members of the Hague Court; MR. HACKWORTH replied that they used the same procedure as the Hague procedure for these nominations. SENATOR CONNALLY inquired about states not members of the United Nations; MR. HACKWORTH replied that a state would have to be a party to the statute of the court, even if it were not a member of the United Nations, in order to nominate a judge.

COMMANDER STASSEN thought that the Hague tribunal method was the best for the nomination of judges, and that the British proposal for nominations by governments was not acceptable. He thought perhaps the nomination by the Hague group would have to be qualified. For example, it might be made subject to objection by a respective government, who might declare the nominee *persona non grata.*

MR. FAHY recalled that CHIEF JUSTICE STONE and CHIEF JUSTICE HUGHES urged that the present method of nomination be retained. SENATOR VANDENBERG and DEAN GILDERSLEEVE both stated agreement with this view.

SENATOR CONNALLY then declared that it was the general view of the United States Delegation that the present method of nomination of judges of the court, provided in the Statute of the Permanent Court of International Justice, should be retained; that nominations of judges should be restricted to members of the United Nations. He therefore requested Mr. Hackworth to carry out this policy in the proceedings of Commission IV.

REPRESENTATIVE BLOOM asked if this created any difficulty under the United States Constitution, which provides specifically for one Supreme Court. He wondered if this international court, in being made a court of last resort would not be superior to the United States Supreme Court, if anybody cared to appeal a case to the international court. SENATOR CONNALLY remarked that no individuals would appear before the international court. MR. HACKWORTH pointed out that the world court was an international court with cognizance over disputes between states, whereas the Supreme Court was charged with jurisdiction over the internal affairs of the United States and did not have competence to settle disputes between the United States and other countries. He noted that the international court had the same type of jurisdiction as arbitral tribunals to which the United States had had recourse on many occasions. SENATOR CONNALLY observed that the fields of jurisdiction of the two courts were quite separate. He therefore stated that the order of the Delegation, with respect to the nomination of judges, should stand for the present, and that Mr. Hackworth would report back to the Delegation.

MR. HACKWORTH then read off the alternative drafts which he had prepared for Chapter VII of the Dumbarton Oaks Proposals (US Gen 22).[40] MR. HACKWORTH observed that paragraph 6 of the draft for a new court attempted to tie in the treaties referring to the present court to the new court in so far as possible.[41] MR. DULLES asked if this provision took care of the point raised by Commander Stassen to the effect that the prior decisions of the Permanent Court of International Justice should have the same weight as decisions of the new court. SENATOR CONNALLY doubted if it would be wise to make a statutory direction to the court. MR. DULLES said he was merely suggesting that the same weight be given to the decisions of the old court, as would be given to the decisions of the new court. MR. FAHY thought that the court should be free to give whatever weight it chose to these precedents, without a statutory direction. COMMANDER STASSEN thought that some language would be necessary, perhaps to the effect that the court "may" give the same weight to the prior precedents. SENATOR CONNALLY observed that the decisions of the old court would be precedents, and that the court itself would go back to these precedents but should be free to change these precedents if it so desired. COMMANDER STASSEN said he assumed that the precedents of the old court would be preserved. SENATOR CONNALLY observed that the decisions of the Permanent Court of International Justice would be most per-

[40] Draft of April 30 not printed (U.S. Gen. 22).

[41] Draft article 6 read as follows: "When a treaty or other agreement in force between parties to the Statute provides for reference of any matter to the Permanent Court of International Justice or to an officer of that Court, the International Court of Justice shall be deemed to be the Court referred to in such treaty or agreement."

suasive with the new court. MR. HACKWORTH thought it was not necessary to mention these precedents because the court would have the right to look at those decisions as well as treatises on international law, and so forth. SENATOR CONNALLY then asked if the Delegation wished to make some general statement with respect to the authority of the court. REPRESENTATIVE BLOOM thought it should be omitted, and that it could be inferred that the court is authorized to do what it wishes. SENATOR VANDENBERG observed that the court would do that anyway. COMMANDER STASSEN then stated that he was willing to leave this question to be resolved in the course of the negotiations with the other countries. SENATOR CONNALLY said that he was interested in giving the new court the same prestige as the old court.

MR. DUNN then asked why the recommendation of the Security Council for admission of non-members of the United Nations to the court was required by paragraph 4 of Mr. Hackworth's draft. MR. HACKWORTH replied that this merely followed the Dumbarton Oaks Proposals; and that this provision was inserted because it was thought that it might be a political question as to whether a state should be admitted to the court. MR. FAHY noted that it would be necessary for the Security Council to determine the conditions under which the present enemy states would be admitted to membership in the court.

### REVISION OF CHAPTER VIII, SECTION A, PARAGRAPH 6, OF THE DUMBARTON OAKS PROPOSALS

MR. DULLES called attention to the need to modify paragraph 6, Section A, Chapter VIII of the Dumbarton Oaks Proposals, providing for the reference of justiciable disputes to the court.[42] He noted that as this provision now stands, it comes pretty close to compulsory jurisdiction. MR. HACKWORTH commented that he had proposed an amendment to this provision the other day,[43] which would read: "Disputes which are susceptible of judicial determination should normally be referred to the International Court of Justice. The General Assembly and the Security Council should each be empowered to refer to the court, for advice, legal questions connected with other disputes." MR. HACKWORTH noted that the Dumbarton Oaks Proposals now provide only for advisory opinions at the request of the Security Council. Since the present Statute of the court authorizes both the Assembly and the Council to ask for advisory opinions, the Committee of Jurists felt that the Assembly should also have the right to ask for advisory opinions. This proposal would involve a change in the Dumbarton Oaks provision.

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[42] For previous discussions on this subject by the United States delegation, see minutes of meetings of April 12, 9 a. m., and April 30, 9:30 a. m., pp. 269 and 488, respectively.

[43] Jurist 45, G/34, April 12, UNCIO Documents, vol. 14, pp. 177–178.

MR. DULLES asked whether, under Section A, Chapter VIII of the Dumbarton Oaks Proposals, the Security Council had the power to decide whether disputes should be referred to the world court. MR. HACKWORTH said that under this section the Security Council could only recommend that such action be taken. MR. DULLES said that this is not so stated in Section A of Chapter VIII.

### VETO POWER—INVESTIGATION PROCEDURE UNDER CHAPTER VIII, SECTION A

SENATOR CONNALLY raised the question as to whether the veto power of the five permanent members of the Security Council applied to the investigation procedure of the Security Council, provided by paragraph 1 of Chapter VIII, Section A. THE SENATOR contended that there was a conflict of opinion on this matter, with one group contending that the veto did not apply to this investigation procedure, and the other group contending that it did. MR. DULLES thought that the unanimous vote of the five permanent members of the Security Council would be required for this investigation procedure, unless one of the permanent members was a party to the dispute, in which case that state would not have the veto power. SENATOR VANDENBERG remarked that evidently there was nothing that could be done without the restriction of veto power.

COMMANDER STASSEN took a hypothetical case of a dispute between Italy and Albania, and asked if the five great powers would have to agree to investigation of the dispute by the Security Council. MR. DULLES replied that the five powers must agree in such a case. SENATOR CONNALLY thought this was a ticklish point, because in his opinion investigation was a very valuable power. MR. DULLES commented that several states were going to raise that proposition. SENATOR CONNALLY observed that he was assigned to Commission III and he wanted to know about this matter. DR. PASVOLSKY said that the investigation procedure under paragraph 1 of Chapter VIII, Section A, was subject to the veto of the five powers. He said that this would be true unless paragraph 1, Chapter VIII, Section A, were specifically excluded from the veto power and made a matter of procedure. MR. DULLES commented that the Dutch and Belgians were going to push this proposal; and COMMANDER STASSEN said the Australians would do likewise.

SENATOR CONNALLY commented that frequently the application of the investigation procedure will dissolve a dispute before it goes any further. COMMANDER STASSEN said he agreed thoroughly with Senator Connally. He did not think, however, that the United States should advance a proposal on this, but should explore the suggestions made by the other countries. THE COMMANDER noted that at present the veto power of the five permanent members of the Security Council

would apply in all cases except: (1) matters of procedure and (2) investigatory matters, when one of the five powers is a party to the dispute, in which event that state would not have a veto. DR. PASVOLSKY stated that Commander Stassen's analysis was correct.

SENATOR CONNALLY noted that a number of proposals had been advanced with regard to Chapter VIII, although the United States had only proposed several unimportant amendments. He wondered what some of the issues, with respect to the Security Council, were going to be. DR. PASVOLSKY observed that the delegation was waiting to receive the papers containing the foreign proposals from the Secretariat. SENATOR CONNALLY said it seemed to him that Chapter VIII was going to be fairly simple. DR. PASVOLSKY observed that a lot of proposals were being made with respect to Chapter VIII. MR. DULLES stated that there was pressure to shift the second paragraph of Chapter VIII, Section B into Chapter VIII, Section A, so that a state could be branded as an aggressor by the Security Council without the application of the veto power of the five great states. SENATOR VANDENBERG asked if this would not override the Yalta decision. MR. DULLES stated that the small powers were willing to accept the veto of the great powers over decisions of action, but not over the power to brand a country as an aggressor. DR. PASVOLSKY commented that the French Delegation was moving to have all of Section A of Chapter VIII declared procedural. MR. DULLES stated that according to the Yalta Agreement,[44] the unanimous vote of the five great powers would be necessary for action by the Security Council under Chapter VIII, Section B. Section B contains the provision by which a great power would be labeled an aggressor; and it was this provision that the small powers wanted shifted into Section A. SENATOR VANDENBERG again asked if that change would conflict with the Yalta agreement. DR. PASVOLSKY thought this proposal would have to be considered jointly by the four sponsoring powers.

REFERENCE OF JUSTICIABLE DISPUTES TO THE INTERNATIONAL COURT

MR. DULLES asked the Delegation to go back to the question of the language of Chapter VIII, Section A, paragraph 6. MR. HACKWORTH read his proposed amendments to this paragraph again: "6. Disputes which are susceptible of judicial determination should normally be referred to the International Court of Justice. . . ." MR. DULLES asked if that provision were intended to alter the status of the parties to the world court. MR. HACKWORTH replied that a case could be referred to the court by agreement of parties. MR. DULLES observed that this language does not say that, but rather gives the Security Council power to refer cases to the court. COMMANDER STASSEN agreed. MR. FAHY proposed that this language should make refer-

[44] *Conferences at Malta and Yalta*, p. 976.

ence of disputes to the court subject to the provisions of Article 36 of the Statute of the court. COMMANDER STASSEN moved that the Delegation adopt that qualification to clarify Mr. Dulles' point, and that it be added to paragraph 6 of Chapter VIII, Section A. SENATOR CONNALLY asked if this proposal would have to be transmitted to Commission III from the Jurists. SENATOR CONNALLY asked the Delegation if it were agreed that this proposal be adopted with the instructions that it be transmitted from Commission IV to Commission III.[45] The Delegation agreed.

### ADVISORY OPINIONS

MR. HACKWORTH then called attention to the proposed change of Chapter VIII, Section A, paragraph 6, which would empower the General Assembly, as well as the Security Council, to request advisory opinions of the international court. SENATOR CONNALLY observed that it was his understanding that these bodies could only refer those matters to the international court which were within their own jurisdiction. MR. HACKWORTH agreed. He noted that there had been a demand on the part of the ILO and other international organizations to be empowered to request advisory opinions of the court. It was thought that such organizations could get the Council or the Assembly to request advisory opinions for them. SENATOR CONNALLY thought that such organizations should not have this power, and that it was important for the prestige of the Council and the Assembly that these organizations should not bypass them and go directly to the court. MR. HACKWORTH said that had been agreed upon; and COMMANDER STASSEN said he favored limiting this power to the Assembly and the Council. MR. DULLES asked if the two Senators agreed that the General Assembly should be authorized to ask for advisory opinions. SENATOR CONNALLY thought it would probably strengthen their hands in the Senate to give that right to the General Assembly, as the General Assembly is the more popular body of the organization. He noted that sentiment in the Senate and among lawyers generally was opposed to practice of advisory opinions; and that the United States Supreme Court itself followed the theory that it could only act in an actual case of litigation. However, the Senator felt that advisory opinions should be allowed in the International Organization, as they might be useful in the early termination of disputes.

CONGRESSMAN BLOOM inquired as to the weight of an advisory opinion, that is, if an advisory opinion is binding. MR. HACKWORTH replied that an advisory opinion had no binding effect. SENATOR CONNALLY noted that the word "advisory" carried the implication that the opinion had no binding effect.

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[45] Doc. 146, IV/1/5, May 8, UNCIO Documents, vol. 13, p. 142.

In response to Senator Connally's inquiry, the Delegation unanimously agreed to adopt the recommendation to insert "General Assembly" in Chapter VIII, Section A, paragraph 6, second sentence.

CLEARANCE OF THE UNITED STATES DRAFT OF CHAPTER VII

MR. HACKWORTH asked if the Delegation would have to clear the draft of Chapter VII of the Dumbarton Oaks Proposals with the other three sponsoring powers, or if it could come out of the Fourth Commission. He asked for Dr. Pasvolsky's view on this matter. DR. PASVOLSKY thought it was proper for Commission IV to make this recommendation in order to bring Chapter VII of the proposals in conformity with the statute of the court. He did not think that this required conversation between the four sponsoring powers; but felt that it could properly come up in Committee 1 of Commission IV. COMMANDER STASSEN asked if we should not at least inform the other powers as to our suggestions. DR. PASVOLSKY proposed that Mr. Hackworth get in touch with the representatives of those other powers who were on Committee 1 of Commission IV. He did not think this should be sent to the Steering Committee because it was not a formal proposal of an amendment and was not subject to the Friday deadline. He felt that this was a proposal which emerged out of the work of the Committee of Jurists. MR. HACKWORTH thought it was largely a drafting matter for Commission IV.

MR. NOTTER noted that the recommendation that the General Assembly be empowered to ask for advisory opinions constituted an amendment to the Dumbarton Oaks Proposals. MR. FAHY thought that Mr. Notter had a point, in that this was a substantive change, but observed that the Netherlands Delegation is making this proposal. SENATOR CONNALLY commented that Dr. Pasvolsky's idea was that a report of Commission IV to the Conference could cover this matter. DR. PASVOLSKY thought that Commission IV could merely report that these changes were necessary to bring the Charter into conformity with the Statute of the Court.

REFERENCE TO THE COURT IN CHAPTER VIII, SECTION A

MR. DULLES thought that paragraph 6 of Chapter VIII, Section A, should be moved into Chapter VII of the Dumbarton Oaks Proposals, since this paragraph related to the court, and Chapter VIII, Section A, seemed to relate to the pacific settlement of disputes by the Security Council. MR. HACKWORTH pointed out that Chapter VIII, Section A, covers the whole structure of pacific settlement of international disputes, and that the court is one of the principal means of pacific settlement in addition to such procedures as negotiation, conciliation and arbitration. While paragraph 6 of Section A relates to judicial settlement of disputes, he observed that this is an elaboration of paragraph 3 of Chapter VIII, Section A. He thought that

it would be possible to have a duplicate provision in Chapter VII of the Proposals, but he wondered if paragraph 6 of Chapter VIII, Section A really does not belong where it is now. COMMANDER STASSEN thought this matter could come up later when the draft was harmonized. SENATOR CONNALLY stated that he agreed with Mr. Hackworth and felt that a reference to the court is necessary in Chapter VIII, Section A. MR. DULLES noted that the type of question that would be covered by an advisory opinion probably would not be involved in the pacific settlement of disputes. He also noted that the General Assembly was being given the power to ask for advisory opinions; and this body had no role in the pacific settlement of disputes. SENATOR CONNALLY stated that he thought that the International Court of Justice ought to be mentioned in Chapter VIII, Section A as one method of pacific settlement of disputes.

### RELEASE OF PROPOSALS TO THE PRESS

SENATOR CONNALLY stated that Mr. Byington wished to know which of the United Nations proposals should be released to the press.

MR. PASVOLSKY stated that Mr. Dunn and he had held consultations on this question, and that there were not many comments on our proposals from the Russians, but that there were a good many from the British and the French, who are concerned particularly with Chapters III and VI.

### COMMENTS BY U.K., U.S.S.R., CHINA AND FRANCE ON U.S. PROPOSALS

MR. PASVOLSKY said that with respect to the Chapter on the Secretariat they feel very strongly about the addition of the word "specific", and also with respect to the election of new members. As it now stands, he pointed out, the Security Council is powerless to elect a new member, and the Security Council can no longer act, for example, with regard to Germany (under Chapters V and VI). MR. PASVOLSKY said that they also have some questions. The British raised a question with respect to paragraph 6, Chapter V. They feel strongly that at least the word "international" should be inserted in this paragraph. Otherwise there might be interference with internal affairs. The British, Chinese, and Russians, he said, take the position that it is confusing to have references to another document in the body of a document of this kind. There would be two sets of principles if there is reference to the Declaration by the United Nations. He suggested, therefore, that the principles which we were to make applicable should be selected from the Atlantic Charter and incorporated in the Chapter on Principles or in the Preamble. The British, he said, take the position that this is included in the original text.

MR. PASVOLSKY also stated that Mr. Sobolev had sent him a note two days ago inquiring whether it was true that the United States intended to make a proposal that the General Assembly should have

the right to revise treaties. MR. PASVOLSKY said that he had replied that this is not true, but that we did intend to propose that the General Assembly should have the right to review and to make recommendations on treaties. This, said MR. PASVOLSKY, seemed to satisfy Mr. Sobolev at that time. Yesterday, however, MR. SOBOLEV informed Mr. Pasvolsky that he had studied the United States proposal carefully and that he was now inclined to think that the United States was extending the picture and that the subject would have to be talked over. He added that at yesterday's meeting of the Committee of Five [46] one of the junior members of the Soviet Delegation represented them, and he had no power, but listened attentively to the British views.

MR. PASVOLSKY continued that with respect to Chapter I on Purposes, the Chinese had raised the point that the language is now somewhat different from the Dumbarton Oaks text in that "in accordance with" is suggested as against "with due regard for". The British favored the Chinese formulation, i.e. "with due regard for". The Russians, he added, raised a question about the proposed use of "justice and equity", and this was somewhat difficult to explain.

With respect to paragraph 2, Chapter I, the Chinese had asked about "development" and the British had asked why "appropriate" had been omitted. It was explained that this was done to avoid redundancy, and they agreed.

With respect to paragraph 3 of this Chapter the Russians had raised a question regarding the repetition of the phrase "human rights, etc."

With respect to Chapter II the British and Chinese were completely in accord with the first American proposal, but with respect to paragraph 3 of this Chapter questions were raised by all three of the other sponsoring governments. They took the position that the new language weakened the document by stating the proposals negatively rather than positively, and thereby avoiding an obligation. Originally, this meant an obligation to settle only by peaceful means, and they preferred the positive approach to the negative. The Russians question whether in the new language there is really a repetition of paragraphs 3 and 4. MR. PASVOLSKY stated that he had explained that there is a difference even in the negative formulation. Paragraph 3, he said, refers only to where the disputes exist, while paragraph 4 refers to any situation.

SENATOR VANDENBERG inquired what our point had been in changing it around. MR. DULLES stated that it had been his point, since the language in the original formulation was in effect only an obligation to accept compulsory settlement, for example, an immigration dispute

[46] Reference is apparently to the third meeting of the Four-Power Deputies, May 1, 6 : 30 p. m. ; notes not printed.

as with Japan. In the original language we would be under an obligation to accept arbitration on such matters.

COMMANDER STASSEN inquired whether Mr. Dulles did not think that this would be an injunction only that we should not resort to war, and nothing else. He stated that he did not see that the construction put on the original language by Mr. Dulles was correct.

MR. DULLES stated that when we change the language we should make certain that its meaning is clear.

COMMANDER STASSEN stated that the effect of a change would be to give the layman the impression that the document had been weakened, and MR. DULLES stated that we have weakened it.

MR. HACKWORTH expressed the view that we could make a concession on this point, since the British, Chinese, and Russians are opposed to the new formulation. MR. DULLES stated that he would be happy to see nations settle all of their disputes by peaceful means.

MR. HACKWORTH suggested that it would be possible to merely let the question sleep.

MR. PASVOLSKY stated that with respect to paragraph 5, Chapter II, there had been no question.

With regard to paragraph 6, however, relating to assistance, it had been questioned whether, if the organization has taken action against a country, other countries might give that country assistance, which might in effect interfere with or nullify the action of the organization. The British, he said, were vehement on this point. Their position is that when the organization takes action against a state, no interference should be permitted. They all, he reported, thought that the paragraph would definitely be weakened by the suggested new language.

MR. PASVOLSKY stated that there was an even stronger reaction to the suggested rewording to the next paragraph. For example, he said, if two member states attempted to go to war with each other the organization could see to it that they would settle the dispute by peaceful means. The suggested new language, however, does not seem to cover that case in the estimation of the other powers. They point out that there is a difference between positive and negative obligations.

### RELEASE OF PROPOSALS TO THE PRESS

MR. MACLEISH observed that the publication or non-publication of the American proposals is a very urgent matter. . . .

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MR. PASVOLSKY pointed out that the United States is in a peculiar position on this matter—a position of great responsibility. MR. MOLOTOV, on the day previous, had made passing reference to a "bloc." [47] In MR. PASVOLSKY'S view the United States should not put itself in

[47] See Doc. 50, ST/2, May 1, UNCIO Documents, vol. 5, p. 175.

the same position as countries which were not present at Dumbarton Oaks. The United States, he said, could not afford to just throw out the proposals or take them back. This Delegation, he urged, should be sure of its proposals. Moreover, it should be borne in mind that the United States will have to pay a price for any support given to its proposals.

MR. MACLEISH called attention to the background of the situation. The Dumbarton Oaks Proposals, he said, had been placed before the people of the country. The precedent on which the government has operated with respect to these matters is complete frankness with the people. It seemed to MR. MACLEISH to be helpful, rather than harmful, to continue this policy. The American consultants, he added, wished to know if the United States Delegation is willing to take one position or another. . . .

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MR. PASVOLSKY stated that none of the participants at Dumbarton Oaks had announced their proposals at this time. He added that it has been taken for granted by the other delegations that we would consult first and then talk about the proposals publicly.

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MR. BOWMAN urged that the Delegation should not run the risk of embarrassing its relations with other governments. These other governments, he said, should be consulted. There are, he added, two alternative procedures—the first would be mutual agreement among the governments to release; the other would be to inform them that the United States has decided to release its proposals.

MR. PASVOLSKY stated that there are several considerations to bear in mind: (1) No one is against telling the people of the country what the Delegation is for. The only issue is that they be told at the right time. The right time would be when the Delegation itself is ready to negotiate on them. (2) After Dumbarton Oaks the Government went all out in its campaign to acquaint the people with the nature of these proposals. (3) The only important point at issue is that the United States cannot afford to put out several series of proposals. When the Delegation is agreed on the proposals then all the members should do their "damndest" to get them adopted and to acquaint the people with them. (4) Before the end of the week all of the proposals must be in the hands of the International Secretariat, and that is the time to make them public. (5) Other governments still want to discuss points in the American proposals. They should be permitted to do so before they are confronted with a *fait accompli.*

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MR. PASVOLSKY commented that the United States will ask no one's permission to publish anything that it may wish to publish. On this

matter, he said, the Delegation would be guided solely by its own position. It would, however, be very discourteous not to inform the other governments if we intend to release our proposals. MR. PASVOLSKY went on to suggest that the United States Delegation meeting might be held later in the day. By that time the British and Chinese comments would be available. The Russian comments are not yet available. The Delegation could go over the proposals in the light of the comments submitted by other governments and could determine if it might want to make any changes. . . .

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### EQUAL OPPORTUNITY FOR MEN AND WOMEN

DEAN GILDERSLEEVE stated that she wished to put a question for the purpose of information. Article 7 of the Covenant of the League of Nations provided that all positions in the Secretariat could be open equally to men and women. Some of the Delegation, she said, are taking the position that this should be included in the new Charter. Had this question ever arisen in the course of the Dumbarton Oaks discussions?

MR. BOWMAN replied that the question had been taken up at Dumbarton Oaks and at the end had been treated rather facetiously. Organized women's groups, he said, had brought pressure to bear at Versailles and had pressed Woodrow Wilson to do something on this matter. This was thought to be a political issue of great importance at that time, but the progress which women have made since Versailles makes this issue now a completely dead one.

DEAN GILDERSLEEVE pointed out that some of the other nations do not feel this way, however.

SENATOR VANDENBERG noted that if this issue is pushed, a corollary issue relating to race, color or creed will inevitably arise.

MR. BOWMAN replied that this had been held in mind in considering the sex issue.

### AMENDMENT AND WITHDRAWAL

SENATOR CONNALLY pointed out that an outstanding question is that of a proposal for calling a convention to amend the Charter. This, he said, would be an important provision. Somewhere there should be authority to call a conference for a complete revision of the Charter whenever this would become necessary.

SENATOR VANDENBERG asked where the United States Delegation stands on the question of withdrawal and MR. PASVOLSKY stated that the United States was not proposing anything on this matter.

REPRESENTATIVE BLOOM inquired whether the Delegation should not be on the lookout for things which it might expect other countries to propose but which they may fail to do.

[Here follows discussion on relations with Consultants[48] and on trusteeship.]

The meeting adjourned at 12:10 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 26

*Minutes of the Twenty-Sixth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 2, 1945, 5:30 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (26) present at meeting.]

Senator Connally presided while the Secretary was absent and called the meeting to order at 5:30 p. m.

MEETING OF THE PRESIDENTS, RAPPORTEURS, AND ASSISTANT SECRETARIES GENERAL OF COMMISSIONS

At the request of SENATOR CONNALLY, MR. SANDIFER reported on the meeting of the Presidents, Rapporteurs, and Assistant Secretaries General of the Commissions of the Conference, which had been held during the day.[49] He reminded the group that all countries were represented among the officials of the Commissions and Committees, and he read the following statement which the Secretary General was authorized to make as a result of this meeting: "The Conference has heard in eight plenary sessions the statements of the Chairmen of Delegations who have signified a desire to speak. It is now possible for the Conference to carry on its work through its four Commissions and twelve Technical Committees. The Officers of the four Commissions met informally this morning to discuss the procedures required for beginning the second phase of our work. It is their recommendation that the Officers of each Commission meet tomorrow with the Officers of the Committees within that Commission to plan the work of the Committees, in order that the Committees may proceed to their important tasks as soon as possible. In view of the urgency of proceeding with the agenda of the Conference, it is recommended that the Commissions meet subsequently to receive the reports of their Technical Committees."

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VOTING PROCEDURE IN PUBLIC MEETINGS OF THE CONFERENCE

SENATOR CONNALLY asked Mr. Gerig to report on voting procedures in public meetings. MR. GERIG stated that the rules of procedure pro-

[48] For a list of names of the consultants, representatives of the forty-two national organizations, see *Charter of the United Nations: Report to the President on the results of the San Francisco Conference by the Chairman of the United States Delegation, The Secretary of State, June 26, 1945* (Department of State publication No. 2349), p. 262.

[49] Doc. 59, G/16, May 2, UNCIO Documents, vol. 1, p. 64.

posed by the Secretariat of the Conference had been agreed upon except for voting. The Secretary General had recommended that in public meetings of the Commissions and the Conference, decisions should be taken by a two-thirds majority.[50] MR. EVATT (Australia) and some others thought it would be better to have the voting done by a simple majority so that it would be easier to get various questions on to the floor for discussion. He thought it could be decided later whether the voting should be made tighter.[51] Mr. Molotov had opposed the suggestion of a simple majority because he noted that his own recommendation had been voted down the day before with twenty-eight countries voting against it, and he had commented that the Republics of the Western Hemisphere plus Liberia and the Philippines came close to twenty-four which would be a majority, and those states alone could do business in the Conference on a simple majority basis.[52] He said the original idea of requiring a two-thirds majority was better. Mr. Stettinius had stated that the United States was in favor of a two-thirds majority. The matter was referred back from the Steering Committee to the Executive Committee for further consideration. MR. GERIG commented that he thought it a matter of some interest that Mr. Molotov called attention to the problem of bloc voting, and that he felt safer apparently having only one more than one-third of the votes to defeat something. MR. GERIG added that Mr. Dunn had reported on this matter to the advisers and that there had been no meeting on the matter since. REPRESENTATIVE BLOOM remarked that if the majority is to be two-thirds, that could be only a tentative agreement.

MR. GERIG added that in the Steering Committee the possibility of setting up two categories of questions had been discussed—essential questions to be decided by a two-thirds majority and incidental and procedural questions by a simple majority.

REPRESENTATIVE BLOOM asked who would decide which category a question belonged to. He thought this question a crucial one. MR. DUNN said that the Executive Committee was going to study the question and that Representative Bloom's point was one of those that would be considered. MR. PASVOLSKY observed that if we were thinking in terms of bloc voting, we could still count on a two-thirds majority in many cases if we added the British Dominions and the Arab states to the Western Hemisphere. MR. DUNN said that on the other hand, if a two-thirds majority was required, a decision could be blocked by a small number of states. REPRESENTATIVE BLOOM said that was not what concerned him. What he was primarily concerned with was how the categories of questions were to be decided. MR. DUNN replied that it was an extremely complicated question and

[50] Doc. 25, DC/1, April 23, UNCIO Documents, vol. 5, p. 16.
[51] Doc. 37, DC/9*a*, April 30, *ibid.*, p. 142.
[52] Doc. 50, ST/2, May 1, *ibid.*, p. 175.

he was in favor of letting the Executive Committee try to settle it.

THE SECRETARY said he would like to have some indication of what the Delegation wanted. He personally hoped for a simple majority. SENATOR VANDENBERG said that he agreed with Molotov, for the first time, and he thought a two-thirds majority should be required on everything he wanted. REPRESENTATIVE BLOOM said that in the House of Representatives it took a two-thirds majority to ask for the suspension of rules to vote on a special measure; otherwise all the voting is by a simple majority. MR. DUNN asked how the voting for suspension of rules was carried out and REPRESENTATIVE BLOOM answered that if the Speaker recognizes a member requesting suspension, there has to be a two-thirds majority to sustain the request. REPRESENTATIVE BLOOM said that he wanted a set of rules to cover all these matters, but that the matter of voting on substantive questions might still be by simple majority. However, if it were to be left to the Chairman to decide which category a question belonged in, it would be desirable to require a two-thirds majority to overrule the Chairman. He thought the matter could not just be left open. MR. STETTINIUS asked whether any Delegation in that case could call for a two-thirds vote on any question. REPRESENTATIVE BLOOM said that the rules should be uniform and apply all the way through.

MR. DUNN stated that this Conference is a constituent assembly establishing a basic instrument, and is not an already constituted organization, conducting its normal routine business. MR. DULLES said there were some questions on which we would not want to have a simple majority prevail, and MR. PASVOLSKY added that there were some on which even a two-thirds vote would not be acceptable to us. REPRESENTATIVE BLOOM said we would probably have a better chance on a two-thirds than on a simple majority. SENATOR VANDENBERG said he was in favor of having all questions decided by a two-thirds majority and the other Delegates individually said that they agreed. SENATOR VANDENBERG commented that he hoped Mr. Molotov would be told that he had made this motion and that the fact would be reported in *Pravda*.

## OBSERVANCE OF VE-DAY [53]

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## FOUR-POWER CONSULTATION

THE SECRETARY said that the previous evening with Mr. Molotov, Mr. Soong and Mr. Eden [54] had been marked by the best spirit that was evinced since the beginning of the Conference. He said there was good cooperative spirit, some fun, and a good deal of serious talk, all

[53] For announcement to the Conference, on observance of V–E Day, by the Secretary of State, see doc. 128, May 8, UNCIO Documents, vol. 2, p. 45.

[54] The sixth consultative meeting of the Big Four Ministers, May 1, 7: 15 p. m.; for minutes of meeting, see p. 509.

mixed together, and that this spirit had prevailed in the morning meeting [55] as well. Eden and Molotov had talked on the Polish issue with great frankness and in a spirit of cooperation. He thought maybe he would have something new to announce in the next twenty-four hours. Of course, it was questionable whether the same spirit would prevail at this evening's meeting.

SENATOR CONNALLY commented that Molotov had been in good spirits during the day. THE SECRETARY said that Molotov had promised he would not leave San Francisco until the Commissions and Committees had begun their work and until the four sponsoring powers had reached agreement on the changes to be made on the Dumbarton Oaks Proposals, also until some progress had been made on the Polish issue. THE SECRETARY felt that that day's meeting had brought the first rays of sun since Yalta.

REPRESENTATIVE BLOOM asked about Mr. Eden's plans and the SECRETARY answered that Mr. Eden had assured him he would stay as long as he possibly could. (THE SECRETARY made several comments off the record about Mr. Eden's plans for the immediate future).

THE SECRETARY said that at this evening's meeting with Mr. Soong, Mr. Molotov and Mr. Eden views would be exchanged on amendments to the Dumbarton Oaks Proposals. The Soviet Union and the British Government had given us the texts of their proposals.[56] This would be a very important meeting, and he thought the Delegation should authorize certain of its members to negotiate on the suggestions. He hoped the Delegation would grant him the authority and also designate Senators Connally and Vandenberg to be present as well as such advisers as he wanted to have with him. He said he would like to be given this authority but wanted a discussion now so that the representatives of the United States at the meeting would have full information on the American view. It would be necessary to agree on our rock bottom position and to know what the others had in mind. He asked that the Delegation give him and Senators Connally and Vandenberg authority to negotiate on this matter this evening with the other three sponsoring governments. REPRESENTATIVE BLOOM and DEAN GILDERSLEEVE agreed and REPRESENTATIVE EATON said that he agreed but that he wanted a full discussion of the issues. COMMANDER STASSEN asked if he might go along too, especially since he was in an unusual position. REPRESENTATIVE BLOOM suggested that it could be left to the Secretary to decide whom to take with him. THE SECRETARY said he would appreciate that very much.

### NEWSPAPER REPORTS ON ARGENTINE ISSUE

REPRESENTATIVE BLOOM asked what steps should be taken about the newspaper report that Mr. Hull had expressed strong disapproval of

[55] See memorandum of conversation, May 2, 11 a. m., vol. v, p. 272.
[56] Neither printed.

the position taken by the United States on Argentina.[57] MR. BYINGTON said he had immediately given out a denial and he said there had been no foundation whatever for the report. . . .

STATEMENTS BY CONSULTANTS

THE SECRETARY said that before the Delegation started discussing the amendments the United States should bring up in the meeting of the Sponsoring Governments tonight, he wanted to report on the meeting of the Consultants.[58] He thought it had been an excellent meeting and he had been deeply impressed by the discussion. The Consultants had shown themselves especially concerned about the expansion of the reference to human rights and fundamental freedoms. He had called their attention to the phrase in Chapter IX of the Dumbarton Oaks Proposals on promoting respect for human rights and fundamental freedoms. MR. HACKWORTH interjected the reminder that it was now proposed to add such a reference to Chapter I. THE SECRETARY said that at the Consultants' meeting Mr. Nolde, Mr. Proskauer[59] and others had made speeches and they had presented a statement signed by a considerable group.

THE SECRETARY read the statement regarding human rights submitted to the United States Delegation by a group of Consultants representing church bodies, business, labor, civic organizations, etc. (U.S. Gen 42, May 2, 1945[60]). THE SECRETARY commented that the Consultants thought this a matter of tremendous importance. He had assured them that at Dumbarton Oaks he personally had voted for recognition of human rights and fundamental freedoms and he had promised them that he would take up the matter of expanding and defining in greater detail what the functions of the organization might be in this respect. He had told them that he could not say whether the Delegation would sponsor the language they proposed. The Consultants had said that they thought the United States should try to obtain agreement on giving much greater emphasis to human rights, even if there was some risk of failure. They thought that even if the United States Delegation failed in its attempt, the Delegation could put out a statement that it had tried and this would carry a great weight with American public opinion.

SENATOR VANDENBERG commented that the group of Consultants had asked for four measures of which two were already included in the United States proposals. REPRESENTATIVE BLOOM said that while it was all right to talk about human rights, he thought it would be better to refer to equal rights; that would mean more and go farther

[57] See *The Memoirs of Cordell Hull*, vol. II, p. 1722.
[58] Minutes of meeting, May 2, 5 p. m., not printed.
[59] O. Frederick Nolde, Federal Council of Churches of Christ in America; Joseph M. Proskauer, President, American Jewish Committee.
[60] Not printed.

for all people. He thought that in this country it had definite meaning and that it should be understood that what was desired was equal rights for every citizen of every nation, within that nation. He said he had taken that up with Mr. Pasvolsky earlier. He wondered what human rights really meant; did it mean equal rights? If not, he asked, what did it mean?

THE SECRETARY said that Dr. W. W. Cumberland of the National Association of Manufacturers thought that the language in the Dumbarton Oaks Proposals on the Economic and Social Council was too indefinite for the future. There were too many generalities and vague hopes. His organization wanted language used in the redraft of this chapter that would give assurance that the Council and its program would really come into being soon. They did not want it left merely that the organization had a right to make the sort of arrangements outlined. THE SECRETARY, himself, thought that Mr. Cumberland had made a strong point.

SENATOR VANDENBERG commented that the Russians were proposing in Chapter I the addition of the clause "and encouragement of respect for human rights and particularly the right to work and the right to education and also for fundamental freedoms for all without distinction as to race, language, religion or sex". REPRESENTATIVE BLOOM said that the Russians repeated this proposal several times in their suggested amendments.[61] MR. NOTTER added that it appeared three times.

THE SECRETARY asked what could be done about the Human Rights Commission which the Consultants group was proposing. MR. PASVOLSKY observed that the British wanted to drop the enumeration of commissions from Chapter IX and leave the Economic and Social Council free to set up such commissions as may be required. They thought this was not a statutory matter and that it was something that might be left to the organization itself to handle.

DEAN GILDERSLEEVE said that a number of people had spoken to her about the importance of making sure that the work of the existing League of Nations Committees in the field of economic and social cooperation should be carried on. She was sure no one would object to that, but the matter needed clarification.

THE SECRETARY said he was in favor of informing the President this evening about this matter and telling him of the sincerity with which the proposals had been put forward. He wished also to report the urging of the Consultants' group that the United States should back the proposals heartily even though they might fail eventually. He felt that the Delegation should make public its position. SENATOR VANDENBERG said he approved of taking a public stand on this issue; he thought it would make for better public relations all around. THE

[61] Not printed.

SECRETARY said that the American Delegation could take a public stand after tonight.

THE SECRETARY referred to a letter on the subject of education which had been brought up at the Consultants' meeting [U.S. Gen 52].[62] MR. MACLEISH asked that the whole letter be read and Mr. SANDIFER read it. REPRESENTATIVE EATON said this was a very important document and he wanted to come back to the Russian proposal for amending paragraph 3 of Chapter I "in particular the right to work". He wondered whose duty it was to implement this right. SENATOR VANDENBERG said he was surprised that the Russians had not suggested the right to strike, also. REPRESENTATIVE EATON said that was really a part of what they wanted. He still wanted to know whose duty it was to provide the work.

SENATOR CONNALLY said he felt that while we must be sympathetic with these proposals, he dreaded trying to cover too much. If this is included, the other countries want other things. Education has as many connotations as religion. He was merely uttering a word of caution.

REPRESENTATIVE BLOOM said he wished to raise a point of order against the whole discussion. The Delegation had decided not to include the word "education", and he thought that the one sure way to meet with trouble in Congress was to include it. He recalled that the Senators had been for omitting this word also. THE SECRETARY asked whether we could accept this word as a proposal of the Soviet Delegation. REPRESENTATIVE BLOOM thought that would be somewhat better. SENATOR VANDENBERG said he thought the language suggested by the American Delegation already expressed the spirit of this letter.

REPRESENTATIVE BLOOM asked why it would not be better to talk about equality. He thought "human rights" means nothing. MR. DULLES asked Representative Bloom if he would be satisfied with the Soviet formula "without distinction as to race, language, religion or sex". Representative Bloom said he thought it did not have quite the same meaning.

THE SECRETARY said that it was now 9:30 in Washington and it was time for him to telephone to the President.

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MR. BOWMAN said that at two meetings the advisers had been invited and urged to make their suggestions. MR. PASVOLSKY said he thought it was now too late for anything further, and whatever decisions were to be made would have to be made here. DEAN GILDERSLEEVE asked whether this would apply to Chapter IX since this was the first occasion on which there would be an opportunity to decide.

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[62] Not printed. Brackets throughout remainder of this document appear in the original.

THE SECRETARY said it was necessary to prepare for tonight's meeting with the other Sponsoring Governments and reach the final position of the United States before that meeting. He did not believe that the advisers would have anything new to say, and he thought that the Consultants had really given their most essential suggestions.

SENATOR CONNALLY said that the question before the Delegation was the adoption of Commander Stassen's proposal that reference to a commission on human rights should be inserted in paragraph 2 of Chapter IX, and that the matter should be referred to the Advisers and drafting committee for the proper wording.

DEAN GILDERSLEEVE asked if that was the only change that was being proposed in Chapter IX and if there was not also to be a change in Section A. SENATOR CONNALLY said that was his understanding. DEAN GILDERSLEEVE said that if that was the case, then she wished to propose that the word "cultural" be included in paragraph 1 of Section A. MR. PASVOLSKY said that the Soviet proposal contained it and the United States did not need to propose it. MR. DULLES said that the Delegation had already agreed to this change. COMMANDER STASSEN said that psychologically Dean Gildersleeve was right. It would make a considerable difference to say that we had proposed it.

MR. PASVOLSKY said that it was all right to add the word "cultural" since it had already been accepted and that it should be added in the chapter on Purposes and in Chapter IX. DEAN GILDERSLEEVE said it should be clear that the American Delegation was making the proposal. MR. PASVOLSKY said the phrase should read "cultural and other humanitarian problems". SENATOR CONNALLY asked if the Delegates agreed on reference to the commission on human rights. If so, the next place to make a reference to human rights would be in Chapter I. MR. PASVOLSKY said that he thought that could be taken up in the discussion on the proposals and amendments, and urged that the Delegation now turn to the immediate business of deciding what amendments should be offered by the United States and which of the Russian and British proposals we should accept or oppose.

REVIEW OF U.S. PROPOSALS IN LIGHT OF CONSULTATION DEVELOPMENTS

SENATOR CONNALLY asked Mr. Pasvolsky to open the discussion. MR. PASVOLSKY reported that the Advisers had given some consideration to this matter and wanted to suggest that the list of proposals to be insisted upon by the United States be kept to the minimum SENATOR CONNALLY said he thought that was what the American Delegation should do. MR. PASVOLSKY suggested that the Delegates run through Document A (April 26, 1945) and agree on the points that should be taken up in the meeting later that evening. He said that some of the Advisers to the American Delegation had met informally with some of the Russian, Chinese and British at noon and as a

result of this discussion they wanted to propose the elimination of certain amendments in the American list. (Document A)

*Chapter I, Purposes.*—The first suggestion was that the proposed revision of Chapter I, paragraph 1 (adding after "peaceful means" the clause "and in accordance with the principles of justice and equity") should be altered to read "with due regard to the principles of justice and international law".

SENATOR VANDENBERG said that he was willing to accept the Chinese version [63] on this point. He thought it would produce the same atmosphere and it would achieve the purpose of including international law. The Delegation agreed to the change proposed by Mr. Pasvolsky.

MR. PASVOLSKY proposed that the suggested amendment of paragraph 2 (to include the phrase "to foster the development of international law") should be dropped since it did not add anything to the document. A reference to international law would be in paragraph 1 of this Chapter and in paragraph 6, Section B, Chapter V of the General Assembly. SENATOR CONNALLY asked if the Delegates agreed to this change and they gave their assent.

MR. PASVOLSKY asked the Delegates if the word "cultural" could be added after the word "social" in paragraph 3. The Delegates agreed to this change and no change was made in the revision already proposed for that paragraph (to add after "problems" the clause "and to promote respect for human rights and fundamental freedoms").

*Chapter II, Principles.*—MR. PASVOLSKY suggested retaining the proposed amendment to paragraph 1 (substituting "its members" for "peace loving states"). The Delegates agreed.

MR. PASVOLSKY suggested that the proposed amendments to paragraphs 5 and 6 and the unnumbered paragraph should be dropped. That meant going back to the original language of the Dumbarton Oaks document. However, some textual changes might be made in the course of drafting. MR. DUNN said that the dropping of these amendments was recommended by himself, Mr. Dulles, Mr. Pasvolsky, Mr. Bowman and Mr. Armstrong who had met together in the course of the afternoon. SENATOR VANDENBERG asked what would happen to the proposed insertion in paragraph 5 of the phrase "in accordance with the provisions of the Charter in any action taken by it under the provisions of the Charter." MR. DULLES said that this had been merely a drafting change in the first place and as it was stated now it made the phrase "any action" much too broad. He thought that the result that the American Delegates wanted to achieve could be brought about in the drafting process.

SENATOR VANDENBERG commented that what Mr. Pasvolsky suggested was really postponing this particular problem. MR. HACKWORTH said that this was a matter of shifting emphasis. SENATOR

[63] Doc. 1, G/1 (*a*), May 1, UNCIO Documents, vol. 3, p. 25.

CONNALLY asked if the effect in paragraph 6 would not be to make the statement positive instead of negative. MR. DUNN thought that if the original phrase "in accordance with the" was used it could apply both positively and negatively. MR. PASVOLSKY said that he would prefer not to multiply the proposals to be made by the United States. He was working with Mr. Dunn on textual changes like this and thought there might be other ways to accomplish the results he wanted without making a formal proposal.

SENATOR CONNALLY asked the Delegates whether they would agree to striking out all the amendments suggested for paragraphs 5 and 6 and the unnumbered paragraph in Chapter II, and the Delegates agreed.

*Chapter V, The General Assembly.*—MR. PASVOLSKY suggested that the proposed amendments to Chapter V, Section B, paragraph 1 should be dropped. He said the suggested changes had caused a great deal of discussion and many people could not understand the reason for them. Moreover, there would be many proposals coming in from the small countries on this paragraph. He thought it wise, therefore, for the United States to drop all proposals for changes in the paragraph, leaving it as it is in the text of Dumbarton Oaks, and to concentrate rather on paragraph 6 of this Section and whatever changes were desired in Chapter VIII. SENATOR CONNALLY asked if the Delegates had any objection, and since they raised none it was agreed that the amendments proposed for paragraph 1 should be dropped.

MR. PASVOLSKY said that with respect to paragraph 2, Section B, the amendment proposed by the United States might cause more trouble than we had anticipated. The smaller countries were asking that the Assembly alone should have the power to admit new members. His suggestion was that the United States should make no proposal on that point, and if necessary should agree later to modify the text of the Dumbarton Oaks Proposals so as to give the General Assembly and the Security Council concurrent powers in the election of new members, permitting either body to initiate the step. As far as the United States is concerned now he thought we should go back to the original language. The Delegates agreed to his proposal.

MR. PASVOLSKY proposed that the United States should not suggest any amendment on paragraph 5 and that the phrase "on the basis of an appropriate proration" should not be offered by the United States. He said that it was actually a procedural matter for the General Assembly to decide upon, and could well be left to the future operation of the Organization. In any case it was customary for international organizations to set up some scale for payment of contributions by the members.

SENATOR CONNALLY asked if this might not be changed to read "agreed scale". MR. PASVOLSKY thought it would be better not to

offer any amendments at all. SENATOR CONNALLY said that if there was no objection he would rule that the Delegation agreed. There were no objections.

MR. PASVOLSKY said there was a question in paragraph 6 about the meaning of the phrase "establish justice". Did it mean justice in states or between states? Moreover, it was not clear how the General Assembly could initiate studies and make recommendations to establish justice. He thought if the phrase was left, the word "international" would have to be added. There was also a question about the last phrase "the principles accepted by them in the Preamble of the Declaration by the United Nations of January 1, 1942". He thought this might cause some difficulty since the British and Russians had no recommendations on this point. He did, however, recommend keeping the final phrase "including situations arising out of any treaties or international engagements".

COMMANDER STASSEN said he thought that the whole of the last 4 lines of this paragraph is vital and that the paragraph as it stands is good. MR. PASVOLSKY said he would be willing in the evening meeting to state this objective in principle, but perhaps it would have to be taken out in the negotiations there.

SENATOR CONNALLY asked if there were any objections to inserting "international" before "justice". SENATOR VANDENBERG said he would like to return to that later if it has to be done. SENATOR CONNALLY asked if the American proposal to include the word "justice" should be dropped. SENATOR VANDENBERG said he would not want the word "justice" left out. SENATOR CONNALLY asked if it was not true that the whole text of the Charter implied that the justice to be sought is international, and asked if we could assume that "international" was meant. MR. DULLES said he wanted to leave the proposed amendments of paragraph 6 as they were. He thought that if this was to be a battle ground, it was no use for us to give up ahead of time. He thought we should try to bring the other sponsors to our point of view.

SENATOR CONNALLY said that, without objection, the proposed amendments to paragraph 6 would stand and the United States would make them one of its proposals. MR. PASVOLSKY commented that some of the words could be taken out if necessary for bargaining purposes, and SENATOR VANDENBERG rejoined that he would have put in more words if they were going to have to be sacrificed in the negotiations.

*Chapter VI, The Security Council.*—MR. PASVOLSKY turned to Chapter VI. SENATOR CONNALLY said that so far the United States was offering only one amendment in that Chapter (Section D, paragraph 2, delete phrase "including regional subcommittees of the Military Staff Committee").

MR. DUNN said that in the Dumbarton Oaks text the provision for regional subcommittees of the Military Staff Committee looks like an attempt to build up blocs. MR. PASVOLSKY said he thought it would be better not to raise the question of regional subcommittees of the Military Staff Committee here. The provision had been put in on the suggestion of the British at Dumbarton Oaks, but he thought it looked strange to talk about "bodies or agencies" and then enumerate only one, and that one probably the least important of any that the Security Council might set up. If the reference to regional subcommittees of the Military Staff Committee is dropped here, however, it might be rewritten in the paragraph on the Military Staff Committee.

MR. MCCLOY said he thought it wise to delete the reference to regional subcommittees of the Military Staff Committee at this point. MR. PASVOLSKY said it was the result of long argument at Dumbarton Oaks. The British had insisted upon it and since they had insisted on very few points, the Americans had thought it best to go along with them on this. SENATOR CONNALLY said that if any reference is to be made at all to this point, it should be made in the paragraph on the Military Staff Committee. MR. PASVOLSKY agreed that it would be better to propose the suggested amendment and the Delegation agreed.

SENATOR CONNALLY asked whether other governments are submitting many amendments on the Security Council. COMMANDER STASSEN said that all the proposals were coming in and would soon be available. Egypt, Chile, The Netherlands and Liberia were proposing changes on the Security Council. No proposals had come in from Czechoslovakia, Lebanon, Turkey, and South Africa. However, the proposals would be distributed as fast as they could be made available.

*Chapter VIII, Section A.*—MR. PASVOLSKY turned to Chapter VIII, Section A, paragraph 5 [to add "or settlement" at the end of the paragraph]. He said that this was only a drafting change and believed we should drop it as a proposal and go back to the original text. As to paragraph 7 of Section A, Chapter VIII, on domestic jurisdiction, the British were making a proposal. He thought we should make some declaration on this point and wanted to defer it until the British proposals were considered. SENATOR CONNALLY said that he wanted to see the United States proposal on paragraph 7 put forward on the initiative of this Government. MR. PASVOLSKY said there was some question in his mind whether this was the best place for such a proposal but we could call it a proposal now and come back to it later.

*Chapter VIII, Section B.*—In Section B of Chapter VIII MR. PASVOLSKY thought it desirable to retain the amendments already

agreed upon (after "measures" insert the following phrase "set forth in paragraphs 3 and 4 of this section"). He thought that the suggested alteration in paragraph 3 could be dropped if the proposals with respect to paragraphs 1 and 2 were retained inserting after "decisions" "to maintain or restore peace and security". SENATOR CONNALLY asked if there was any opposition to retaining as an American proposal the suggested amendment to paragraphs 1 and 2. The Delegates agreed to this suggestion. He asked if there was any opposition to dropping the proposed amendment from paragraph 3. MR. DULLES said it could be dropped if the proposals for paragraphs 1 and 2 are retained. The Delegates raised no opposition to deleting this amendment.

*Chapter IX, Arrangements for Economic and Social Cooperation.*—MR. PASVOLSKY said that in Chapter IX it had just been agreed that the word "cultural" should be inserted after "social" in Section A, paragraph 1, and that in Section D, paragraph 1 the phrase "a commission on human rights" should be inserted after the phrase "a social commission". SENATOR CONNALLY asked if the Delegation had any opposition now to these changes and there being none, he stated that the Delegation agreed to the proposals.

*Chapter X, The Secretariat.*—MR. PASVOLSKY said that the proposed additional paragraph to Chapter X might encounter strong objections and he wanted to be able to propose it to the other sponsors in order to have bargaining power on other provisions with regard to the Secretariat. SENATOR CONNALLY asked if the Delegates agreed. They assented.

*Chapter XI, Amendments.*—MR. PASVOLSKY said that all three of the governments had reservations on the American proposal for a new paragraph in Chapter XI. One reason for their opposition was that as it stands it makes it more difficult to have a conference for a thorough-going revision of the Charter than for amendments. Nevertheless, he personally thought this proposal should be left in. COMMANDER STASSEN agreed with him. SENATOR CONNALLY asked the Delegates if they agreed to offering this as an American proposal. He commented that according to this proposal the vote of seven Council members would be required, but with unanimity among the permanent members. However, ratification of a new draft Charter would require acceptance by all permanent members, and he thought that would be enough of a veto for them to retain. SENATOR VANDENBERG said he was in favor of leaving this proposal as it had been drafted. SENATOR CONNALLY said he would like to have this known as his amendment. He added that Hamilton Holt[64] had called upon him and said that the Charter should have a provision like this. COM-

[64] Educator and editor; President of Rollins College.

MANDER STASSEN said he thought it was one of the most important proposals being made by the United States. MR. HACKWORTH said the American Bar Association was in favor of it and as a matter of fact would like to have a constitutional convention of the United Nations Organization every seven years.

MR. PASVOLSKY suggested that it might be wise to provide some time limit in this procedure and to say that a general conference of the members could be held not oftener than after a certain number of years. He would also suggest that since the process of ratification is the same as for amendments, it would be sufficient to say so and not to spell it out.

*Preamble.*—MR. PASVOLSKY said there was one more point on which he would like advice. The United States Delegation believes there should be a Preamble setting forth the motives which lie behind the Charter. So far this was an item that had not been discussed very thoroughly and we had no draft, but he thought we might, nevertheless, tell the others that we believed there should be a Preamble. SENATOR CONNALLY suggested that we prepare a draft Preamble and say to the Russians and British that we had a text in mind. He would like to see it short and crisp and to the point. SENATOR VANDENBERG commented that there seemed to be a good many chapters of this kind—a Preamble, a chapter on Principles, a chapter on Purposes. Perhaps chapters should be added on Objectives and Aims.

*Withdrawal Provision.*—MR. PASVOLSKY said that no final decision had been taken on the question of proposing a withdrawal provision. SENATOR CONNALLY asked about a provision on the registration of treaties. MR. PASVOLSKY said that this was being suggested by many countries.

SENATOR VANDENBERG said that a withdrawal provision was desperately important. MR. PASVOLSKY said the Delegation had already agreed to support such a provision, but he thought we should make sure that it was in if we wanted it. SENATOR VANDENBERG said it was utterly fundamental. MR. DULLES commented that if the American Delegation feels it is fundamental they should see to it that it is proposed. SENATOR CONNALLY asked what such a provision should contain. SENATOR VANDENBERG asked where the text was that had been presented.

### RELEASE TO THE PRESS

MR. MACLEISH said he was sorry to interrupt the discussion, but he wanted very much to know what to say to the press in the conference to be held on Friday. He reported that the journalists were eager to be told first about the American proposals.

SENATOR CONNALLY asked whether the Delegates agreed on calling a press conference for Friday morning at 10 o'clock. All except Representative Bloom agreed. . . .

DEAN GILDERSLEEVE said she supported communicating our proposals to the other Delegates no later than to the press. SENATOR VANDENBERG said it should have been done already. MR. PASVOLSKY said that we have to reach some agreement with the other sponsoring nations and it would be best if all four would put out their proposals at the same time. SENATOR VANDENBERG said he was willing to concede Mr. Pasvolsky's point about courtesy to the other Delegates.

MR. PASVOLSKY thought the best way would be to decide tonight that this was the American program and then in the morning or afternoon of the next day to send it to the Secretary General and to the press. SENATOR CONNALLY said that was difficult because the Delegation had just authorized several of its members to negotiate with the Russians and British on some of these points. REPRESENTATIVE BLOOM still thought we should put it out as our program and make it clear that some modifications might have to be made as a result of consultations. MR. ARMSTRONG thought that if that plan was followed the press conference could be held on Thursday, and that would delight and surprise the press.

MR. SANDIFER said there were some mechanical problems because there would have to be about 600 copies turned out. SENATOR CONNALLY said it was necessary to keep in mind the facilities for a job of this sort. MR. MACLEISH said he wanted to announce to the press that it had been decided to hold a conference on Friday morning at 10 o'clock. SENATOR CONNALLY said that without opposition Mr. MacLeish would be authorized to announce a press conference for Friday morning at 10 o'clock. SENATOR CONNALLY called upon Mr. Pasvolsky to proceed with the business.

*Withdrawal Provision.*—SENATOR VANDENBERG said there was still something to be done on the withdrawal provision. MR. PASVOLSKY remarked the best thing to do was to say to the Russians and British that there was another point on which we wanted to make a proposal and that we were working on a text which would be shown to them later. COMMANDER STASSEN said he wanted it understood that the United States was not to take the initiative in proposing a withdrawal provision. SENATOR VANDENBERG said the Delegation had agreed not to include it in the "A" document but had put it into the "B" document. COMMANDER STASSEN said there had not been a clear decision on that point. MR. PASVOLSKY said that we could tell the others tonight that we would like to see some provision about withdrawal. MR. STASSEN said he was against having a withdrawal clause introduced by a nation that was going to have a veto in the Security Council. MR. DUNN said the matter would have to be decided before Friday. COMMANDER

STASSEN said that he would not object so much to the idea of the withdrawal clause, but he thought it would be very bad for the United States to propose it.

REVIEW OF AMENDMENTS TO DUMBARTON OAKS PROPOSALS AS SUGGESTED BY THE UNITED KINGDOM DELEGATION

MR. PASVOLSKY turned to the British proposals [US Gen 37, Amendments to Dumbarton Oaks Proposals as Suggested by the United Kingdom Delegation].[65] He suggested that the United States should make no objection to the first British proposal [delete paragraph 1, d of Section C of Chapter IX and insert a new paragraph after paragraph 7, Section B, Chapter V as follows: "The General Assembly should examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned."] MR. PASVOLSKY said he thought the American Delegation did not care very much how this matter of reviewing budgets was done. SENATOR CONNALLY asked if there was any objection to Mr. Pasvolsky's suggestion. There was none.

With respect to the British proposal on the election of non-permanent members, MR. PASVOLSKY said that this question had already been argued at Dumbarton Oaks. ["The General Assembly should elect six States to fill the non-permanent seats, due regard being paid to the contribution of members of the Organization towards the maintenance of international peace and security and towards the other purposes of the Organization."] MR. PASVOLSKY said that the issue here was whether criteria should be set up in the Charter for election of non-permanent members of the Security Council. If one criterion were proposed, then others would be brought forward. Various countries were proposing various criteria—regional, etc. DEAN GILDERSLEEVE asked if we were going to object to having the British put this proposal forward. MR. PASVOLSKY explained that we would express our opposition to it and the British could then do as they wished about actually proposing it.

SENATOR CONNALLY said it would be difficult to define "due regard to the contribution of members of the Organization . . ." He was against this idea, and thought the Assembly should have complete freedom in the election of the non-permanent members of the Security Council.

MR. JOHNSON said that if this clause should go in, there would be a demand for an increase in the number of seats on the Security Council and there would be demands for regional representation. SENATOR VANDENBERG commented that such a condition would virtually outlaw small states. MR. PASVOLSKY said it would be stated in the negotiations

[65] Not printed.

that the United States does not like this proposal. SENATOR CONNALLY asked if the Delegates agreed with this position and they said that they did.

MR. PASVOLSKY took up the amendment proposed by the United Kingdom Delegation on pacific settlement of disputes. ["Without prejudice to the provisions of paragraphs 1–5 below, the Security Council should be empowered, if all the parties so request, to make recommendations to the parties to any dispute with a view to its settlement in accordance with the principles laid down in Chapter II (3)."]

MR. PASVOLSKY said this would give the Security Council the power to recommend the terms of settlement only on the request of all parties to a dispute. He thought it was a harmless provision and that the right was inherent to the Security Council anyway. The next proposed amendment to paragraph 4 of Section A, Chapter VIII, he thought was not harmless. ["If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. If the Security Council deems that the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under paragraph 5 or whether itself to recommend such terms of settlement as it may consider appropriate."] He thought that if this power was given at this point it would open the door to permitting the Security Council to enforce the settlement of a dispute. The Delegation agreed that the United States should oppose this amendment but raise no objection to the previous one.

MR. PASVOLSKY called attention to the proposed amendment of paragraph 7, Section A, Chapter VIII. ["(1) The Charter should not confer the right on any member of the United Nations to require that a dispute or situation arising out of matters which by International Law are solely within the domestic jurisdiction of the State concerned should be submitted to the means of settlement mentioned in Section A (3). Should, however, such a situation or dispute constitute a threat to the maintenance of international peace or security, or should a breach of the peace occur in consequence of such a situation or dispute, it should be open to the Security Council, acting in accordance with Section B, to take such action as it may deem appropriate. (2) The question whether a particular dispute or situation does arise out of matters which by International Law are solely within the domestic jurisdiction of the State concerned should be decided, if necessary, by the body to which it is sought to submit the dispute or situation."]

MR. PASVOLSKY thought that the first sentence was satisfactory but that the rest of the proposal was questionable. He thought it particularly bad to suggest that the question as to whether a particular dispute or situation does arise "out of matters which by International Law are solely within the jurisdiction of the State concerned" should be decided by the body to which it is decided to submit the dispute or situation.

COMMANDER STASSEN said that this sentence went far beyond the most extreme suggestions he had heard so far. MR. PASVOLSKY said that our proposal was to set no standard whatever. This was really the other extreme. SENATOR CONNALLY asked whether the Delegation agreed to opposing this British suggestion. MR. DULLES said that our opposition should be stated, but it should be pointed out that our main opposition related to paragraph (2). He thought perhaps we could talk over paragraph (1) with the British.

MR. PASVOLSKY read the amendment proposed by the British for paragraph 1, Section D, Chapter IX. ["The Economic and Social Council should have the power to set up such commissions as may be required."] MR. PASVOLSKY said this would eliminate the enumeration of the commissions. COMMANDER STASSEN said we are making a contrary proposal. MR. PASVOLSKY said the matter would have to be adjusted somehow.

MR. PASVOLSKY said that the last British proposal was very important:

["In Chapter IX Section A, Paragraph 1 the first sentence should read as follows:

After 'should' insert 'in association with the International Labour Organisation and other bodies concerned.'

In Chapter IX, Section A, insert at the end of paragraph 2, new Paragraph as follows:

3. In view of its tripartite constitution the International Labor Organisation should, subject to the provisions of Paragraph 2 above, be brought into special relationship with the Organisation and should be an important instrument through which should be pursued the object of securing for all improved labour standards, economic advancement and social security."]

MR. PASVOLSKY said this would put the International Labor Organization in a special position as compared with other international organizations. REPRESENTATIVE BLOOM inquired what our own labor organizations would think of this. MR. PASVOLSKY said that we have always opposed the efforts of the International Labor Organization to place itself in a superior position in the development of economic and social progress. COMMANDER STASSEN said that this was the other

half of the fight over the World Trade Union Conference. DEAN GILDERSLEEVE said that this would weaken the Economic and Social Council.

MR. PASVOLSKY said there was no real objection to mentioning the ILO as an existing organization which should be brought into relation with the Organization. MR. DULLES said that we did not, however, wish to give the ILO priority over the Economic and Social Council. REPRESENTATIVE BLOOM asked what the effect would be if the British made this proposal and the United States opposed it, and especially what the effect would be on American labor. MR. PASVOLSKY said that American labor groups were not very much concerned about it. Also, the U.S.S.R. would surely oppose this suggestion and the United States might not have to speak out at all.

### REVIEW OF AMENDMENTS TO DUMBARTON OAKS PROPOSALS AS SUGGESTED BY THE SOVIET DELEGATION

On the request of SENATOR CONNALLY, MR. PASVOLSKY opened the discussion on the Russian amendments [US Gen. 39, Amendments to Dumbarton Oaks Proposals as Suggested by the Soviet Delegation],[66] MR. PASVOLSKY said the proposed amendment to Chapter I, paragraph 1 had already been agreed upon by the American Delegation [insert after "peaceful means" the phrase "in conformity with the principles of justice and international law].

MR. PASVOLSKY read the proposed amendment to paragraph 2. [Insert after "nations" the phrase "based on respect for the principle of equal rights and self-determination of peoples"]. MR. ARMSTRONG said that it could be used to cover the expansion of the Soviet Union. COMMANDER STASSEN said he was against it. MR. ARMSTRONG said it would be a little difficult for the United States to come out as opposed to such a provision, and the Delegates agreed to ask the Soviet Delegation to explain what was intended by the proposal.

MR. PASVOLSKY read the proposed amendment to paragraph 3 of Chapter I. [After "humanitarian problems" insert "and encouragement of respect for human rights in particular the right to work and the right to education and also for fundamental freedoms for all without distinction as to race, language, religion or sex."]

MR. BOWMAN said that it contained everything but the right to be assassinated. MR. PASVOLSKY said that in this the Russians were playing up to the small nations and would undoubtedly insist upon this amendment. REPRESENTATIVE EATON said he wanted to know whose duty it would be to provide the work. COMMANDER STASSEN said that when you begin to specify the right to work and the right to education, then freedom of the press and freedom of religion would have

[66] Not printed.

to be added. MR. DULLES thought it desirable to propose discussing this amendment with the Russians. MR. PASVOLSKY thought that part of it would be all right, namely the phrase "without distinction as to race, language, religion or sex." SENATOR VANDENBERG said that was all right with him; however, if the right to work and to education were named, then there was a long list that should be added such as freedom of assembly, freedom of religion, etc. SENATOR CONNALLY said that freedom of the press and freedom for the exchange of information and freedom to petition should also be included in that case. There was agreement on this suggestion.

MR. PASVOLSKY drew attention to the Soviet proposal for amendment of paragraph 6 of Section B, Chapter V, which is the same as the proposal just discussed. He pointed out that the Soviet Delegation was not making any proposal about the revision of treaties or the principles of the Atlantic Charter. SENATOR VANDENBERG said that the Americans really wanted to go farther in this paragraph than the Russians.

MR. PASVOLSKY called attention to the Soviet proposal on paragraph 2 of Section C, Chapter VIII. [After the phrase "without the authorization of the Security Council" add the clause "with the exception of measures provided for in treaties or concluded directly against the renewal of the policy of aggression on the part of the aggressor states in the present war."]

MR. PASVOLSKY said that he did not like this particularly. It had been drafted to take care of the Soviet agreement with France. The British, however, were working on a redraft. MR. ARMSTRONG said that Mr. McCloy before leaving had asked him to say that he hoped this matter would be left open until the Military Advisers had had a chance to express themselves.

MR. PASVOLSKY drew attention to the fact that the proposed amendment to paragraph 1 of Section A, Chapter IX was simply a repetition of the amendments proposed for paragraph 6 in Section B, Chapter V and paragraph 3 in Chapter I.

MR. PASVOLSKY read the suggested amendment to Chapter X [substitute the following for the present paragraph 1: "There should be a Secretariat comprising a Secretary General, four deputies and such staff as may be required. The Secretary General and his deputies shall be elected by the General Assembly on recommendation of the Security Council for a period of two years and the Secretary General cannot be immediately re-elected. The Secretary General shall be the chief administrative officer of the Organization."]

MR. PASVOLSKY said this was a very important proposal. He thought the United States Delegation would not like it, and the Delegates agreed that they definitely did not like such a short term with

quick rotation in the office of the Secretary General, although they had no objection to the provision for four deputies.

MR. PASVOLSKY said that the proposed amendment to Chapter XII might be useful. [Insert a new paragraph before paragraph 1 reading: "The present Charter comes into force after its ratification in accordance with their respective constitutional processes by the members of the Organization having permanent seats on the Security Council and by a majority of the other members of the Organization."]

MR. PASVOLSKY pointed out that this would bring the Charter into force under the same provisions as the amending process and would require the ratification of about twenty-eight countries. The Delegation agreed that this amendment would be satisfactory. The meeting was adjourned at 8:15 p. m. and the Delegates agreed to meet again at 9 o'clock Thursday morning, May 3.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons. Four Min. 1

*Minutes of the First Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 2, 1945, 9 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of Delegations of the United States (13); United Kingdom (6); Soviet Union (10); and China (5).]

MR. STETTINIUS said that he thought that everyone understood the purpose of the meeting. It was a meeting of the sponsoring governments—the governments who participated at Dumbarton Oaks and who have agreed to consult with each other concerning the amendments and changes which they wish to propose in the Dumbarton Oaks Proposals. He said he was sure that everyone in the room hoped that it would be possible to have the Dumbarton Oaks Proposals approved with just as few amendments as possible. However, there are a few fundamental matters which all four governments had in mind which would require very careful consideration. He added that with the fast moving events in Europe and the extreme importance and necessity of many of the Foreign Ministers now in San Francisco returning home to their posts to resume their important duties at the earliest possible moment, he was hoping under the leadership and unanimity and complete collaboration of the four governments represented here, that it would be possible to complete the Charter successfully in a short time.

MR. MOLOTOV expressed his agreement.

MR. STETTINIUS called upon Dr. Soong to present to the group the proposals of the Chinese Delegation for amendments or changes in the Dumbarton Oaks Proposals.

DR. SOONG said that the proposals of his Delegation were short and he hoped, sweet. He asked Ambassador Koo to present them to the group.

AMBASSADOR KOO said that the Chinese had only three proposals to present and that they thought they were, and hoped that they would be acceptable, because they were practically all in the nature of a clarification rather than any substantial change. He inquired whether the Chairman would like to have him read them.

MR. STETTINIUS asked if these changes were in addition to those submitted in the conversations in Washington last fall.[67] AMBASSADOR KOO said that they were. In response to a question from Mr. Stettinius THE AMBASSADOR said that the text had been distributed to the Delegations. MR. STETTINIUS said that the United States Delegation had not received them. MR. MOLOTOV said that his delegation had received them but had not had time to study them. In order that their [*there*] might be a complete understanding of the Proposals MR. STETTINIUS suggested that Ambassador Koo read them (Copy attached—US Gen 47).[68]

With respect to the first Chinese amendment which was a proposal for the insertion of a new paragraph between paragraphs 2 and 3 in Chapter VIII, Section B, AMBASSADOR KOO said that this matter might be already implied in the Dumbarton Oaks Proposals. However, his Delegation thought it was desirable to include an explicit provision so that if the Security Council should be called upon to deal with the situation, especially a situation which might have the possibility of threatening or developing into a breach of peace, the Security Council should have the power to adopt preliminary measures to keep the *status quo* so that the situation would not be aggravated during the period required for consideration of the dispute. That was the purpose of his amendment.

MR. STETTINIUS said that he thought it was clear and asked Dr. Koo to proceed.

AMBASSADOR KOO read the second Chinese amendment which was for the addition of a new paragraph 6 at the end of Chapter VII. He said that this amendment was intended to promote the judgments of the International Court of Justice in case of any refusal on the part of any party to a case before the Court to carry out the judgment of the Court. The Court should refer the matter to the Security Council to consider what steps it might take in order to assure the carrying out of the judgment. This, again, was more in the nature of amplification of something already agreed to in the Dumbarton Oaks Proposals.

AMBASSADOR KOO said that the third amendment proposed by the Chinese Delegation involved an addition in two places, Chapter VI,

[67] Doc. 1, G/1(*a*), May 1, UNCIO Documents, vol. 3, p. 25.
[68] Not printed.

Section D, paragraph 5 and Chapter VIII, Section A, paragraph 2. The purpose of his Delegation was to make it certain and clear to non-member states as well as to the Organization itself, that when a non-member state comes before the Organization, either to defend itself or its own rights, or in a dispute brought by a member, the position of the non-member state should be quite clear. It should be understood that such non-member state accepts the obligations following from the consideration of the dispute by the Council.

AMBASSADOR KOO said that this was all of the amendments that the Chinese Delegation had to propose except the three which had been agreed to at Dumbarton Oaks with the United States and the United Kingdom and which had subsequently been sponsored by all four governments.

MR. STETTINIUS said that he thought that the four governments should now clarify their procedure. The question was whether the group would like the various suggestions and amendments all presented by all the governments in order that there might be a complete picture and then return to discuss them or whether it would be preferable to discuss the separate amendments as we go along. He inquired what was the preference of the group.

MR. EDEN suggested that amendments should be discussed as they were presented. MR. STETTINIUS said that this did not mean that there would be any attempt to reach final decisions this evening. This might be difficult. We have only had the Soviet suggestions [69] for one day and we would like to have further time to study some of them. Some we would be prepared to speak on now, but not all of them. MR. EDEN said that decision could be reached on some and position reserved on others. MR. STETTINIUS said that this was agreeable.

MR. MOLOTOV suggested that the amendments should be taken up point by point. This was agreed.

MR. STETTINIUS said that we would proceed on this suggestion and proposed that the group turn to the Dumbarton Oaks Proposals and review the text. The following procedure might be followed: Each paragraph of the original Dumbarton Oaks Proposals would be read and only one of the four Delegations having a suggested amendment would bring it up. This was agreed.

MR. STETTINIUS proposed to turn to Chapter I and asked MR. PASVOLSKY to read the amendments suggested by the United States Delegation as they came up, paragraph by paragraph.

On Chapter I, Paragraph 1, MR. SOONG said that the Chinese had no amendment.

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[69] Amendments to Dumbarton Oaks Proposals suggested by the Soviet Union, May 2, not printed.

MR. PASVOLSKY said the United States Delegation had a change to propose in Paragraph 1, that is, the insertion of the phrase "and with due regard for principles of justice and international law".

(For text of amendments suggested by United States Delegation see "Changes in Dumbarton Oaks Proposals as suggested by United States Delegation", May 2, 1945, copy attached.)[70] The United States suggestion was agreed to.

MR. MOLOTOV said the Soviet Delegation proposed the insertion in Paragraph 2 of the phrase "based on respect for the principle of equal rights and self-determination of peoples". MR. PASVOLSKY said that in view of the introduction of the words "international law" in the first paragraph, the United States would drop its suggestion for reference to it in the second paragraph and let the provision stand as it was in the original text leaving the word "appropriate" in. MR. MOLOTOV said that he thought it would be well to accept the Soviet amendment to Paragraph 2. MR. EDEN said that his Delegation favored this amendment. The United States and Chinese Delegations also approved. The amendment was declared accepted.

The Soviet Delegation proposed the addition to Paragraph 3 of the phrase "and encouragement of respect for human rights in particular the right to work and the right to education and also for fundamental freedoms for all without distinction as to race, language, religion or sex".

The United States proposed the addition of the word "cultural" and of the phrase "to promote respect for human rights and fundamental freedoms".

MR. EDEN said that he agreed with these amendments, the only question was whether this point should be covered here or in the Preamble. MR. MOLOTOV thought the American amendment was acceptable subject to slight additions. MR. STETTINIUS said that he would like to have the paragraph read as suggested by the United States. The other three Delegations indicated approval.

MR. MOLOTOV said that this was subject to slight additions, reading the changes proposed by the Soviet Delegation.

MR. PASVOLSKY said that we had encountered some difficulty with the proposed enumeration of rights. There are likely to be a good many other rights which other governments would insist on including.

MR. MOLOTOV said that when human rights are referred to everyone would ask what rights are intended. It seemed to him that it would be proper to indicate fundamental rights—the right to work because it would be in the interest of the people and in the interest of mankind to secure that right.

SENATOR VANDENBERG said that our difficulty was that when you start to particularize there are so many other fundamental rights not

[70] *Postwar Foreign Policy Preparation*, p. 679.

included in the language proposed, for example, the right of freedom of religion, freedom of press and other similar freedoms. The United States Delegation felt that it would be necessary to go even further if the rights proposed by the Soviet Delegation were to be enumerated.

MR. MOLOTOV said that if we were to specify fundamental rights, those proposed would represent a great advancement. If it were desired to add others, he would have no objection. The paragraph might be amplified otherwise, "human rights" would be rather vague. The right to work and the right to life—it would be impossible for a man to make his living without working. The right to an education should be guaranteed by all United Nations for this would promote the civilization and opportunity of all mankind.

SENATOR VANDENBERG reminded Mr. Molotov of the American Bill of Rights which includes these and numerous other basic rights. He would hesitate to pick out one or two of them for special mention. SENATOR CONNALLY said that the naming of only one or two rights would mean the exclusion of others, and to name them all would be difficult and undesirable—the freedom of religion, the right to hold private property, trial by jury and many others. THE SENATOR thought it would be a mistake to go beyond a general statement on the subject because if you start to particularize you will have to have a long list.

MR. STETTINIUS said that he was entirely in accord with the views expressed by the other members of the United States Delegation.

MR. MOLOTOV said that it appeared that if the words "in particular the right to work and the right to education" were deleted, the remainder of the Soviet amendment would be acceptable. In view of the objections raised he thought that these amendments ought either to be referred to a Committee for consideration or deleted here at once. MR. STETTINIUS thought they should be deleted and MR. MOLOTOV said he had no objection. With this change the paragraph was agreed to including the insertion of the word "cultural" as suggested by the United States.

Turning to Chapter II, Paragraph 1, MR. PASVOLSKY said that the United States proposed in Paragraph 3 to strike out the words "peace-loving states" and to substitute the words "its members". This was accepted.

MR. PASVOLSKY said that the United States proposed in Paragraph 3 to strike out the words "settle their disputes by" and to insert the phrase "in the settlement of their international disputes use". He explained that the principal reason for the change was that there is an ambiguity in this paragraph as to whether the obligation is to settle all disputes or to settle disputes by peaceful means. With respect to the question of the differences between Paragraphs 3 and 4, the United States Delegation felt that Paragraph 3 deals with situ-

ations in which disputes arise. The point in Paragraph 3 is that if there is a dispute and there is a settlement of that dispute it should be by peaceful means. Paragraph 4 is broader in scope, but it is the reverse of Paragraph 3 in that it provides that member states shall refrain from the threat or use of force. Paragraph 4 is applicable to all situations and not merely to disputes. There might be unilateral action in connection with which force or threat of force might be implied. Paragraphs 3 and 4 complement each other and Paragraph 4 in addition carries us a little further than Paragraph 3 because it relates not only to situations in which a dispute exists, but to any situation in international relations.

MR. MOLOTOV suggested that the word "international" be inserted before the word "disputes" in Paragraph 3. He did not see any reason for further change in this paragraph as it seemed to him that Paragraphs 3 and 4 taken together covered all that had been suggested. They cover cases in which there are disputes as well as cases in which there are no disputes.

MR. DULLES suggested that we assume a claim is made upon the Soviet Union—does the Soviet Union undertake to submit that claim to international arbitration? He did not think that was the intent of the provision. What was intended was that a nation should not resort to force and violence as a means of settling their disputes.

MR. MOLOTOV repeated that Paragraphs 3 and 4 covered all cases. MR. EDEN said that he would be quite content with Paragraph 3 as it stands. DR. SOONG said that he felt that the original text was all right.

SENATOR VANDENBERG said that he would like to know how important Mr. Dulles thinks this matter is. MR. DULLES replied that he thought that the language as it stands would probably be interpreted in the sense of the suggestion the United States had made. Personally he would be willing to accept the language as it is.

MR. MOLOTOV indicated his agreement. Paragraph 3 was therefore accepted with the addition of the word "international".

MR. PASVOLSKY said, with reference to Paragraph 5 of Chapter II. that there had been some misunderstanding about this paragraph which could easily be corrected by a drafting change. He said it might be necessary to clarify the meaning by making the paragraph read somewhat as follows: "all members of the organization shall give every assistance to the organization in accordance with the provisions of the Charter". DR. SOONG and MR. MOLOTOV indicated agreement.

No changes were suggested in Chapter III or Chapter IV.

MR. STETTINIUS said that the changes which had been tentatively suggested by the United States on Chapter V, Paragraphs 1 and 2 had been withdrawn by the United States Delegation. The United

States Delegation had also withdrawn its suggestions on Paragraph 5. The Soviet Delegation had a change to propose on Paragraph 6. He asked Mr. Molotov to present this change.

MR. MOLOTOV said that he thought there was no need for him to justify the suggested change as everyone present was familiar with it.

MR. STETTINIUS said that the Soviet amendment was very similar in its first part to that suggested by the United States. MR. EDEN suggested that this paragraph be taken in two parts. He thought there was agreement on the first half down through the words "rules of international law". He said that his Delegation agreed with the first sentence as contained in the Soviet draft.

SENATOR VANDENBERG said that the Soviet amendment was different from that of the United States but that it represented an improvement. MR. MOLOTOV said he was very happy to hear this statement.

MR. STETTINIUS suggested that the full Soviet proposal down through the words "rules of international law" be approved. This was agreed. SENATOR VANDENBERG added "provided we get the rest of it".

MR. MOLOTOV said it would be interesting to know what additions were suggested in the second part. With reference to the second part MR. JEBB said that it must be clear that the Assembly must not make recommendations in matters which the Security Council is handling. The United Kingdom Delegation also proposed that references to the Atlantic Charter should be omitted here. They consider it undesirable to refer to another document in the Charter.

SENATOR VANDENBERG said that the British proposal went a long way toward achieving the result we are all after. He could not overemphasize the importance of this matter from the standpoint of ultimate Senate ratification of the document. The chief purpose of the language, which is the only thing left in dispute between the British proposal and that of the United States is to make plain the fact that we are not forgetting the purpose for which the war has been waged. We want to leave open for discussion our recommendations in the application of these purposes and situations likely to impair the general welfare. It seemed to the United States Delegation that somewhere in this continuing effort, there should be a literal tieback into the objectives which move all of us in going to war. He thought that the Charter would have a very great weakness in its appeal to public opinion in the United States, if it were not possible to identify in it anywhere the purposes for which we have gone to war.

MR. EDEN said that he agreed but inquired whether it would not be better to have a reference in the Preamble. SENATOR VANDENBERG said that this would be satisfactory.

SENATOR CONNALLY said that he had no comment to make except that he assumed that the Assembly might discuss and recommend,

but that it would have no power to undo treaties, and that it was clear that the recommendation would not go to the Security Council, which would have no power in this respect. He agreed thoroughly with the idea of having a forum for the consideration of this question. He would not be willing to give either organization the power to call nations in and say, "Here, your treaty is wrong." He said that making the reference in the Preamble suggested by Mr. Eden was agreeable to him.

SENATOR VANDENBERG said that if Mr. Molotov wished a statement made regarding the reasons for the proposal under discussion he would be very glad to make it. MR. MOLOTOV said he would like to hear the statement. SENATOR VANDENBERG said that we are constantly told that all of this latitude for investigation and report by the Assembly already exists in the broad language of the Dumbarton Oaks Proposals, to which all the sponsoring powers have agreed. If this is true, it seemed to the Senator that there could be no objection to making it specific. If there is objection, it lends dangerous weight to critics of Dumbarton Oaks to [*who?*] deny that the power is already implicit. Frankly, he was thinking of critics in the United States Senate who have already indicated this as their line of attack on the Charter. These critics say that the Dumbarton Oaks Proposals freeze the post war world in a rigid pattern created by expedient decisions made during the war. In addition there will be future decisions at the peace table of which we are not now cognizant. They are asking our people to underwrite the unknown even with the lives of our soldiers and our sons. They say we are not exploring the opportunity of correcting our mistakes by specific means, but the only way to do it is by the use of armed forces at our disposal.

THE SENATOR said that he wanted to add this personal appeal. He was in a very peculiar position—representing the minority side of the Senate. It was from that side of the Senate that the votes must be produced for the ratification of the Charter. He wanted to produce them. He was precisely in the position of Prime Minister Churchill when he said "If you will give me the tools, I will give you the results".[71] This provision in Paragraph 6 was the tool the Senator had to have.

MR. MOLOTOV said that his first question was whether the American Delegation agreed with the views expressed by Senator Vandenberg. MR. STETTINIUS said that as Chairman of the United States Delegation he could say that this was the Delegation's unanimous view.

MR. MOLOTOV said he would like to know exactly what text was being discussed—the British proposal or the United States draft.

[71] "Give us the tools, and we will finish the job", was the concluding sentence in a world broadcast, February 9, 1941, printed in *The War Speeches of the Rt. Hon. Winston S. Churchill*, compiled by Charles Eade (London, Cassell & Co. Ltd., 1951), vol. I, p. 343.

SENATOR VANDENBERG said that we were discussing the British proposal with the understanding that there would be a reference to the Atlantic Charter in the Preamble to which reference should be made at this point.

MR. MOLOTOV inquired how his Delegation could make objections to what it had not had a chance to read. This was a very difficult thing for him to do.

MR. STETTINIUS suggested that our United Kingdom colleagues say what their objections to the United States text was so that it could be changed right here. After a brief exchange MR. EDEN suggested that it might be better to take the matter up on the basis of the United States draft. MR. STETTINIUS asked Mr. Molotov if he cared to give his comments on this draft.

MR. MOLOTOV said if the group desired he would make a preliminary comment. First he would like to refer to what Senator Vandenberg had said. The Senator seemed to have omitted the fact that it would not be convenient to refer to the Atlantic Charter in this document. MR. MOLOTOV thought first of all that we should make no reference to the Atlantic Charter. He thought that we should all agree that it would not be proper in drafting this very important document to refer to any other document. If it should be considered necessary to add certain provisions, they should be added in substance and not by reference to other documents. He thought this was the customary rule.

MR. MOLOTOV said that it was suggested, with regard to treaties that reservation should be made with regard to these treaties so that they may be revised. He would say on behalf of the Soviet Government that it would not agree to this and he would explain why. Of course, there are now treaties in the world which would be permanent, however, there is nothing permanent in the world. But still obligations are obligations. If there is a treaty signed on the one hand by the Soviet, United Kingdom and United States Governments, and on the other hand by one or more of the defeated powers, he thought such a treaty should be observed. The governments put their signatures to such treaties in order to make them firm. Not a single one of these treaties has been implemented as yet and he could not agree that we should begin by undermining their force. The Proposals, as adopted at Dumbarton Oaks, contain the provision that the Security Council and the Organization itself are entitled to intervene in any situation which is likely to endanger the peace. The Proposals contain no restrictions on this point but if we are now to draw a reverse conclusion that we can impose such a restriction this would in effect involve a revision of these treaties which would mean weakening them.

MR. MOLOTOV said we must consider to whom this would be helpful. He thought it would be helpful only to those whom we have fought

and are fighting, and while fighting have shed much blood. We are happy in the treaties which we have signed in the course of the war—the treaties agreed to by us and our allies. From the point of view of the Soviet Government, he thought that the problem is to determine the limitation and the strength of these treaties. Have we had the right to conclude such treaties? We not only had this right but we had won it by shedding blood, the treaties have been signed, and if we are to undermine the strength of these treaties that would mean undermining the strength, the prestige and sovereignty of those states which have signed. If we were to impair the treaties, we should undermine the sovereignty of the states which have signed. The Soviet Government could not accept such a procedure and will continue to maintain its sovereignty. It considers that every state which has signed such treaties will do the same.

It was agreed on the suggestion of SENATOR VANDENBERG that this matter should be carried over for later consideration.

The group turned next to Chapter VI, Section A, on which the United Kingdom Delegation had a proposal (See copy attached, US Gen 37).[72] It was thought that the third sentence of this section reading "The General Assembly should elect six states to fill the non-permanent seats" should be modified by adding the following clause, "due regard being paid to the contribution of members of the Organization towards the maintenance of international peace and security and towards the other purposes of the Organization".

MR. EDEN said that this proposal had originated with the Canadian Government.

SENATOR VANDENBERG said that it seemed to him that this proposal would recognize the so-called middle powers and totally eliminate the possibility of small states ever having a chance to become members of the Security Council.

MR. MOLOTOV said that the United Kingdom proposal was acceptable subject to slight changes. He suggested that the words "other purposes of the Organization" should be omitted and the word "especially" inserted before the word "contributions".

MR. EDEN agreed to the second part of the suggestion. He did not understand the purpose of the first one. He was thinking of the past experience of the League when many members never paid their subscriptions at all and got all the advantages. However, if his colleagues were ready to accept the suggestion he would accept it.

MR. STETTINIUS suggested that if we recognized one criteria for the election of non-permanent members we were opening up many others. He said this would open up the whole regional question, the matter of geographical position, populations and a number of other questions

[72] Amendments to Dumbarton Oaks Proposals as suggested by the United Kingdom delegation, May 2, not printed.

which must be taken into account before this matter could be dealt with if the provision is to be stated in other than very general language. DR. SOONG agreed with Mr. Stettinius saying that otherwise small nations would have no voice or chance at all.

MR. EDEN remarked that some states like Canada considered that they were entitled to some recognition because of the contribution they had made in the present war. MR. STETTINIUS said he recognized fully the great contribution which Canada had made.

SENATOR CONNALLY said that it seemed to him that one of the substantial objections to this proposal was that it impinged upon the freedom of the Assembly. There is already some resistance here and in the country to the immense powers being conferred upon the permanent members of the Security Council. The British proposal would aggravate that objection. Only those states which are strong and powerful would be given seats. It seemed to the Senator that if the Assembly was to be given power to elect the non-permanent members it should have the power to determine the conditions of election. If such a criterion as that proposed were meritorious it would appeal to the Assembly. It seemed to him that small powers would raise serious objections to the adoption of the proposal as it would be construed as a build-up of another favored group.

MR. STETTINIUS said that he agreed with the Senator.

MR. EDEN thought that it would be desirable to give this subject more thought.

MR. STETTINIUS called attention to the fact that it was after 11 o'clock and suggested adjournment until tomorrow morning.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 27

*Minutes of the Twenty-Seventh Meeting of the United States Delegation, Held at San Francisco, Thursday, May 3, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (22) present at meeting.]

THE SECRETARY convened the meeting at 9:00 a. m., and stated that he hoped that the members of the Delegation had been able to get some rest over the night.

[Here follow discussion of proposed meetings of the Delegation with private organizations and the Secretary's report on progress of consultations with the Four Sponsors.]

PRESS POLICY

THE SECRETARY stated that, following the departure of the two Senators the night before, a group had continued to meet in his apartment on the question of the release of our proposals to the press. Since a press conference had already been scheduled for Thursday, but since

it would not be possible to issue the proposals at this time, agreement had been reached that Mr. Stassen would leave the meeting of the four sponsoring governments and attend a press conference at 11 a. m., Thursday, on behalf of the whole Delegation.

THE SECRETARY asked MR. STASSEN to summarize the statement he would make to the press conference. . . . He said he would indicate that the present consultations were a continuation of those held the previous evening, and that he would stress that consultation was going forward on amendments which each of the four governments wished to propose for discussion along with the consideration of the Dumbarton Oaks Proposals. Moreover, he thought it should be said that, since none of the four governments had published the texts of their amendments, as host government it would be courteous for us not to publish our proposals before the conclusion of the consultations. . . .

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REPRESENTATION AT CONSULTATIONS OF THE FOUR SPONSORS

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PROVISION ON EQUAL RIGHTS

REPRESENTATIVE BLOOM remarked that the question of solidarity was not at issue, since he had on a number of occasions brought a suggestion which had not been ruled out and yet did not appear in any of the documents. THE SECRETARY asked Mr. Sandifer the status of Representative Bloom's suggestion. MR. SANDIFER stated that the suggestion was to include in Chapter I, Purposes, paragraph 3, reference to "equal rights for all people".

MR. PASVOLSKY stated that this point was in fact in the document, since last evening the Soviet proposal had been accepted to add the phrase in paragraph 3, "without distinction," etc.

REPRESENTATIVE EATON asked what could be done if the Russians did discriminate. Would we deal authoritatively with the Russians? MR. PASVOLSKY said the Organization could not impose a decision on this question but that it could say to them, "you are violating a purpose of the Organization". Moreover considerable pressure could be mobilized in the form of public opinion.

REPRESENTATIVE BLOOM asked what objection there was to his phrase "equal rights"? MR. PASVOLSKY explained that the word "equal" was a touchy one with the Russians, and that from his point of view the phrase "without distinction" was actually better than "equal". REPRESENTATIVE BLOOM asked whether Mr. Pasvolsky meant to say that the Declaration of Independence was wrong. MR. PASVOLSKY said that it was satifactory for the United States but not for the world, since to others it had a different connotation. REPRESENTATIVE BLOOM asked whether Mr. Pasvolsky thought it was better for

us not to use the word "equal". MR. PASVOLSKY replied that he had no objection in principle to the word "equal", but was merely pointing out that it would be difficult to negotiate in this connection. Having gotten agreement on the Soviet proposal he was afraid we might lose what we had if we started monkeying with the language.

THE SECRETARY stated that he thought it was a very small request to ask for the inclusion in the document of a reference to "equal rights for individuals and nations". MR. PASVOLSKY replied that the difficulty with this proposal was that it raised the whole minority question. REPRESENTATIVE BLOOM noted that he did not recognize minorities and that this was the whole point of his amendment.

MR. PASVOLSKY reaffirmed that it had already been agreed in Chapter I to take care of what Representative Bloom wanted, but that in addition, if it was desired to include a reference to equal rights, then the matter would have to be considered.

THE SECRETARY asked that, if possible, a provision on equal rights be included and that Mr. Sandifer should make a report on this problem. MR. STASSEN expressed support for the Secretary's statement. THE SECRETARY suggested that the reference to equal rights might well be included in the preamble. MR. PASVOLSKY agreed that it might be possible to work it in there.

DEAN GILDERSLEEVE said she would like to go on record as saying how grateful she was to find the great advance in language indicated in the Soviet proposal for paragraph 3 of Chapter I.

STATUS OF AMENDMENTS MADE BY THE FOUR GOVERNMENTS

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MR. PASVOLSKY thought that it might be necessary, if agreement was not reached on the Vandenberg proposal,[73] for us to put forward that proposal separately. He added that the British and even the Russians might have one or two individual proposals to make. SENATOR CONNALLY remarked that this question would, for the moment, have to be reserved. THE SECRETARY pointed out to Mr. Notter that it would not be possible for Mr. Stassen or anyone else to discuss this with the press until a policy had been established in consultation with the four sponsoring governments. DEAN GILDERSLEEVE thought that, if joint proposals of the four governments were issued, the impression might be given that the four governments were ganging up on the other countries. MR. PASVOLSKY thought it would be possible to make an introductory statement to the effect that these proposals were the result of our joint studies, but that we were ready to consider all the views and proposals presented by other governments.

[73] For previous discussion of chapter V, section B, paragraph 6, see minutes of meeting of the United States delegation, May 2, 5:30 p. m., pp. 528, 537; for text of United States proposal, see *Postwar Foreign Policy Preparation*, p. 680.

THE SECRETARY indicated that he would not like to run the risk of Mr. Molotov's going home before the four powers had agreed upon a joint set of proposals. MR. PASVOLSKY explained that it would be necessary to continue consultations with the sponsoring governments until they had together gone over all the substantive proposals. This consultation would continue over the weekend. He thought Mr. Molotov could be persuaded to stay for this length of time. THE SECRETARY thought he might be persuaded to stay until Saturday.

SENATOR CONNALLY stated that the justification for the four sponsoring governments putting forward joint proposals was that these four drew up the Dumbarton Oaks Proposals originally, and we could say that on reflection, and following consultation, we had all felt they could be improved.

MR. PASVOLSKY said, in answer to Dean Gildersleeve's earlier comment, that it so happened that all the proposals being put forward were in the direction of improving the position of the smaller states rather than in acquiring more power for the large states, and therefore he thought they would actually please the other governments.

[Here follows discussion of Mr. Stassen's anticipated press conference, and documents before the delegation.]

## PROPOSAL ON REVISION OF TREATIES

THE SECRETARY asked whether there was any further business. SENATOR VANDENBERG stated that he had been surprised by Mr. Molotov's first question [74] as to whether our proposed change in paragraph 6, Section B, of Chapter V, was Senator Vandenberg's proposal or the proposal of the whole Delegation. SENATOR VANDENBERG stressed that the proposal on the review of treaties must be in the document or charter if it is to get through the Senate. He indicated that Mr. Molotov must understand that this is indispensable. SENATOR CONNALLY said he would like to know how he might help in the negotiation of this proposal.

MR. BOWMAN said we ought to find new ground for an argument for keeping the clause in paragraph 6. He pointed out that in a conversation with Mr. Gromyko he had been told that too much importance was being attached to the Senate Republican minority, since in fact the Republican votes were not needed to get the Charter through. MR. BOWMAN said he had disabused Mr. Gromyko of his interpretation by citing the world court fight. MR. EDEN also had said that the clause that we were proposing created a good deal of difficulty. SENATOR VANDENBERG pointed out that MR. EDEN had said however that he hoped that Britain would never negotiate a treaty that it would not be willing to submit to scrutiny.

[74] See minutes of Four-Power consultative meeting, May 2, 9 p. m., pp. 548, 555.

REPRESENTATIVE BLOOM added that it was not only a question of the attitude of the Senate but that it was also a problem of public opinion.

MR. PASVOLSKY suggested that we argue that the final clause of paragraph 6 was included within the phrase "impairs the general welfare". He thought we should drop the reference to the Atlantic Charter, put this in the preamble, and emphasize the last clause with respect to treaties. SENATOR VANDENBERG indicated his agreement with this proposal.

THE SECRETARY suggested that we should stress at the opening of the meeting that the Delegation still backs Senator Vandenberg's clause.

MR. PASVOLSKY favored not beginning with that point, but, for purposes of negotiation, starting with another point. SENATOR CONNALLY, SENATOR VANDENBERG, and THE SECRETARY agreed to this suggestion.

MR. STASSEN pointed out that much of the difficulty arises from the fact that the newspapers have linked Senator Vandenberg's proposal with review of the Polish question.

The Secretary adjourned the meeting at 10 a m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Four Min 2

*Minutes of the Second Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 3, 1945, 10 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (15); United Kingdom (6); Soviet Union (11); and China (6).]

MR. STETTINIUS suggested that the discussion continue at the point where it left off the preceding evening.

CHAPTER VI. SECTION D.

(Mr. Stettinius and the members of the United States Delegations present had before them a document entitled "Amendments to the Dumbarton Oaks Proposals as Suggested by the United States, the United Kingdom, the Soviet Union, and China", US Gen 48, May 3, 1945, copy attached.[75])

*Paragraph 2. Regional Subcommittees of the Military Staff Committee.*—MR. PASVOLSKY explained the United States proposal to delete the phrase "including regional subcommittees of the Military Staff Committee". He said that in view of the fact that the Security Council was empowered to set up any agencies necessary for the performance of its functions it seemed strange to make specific reference

[75] Parallel United States, United Kingdom, Soviet, and Chinese texts of suggested amendments of Dumbarton Oaks Proposals, not printed.

to only one of them in this provision. He thought there was very little reason for including one specific body at this point.

MR. EDEN said that he was inclined to agree that this was not the right place to refer to regional subcommittees of the Military Staff Committee. He thought that this provision might be put in the regional section in Chapter VIII, Section C, or in the paragraph on the Military Staff Committee in Chapter VIII, Section B. He said that he was willing to agree to the United States proposal to strike it out here provided that it should be considered in one of the other places that he had mentioned.

MR. STETTINIUS proposed that following Mr. Eden's suggestion this matter be considered in connection with the provision concerning the Military Staff Committee in Chapter VIII, Section B. This was agreed to.

*Paragraph 5. Participation of Non-Members.*—DR. SOONG, at the request of the Chairman, explained the Chinese proposal to add a sentence as follows to this paragraph: "In the case of a non-member, the Security Council should lay down such conditions as it may deem just for the participation of such a non-member." DR. SOONG said that it was the thought of his Delegation that if a non-member were given the privilege of attending and participating in meetings of the Security Council when considering a dispute in which it was involved, the Security Council should have the right to lay down the conditions of such participation.

The proposal was agreed to without further discussion.

## CHAPTER VIII. SECTION A

*New Paragraph Before Paragraph 1. Recommendations on Request of Parties.*—The British proposal to insert the following new paragraph before paragraph 1 was next taken up:

"Without prejudice to the provisions of paragraphs 1–5 below, the Security Council should be empowered, if all the parties so request, to make recommendations to the parties to any dispute with a view to its settlement in accordance with the principles laid down in Chapter II (3)."

MR. EDEN said that his Delegation recognized the importance of not cluttering up the Security Council with miscellaneous disputes, as had sometimes been the case with the League of Nations, but at the same time it was their thought that if the countries parties to a dispute requested the Council to take it up, the facilities of the Council should be available for this purpose.

The proposal was agreed to without discussion.

## CHAPTER VII

*Paragraph 6. Enforcement of Judgments of the Court.*—At this point DR. SOONG called attention to the fact that one of the Chinese

proposals related to Chapter VII and had not been discussed. The Chairman apologized for this oversight, which he said had resulted from the Secretariat putting the paragraph under Chapter VIII instead of Chapter VII. DR. SOONG said that this was probably the result of the paragraph having been inadvertently listed under Chapter VIII in the text of the Chinese proposals.

The Chinese proposal was to insert the following paragraph as paragraph 6 of this chapter:

"If any party to a dispute fails to comply with the judgment of the International Court of Justice, the Secretary Council may, upon application by the other party or parties concerned, take such action as it may deem necessary to give effect to the judgment."

DR. SOONG said that his Delegation regarded this provision as necessary and very important.

MR. EDEN doubted the desirability of including such a provision.

MR. MOLOTOV said that the inclusion of such a provision would mean that in addition to the decision of the court the Security Council would be issuing decisions binding upon the parties. He questioned the desirability of such a provision.

MR. STETTINIUS stated that the United States Delegation was opposed to this provision.

DR. SOONG said that in view of the position of the other three governments China would reserve its position with respect to this provision.

CHAPTER VIII. SECTION A

*Paragraph 2. Obligations of Non-Members.*—The Chinese proposal to add the following sentence to this paragraph was taken up for consideration: "In the case of a non-member, it should be required to accept, for the purposes of such dispute, the obligations of pacific settlement provided in the Charter."

DR. SOONG pointed out that this provision was related to the provision in paragraph 5 of Chapter VI, Section D, concerning invitations to non-member states to participate in the discussion relating to disputes to which they are parties.

MR. MOLOTOV asked for a further clarification of this provision.

DR. KOO explained that the purpose of the proposed addition is to make certain that when the Organization takes up for consideration a dispute involving a non-member, it can count on the obligations being complied with by such non-member.

MR. PASVOLSKY pointed out that the proposed addition was related also to the last paragraph in Chapter II on Principles to the effect that the Organization should insure that states not members of the Organization act in accordance with the principles laid down in Chapter II so far as may be necessary for the maintenance of peace and security.

MR. STETTINIUS and MR. EDEN indicated that this provision was acceptable to their respective Delegations.

MR. MOLOTOV asked for time to study the provision.

*Paragraph 4. Recommendation of Terms of Settlement.*—The proposal of the United Kingdom to add the following sentence to paragraph 4 was taken up for consideration: "If the Security Council deems that the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under paragraph 5 or whether itself to recommend such terms of settlement as it may consider appropriate."

MR. EDEN said that his Government attached great importance to this provision. He said that under the original provision if the Security Council took jurisdiction of a dispute its action was limited to the recommendation of procedures or methods of settlement. He thought that it would not be understood by the general public how the Council could take up a dispute and then take no action looking towards its settlement other than to recommend procedures or methods of settlement.

DR. SOONG said that the provision was acceptable to his Delegation.

MR. MOLOTOV thought that the provision might be acceptable to his Delegation, but that they would like to go over the draft again.

MR. STETTINIUS said that it was the view of the United States Delegation that it was undesirable for the Security Council to have the power to recommend terms of settlement. He would be happy to discuss the matter now or later as desired by the other Delegations.

MR. EDEN said that if this provision were not made clear by the proposed addition the Security Council could do nothing but talk and would not be in a position to take any effective action. At the very least he thought it must have the power to make recommendations as to terms of settlement.

The United States reserved its position on this question.

*Paragraph 7. Domestic Jurisdiction.*—Two proposals were before the meeting with respect to this paragraph. The United States proposal was to delete the words "by international law" and the word "solely".

The British proposal was that paragraph 7 be replaced by the following provision:

"(1) The Charter should not confer the right on any member of the United Nations to require that a dispute or situation arising out of matters which by International Law are solely within the domestic jurisdiction of the State concerned should be submitted to the means of settlement mentioned in Section A (3). Should, however, such a situation or dispute constitute a threat to the maintenance of international peace or security, or should a breach of the peace occur in consequence of such a situation or dispute, it should be open to the

Security Council, acting in accordance with Section B, to take such action as it may deem appropriate.

"(2) The question whether a particular dispute or situation does arise out of matters which by International Law are solely within the domestic jurisdiction of the State concerned should be decided, if necessary, by the body to which it is sought to submit the dispute or situation."

SIR WILLIAM MALKIN, at the request of Mr. Eden, explained the British proposal. He said that paragraph 7 had never been fully discussed at Dumbarton Oaks.[76] Under the Dumbarton Oaks provision, paragraphs 1 to 6 of Section A would not apply to matters coming within domestic jurisdiction, whereas the provisions of Chapter VIII, Section B, would apply to such matters. The effect of this was that members of the Organization would not be obligated under Section A to submit disputes coming within domestic jurisdiction. At the same time if such a dispute produced a situation likely to lead to war or if it actually caused a breach of the peace, the Council could act under Section B. It seemed to the United Kingdom essential that this situation be clearly stated and that was the purpose of the proposal put forward by the United Kingdom Delegation.

MR. BOWMAN, at the request of Mr. Stettinius, explained that the United States proposed the deletion of the words "international law" on the ground that international law might not keep up with the evolution of the definition of domestic jurisdiction. It was proposed to omit the word "solely" as too precise in view of the existing imprecision of international law.

MR. MOLOTOV said that the United States proposal was acceptable to his Delegation.

DR. SOONG said that he would prefer to see the words "international law" retained.

MR. EDEN stated that he preferred the fuller statement of the matter contained in the British proposal.

MR. STETTINIUS proposed the appointment of a subcommittee to consider this matter. The respective Delegations appointed Mr. Dulles and Mr. Hackworth (United States), Sir William Malkin (United Kingdom), Mr. Golunsky (Soviet Union), and Dr. Wang (China). The suggestion was accepted and the subcommittee directed to consider this matter at once and submit a report at the next meeting.

## CHAPTER VIII. SECTION B

*Paragraph 1. Character of Measures of Enforcement.*—MR. PASVOLSKY said that the change proposed by the United States was in-

[76] For the American proposal of September 9 to the Joint Steering Committee, and Soviet acceptance of the proposed paragraph 7 on domestic jurisdiction on September 27, see *Foreign Relations*, 1944, vol I, pp. 789 and 838, respectively. See also minutes of meetings of the American delegation, April 12, 16, and 18, *ante*, pp. 269, 296, and 330, respectively.

tended to make it clear that the word "measures" is intended to mean measures indicated in paragraphs 3 and 4 of this section. The same proposal is made also with respect to paragraph 2.

MR. EDEN thought that this proposal required consideration in connection with paragraphs 4 and 5 of Section A.

MR. MOLOTOV said that he would prefer the original language of the Dumbarton Oaks Proposals. MR. SOONG seemed inclined to agree with Mr. Molotov.

The United States reserved its position with respect to this proposal.

*Paragraph 2. The Measures to Maintain or Restore Peace.*—It was pointed out that the United States proposal in this paragraph was identical with that in paragraph 1, that is to limit the measures to be taken to those provided in paragraphs 3 and 4 of this section.

MR. EDEN said that he had no objection to the proposed change in this connection. MR. SOONG agreed, but MR. MOLOTOV thought that it was connected with that in the preceding paragraph. MR. EDEN pointed out that this paragraph had reference to a threat to or breach of the peace. MR. MOLOTOV said that he had no objection to the change.

The proposed change was agreed to.

*New Paragraph Between Paragraphs 2 and 3. Provisional Measures.*—DR. SOONG explained that the new paragraph proposed by China arose out of the experience of the League in the case of Manchuria.

AMBASSADOR KOO said that the whole idea was to facilitate the Organization's task of maintaining or restoring international peace and security. The provision was designed to maintain the conditions existing at the time the disturbance occurred. It would be helpful to prevent any aggravation of the situation. The prescription of provisional measures would be without prejudice to the rights, claims, or position of the parties concerned, but would not in any way affect the final settlement of the dispute. If any of the parties should fail to comply with the measures prescribed, such failure might be taken into account by the Council in reaching its final decision.

MR. MOLOTOV and MR. EDEN had no objection to this provision. MR. STETTINIUS reserved the right on behalf of the United States Delegation to study the matter further.

CHAPTER VIII. SECTION C.

*Paragraph 2. Enforcement through Regional Agencies.*—The proposal of the Soviet Union for an amendment to this section reading as follows was next taken up:

"2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority.

But no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures provided for in treaties already concluded directed against the renewal of a policy of aggression on the part of the aggressor states in the present war."

MR. MOLOTOV explained that the purpose of the contemplated Organization is to prevent future aggression. This is also the purpose of a number of treaties which have been concluded among certain of the Allied states in Europe during the course of the present war. The amendment proposed by the Soviet Union would apply only to those treaties entered into, prior to the ratification of the Charter, by the governments participating in the San Francisco Conference. The proposal would include only treaties against aggression within this limited time-period. The proposal is entirely in keeping, MR. MOLOTOV said, with the spirit of the proposed Organization.

MR. EDEN said that he was in entire agreement with Mr. Molotov as to the importance and purpose of the treaties in question. One of the first treaties of this character was that between the Soviet Union and the United Kingdom.

MR. EDEN had two points which he wished to make with respect to the Russian proposal. In the first place, it was not reasonable to limit the exception to measures provided by treaties in force at the time that the Charter was ratified. A later treaty of the same character should not be discriminated against, for example Great Britain might conclude such a treaty with France after the ratification of the Charter. MR. EDEN'S second point was that some provision should be made so that when the new Organization became stronger there should be a provision for its taking over the functions carried out by the parties to these treaties. This of course could only be carried out with the agreement of the signatories to the treaties. This he had tried to cover in an amendment which he had proposed.

SENATOR VANDENBERG said that the question raised by the Soviet proposal should be considered in connection with the settlement of the question raised last night concerning Chapter V, Section B, paragraph 6.

MR. STETTINIUS said that he had had in mind suggesting at the end of the meeting that the provision to which Senator Vandenberg had referred be turned over to a subcommittee of specialists for the purpose of exploring all angles to reach a common ground. He thought that it would be desirable to refer both of these matters to such a subcommittee. There being no objection, the following persons were designated: Mr. Stettinius and Mr. Pasvolsky (United States), Sir Alexander Cadogan and Mr. Jebb (United Kingdom), Mr. Molotov and Ambassador Gromyko (Soviet Union), Ambassador Koo and Dr.

Wang (China). MR. MOLOTOV suggested that Mr. Pasvolsky act as chairman. MR. STETTINIUS said that he would attend the meetings as time permitted.

CHAPTER IX. SECTION A

*Paragraph 1. Economic and Social Council.*—The United States, the United Kingdom, and the Soviet Union each had made proposals for amendments in this paragraph. The United States proposed the insertion of the word "cultural". The United Kingdom proposed the insertion of the phrase "in association with the International Labor Organization and other bodies concerned". The Soviet Union proposed three different insertions: (1) "based on respect for the principle of equal rights and self-determination of peoples"; (2) "in particular the right to work and the right to education"; (3) "for all without distinction as to race, language, religion, or sex".

MR. MOLOTOV explained that he wished to support the Soviet proposal for inclusion of the provision concerning the right to work and to education, but that he would not press the matter. If there was no objection to these additions, he would also like to have reference made to them in the Chapter on Purposes. MR. PASVOLSKY suggested that if such additions were made the language used in Chapter I should be followed here.

MR. ATTLEE said that the proposal of the United Kingdom with reference to the International Labor Organization was related to the proposal for the insertion at the end of paragraph 2 of a new paragraph reading as follows:

"3. In view of its tripartite constitution the International Labor Organisation should, subject to the provisions of Paragraph 2 above, be brought into special relationship with the Organisation and should be an important instrument through which should be pursued the object of securing for all improved labour standards, economic advancement and social security."

The International Labor Organization as a specialized organization would be brought into relationship with the new Organization. It would be brought into relationship particularly with the Economic and Social Council. It was the view of the British Delegation that it was highly desirable that this should be stated clearly and specifically here. This view was based upon the important and distinguished record of the International Labor Organization.

DR. SOONG said that he regarded the British amendment as too sweeping and that he would like to study it further.

MR. MOLOTOV said that for reasons well known it was the view of the Soviet Government that it would be sufficient to adhere to the original text of the Dumbarton Oaks Proposals in this respect.

MR. PASVOLSKY explained that the United States desired to add the word "cultural" in order to make it clear that the cultural and educational fields were covered by this paragraph. It had been understood at Dumbarton Oaks that the word "social" included cultural, but there was a strong sentiment in the United States for making this explicit. DR. SOONG supported the United States proposal and it was agreed to by the four governments. Action on the British proposal both in paragraph 1 and paragraph 3 was reserved for later consideration.

The Soviet proposal was agreed to with the understanding that the language should be made to conform with the proposal which had been agreed to for paragraph 3 of Chapter I. This would involve the deletion of the phrase "in particular the right to work and the right to education".

CHAPTER IX. SECTION D

*Paragraph 1. Establishment of Commissions.*—The United States had a proposal on paragraph 1 for the addition of the phrase "a human rights commission". The United Kingdom proposed the deletion of the first sentence with respect to the establishment of specified commissions, a new sentence as follows to be substituted: "The Economic and Social Council should have the power to set up such commissions as may be required."

Mr. ATTLEE explained that in the view of the British Delegation the Dumbarton Oaks Proposal was too precise on this point in specifying the particular bodies to be created. It would be wiser to give the Council the power to set up commissions or other bodies as required and to leave the matter open and flexible for development. MR. MOLOTOV said that he had no objection to the British proposal.

DEAN GILDERSLEEVE said that she would very much like to have a specific reference made to a human rights commission. She had some sympathy with the British proposal, but she thought that further consideration of both proposals was desirable.

MR. ATTLEE suggested that the United States point might be met if a proposal on human rights were put at an earlier point in the document.

MR. EDEN suggested a subcommittee to study this question. Accordingly the following subcommittee was appointed: Mr. Bowman (United States), Mr. Attlee (United Kingdom), Dr. Hsu Mo (China), and Mr. Kuznetsov (Soviet Union).

CHAPTER X

*Paragraph 1. Secretary-General and Deputies.*—AMBASSADOR GROMYKO explained that the first Soviet amendment to this paragraph related to the number of deputies. The second related to the term of service of the Secretary-General and the deputies. His delegation

had in mind that the four deputy secretaries-general would be from the permanent members of the Council, the Secretary-General also being a national of one of the permanent members. His delegation thought that the two-year term proposed would be long enough for purposes of experience and yet short enough to guarantee a term of service for a national of each of the five permanent powers within a ten-year period.

DR. SOONG supported the proposal for four deputies, but he thought that the two-year term was too short. He would prefer something like three, four, or five years. MR. EDEN said that he had no objection to the provision for four deputies. However, he thought it was not a good plan to choose these deputies from among the four great powers. They should be chosen upon their merits as individuals. He would not favor as short a term as two years. He wished the point emphasized that the officers of the Secretariat would not be representatives of their countries. They would be international civil servants. If they did good and satisfactory work they should be kept on.

MR. STETTINIUS said that he was in entire sympathy with the views expressed by Mr. Eden. He thought that the Dumbarton Oaks Proposals were adequate on this point.

MR. MOLOTOV said that he would not insist on the suggestion made by Ambassador Gromyko on behalf of the Soviet Delegation that the four deputies be nationals of permanent members of the Council. He would agree to a three-year term. MR. STETTINIUS suggested that the four delegations study this proposal but come fully prepared on all points at the next meeting.

MR. ATTLEE inquired whether Mr. Molotov would press the point of non-reelection. MR. MOLOTOV suggested that this also be studied for the next meeting, to which there was general agreement.

*New Paragraph 4. International Character of Secretariat Staff.*— The United States proposed the addition of a new paragraph 4 as follows:

"4. In the performance of their duties, the Secretary-General and the staff should be responsible only to the Organization. Their responsibilities should be exclusively international in character, and they should not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The members should undertake fully to respect the international character of the responsibilities of the Secretariat and not to seek to influence any of their nationals in the discharge of such responsibilities."

Mr. PASVOLSKY explained that this provision was based upon the experience of the League, especially in the years following the rise of Fascism and Nazism in Italy and Germany. The attitude of those

countries had been to regard their nationals in the Secretariat as national servants rather than as international civil servants. It was extremely important on the administrative side that the staff of the Secretariat be truly international in character. It was important to build up a true international civil service. It was the view of the United States Delegation that there is a great deal to recommend the adoption of a provision of this character.

The proposed paragraph was agreed to without further discussion.

## CHAPTER XI

*Paragraph 1. Coming Into Force of Charter.*—The Soviet Delegation proposed the following new paragraph as the first paragraph of this Chapter:

"1. The present Charter comes into force after its ratification in accordance with their respective constitutional processes by the members of the Organization having permanent seats on the Security Council and by a majority of the other members of the Organization."

SENATOR CONNALLY in explaining the reason for this proposal [78] pointed out that while the Chapter provided for individual amendments it did not provide for any general revision. It was the thought of the United States Delegation that there ought to be somewhere authority for a complete revision of the Charter if situations should develop to make this desirable. He pointed out that in the Constitution of the United States there was a provision authorizing Congress to call a Constitutional Convention for the purpose of reexamining the whole Constitution, or the states might by a specified vote call for the convening of a Constitutional Convention. While the present provision with respect to separate amendments is both necessary and desirable, there ought to be provision to take account of changing conditions and growth. This can best be done by providing for review at intervals to be determined. The interests of the permanent members of the Council would be protected under the proposed provision by the requirement for their unanimous vote for the approval of any revision recommended.

The United States Delegation regards this amendment as highly imperative because of the possible difficulty of getting approval by the Senate. The Delegation is extremely anxious to get a Charter which will receive the Senate's approval. There have been objections that the Charter of the proposed Organization should not be frozen for all time.

COMMANDER STASSEN said that he was very much in accord with the position stated by Senator Connally. He was interested in this pro-

[78] For text of United States proposed new paragraph providing for a general conference to review the Charter, see p. 438.

vision particularly on account of the men in the armed services who were not here to make their influence felt in the formulation of the Charter. It should be made possible for them to exercise their influence at a later date.

MR. MOLOTOV said that perhaps if we accepted this provision it would not be necessary to work so hard on other provisions and amendments under consideration, since everything would be open to change.

MR. EDEN thought the proposal was acceptable. He had two questions to raise: Why was the provision made for a three-fourths vote of the General Assembly in calling a Conference, whereas elsewhere in the document a two-thirds vote is used? Secondly, Would it be desirable to fix a minimum time within which such a Conference should be called? He thought this might help meet the point Mr. Molotov had in mind. SENATOR CONNALLY suggested seven years as a possibility. He said that the three-fourths vote had been suggested in order that the calling of a Conference would not be too easy.

DR. SOONG said he thought this was a very wise provision. It was sufficiently safeguarded by the requirement of ratification by all members of the Security Council.

MR. MOLOTOV said that taking into account the reasons given by Senator Connally and Commander Stassen he was willing to accept the proposal.

The proposal was therefore agreed to.

### CHAPTER V. SECTION B.

*New Paragraph to Follow Paragraph 7. Administrative Budgets.*—The United Kingdom proposed the following provision:

"The General Assembly should examine the administrative budgets of such specialised agencies with a view to making recommendations to the agencies concerned."

This provision was agreed to without discussion.

### PROCEDURE

MR. STETTINIUS brought up the question of future procedure in considering the proposed amendment[s]. After we have reached agreement are we to regard the amendments as part of the revised Dumbarton Oaks Proposals to be submitted to the Conference? Or should it be announced that the four governments have consulted each other and submit the amendments agreed on separately? It would be understood, he assumed, that each Delegation would be at liberty to present its individual views in the Commissions and Committees. He thought that it was very important to weigh carefully the effect on other countries of consultations among the four governments resulting in new joint proposals.

MR. EDEN thought that the position was substantially this. The four authors of the original Dumbarton Oaks Proposals have each presented amendments. Quite naturally and properly they have discussed these amendments among themselves for the purpose of reaching mutual agreement if possible. So far as other amendments proposed by other governments are concerned, we seek to impose no amendments on them, though we may consult on other amendments as they arise.

DR. SOONG thought that it might be desirable for the four governments to present their amendments to the Conference in a joint statement.

MR. MOLOTOV agreed in general with the suggestions made by Mr. Eden.

COMMANDER STASSEN suggested that the amendments as agreed upon be proposed jointly as amendments to the Dumbarton Oaks Proposals. There seemed to be general agreement with this proposal.

MR. STETTINIUS asked that the Secretariat prepare a statement before the next meeting which might be submitted to the Conference and to the press. He proposed that the group should meet again at 9:30 this evening. The subcommittees should be prepared to report at that time. MR. STETTINIUS suggested that the subcommittees meet immediately following the meeting.

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RSC Lot 60–D 224, Box 96: US Cr. Min. 28

*Minutes of the Twenty-Eighth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 3, 1945, 6:20 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (27) present at meeting.]

The Secretary called the meeting to order at 6:20 p. m.

[Here follows report on visit of Senators Harry F. Byrd (Virginia), Homer E. Capehart (Indiana), James O. Eastland (Mississippi), and Charles W. Tobey (New Hampshire), and report on the Roper Poll of public opinion with respect to United States participation in an international organization.]

FRENCH POSITION

THE SECRETARY reported that he and Mr. Dunn had had a conversation with M. Bidault, the French Foreign Minister. M. Bidault had felt perturbed about the meetings of the Big Four in which his Government had not been represented. He feared that the Big Four were trying to reach new agreements on questions not pertaining to the conference. Mr. Dunn had explained to M. Bidault that the only purpose of the meetings was to obtain agreement among the Sponsor-

ing Governments on proposed amendments to the Dumbarton Oaks Proposals.[79] THE SECRETARY proposed that M. Bidault be invited to attend the meetings of the Big Four and pointed out that these meetings would probably not continue very much longer inasmuch as the Executive Committee of the Conference would begin to function more actively and tend to replace the meetings of the Big Four. MR. BLOOM asked whether this meant that M. Bidault would participate in the meetings and THE SECRETARY replied in the affirmative. THE SECRETARY stated, in reply to Mr. Armstrong's question, that the Sponsoring Governments would be consulted before an invitation was extended. SENATOR CONNALLY stated that he had no objection to the proposal but that he didn't like it.

### RELEASE OF SPONSORING GOVERNMENTS AMENDMENTS

THE SECRETARY raised the question whether or not it was wise to present a united front among the Big Four on the proposed amendments to the Dumbarton Oaks Proposals and suggested that it might be better to introduce such amendments separately in the Commissions and Committees. MR. PASVOLSKY pointed out that it was impossible to follow that procedure because all formal proposals had to be submitted to the Secretary-General by midnight, Friday, May 4. MR. PASVOLSKY also stated that the proposed amendments could not be submitted separately because they had been worked out jointly among the Big Four. MR. BOWMAN suggested that one way of explaining the matter would be to suggest that the Sponsoring Governments had consulted together on the proposed amendments in order to expedite the work of the Conference.

THE SECRETARY asked the Delegation to review the following Draft Covering Statement for Joint Submission to the Conference of Amendments Agreed by the Four Nations:

"The United States, the United Kingdom, the Soviet Union, and China have consulted together concerning the amendments to the Dumbarton Oaks Proposals which they wish to propose for consideration by the Conference. They have agreed upon the amendments annexed hereto as their joint proposals to the Conference.

"These governments will give full consideration to proposals and amendments submitted by other countries as they come before the Commissions and Technical Committees of the Conference."

[79] In telegram 1, May 4, not printed, Secretary Stettinius informed the Acting Secretary of State as follows: "A long somewhat stormy but on the whole friendly conversation ensued. Essentially Bidault insisted that France be associated from now on with the Four-Power discussions on amendments, stating that public and official pressure in France was such that if this were not done he would undoubtedly be recalled, leaving the representation of France at the Conference to technical advisers without authority. I agreed to bring this matter up at once with the other three Foreign Ministers and not only to introduce but to support fully the French request that Bidault be included in further Big Four discussions on Conference matters." (500.CC/5–445)

The view was expressed by several members of the Delegation that the statement should be redrafted to convey the impression that the proposals being submitted by the Big Four were to be considered merely as one group among other proposed amendments to the Dumbarton Oaks Proposals and that further amendments by each of these governments would be presented separately. Mr. Notter was requested to redraft a statement along these lines which might be presented for consideration at the meeting of the Big Four this evening. Mr. Notter distributed the following statement later in the meeting:

"The Delegations of the four Governments which participated in the Dumbartons Oaks Conversations, the United States, the United Kingdom, the Soviet Union, and China, have consulted together concerning those amendments to the Dumbarton Oaks Proposals on which they find themselves in agreement for inclusion among the amendments being proposed for consideration by the Conference.

"Such further amendments as each of these Governments may wish to propose will be presented separately. All four Governments are now studying and considering the various proposals and amendments submitted by the Delegations of other countries as they are presented to the Conference and its Commissions and Technical Committees."

### Sponsoring Governments Amendments

The Secretary asked Mr. Pasvolsky to review the document Consultation of the United States, United Kingdom, Soviet Union, and China on the Amendments to the Dumbarton Oaks Proposals, May 3, 1945.[80] Mr. Pasvolsky stated that Section I of this document from pages 1–9 contained the amendments to the proposals upon which agreement had been obtained among the Sponsoring Governments. He then asked the Delegation to consider Section III of the document beginning on page 9 which dealt with amendments which had been deferred for further study or where the position of individual governments had been reserved.

*Chapter VI, Section A, Proposal of the United Kingdom.*—Mr. Pasvolsky stated that the British proposal to establish a category of middle-sized states whose position would be specially recognized in connection with the election of the non-permanent members of the Security Council was acceptable to the Russians, but that we didn't like it nor did the Chinese. He felt, however, that we would be obliged to accept it. He then suggested that we amend the British proposal to include a provision which would take into account the geographic position of member states. The clause as thus revised would read as follows: "due regard being paid to their geographic position and to their contribution towards the maintenance of international peace and security and towards the other purposes of the organization".

[80] Not printed.

DEAN GILDERSLEEVE pointed out that Canada would object to a regional provision of this character. Several members of the Delegation indicated that they were not wholly satisfied with this proposal but after brief discussion it was decided to accept it as revised.

*Chapter VII. Chinese Proposal.*—MR. PASVOLSKY stated that the Chinese had strongly urged a provision empowering the Security Council to take enforcement action to give effect to judgments of the International Court of Justice in the event any party failed to comply with a decision of the Court. THE SECRETARY stated that we could not accept the Chinese proposal and the Delegation agreed that it could not be accepted.

*Chapter VIII, Section A, Paragraph 2. Chinese Proposal.*—The Chinese proposal that non-members be required to accept the obligations of pacific settlement provided in the Charter was accepted without comment.

*Chapter VIII, Section A, paragraph 4.*—MR. PASVOLSKY pointed out that the British proposal by itself was not objectionable. He stated that the real problem arose in connection with other provisions of the proposal. Would, for example, the failure of a state to abide by the terms of settlement recommended by the Security Council constitute a threat to the peace under which the Council might then take enforcement action? He stated that both China and the U.S.S.R. supported the British proposal while we had consistently opposed it. He indicated that this proposal introduced an entirely new element in the structure of the organization. He urged that whatever our position was with regard to the British proposal we should insist on our amendment for Chapter VIII, Section B, paragraph 1.

MR. DULLES thought that the British proposal went to the heart of the role of the Security Council. He pointed out that under the Dumbarton Oaks Proposals it had been generally understood that the Security Council would act only as a policeman and would not itself have the function of settling disputes on the basis of merit. The British proposal goes very much farther by making the Security Council the arbiter of the world. MR. SANDIFER pointed out that there was a specific limitation in the jurisdiction of the Security Council under the British proposal in that the Council could assume jurisdiction only in those cases likely to endanger the maintenance of peace and security. MR. BOWMAN pointed out that when the Security Council makes a recommendation the party that loses its case will try to object to any further action, while the party which is favored will fight to maintain its position. In any event, there would be no appeal from the Security Council. SENATOR VANDENBERG observed that this proposal collided with Senator Austin's position. He also observed that it had nothing to do with justice.

MR. PASVOLSKY thought the Delegation should oppose the British proposal. MR. DULLES stated his belief that the small powers would object to the proposal. MR. PASVOLSKY pointed out that we were alone in opposing the British proposal and alone in supporting our proposal for Section B, paragraph 1. He stated that if we oppose the British proposal we could not hope to get acceptance of our own. MR. DULLES suggested that we drop our proposal under Section B, 1 if the British agree to drop their proposal under Section A, 4. MR. PASVOLSKY said that a number of the small powers wanted the Security Council vested with power to recommend terms of settlement. He added that he favored the earlier British proposal under which the Council would be empowered to recommend terms of settlement when requested to do so by parties to a dispute. THE SECRETARY suggested that we oppose the British proposal and try to retain our proposal for Section B, 1. MR. PASVOLSKY thought that the British might reserve their position if we took that approach. MR. DUNN suggested that we oppose paragraph 4 but argue the case for our own proposal.

MR. PASVOLSKY pointed out that the agreement on the Big Four amendments could not be reached tonight because of the discussions to be held tomorrow with the Russians concerning regional arrangements. In reply to a question concerning the release of the proposals to the press, he stated that we could do that when the proposals are sent to the Secretary-General. It was agreed that an effort should be made to retain our proposal under B, 1 if possible.

*Chapter VIII, Section B. Chinese Proposal.*—MR. PASVOLSKY stated that the Chinese proposal concerning provisional measures which might be taken by the Security Council had been deferred for further consideration at our request. After brief comment it was agreed to support this proposal.

*Chapter VIII, Section B, 9.*—MR. PASVOLSKY suggested that a provision in this paragraph to provide for regional subcommittees of the Military Staff Committee might read as follows: "The Military Staff Committee with the approval of the Security Council may establish regional subcommittees of the Military Staff Committee". The proposal was approved by the Delegation.

*Chapter IX, British Proposal.*—The Delegation agreed to oppose the British proposal to include specific reference in the Charter to the International Labor Organization in paragraphs 1 and 3 of Section A. MR. PASVOLSKY reported that Mr. Eden had said that Mr. Bevin [81] would be greatly disappointed if some such provision were not included. THE SECRETARY stated that we could not accept it and it was so agreed.

[81] Ernest Bevin, British Minister of Labour and National Service.

*Chapter X. Soviet Proposal.*—After a brief, cacophonic discussion it was agreed that the Russian proposal for the term of office of the Secretary-General should be modified by extending his term of office from two to three years. No definite decision was taken with regard to the question of the eligibility of the Secretary-General for immediate reelection but it was intimated that this question might receive further attention at a later meeting of the Big Four.

INTERIM ECONOMIC COMMISSION

DEAN GILDERSLEEVE reported that a proposal had been submitted by Dr. Shotwell [82] on behalf of a group of consultants urging that an interim commission be established for economic and social questions. THE SECRETARY then read Dr. Shotwell's letter. MR. PASVOLSKY pointed out the difficulties which would ensue were a council of this kind set up, which would consist of the representatives of fifty countries and would be quite unlike the proposed Economic and Social Council for the permanent organization. He stated that there was need, however, for a preparatory commission to prepare documents for the agenda of the first session of the General Assembly, the Economic and Social Council, and the Security Council. MR. BOWMAN expressed the view that the creation of such an interim commission at this time, as proposed by the consultants, would lead to terrible confusion. He suggested that it was evident that there was a concern among some groups for the safeguard of their special interests.

THE SECRETARY stated that we evidently wanted the establishment of an interim commission as soon after ratification as possible to plan for the initial work of all the organs of the Organization. He appointed Dr. Bowman and Mr. Pasvolsky to appear before the consultants and to explain the position of the Delegation. MR. SANDIFER stated that the secretariat would have a memorandum on a preparatory commission for discussion by the Delegation. DEAN GILDERSLEEVE observed that the consultants believe that the Delegation keeps pushing aside economic questions and that she thought there was some justification for their point of view. MR. MACLEISH proposed that the Secretary and Mr. Pasvolsky appear before the consultants and present the views of the Delegation at 5:00 p. m. the following day and that this be tied in with the press conference. THE SECRETARY then inquired whether the consultants felt that they were being ignored.

DR. BOWMAN thought that the proposal suggested by Mr. MacLeish would help satisfy them if a full enough explanation were given with regard to the interim arrangements proposed. THE SECRETARY stated that the C.I.O. had indicated that they wished to be represented on

[82] James T. Shotwell, Carnegie Endowment for International Peace; Consultant, United States delegation.

the interim organization. DR. EATON said that in a conference with representatives of business and agricultural organizations expression had been given to their desire to be represented on such an interim commission. DEAN GILDERSLEEVE stated that she was in agreement with the proposal for a preparatory commission along the lines suggested by Mr. Pasvolsky.

MR. BLOOM complimented Commander Stassen on his press conference and hoped that the Delegation would get copies of the transcript.

REPORTS ON SUBCOMMITTEES

THE SECRETARY invited the Delegation to consider the matters referred to Subcommittee in the document under consideration (p. 5). MR. DULLES submitted the following text of an article to be inserted as a new chapter in the Charter which would replace VIII–A–1:

"Nothing contained in this Charter shall authorize the Organization to interfere with matters which [by international law] [83] are essentially within the domestic jurisdiction of the State concerned or shall require the members to submit such matters to settlement under this Charter. Should, however, a situation or dispute arising out of such a matter assume an international character and constitute a threat to the maintenance of international peace or security, or should a breach of the peace occur in consequence of such a situation or dispute, it shall be open to the Security Council, acting in accordance with Chapter VIII, Section B, to take such action as it may deem appropriate."

The Delegation agreed to support the proposed text except for the bracketed clause referring to international law. MR. DULLES reported that we were supported by the Soviet Government on this matter but that the British and Chinese Governments favored the inclusion of a reference to international law.

MR. PASVOLSKY reported that no agreement had been reached by the Subcommittee which had been working on the reference to treaties in the proposed amendments for Chapter V, Section B, paragraph 6 and Chapter VIII, Section C, paragraph 2. He stated that the United States and China were supporting a new United Kingdom proposal for Chapter VIII, Section C, paragraph 2 but that he feared that the Soviet Union would not sign a Charter with such a provision incorporated in it. The Soviet argument was that the British proposal would interfere with the sovereign rights of states. MR. PASVOLSKY stated that the Soviets were concerned about treaties with enemy countries. THE SECRETARY observed that we could explain our opposition to the Soviet proposal for this paragraph and that another meeting of the Subcommittee would need to be held to see whether a compromise text could be agreed upon. MR. PASVOLSKY stated that the Subcommit-

[83] Brackets appear in the original.

tee would want another meeting and that this could be indicated at the meeting of the Big Four tonight.

DR. BOWMAN presented the report of the Subcommittee on Commissions under the Economic and Social Council which made the following recommendations:

(*a*) Insert "cultural" after "social" in Sections A and C.
(*b*) Insert new sub-paragraph in Section C after sub-paragraph (*b*) as follows: "To make recommendations for promoting respect for human rights and fundamental freedoms."
(*c*) Section D, paragraph 1 should read as follows: "The Economic and Social Council should set up such commissions as may be required for the performance of the functions and the exercise of the powers entrusted to it. There should be a permanent staff which should constitute a part of the Secretariat of the organization."

With reference to the third recommendation which did not spell out by name the commissions which might be established by the Economic and Social Council it was pointed out that this was in line with the position the Delegation had been taking against the naming of such commissions in the Charter. COMMANDER STASSEN stated that he thought the Delegation should press for the insertion of a provision for the establishment of a human rights commission. THE SECRETARY suggested that Commander Stassen present his arguments in behalf of the creation of a commission for the promotion of human rights at the meeting of the Sponsoring Governments this evening.

The meeting adjourned at 7 : 40 p. m.

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RSC Lot 60–D 224, Box 99 ; UNCIO Cons. Four Min. 3

*Minutes of the Third Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 3, 1945, 9 : 40 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of participants, including members of delegations of the United States (13) ; United Kingdom (4) ; Soviet Union (4) ; and China (4).]

1. CELEBRATION OF V–E DAY

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2. FRANCE'S PARTICIPATION IN FOUR POWER DISCUSSIONS

MR. STETTINIUS said that M. Bidault had called on him to express his regret at not participating in the conversations which he had heard were being held among the Four Delegations. Mr. Stettinius, in reply, had first expressed regret that France was not a sponsoring power and then proceeded to say that of course the heads of the four delegations had held discussions, as was only natural. M. Bidault had then asked if he might join the meetings. When Mr. Stettinius requested

the views of the others, no objections were expressed to inviting the French to join the talks. Mr. Stettinius remarked that in any case after May 4 there would not be many occasions on which meetings of the big powers would be necessary. When Dr. Soong raised the question of France's participation in the meetings of the Four Presidents of the Conference, Mr. Stettinius said that this had not come up but he thought he could handle it; there was no comment.

### 3. Status of Consultation

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### 4. Domestic Jurisdiction

At Mr. Stettinius' request Mr. Dulles presented a report from the subcommittee on domestic jurisdiction. The subcommittee had agreed that the exception for domestic jurisdiction should cover not only the peaceful settlement of disputes, but should apply to the whole Charter except for threats to the peace, breaches of the peace and action with respect thereto. He submitted a report in this sense, pointing out that the only pointed issue was the inclusion of the words "by international law". The United Kingdom and China were inclined to include them but the U.S.S.R. and U.S. representatives on the subcommittee had preferred to exclude them due to the difficulty of establishing when a matter is by international law under domestic jurisdiction.

Dr. Soong expressed his approval of the Committee's draft with the reference to international law included. Mr. Molotov preferred to keep paragraph 7 of VIII, A, intact. Mr. Eden, commenting that he preferred a "shade to a blank" and that international law is now only a shadow but may grow stronger, preferred to include reference to it. After Senator Connally had said that he agreed with Mr. Molotov, Mr. Eden commented that the words "by international law" are in the Dumbarton Oaks Proposals and that he agreed with Dr. Soong in desiring to keep them. After Mr. Stettinius had read the original paragraph 7 of VIII, A, Mr. Eden said that he was puzzled as he had understood that all had agreed on the new paragraph and that the only disagreement was over "by international law". To this Mr. Stettinius replied that Mr. Molotov had now reconsidered his position. Senator Vandenberg indicated a preference for the old paragraph with the words "by international law" and Mr. Eden replied that if it was necessary to choose he preferred the new proposal without the reference to international law to the old one with it. Mr. Molotov replied that the new draft will make the matter obscure.

Thereupon, Mr. Dulles, speaking at the request of Mr. Stettinius, said that the exemption for domestic jurisdiction should cover the whole charter, as the matters to which it applies are not limited to

VIII, A. MR. EDEN then said that he would concur with the U.S. and U.S.S.R. position on a new paragraph without the words "by international law", and in reply to Mr. Molotov's inquiry as to why there should be a departure from the good old Dumbarton Oaks language, said "because we have all agreed to." MR. MOLOTOV reiterated his preference for the old paragraph, indicating that he did not care one way or the other about the inclusion in that case of the phrase "by international law". MR. EDEN then said that Mr. Dulles would explain the reason for the change and Mr. Dulles laughed.

SIR WILLIAM MALKIN undertook to answer Mr. Molotov's question by an illustration: The third paragraph of Chapter II provides for settlement of disputes by peaceful means and the U.K. desire to have the language about domestic jurisdiction cover this point. From the points of view of countries anxious on this point, the new text is better. When Mr. Molotov inquired in what respect it was better, SIR WILLIAM MALKIN said that it was better because it covers this and other similar points. SENATOR VANDENBERG commented that under the new text, a state has a larger option to reserve domestic jurisdiction and MR. PASVOLSKY added that in the new form and location it applied even to Assembly discussion. When Mr. Stettinius put the question as to whether or not to accept the subcommittee recommendation, Dr. Soong inquired whether agreement had not been reached on the new text, and after MR. EDEN said he had thought so, both of them indicated a preference for the new with the words "by international law". MR. MOLOTOV repeated that he saw no reason to change but he thought the reference to international law in paragraph 7 of VIII, A, might be thrown out. Upon Mr. Stettinius' request for his suggestion as to the way to settle the difference, he replied he would leave it as it is in the Dumbarton Oaks Proposals except for the words "by international law". MR. STETTINIUS commented that this had been the original suggestion by the U.S.[84] MR. DULLES, after Mr. Stettinius had restated Mr. Molotov's position, said that he did not think this proposal was as good as the revision.

After further discussion and an inquiry by Mr. Stettinius as to whether the four wished to refer the matter back to the subcommittee, MR. EDEN clarified his understanding as follows: (1) under the old text domestic matters might be considered international issues except under one chapter (VIII–A); (2) under the new text domestic matters were generally protected. That is why he preferred the new paragraph.

MR. MOLOTOV thought the amendment led in exactly the opposite direction, but Mr. Stettinius agreed with Mr. Eden. After further

[84] See memorandum entitled "Changes in Dumbarton Oaks Proposals as Suggested by the United States Delegation," May 2, 1945, *Postwar Foreign Policy Preparation*, p. 679.

discussion in which Mr. Molotov remarked that he was afraid the new text might permit interference in the relations between the U.K. and India, and Mr. Eden had said that he wanted the new language to remove just such a possibility, MR. EDEN summed the matter up by saying that there appeared to be agreement on what was wanted, to which Mr. Molotov nodded affirmatively. Before it was agreed to send the matter back to the subcommittee, Mr. Stettinius restated the U.S. position and Mr. Eden concurred in this.

5. *REVISION OF TREATIES

MR. STETTINIUS reported that the subcommittee had not yet agreed and was going to meet again the next day. He suggested that this subject therefore not be discussed by the four for the moment and then inquired whether it was the understanding of the other three that if the four failed to reach agreement, they would act independently and separately in the committees. Dr. Soong and Mr. Molotov said yes and Mr. Eden said, "yes—reluctantly".

6. ECONOMIC AND SOCIAL COUNCIL

After Mr. Stettinius had introduced this subject by saying that there appeared to be a substantial measure of agreement, MR. BOWMAN reported from a subcommittee. He said that all were agreed on the inclusion in Chapter IX, Section A, paragraph 1, and Section C, paragraph 1 (*c*) of the word "cultural". The U.S.S.R. and the U.K. with Chinese support wished to insert a new paragraph after C 1 (*a*) relating to respect for human rights and fundamental freedoms. As to Section D, paragraph 1, the U.K., the U.S.S.R., and China were opposed to spelling out the reference to several commissions. He read the new text, showing the changes, including insertions pointing out the changes and stating that their effect was to give greater prominence to human rights and fundamental freedoms. DR. BOWMAN then said that the U.S. Delegation prefers to specify in Section D, paragraph 1, reference to economic, social and other activities and to the promotion of human rights. When Mr. Attlee said that he had not yet seen the latest U.S. proposal as read by Dr. Bowman, the latter explained that the U.S. Delegation had not agreed on it until 8:00 o'clock.[85] MR. ATTLEE then said that he preferred this language; he did not want to mention commissions but this language was all right. All agreed on the Bowman report and MR. STETTINIUS said that that ended the subcommittee report.

7. BASIS OF SELECTING NON-PERMANENT MEMBERS OF THE COUNCIL

MR. STETTINIUS said that the next question was that of inserting some qualifications with respect to the election of non-permanent mem-

*Minutes of the Subcommittee on Treaties annexed. [Footnote in the original; minutes not printed.]

[85] Minutes of meeting, May 3, 6:20 p. m., p. 574.

bers of the Council in Section A of Chapter VI, and restated the earlier positions of the four delegations.[86] MR. EDEN stated that the U.K. Delegation had a new proposal which he proceeded to read. Mr. Stettinius thought this a very good proposal and then when DR. SOONG said he preferred the words "equitable geographical distribution" both Mr. Eden and Mr. Stettinius approved the change.

MR. MOLOTOV thought that contribution towards the maintenance of peace and security and geographical distribution should not be put on the same plane and therefore proposed insertion of the words "and also" between the two clauses and the omission of the symbols (A) and (B). When MR. DUNN inquired why the words "in the first instance" were inserted, MR. MOLOTOV explained that it was because the contribution to peace and security should come first. MR. DUNN then said that he thought the U.S. should reserve its position, but MR. STETTINIUS said it was necessary to reach a decision and asked whether the two factors could not be put on the same plane. MR. PASVOLSKY commented that some nations are interested in one criterion, some in another, to which MR. EDEN replied that everyone should be interested in the first criterion. Mr. Stettinius withdrew his objection and Dr. Soong his reservation, and all agreed to the U.K. Proposal as modified by Dr. Soong's and Mr. Molotov's amendments.

### 8. RIGHTS OF NON-MEMBER STATES

MR. STETTINIUS stated that the U.S. withdrew its reservation to the proposed Chinese proposal for an addition to paragraph 2 of VIII, A, respecting the requirement that non-member states accept the obligations of peaceful settlement provided in the Charter. Mr. Molotov also withdrew his objections and this amendment was therefore agreed to.

### 9. SECURITY COUNCIL RECOMMENDATIONS OF TERMS OF SETTLEMENT

In introducing the discussion of the U.K. Proposal for an addition to paragraph 4 of VIII, A,[87] MR. STETTINIUS expressed regret that U.S. still could not accept the change. To this MR. EDEN (or another U.K. spokesman) commented that this is a very important matter.

MR. PASVOLSKY then explained that this introduced a new element into the picture: to give the Council the power to recommend terms of settlement on its own alters the scheme laid down in Dumbarton Oaks, and extends the Council's powers very considerably. He thought it would lead to great difficulty. MR. EDEN in reply said that what worried him was that the Council would not be able without this amendment to do as much as it should. He thought it ought to go just as far as possible in the realm of peaceful settlement.

[86] See minutes of Four-Power meeting, May 2, 9 p. m., p. 548.
[87] For text, see minutes of Four-Power meeting, May 4, 12: 15 p. m., p. 598.

SIR WILLIAM MALKIN added that it is not true that this introduces something new. If under 4 as it stands, the Council does not have this power of recommending terms of settlement, paragraph 4 has no meaning, for all the Council can do is to recommend to the states that they use arbitration or other means of peaceful settlement, and the Council can already do this under paragraph 5.

MR. PASVOLSKY replied that in writing paragraphs 4 and 5 at Dumbarton Oaks, they had introduced a progression. He explained his own understanding of this progression and added that they had stopped short of permitting the Security Council to recommend terms of settlement because they did not wish it to take the still further step of imposing a settlement. The U.S. Delegation was not prepared to go so far as to permit the imposition of settlement and MR. PASVOLSKY said he took it that the U.K. was not, either. He thought it bad to permit the Council to recommend terms of settlement without giving it the powers to impose its terms; this would weaken the Council. As matters now stand the Council can in any case take enforcement action if the dispute is not settled.

MR. MOLOTOV announced that he would accept whatever the U.K. and the USA Delegation could agree upon. Dr. Soong wanted to consider the matter further.

After Mr. Eden had mentioned the Senate, indicating his great respect for it, MR. STETTINIUS said that this matter could not be settled now. When he added that he felt it was one on which the four powers would have to go their own ways, MR. EDEN said that he hoped this would not be the case.

10. AMENDMENT TO PARAGRAPH 1 OF SECTION B, CHAPTER VIII

After Mr. Stettinius had recapitulated the different positions with respect to the proposal for introducing a reference to paragraph 4 of Section A into paragraph 1 of VIII, B, MR. PASVOLSKY stated that the U.S. feels this would be very broad and inquired whether the U.K. Delegation felt that this would permit the imposition of a settlement. MR. JEBB (U.K.) replied that VII, B, limits the Council to enforcement action. When Mr. Pasvolsky inquired whether he was right in interpreting this as meaning the Council could not go beyond military action to impose a settlement, MR. EDEN said that he considered the imposition of a settlement as falling short of military action.

After further discussion it was agreed, on Mr. Stettinius' proposal, that this matter be carried over and be considered later in connection with the U.K. amendment to paragraph 4 of VIII, A.

11. PROVISIONAL MEASURES

MR. STETTINIUS stated that the U.S. Delegation now accepts the Chinese proposal to insert a new paragraph regarding provisional

measures between paragraphs 2 and 3 of Chapter VIII, Section B. This amendment is now therefore agreed upon by all four powers.

12. Subcommittees of the Military Staff Committee

In introducing the question of subcommittees to the Military Staff Committee, Mr. Stettinius called upon Mr. Pasvolsky, who said that the U.S. would accept the addition at the end of paragraph 9 of VIII, B, of a sentence reading "The Military Staff Committee, with the authorization of the Security Council, may establish its own regional subcommittees." This was agreed upon by all four.

Upon Mr. Molotov's inquiry as to whether that finished the items relating to Chapter VIII, Mr. Pasvolsky said it did except for the amendment to paragraph 2 of Section C, which was still in subcommittee.

13. Specific Reference to the International Labor Organization

Mr. Stettinius stated that the U.S. views respecting the U.K. proposal to insert specific reference to the International Labor Organization remained the same, that is, the U.S. was opposed.

Dr. Soong said that this amendment was too sweeping. After Mr. Eden had said that each country could reserve its own position on this, Mr. Molotov inquired whether the subcommittee had discussed it. When Mr. Stettinius said it had, Mr. Eden inquired of the other three whether it was true that none of them liked the U.K. proposal. Mr. Molotov indicated that in view of the subcommittee's position there was no point in referring the matter again to a subcommittee and asked whether the others would like to discuss the question in the big four at this time. He said that he agreed with the U.S. and Chinese delegations in opposing the amendment. Then Mr. Eden reiterated that the U.K. would reserve its position to bring the proposal up in the Conference committee. Mr. Molotov asked if it was true that there was no intention to reorganize the ILO, and Mr. Attlee replied that that was correct, but that there would be some improvement and then it would be transferred to the new organization. When Mr. Molotov asked whether the present structure is sacrosanct, Mr. Eden said it was not but that the ILO would do its own reorganizing. He added that the U.K. hoped it would take its place in the new world organization. Mr. Attlee emphasized that the ILO is an existing autonomous body with its own constitution.

In reply to Mr. Eden, Mr. Molotov pointed out that the ILO cannot be brought in completely as the U.S.S.R. is not a member of that body. Mr. Eden said he realized that and that it was most unfortunate.

The discussion at this point was brought to a close by Mr. Stettinius saying that the consultation was now ended and that he understood the U.K. would go its own way on this matter. This was agreed on.

14. ELECTION OF THE SECRETARY GENERAL AND DEPUTIES

MR. STETTINIUS introduced the question of the Soviet amendment to Chapter X by reviewing its status and then announcing that the U.S. was ready to state its position but before doing so desired to call on the Chinese Delegation. DR. SOONG parried the question by asking the U.S. position and MR. STETTINIUS eventually said the U.S. favored a three-year term for the election of a Secretary General as suggested by the U.S.S.R. After it had been pointed out that the U.S.S.R. proposal was for a two-year term, Mr. Molotov remarked that that was correct.

MR. STETTINIUS went on to say that the U.S. would like the Secretary General to be eligible for reelection and suggested that the Soviet reconsider its position. MR. MOLOTOV replied that he did not wish to press on this point and MR. STETTINIUS said then that there would be no limit to the number of times the Secretary General could be reelected.

All agreed to the three-year term with eligibility for reelection.

15. FURTHER SUBCOMMITTEE MEETINGS

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16. AMENDMENTS OF OTHER DELEGATIONS

MR. MOLOTOV raised the question of the manner in which the four would deal with amendments proposed by other delegations. MR. STETTINIUS in reply suggested we let others propose their amendments and then talk about them. MR. MOLOTOV inquired whether the four expected to discuss among themselves any questions raised by amendments from other countries. Mr. Eden and Mr. Stettinius agreed that this was desirable and the latter thought that M. Bidault should be brought in as well. To Mr. Molotov's inquiry as to why the French should be included, MR. STETTINIUS referred to his statement at the beginning of the meeting and said that the meetings beginning the following week should consist of the five foreign ministers. MR. MOLOTOV said he had no objection. Agreed.

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The meeting was then adjourned.

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RSC Lot 60–D 224, Box 96 : US Cr. Min. 29

*Minutes of the Twenty-Ninth Meeting of the United States Delegation, Held at San Francisco, Friday, May 4, 1945, 9 : 05 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (25) present at meeting.]

In the absence of the Secretary, Senator Connally convened the

meeting at 9:05 a. m. He called on Mr. Sandifer to explain the schedule of meetings for the day.

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CONSIDERATION OF DEFERRED QUESTIONS

*Chapter VIII, Section A, paragraph 4*
*Chapter VIII, Section B, paragraph 1*

SENATOR CONNALLY announced that the next item of business was the consideration of deferred questions. He asked Mr. Pasvolsky to lead the discussion.

MR. PASVOLSKY stated that it might now prove necessary to reconsider a decision taken yesterday with respect to the British proposal on paragraph 4, Section A, Chapter VIII, that the Security Council be given the additional power to recommend terms of settlement. He noted that the British took a very strong position on this question, that the Chinese had talked with him and had expressed the view that we ought to give this provision to the British. He added that he talked to certain members of the Canadian Delegation who expressed the view that there were very strong feelings in support of this change. In the light of this reaction, MR. PASVOLSKY asked whether the Delegation wished to reconsider its decision. SENATOR VANDENBERG commented that his primary concern in connection with this question was Senator Austin's viewpoint. He knew Senator Austin would strongly oppose the British proposal. MR. STASSEN commented that in his view the British proposal was a sound one.

MR. DULLES said that he had come to the same conclusion as Mr. Pasvolsky, in the light of some of the talks that he had had following the four-power meeting. He said he thought that the small powers would be willing to accept the recommendation, although he was not at all sure that they would want the use of force linked up with the implementation of the recommendation. He added that he thought we might reserve our position on this question. MR. PASVOLSKY suggested that we should drop our own amendment to paragraph 1 of Section B (the words "set forth in paragraphs 3 and 4 of this Section"). We could, however, insist on retaining these words in paragraph 2 of Section B in order to put the burden of explanation on the British if the small powers asked why we keep the words in one place and remove them in another. MR. PASVOLSKY added there was no question but that we would be defeated on the floor of the Conference if the British made their own proposal. SENATOR VANDENBERG suggested that we should not give in on this question unless we were on the brink of sure defeat. MR. STASSEN remarked that the British proposal was right. MR. PASVOLSKY commented that at the meeting

of the four he had found himself in the position of having to argue against the British position with certain arguments that he personally did not believe.

MR. ARMSTRONG commented that Mr. Stassen's statement was the first one he had heard in the course of the discussions suggesting that the British were right. While it might be necessary to accept the British position on grounds of tactics, he wondered whether the issue should not be met primarily on substantive grounds.

MR. PASVOLSKY said our view had been that we did not object to the particular power stipulated in the British proposal since the power was limited to recommendation of terms of settlement alone. What we were afraid of was the possibility that this power might lead to the imposition of terms of settlement. He said he thought the British proposal was satisfactory as long as it was made clear that it was not intended to involve imposition of terms of settlement. MR. BOWMAN noted that in this connection we would have the veto power.

MR. STASSEN remarked that it was very useful to have the Security Council empowered to recommend terms of settlement, and that the imposition of terms under this provision was not likely since a vote would require all five permanent members and two additional states. It was less likely to happen under this provision, he added, than if one power was left free to act on its own, since the five powers would have to come to agreement on the imposition of terms. MR. DULLES noted that we had a veto power on the matter ourselves.

MR. ARMSTRONG remarked that we should face the fact that the major powers did in fact impose a settlement upon Czechoslovakia at Munich [88] and that it was just this kind of act that would be made possible under the British position. MR. STASSEN explained that all the major powers did not agree to Munich: Russia held out—and the significant fact was that Munich took place outside any general mechanism for the maintenance of peace and security. He suggested that Munich was much less likely to happen if there was an Organization than if there was none. Moreover, he felt that at the present stage of negotiations it was necessary to make some adjustments in our point of view to accommodate the views of the other governments. SENATOR VANDENBERG urged that we negotiate and not retreat. MR. PASVOLSKY reassured him that this was not a retreat but negotiation. It was generally agreed to support Mr. Pasvolsky's proposal on this question.

[88] For text of agreement between Germany, the United Kingdom, France, and Italy, signed September 29, 1938, see Department of State, *Documents on German Foreign Policy, 1918–1945*, series D, vol. II (Washington, Government Printing Office, 1949), doc. No. 675, p. 1014; for correspondence on the German-Czechoslovak crisis, see *Foreign Relations*, 1938, vol. I, pp. 483 ff., *passim;* in particular, see note of September 29 from the Czechoslovak Minister to the Secretary of State, *ibid.*, p. 700.

TREATIES

The members had before them a document entitled Alternative Methods for Dealing with the Question of Bi-lateral Pacts, US 3, Document 6, May 3, 1945.[89]

(At this point General Hertford, General Fairchild, and Admiral Train joined the meeting.)

SENATOR CONNALLY called on Mr. McCloy to make a statement for the military advisers. MR. MCCLOY reported that the Joint Chiefs of Staff had circulated an instruction [90] to the military and naval representatives at the Conference concerning the fundamental security aspects under discussion at the Conference. The problem raised in the instruction concerned the relationship of the security provisions of the general organization to problems of hemispheric defense, particularly in relation to the provisions of Chapter VIII, Section C, Regional Arrangements. He reported that the Joint Chiefs of Staff accepted the regional provisions of the Dumbarton Oaks Proposals in the light of the general purpose of the Organization, but that it was thought important to point out the significance of the step involved. Under these provisions no enforcement action could be taken by a regional organization without the authorization of the Security Council. At the time this provision was first agreed to no voting proposals had been accepted. Now it was clear as a result of the Yalta agreement that any one state could veto action under a regional arrangement by preventing authorization by the Security Council.

MR. MCCLOY stated that the Joint Chiefs of Staff urged that no other steps be taken to further water down our concept of hemispheric defense. SENATOR VANDENBERG commented that the proposals spelled the end of the Monroe Doctrine.[91] MR. MCCLOY stated that they certainly watered down that document. He added that the proposals brought forward by the Soviet Union and the French provided that in Europe action could be taken under bi-lateral pacts without intervention or authorization by the Security Council. There was no question but that Chapter VIII, Section C, would be up for debate and that there would be considerable pressure to water it down. It was extremely important to protect our concept of preclusive rights in this hemisphere. In order to bring out the issue involved in the challenge to Chapter VIII, Section C, Mr. McCloy stated that the document before the members set forth the possible positions we might take in the form of alternatives.

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[89] Not printed.

[90] Letter from the Assistant Secretary of War to the Chairman of the United States delegation, May 3, not printed.

[91] For an official statement of and commentary upon the Monroe Doctrine, see instruction to American diplomatic representatives in Latin America, February 28, 1929, *Foreign Relations*, 1929, vol. I, p. 698.

Our preferred position should be, he said, that the Russian proposal be withdrawn, and that there be no change in Chapter VIII, Section C. This position would be satisfactory to the military advisers. If necessary, he added, there might be some arrangement by which the Big Four would enter into a public agreement providing that the first order of business would be to give prior authorization to permit us to apply regional procedures in this hemisphere and to allow the Russians and French to apply regional procedures in Europe.

MR. DULLES remarked that the problem was that the language of Chapter VIII, Section C, did not clearly apply to bilateral agreements. MR. NOTTER expressed disagreement with this view, and MR. PASVOLSKY remarked that we have interpreted this Section to include bilateral treaties.

SENATOR VANDENBERG asked whether the authorization required in Chapter VIII, Section C, was acceptable to the military advisers. MR. MCCLOY said the military and naval advisers were willing to concede that force should not be used without the authorization of the Security Council. This provision, he said, assumed good faith under procedures of regional undertakings.

SENATOR VANDENBERG asked whether the right of summary self-defense was implicit. MR. PASVOLSKY replied that it was completely implicit. MR. MCCLOY asked, supposing Germany sent a fleet into the waters off Argentina, would it be illegal if we shot across the German bows when they attempted to land in Argentina? MR. PASVOLSKY said that we would act, and that the Security Council would then be in a position to review our action, asking us what we were trying to do. He pointed out that the procedure implied good faith on our part not to take action except in self-defense.

GENERAL EMBICK stated that the question was raised as to how far our intervention was restricted in fact in this hemisphere by Chapter VIII, Section C. He thought that if the Council itself acted in good faith we would be allowed to intervene to prevent aggression in this hemisphere. SENATOR VANDENBERG indicated that we could not intervene without authorization of the Security Council. MR. MCCLOY commented that to leave this provision out would certainly involve going back on the Dumbarton Oaks Proposals.

MR. STASSEN stated that what was involved here was a basic question as to whether we were setting up a regional system or a world-wide system. It was essential to permit the Security Council to authorize enforcement action; otherwise, we would find ourselves with a regional system only. On the other hand, we retained the essential right of self-defense. We could act if we were attacked, but we then would have to begin immediately presenting to the Security Council what we were doing in our own defense. We should not get ourselves into a spineless attitude but take strong action if necessary.

SENATOR VANDENBERG asked if there was any way to put into words the right of self-defense, which it was claimed was inherent, without throwing open the door to individual action. MR. STASSEN remarked that no effort should be made to define the right of self-defense since to define it simply raised the question as to what constitutes self-defense. SENATOR VANDENBERG said what was uppermost in his mind was the poignant memory of the hours of debate over the Kellogg-Briand Pact on this very question of self-defense. REPRESENTATIVE EATON asked if it would be self-defense if we acted when a South American country was attacked. MR. BOWMAN explained that paragraph 1, Section C of Chapter VIII provides that a regional agreement would have to have the approval of the Security Council. It would be possible, he said, to write into a particular regional arrangement the whole procedure for action on a regional basis and include there a definition of the meaning of self-defense. MR. DULLES pointed out that the members of the Organization, under paragraph 4, Chapter II, Principles, pledged "to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization." Since the prevention of aggression would be consistent with the purposes of the Organization, action by a state in self-defense would be in accord with the principles of the organization.

MR. PASVOLSKY stated that there was no question as to the right of a nation to act in self-defense. The question was whether the right of self-defense included action on a regional basis. He pointed out that the Act of Chapultepec, which was not yet binding on a long-term basis, did not really meet this question. In the conclusion of the treaty provided for in the Act of Chapultepec, however, the question would arise, and if we intend to extend the right of self-defense to act under this treaty, we would have to write into the treaty the proposition that an attack on any American state is an attack on all the American states.

SENATOR VANDENBERG stated that, if he was asked on the floor of the Senate whether, under the Charter, states still had the right of self-defense, was the only thing he could say that the right was implicit? MR. BOWMAN pointed out that the document did not give any assurance on this matter. MR. PASVOLSKY stated that we were protected by the veto power on any question concerning the consistency of a regional arrangement with the General Organization. The Council would have to say that our regional arrangement was inconsistent. On this question we would have a veto power. Of course we should recognize, he added, that the Soviet Union had this same power.

MR. STASSEN stated that the existence of a Security Council should not mean that we develop a weak and vacillating policy. We must

continue rather a strong and positive policy toward our own self-defense and toward the preservation of world security. It would be a great tragedy on becoming members of the Organization if we gave way to a weak and vacillating position. MR. PASVOLSKY agreed that this would be about the worst thing that could happen.

MR. SANDIFER noted that it was the general rule in international law that a state possessed the right of self-defense, and that this right remains unless there is an explicit limitation upon it. In the present proposals, instead of an explicit limitation, it is provided only that states shall not resort to force in violation of the purposes and principles of the Charter. Since any act of aggression is contrary to the purposes of the organization and since preventing aggression is consistent with the purposes of the organization, the right of self-defense against attack is not limited. Of course, if a state acted individually, its action would be subject to review by the Council.

SENATOR VANDENBERG said he agreed with Mr. Sandifer's logic but he wasn't sure it would help him on the floor of the Senate.

MR. DULLES commented that the Kellogg-Briand Pact was far more sweeping in limiting the right of self-defense. He suggested that, on the floor of the Senate, Senator Vandenberg could ask his opponents to point to a single sentence in the draft which took away the right of self-defense.

MR. STASSEN asked what the disadvantage would be of explicitly stating in the Charter that "nothing in the Charter takes away the right of self-defense". SENATOR CONNALLY commented that such a provision would probably be opposed by the little countries who would be afraid of raising the question openly.

SENATOR CONNALLY added that all he would probably say on the Senate floor was that the right of self-defense was inherent and that nothing in the present draft took that right away. SENATOR VANDENBERG commented that this was the kind of line taken in the arguments over the Kellogg-Briand Pact and that it was no use to rely on it alone. He asked Mr. McCloy whether he considered the right of self-defense implicit. MR. MCCLOY said he agreed that the right of self-defense was implicit and that he saw no particular harm in stating this. SENATOR VANDENBERG remarked that the main objection would be that the Russians might then claim that they were acting under the provisions of the Charter permitting action in self-defense. MR. SANDIFER said that it had been considered wisest to leave the matter implicit.

GENERAL EMBICK stated that it was important to have recognized that the normal method of action would be by regional organizations as against action normally through the Security Council. It would be essential to maintain our isolation and our preclusive control over this hemisphere. SENATOR VANDENBERG said he could see how it

would be possible to say that the right of self-defense was implicit in the draft. SENATOR CONNALLY pointed out that the opposition would contend that the right of self-defense does [not?] extend to action on a regional basis. SENATOR VANDENBERG commented that this extension of the right could be stated in the regional treaty itself and be approved by the Organization. MR. BOWMAN explained that under the Dumbarton Oaks Proposals we could make an agreement and the Security Council would have to take negative action to declare that agreement inconsistent. In this vote we would have a veto. MR. DUNN agreed that regional treaties or arrangements would stand until declared inconsistent by the Security Council. MR. MCCLOY pointed out that we could not operate under a regional agreement, however, in taking enforcement action. If any one of the major powers said "No" the Soviet Union could in this way veto our action in this hemisphere.

MR. STASSEN stated that he was strongly in favor of Mr. McCloy's first proposal that no change be made in the wording of Section C, Chapter VIII. MR. MCCLOY urged that we face the fact that the Russian and British proposals are very vital to them. MR. STASSEN indicated that he could see the reason for action against Germany being reserved to the major powers before the Organization came into being, but now that the Organization was coming into being and in view of the present collapse of the European war, he could no longer justify making a special exception for such action. He stated that in any event a provision relating to this question should be an interim provision. MR. DUNN agreed that the action should certainly be limited to action against enemy states. MR. PASVOLSKY also felt that we should make sure that any provision along the lines of the Russian or British proposals should be tied to the temporary situation until the Organization could avail itself of adequate military resources. MR. PASVOLSKY thought that, if necessary, we could propose that the British amendment be included in Chapter XII.

SENATOR CONNALLY asked whether, if Chapter VIII, Section C was left as it is and we made a treaty based on the Act of Chapultepec, we could take action under that treaty until this action was vetoed by the Security Council. MR. PASVOLSKY replied in the negative, stating that, if the treaty provided for automatic action, it would be clearly inconsistent with the present provisions.

MR. MCCLOY stated that the South Americans wanted authority to act under regional arrangements. MR. WARREN noted that a large number of the Latin American states, including Colombia and Brazil, are profoundly afraid of the right of veto over action in this hemisphere and wish, if possible, to deny this right of veto. MR. WARREN added that many of the South American countries would prefer to see action taken on a regional basis first. MR. STASSEN

urged that we vote against this Latin American proposal and, moreover, work actively against it. If, of course, the veto power works arbitrarily to prevent essential defensive measures, we would have to move. This right, however, should be left inherent and not written into the Charter. MR. DUNN said this right could be included in a treaty. SENATOR VANDENBERG asked if there might be any different veto rule as applied to action by a state or a regional group. MR. PASVOLSKY said that there was no question but that the veto power in the Dumbarton Oaks Proposals applied equally to both. SENATOR VANDENBERG wondered whether it ought not to be more difficult to veto action determined upon by 20 states than action taken by one state. MR. STASSEN thought this procedure would force unnatural regional agreements. MR. PASVOLSKY said this might result in the creation of three or four spheres of influence, which explains our opposition to such a proposal.

MR. DULLES indicated that there had developed in this hemisphere genuine regional arrangements. If the veto power was allowed to operate we might not be able to take advantage of this system, and meanwhile we might find we had given in to a Russian proposal which would permit the Russians to use force in Europe and undermine the whole system of collective security. The two main difficulties, he said, were that (1) It was not clear whether bilateral agreements were included among regional agencies and arrangements under Chapter VIII, Section C; and (2) the loose language of Chapter VIII, Section C, paragraph 3 and Chapter XII, paragraph 2, might permit the negotiation of agreements in such a way that one would get in fact an interlocking regional system resulting in the complete absence of control of that system by the Security Council.

MR. STASSEN stated that, if more language was needed to clarify the question in Chapter VIII, Section C, he was in favor of it.

SENATOR CONNALLY asked whether the French bilateral treaties [92] were covered by Chapter VIII, Section C. MR. MCCLOY indicated that from his point of view they were.

GENERAL EMBICK suggested that the provision might be included that regional organizations would be given authority to act wherever they have means to act. There would be no question of veto power if a regional organization had the proper means to act. GENERAL EMBICK said he was not recommending this proposal, but, if the Russians insisted, it might be stated that "a regional organization should be given authority to take enforcement action whenever such organization possessed the means to take effective enforcement action. He, of

[92] For text of the treaty of alliance between France and the Soviet Union, December 10, 1944, and texts of bilateral nonaggression pacts of other nations, see Department of State, *Documents and State Papers*, vol. I, No. 4, July 1948, pp. 227–249.

course, would recommend that no change be made in Chapter VIII, Section C unless such a change was forced.

MR. STASSEN urged that we make certain that Chapter VIII, Section C covered multilateral and bilateral pacts. MR. PASVOLSKY suggested inclusion of the phrase in Section C "regional or other special arrangements or agencies". MR. HICKERSON questioned whether we should not specify bilateral, multilateral, and other special arrangements. MR. PASVOLSKY stated that we could make this addition that he had first suggested throughout Section C. MR. STASSEN supported this proposal. MR. DULLES also agreed that it was useful.

MR. STASSEN moved this suggestion be proposed and that we stand on the original language of Section C as against the British and Russian proposals. MR. DUNN commented that we could point out that Chapter XII provides for what the British and Russians have in mind. General agreement was reached with this suggestion.

MR. PASVOLSKY said, as he understood it, the agreement was that we would make sure when talking about regional arrangements that all special arrangements for the maintenance of peace and security were implied. We would therefore add the phrase "other special arrangements or agencies" throughout Chapter VIII. Our line would be that we have always taken the position that Section C covers both bilateral and regional pacts and that our amendment is merely for clarification. We would oppose the Russian language, and if we have to give in on the British proposal, we would insist that it be included in Chapter XII. MR. PASVOLSKY pointed out that the only way to get the Russians to withdraw their proposal might be to stick to the present text of the Dumbarton Oaks Proposals. Did we wish to disagree with the Russians and let them make a separate proposal or should we agree with them on maintaining the Dumbarton Oaks Proposals as they stand?

MR. STASSEN urged that we go into the Conference with a separate proposal and fight the Russian proposal there. MR. DUNN thought this was a sound position.

### TRUSTEESHIP

MR. STASSEN said he would like to give a report on trusteeship to the members of the Delegation. He announced that the paper on trusteeship which had been presented by the British was unacceptable. It was weaker than ours, there was no spelling out, and there was no division of strategic and non-strategic areas. Moreover, it did not include as clear a statement of objectives and the British placed the trusteeship council as a commission under the Economic and Social Council. It was agreed at the last meeting of the trusteeship group to recess in order to examine the British paper, particularly in view of the fact that there were no French or Russian translations available.

The next meeting of the Five-Power group would be at five o'clock on Saturday.

MR. STASSEN said Mr. Fraser had scheduled a 10:30 meeting on Saturday morning of the Trusteeship Committee.[93] MR. STASSEN's thought was that we would be in a bad psychological situation if our paper was not available for discussion at the committee meeting. He said his thought was to go to Lord Cranborne and say that we were so far apart that it would take a long time to work out the differences, that we had fulfilled our obligation to consult, that we now knew each other's position, and that we would now submit our papers to the Conference before the midnight deadline. MR. DUNN said it would be very important to get the British and Soviet agreement to this procedure since we were committed by the Yalta agreement to a procedure of consultation. He saw no reason why Mr. Stassen's proposal would be unacceptable to the Soviet.

MR. STASSEN added that the Russians, French, and Chinese have indicated general interest in our paper and have indicated that they would in general go along with it. MR. DUNN suggested that Mr. Stassen emphasize that we have consulted in accordance with the Yalta agreement with a view to informing each other and that now we are under obligation to get our proposal in before the deadline. MR. STASSEN indicated that we might also stress that we were not committed to agreement and that it looks as though the process of getting agreement would be a long one. MR. DUNN thought we had a good case. MR. STASSEN said he would talk to Lord Cranborne, and MR. DUNN indicated he would clear the matter with the Russian Delegation.

MR. HICKERSON reported that MR. FRASER had expressed the opinion that our paper on trusteeship was a fine one and that we could count on his support, and that New Zealand would do everything in its power to meet our military requirements in the Pacific.

The meeting was adjourned at 10:30 a. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Four Min 4

*Minutes of the Fourth Four-Power Consultative Meeting on Charter Proposals, Held at San Francisco, May 4, 1945, 12:15 p. m.*

[Informal Notes]

[Here follows list of names of participants including Chairmen of delegations of the United States, United Kingdom, Soviet Union, and China, accompanied by their respective delegates, advisers and experts (not listed by name).]

[93] Doc. 113, II/4/2, May 6, UNCIO Documents, vol. 10, p. 423.

GERMAN SURRENDER

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THE SECRETARY said then that he hoped they could resume discussions where the meeting had left off the previous evening, and, accordingly, asked for the reports of the three subcommittees, beginning first with the subcommittee dealing with the question of domestic jurisdiction.

DOMESTIC JURISDICTION

MR. DULLES said that Mr. Golunsky, the Soviet representative on the subcommittee, had made a suggestion which the rest had accepted, and which he would like to have Mr. Golunsky explain. MR. GOLUNSKY explained that the new proposal was for adding a new paragraph at the end of Chapter II, Principles, along the following lines: "Nothing contained in this Charter shall authorize the organization to intervene in matters which are essentially within the domestic jurisdiction of the state concerned or shall require the members to submit such matters to settlement under this Charter; but this principle shall not prejudice the application of Chapter VIII, Section B."

THE SECRETARY asked if all were in agreement to accept this proposed amendment and the other three Foreign Ministers indicated such was the case.

CHAPTER V, SECTION B, PARAGRAPH 6

*MR. STETTINIUS then said they would turn to the work of the subcommittee and asked Mr. Pasvolsky to report upon those consultations. MR. PASVOLSKY said that consultations had not been completed with respect to the proposed amendments to Chapter V, Section B, paragraph 6; he said that while agreement had been reached on the first part of this paragraph, the last clause was still in question. Therefore, MR. PASVOLSKY read the proposed new paragraph, as follows:

"The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic, social and cultural fields to assist in the realization of human rights and basic freedoms for all without distinction as to race, language, religion or sex, and also for the encouragement of the development of international law. Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations or of situations resulting from a violation of the purposes and principles set forth in this Charter."

*Minutes of the Sub-Committee on Treaties are annexed. [Footnote in the original; minutes not printed.]

MR. PASVOLSKY said that this paragraph was now approved by the United States, British and Chinese Delegations, and had been agreed to in principle by the Soviet Delegation, although the latter wanted time to study it further. MR. MOLOTOV said that he would give an answer as to their position in this matter later in the day.

REGIONAL ARRANGEMENTS

MR. PASVOLSKY reported that with respect to the proposed amendments affecting regional arrangements, the discussion had not been completed but that they would meet later in the day at a time to be agreed to by the four Foreign Ministers, to continue their consultations.

AMENDMENTS DEFERRED FOR FURTHER STUDY

THE SECRETARY then said that they would move to the consideration of other items which had been deferred the previous evening for further study.

1. *Chapter VIII, Section A, Paragraph 4*

The first of these, MR. STETTINIUS explained, concerned the proposed amendment to Chapter VIII, Section A, paragraph 4. He said that he was now prepared to announce that the United States Delegation, which had previously been the only one disagreeing, would accept the British proposal to add the following sentence to this paragraph: "If the Security Council deems that the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under paragraph 5 or whether itself to recommend such terms of settlement as it may consider appropriate."

MR. EDEN said that he was happy to learn that this had been accepted, and because of its acceptance consequential amendments would be required in Chapter VIII, Section B, paragraph 1. Accordingly, SIR WILLIAM MALKIN explained that a legal question was involved as to whether the Security Council in taking measures under Section B, paragraph 1, would take them following its recommendations under either paragraph 4 or 5, of Section A. Accordingly, he suggested, to clarify the situation, that Section B, paragraph 1, should be amended to make clear that both paragraphs 4 and 5 of Section A were included, the sentence as reworded being as follows: "Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A or in accordance with its recommendations made under paragraphs 4 or 5 of Section A constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the organization."

MR. STETTINIUS said that such changes would be inevitable and would be agreeable to the United States Delegation; MESSRS. MOLOTOV and SOONG indicated such changes were also agreeable to them.

2. *Chapter VIII, Section B, Paragraph 1*

MR. STETTINIUS then turned to the proposed United States amendment on Section B, paragraph 1, whereby the word "measures" in that paragraph would be defined as those "set forth in paragraphs 3 and 4 of this Section." MR. PASVOLSKY recalled that while this amendment had not been acceptable to the other three Delegations, the United States Delegation reserved its position on this paragraph. He said that the Delegation was prepared not to press this amendment at this time but that it reserved its position on this question if the subject was discussed in the Conference so as to make clear that its understanding of these measures was as set forth in its proposed amendment.

MR. EDEN expressed his thanks for the United States Delegation's change of position in this matter.

3. *International Court of Justice*

MR. STETTINIUS said that the United States Delegation had an amendment to propose to Chapter VII which would make clear the position of the four Delegations as to their attitude with respect to the provisions of this Section in relation to the proposed new Statute. A text of an amendment along the following lines was distributed to the Delegations: "The provisions of Chapter VII of the Dumbarton Oaks Proposals should be adjusted to bring it into conformity with the recommendations of Commission IV in light of the report of the Jurists Committee."

After a brief study of this proposed statement, to be submitted in the nature of an amendment, MESSRS. MOLOTOV, EDEN and SOONG indicated their agreement with it.

INTERNATIONAL TRUSTEESHIP

MR. STETTINIUS then called upon Mr. Stassen to explain the status of the proposals on trusteeship. MR. STASSEN explained that in accordance with the agreements made at Yalta, the first consultations on trusteeship had been held the previous Monday.[94] At that time, the United States Delegation had presented its paper [95] to the other four Delegations and, after a brief discussion, the consultations had been adjourned until the previous evening (Thursday)[96] in order to allow time for study of the United States proposal. He said that, on the

[94] Informal minutes of first Five-Power preliminary consultative meeting on trusteeship, April 30, 8:30 p. m., not printed.

[95] Doc. 2, G/26(*c*), May 5, UNCIO Documents, vol. 3, p. 607.

[96] Informal minutes of second meeting on trusteeship, May 3, 8:30 p. m., not printed.

previous evening, the British Delegation had presented its paper [97] and in view of the many differences of position between the United States proposal and the British proposal, the other three Governments (Soviet Union, China and France) had reserved their position on both papers in order to allow for further time for study.

MR. STASSEN said that he recommended that the Five-Power consultations continue but that they would take several days. In order to avoid holding up the Conference action on this matter, however, he suggested that if it were agreeable to the other three Governments, each of the four sponsoring Governments should be free to submit an amendment to the Charter covering its views of the trusteeship question and then to continue the consultations while the Conference was in session. He said that if such a course were not pursued, he feared that there would be a general feeling in the Conference that the sponsoring Governments were "holding out" on the Conference.

MR. EDEN indicated his agreement with Mr. Stassen's suggestion.

MR. STASSEN pointed out that his suggestion would not in any way preclude any of the five Powers at any stage of the consultation from advancing proposals or counter-proposals to each of the original proposals.

MR. MOLOTOV said that he was in agreement with Mr. Stassen's proposal and MESSRS. EDEN and SOONG also said that they agreed. MR. STASSEN said that, for the information of the group, the French Delegation had also agreed to follow this course of action.

MR. STETTINIUS said that this completed their agenda for this noon session, except for the proposed press statement. He said, however, that several items still remained unsettled and for that reason he proposed an early meeting in the evening at six o'clock for the purpose of finally concluding these consultations in order that the joint Four-Power amendments might be submitted to the Conference before the midnight deadline.

In view of the situation, MR. PASVOLSKY suggested, and it was agreed, that the Subcommittee on Treaties would meet at five o'clock in the afternoon in room 512 for final consultations on the proposed amendments dealing with regional arrangements.

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[97] Doc. 2, G/26(*d*), May 6, UNCIO Documents, vol. 3, p. 609. For French preliminary draft on international trusteeship system (Doc. 2, G/26(*a*), May 5); draft proposals of the Chinese delegation on international territorial trusteeship (Doc. 2, G/26(*e*), May 10; and amendments of the Soviet delegation to the United States draft on trusteeship (Doc. 2, G/26(*f*), May 11), see *ibid.*, pp. 604, 615, and 618, respectively. For analysis of papers on trusteeship by Australia, China, France, United Kingdom, and United States (Doc. 230, II/4/5, May 11), see *ibid.*, vol. 10, p. 641.

PRESS STATEMENT

MR. STETTINIUS then asked for opinions as to the draft press release which had been distributed at the previous meeting to cover the presentation of the joint Four-Power amendments. . . .

. . . . . .

This revised wording was agreed to by the four Foreign Ministers.[98] It was also agreed that it would be acceptable if the Secretary of the United States Delegation presented this statement to the Conference Secretariat along with the amendments at the time that they were submitted.

PREAMBLE

As the meeting was closing, MR. MOLOTOV inquired as to the opinions of the other three Delegations on the question of a Preamble for the Charter. MR. STETTINIUS said that the United States Delegation thought such a Preamble would be highly desirable, and MESSRS. EDEN and SOONG also agreed. It was pointed out that Field Marshal Smuts had already submitted a suggested Preamble and for that reason it was felt unnecessary to submit an additional one. Instead the four Delegations could take as a basis for their later discussions the draft version submitted by the Field Marshal.[99] This was agreed to.

The session adjourned at 1:10 p. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Four Min 5 (Part I)

*Minutes of the Fifth Four-Power Consultative Meeting on Charter Proposals (Part I), Held at San Francisco, Friday, May 4, 1945, 6:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including Chairmen of delegations of the United States, United Kingdom, Soviet Union, and China, together with an indefinite number of unnamed delegates, advisers and experts, of each delegation.]

*In opening the meeting, MR. STETTINIUS asked whether the subcommittee had completed its work in the consideration of the proposed amendments to Chapter V, Section B, paragraph 6, and Chapter VIII, Section C, paragraph 2.

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[98] *Postwar Foreign Policy Preparation*, p. 681.

[99] Doc. 2, G/14(*d*) (1), May 3, UNCIO Documents, vol. 3, p. 476. For information on the drafting of the preamble, see *Report on the Conference held at San Francisco, 25 April–26 June, 1945, by the Hon. Peter Fraser, Chairman of the New Zealand Delegation* (Wellington, 1945), p. 20.

*Minutes of the Sub-Committee on Treaties are annexed. [Footnote in the original; minutes not printed.]

CHAPTER V, SECTION B, PARAGRAPH 6

MR. MOLOTOV said that as regards Chapter V, Section B, paragraph 6, their work had not been completed, but that they had agreed in principle on the addition of the following paragraph:

"Subject to the provisions of Paragraph 1 of this Section the General Assembly should be empowered to recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the purposes and principles set forth in this Charter."

MR. MOLOTOV said, however, that he was unable to give his final decision in this matter.

CHAPTER VIII, SECTION C, PARAGRAPH 2

Insofar as Chapter VIII, Section C, paragraph 2 was concerned, MR. PASVOLSKY reported that they had not yet reached agreement as to the proposed amendments offered by the four Delegations to this Section. MR. MOLOTOV said that, at the close of their subcommittee meeting, Mr. Pasvolsky had made a suggestion of compromise language to be included, which he had rather liked.

MR. PASVOLSKY read his proposal, which would be to add the following clause at the end of the second sentence in paragraph 2, Section C, Chapter VIII: "with the exception of measures against enemy states in this war provided for in regional arrangements directed against renewal of aggressive policy on the part of such states."

In explaining his proposal, MR. PASVOLSKY said that it was a question of bringing into proper relationship the provisions of Chapter XII, paragraph 2 and of Chapter VIII, Section C, paragraph 2. To this end, he cited the amendments proposed by the Soviet Government and the British Government and the French Government to the latter paragraph. He said that the position of the United States Delegation was that Chapter XII, paragraph 2, provided for all arrangements against the enemy states, and that the new amendment which was proposed would be in the nature of making Chapter VIII, Section C, paragraph 2 consistent with Chapter XII.

MR. EDEN said that in his view, the point was whether the Anglo-Soviet and the French-Soviet Treaties should be ultimately merged into the world organization. He said that idea had been embodied in the Anglo-Soviet Treaty and for that reason he would like to carry out that suggestion as an addition to the amendment which Mr. Pasvolsky had suggested.

MR. MOLOTOV said that he assumed that the proposal which had been advanced by Mr. Pasvolsky was one which had been personally made by him. He said that he believed, however, that it was more in keeping with the decisions made at Dumbarton Oaks.

MR. MOLOTOV then made a long statement as to his views of the arrangements covered by Chapter XII, paragraph 2. He made it clear that while the Soviet Delegation was prepared to support any measures for establishing the proposed international organization, he was not yet prepared to say when the responsibility for dealing with the enemy states should be transferred to that organization. He said that the Soviet Government believed that Germany would do everything in its power to restore its strength, and for that reason his Government was trying to be cautious and farsighted, and to that end had concluded the Anglo-Soviet and the French-Soviet Treaties. When, however, the proposed international organization has gained enough strength and prestige to deal with Germany, the need for the Soviet treaties above mentioned would probably lapse. He pointed out that the Anglo-Soviet Treaty specifically envisions that time.

MR. MOLOTOV continued by saying that both the Soviet Union and France had twice been objects of German aggression. Again, he emphasized the fact that when the international organization was strong enough to assume the responsibility for dealing with such aggression, the need for the treaties would lapse, but that it was for the parties to the treaties to decide when that time had arrived. He closed his statement by saying that he would accept either the French amendment or the one advanced by Mr. Pasvolsky, which he said was an improvement.

At this point, MR. PASVOLSKY suggested that his amendment might be improved by the addition of the following words: "until such time as the world organization may, by decision of the Security Council, be charged with the responsibility for preventing further aggression by a state now at war with the United Nations."

A general discussion of this newest proposal followed among the members of the United States Delegation who were present at the meeting. MR. STETTINIUS then asked for a recess in the meeting in order that the United States Delegation could consult on this matter among themselves.

Accordingly, a recess was held from 7:05 to 7:45 p.m., while the United States Delegation left the room.[1]

When the meeting was resumed, MR. STETTINIUS apologized for the delay which the United States Delegation had caused, and asked Dr. Koo if he should like to resume discussion of the proposed amendments to Chapter VIII, Section C, paragraph 2.

DR. KOO said that the Soviet amendment was acceptable to the Chinese Delegation so long as the original text remained intact. However, he said he objected to the inclusion of the words "or other special"

[1] The United States delegation adjourned to Mr. Stettinius' bedroom; minutes of meeting *infra*.

in paragraph 1 and 3 of Section C as proposed by the United States Delegation. He said that he felt that the addition of these words opened the door to uncertain developments, and that they added nothing to the original text. He said that the Chinese Delegation would be willing to accept the Soviet text even as revised by the proposed British amendment if that were acceptable to the other Delegations.

MR. MOLOTOV said that he supported the Chinese Delegation in its views that the words "or other special" as suggested by the United States Delegation should be omitted. Furthermore, MR. MOLOTOV said that he should like to have the Soviet text amended to exclude the words "already concluded" so that the revised Soviet text would read: "With the exception of measures provided for in treaties directed against the renewal of a policy of aggression on the part of the aggressor states in the present war."

MR. EDEN said that he had nothing further to add to the discussion; that he preferred the United States redraft of the British proposal as suggested by Mr. Pasvolsky before the recess.

MR. STETTINIUS said that the United States Delegation preferred the redraft suggested by Mr. Pasvolsky, with certain modifications suggested by Mr. Stassen, and to this end he asked Mr. Stassen to indicate his ideas on this subject. MR. STASSEN said that he thought the language of the amendment should make clear that Chapter XII, paragraph 2, was in no way affected by this new proposal. MR. MOLOTOV said that he felt that it would be necessary first to have Mr. Stassen's proposal couched in exact terms and to have a Russian translation of it before he would be in a position to give an opinion on it.

MR. EDEN suggested that in order to resolve this difficulty, each of the sponsoring Governments should put forth separately its own amendment on this Section, and that later in the Conference, after more detailed consultations, they might be able to agree on a joint proposal. MR. MOLOTOV said that he could see no other way out at this particular time.

MR. STETTINIUS said that he felt they were fairly close in their views, and that with a few more hours this matter could be worked out. He believed that the four Delegations were in agreement on what they were seeking and for that reason he hoped that they could continue these consultations this evening. Furthermore, he said that they would have a new text prepared, based on Commander Stassen's suggestions, which they would have available later in the evening. Therefore, he suggested that they adjourn for one hour and resume at 9:30 with Mr. Soong in the chair for a brief period until he and

Messrs. Eden and Molotov could deal with another item which was up for consultation among them.[2]

Accordingly, the meeting adjourned at 8:35.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 30 (Exec.)

*Minutes of the Thirtieth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Friday, May 4, 1945, 7:10 p. m.*

[Informal Notes]

THE SECRETARY explained that this emergency meeting had been called in order that a quick consultation could be had among the members of the Delegation on the proposal advanced by Mr. Pasvolsky in the meeting of the four Foreign Ministers[3] with respect to the amendment to Chapter VIII, Section C, paragraph 2, under which it was proposed to add the following words at the end of the second sentence: "with the exception of measures against enemy states in this war provided for in regional arrangements directed against renewal of aggressive policy on the part of such states until such time as the world organization may, by a decision of the Security Council, be charged with the responsibility for preventing further aggression by a state now at war with the United Nations."

In explaining his proposal, MR. PASVOLSKY said that it tried to confine the action which would be taken under the exception to action against the enemy states. He said that at first he had attempted to argue the point with Mr. Molotov that there would be no need for an amendment to Section C, paragraph 2, since the measures referred to under the exception would only be those measures which could be taken under Chapter XII, paragraph 2. In any case, he said, if an amendment were made, it should be consistent both with Chapter VIII and with Chapter XII. He said that the first part of the proposed amendment would take care of the action against enemy states alone, while the second part of the proposal would take care of the question as to when the International Organization should take over action under the treaties.

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[2] In his *Diary* for Friday, May 4, Mr. Stettinius noted: ". . . Eden and Molotov and I were due for a completely private talk immediately after dinner. For Molotov had just informed me that day that the Soviet Government had imprisoned the sixteen Polish leaders who had gone to Moscow to discuss the formation of a more democratic Polish Government. Ambassador Harriman was urging me to issue a public statement condemning this act and to announce the breakdown of our Polish discussion between the Soviets on one side and the British on the other." For a report of this meeting, see memorandum of conversation, May 4, vol. v, p. 281.

[3] In a meeting of a subcommittee.

MR. PASVOLSKY said that during the Dumbarton Oaks Conversations, it had always been envisioned that at some time the International Organization, through the Security Council, would assume responsibility for control of the enemy states, but that this would be subject to agreement between the Security Council and the governments having responsibility toward the enemy states. He said that if it were wished to make this point clear the proposed amendment could be modified to indicate that the taking over of such responsibility by the Security Council would be subject to the agreement between the Security Council and the Governments referred to in Chapter XII, paragraph 2. MR. PASVOLSKY said that he felt that this might also be necessary since Mr. Molotov said that, otherwise, some doubt might always exist as to the responsibilities of the Security Council and the Governments concerned.

THE SECRETARY asked Mr. Pasvolsky what he would recommend and MR. PASVOLSKY suggested the amendment which is set forth above.

MR. MCCLOY said that, speaking for the War and Navy Departments, he could accept the amendment with some provision to cover the registration of treaties. He was assured that such a general provision would be included in the final Charter.

MR. STASSEN said that in his opinion, the amendment was "wide open" in relation to Chapter XII, paragraph 2; that in his view, if the Soviet Union and France agreed to take action under the proposed amendment, the United States would not have the veto power; he said this confusion arose since there was no clear indication as to who were "the Governments responsible" under Chapter XII. MESSRS. DUNN and PASVOLSKY said that they did not believe that Mr. Stassen's interpretation was correct, and SENATOR VANDENBERG also indicated that he disagreed with Mr. Stassen.

MR. STASSEN said that in his view, the United States must be a party to any peace settlement and that the amendment proposed by Mr. Pasvolsky would make that impossible. MR. PASVOLSKY said that that right of the United States was in no way abridged by the proposed amendment.

MR. DULLES said that he did not agree with Mr. Stassen's position since under the terms of Chapter XII, the International Organization would not be responsible for the control of Germany; that the major allies in this war would be responsible for such control and that was not involved in the amendment proposed by Mr. Pasvolsky.

MR. STASSEN said that was his point; that the proposal did not adequately take care of the provisions of Chapter XII. To this end, COMMANDER STASSEN suggested that the amendment should be redrafted to contain appropriate references to the rights of the Gov-

ernments concerned in Chapter XII, also to take measures under the amendment and to be a party to any agreements that might be made for the transfer of the responsibilities under Chapter XII to the Security Council.

At this point, THE SECRETARY said that he would like to poll the Delegation regarding their views on the amendment.

SENATOR VANDENBERG said that he liked Mr. Pasvolsky's proposal as it stood; that the Delegation would not be eternally committed to it, and that the Delegation could modify it later in the Conference if necessary.

SENATOR CONNALLY and REPRESENTATIVE BLOOM said they would accept Mr. Pasvolsky's proposal.

DEAN GILDERSLEEVE said that while she would accept the proposal, she still hoped that some attempt could be made to incorporate Mr. Stassen's idea into the proposal.

At this point in the discussions, MR. STASSEN said that in his view, France under the proposed amendment could move without the consent of the Security Council at some future date, and this was what he was attempting to prevent. MR. BOWMAN suggested that in view of Mr. Stassen's strong opinions on this subject, some further attempt might be made to modify Mr. Pasvolsky's proposal. MR. STASSEN replied that in his view it would be better to omit altogether any amendments to this Section.

In response to a specific question from Senator Connally, MR. MCCLOY said that, representing the Army and Navy, he wished to express his agreement with Mr. Pasvolsky's proposal.

MR. PASVOLSKY said that what had to be kept in mind was that the French and the Soviet Governments were trying to build a treaty system based on their continued fear of Germany; that such treaty system had to work—in the last analysis—without the assistance of the United States, since European Governments still were not sure that the continuing participation of the United States in the future control of Germany could be assured. For this reason, he said that it was impossible to keep Europe from building a defensive system against a renewed threat of German aggression and that he felt that if this proposed amendment, which was entirely consistent with the provisions of Chapter XII, could be accepted by the Delegation, it would be nothing more than a restatement of the position that had always been understood since Dumbarton Oaks.

SENATOR VANDENBERG indicated that he agreed with Mr. Pasvolsky.

The Secretary adjourned the meeting at 7:40 p. m. in order that certain members of the Delegation could rejoin the meeting of the four Foreign Ministers.

RSC Lot 60–D 224, Box 99 : UNCIO Cons Four Min 5 (Part II)

*Minutes of the Fifth Four-Power Consultative Meeting on Charter Proposals (Part II), Held at San Francisco, Friday, May 4, 1945, 10 p. m.*

[Here follows list of names of participants, including Chairmen of delegations of the United States, United Kingdom, Soviet Union, and China, accompanied by their respective delegates, advisers, and experts (not listed by name).]

The meeting convened with Mr. Soong in the chair pending the arrival of Messrs. Stettinius, Molotov and Eden.

Mr. Soong opened the meeting by referring to the new redraft proposed by the United States Delegation of an amendment to paragraph 2, Section C, Chapter VIII, which reads as follows:

"2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council with the exception of measures against enemy states in this war provided for pursuant to Chapter 12, paragraph 2, or, to the extent not inconsistent therewith, in regional arrangements directed against renewal of aggressive policy on the part of such states, until such time as the World Organization may, by agreement between the Security Council and the Governments concerned, be charged with the responsibility for preventing further aggression by a State now at war with the United Nations."

Mr. Stassen explained that this redraft attempted to meet the problems of the application of the surrender terms against enemy states, regional and bilateral treaties against aggressors, and attempts to build a strong and successful world organization. He said that this amendment made it clear that any such regional or bilateral treaties would not take precedence over the surrender terms.

Mr. Soong then inquired from several members of the United States Delegation as to whether they agreed with this new proposal, and the unanimous opinion was expressed that this met with their wishes.

Thereupon Mr. Soong inquired from Mr. Jebb whether this proposal would meet with the views of the British Delegation. Mr. Jebb said that while he was unable to speak officially in the absence of Mr. Eden, he would like to comment briefly on it. He said that he felt the phrase "inconsistent therewith" was not clear and might be omitted from the text. Mr. Stassen said that this phrase was an attempt to make clear that the regional arrangements referred to should not supersede the surrender terms. Mr. Jebb inquired as to whether there was really any conflict between the two, and Mr. Stassen said that

while he could not render an opinion on that, he wanted to guard against any such inconsistencies.

Following this brief discussion, MR. SOONG asked that an informal recess be taken pending the return of Messrs. Molotov, Stettinius and Eden.

There followed a brief recess from 10:15 until 10:30.

Following the recess, MR. STETTINIUS asked if Mr. Soong could give a report as to the progress that had been made in consideration of the latest United States proposal. MR. SOONG reported that the United States Delegation was in agreement on the proposal; that approval had been given unofficially by the British Delegation although the phrase "inconsistent therewith" had been questioned; the Soviet Delegation had been unable to comment on the proposal; and, finally, the Chinese Delegation found the new formula acceptable to them.

MR. EDEN said that a study of the text led him to question the entire phrase "to the extent not inconsistent therewith".

MR. MOLOTOV said that he thought these words should be dropped and that all of the words at the end of the proposal, beginning "until such time as, etc." should be omitted.

MR. STETTINIUS said that they could agree to the first suggestion made by Mr. Eden and agreed to by Mr. Molotov, but that the United States Delegation would be unable to agree to omit the balance of the sentence as suggested by Mr. Molotov.

MR. MOLOTOV said that if the language to which he objected were retained, it might be possible that the Security Council and the Governments concerned under Chapter XII would be placed at loggerheads with each other. MR. EDEN said that there was little chance of this since the Governments principally concerned under the treaties would also be members of the Security Council, and if these Governments agreed to transfer these responsibilities to the Security Council, there would be little chance of any dispute between them.

SENATOR VANDENBERG said that he thought that Mr. Molotov's point of view might be met by substituting the words "by consent of the Governments concerned" for the words "by agreement between the Security Council and the Governments concerned".

After briefly considering Senator Vandenberg's suggestion, MR. MOLOTOV said that he thought he would like to take up this matter with the French Delegation, since they had already proposed an amendment upon which the Soviet amendment had been based.

MR. DULLES then pointed out that these consultations so far had been just among the four powers and that if the Soviet Delegation went to the French Delegation for consultations on this matter, many members of the United States Delegation might feel that there were other countries which the United States Delegation ought to consult

on the question. MR. MOLOTOV said that the Soviet Delegation found itself in a special position in this matter and that they felt that it was important to take up the matter with the French Delegation. Furthermore, he said, this amendment had only just been submitted to him for study and that he felt that he would need more time to consider it. On the other hand, he pointed out that if the other three Delegations were willing to accept the Soviet amendment they could reach agreement immediately.

MR. STETTINIUS said that under the circumstances, since the British and Chinese Delegations had accepted this latter proposal as modified, he would be willing to have the proposal submitted by the three of them. MR. MOLOTOV said that the Soviet Delegation did not want to lag behind but that they would need at least 24 hours to study this question. MR. STETTINIUS said that, unfortunately, all amendments had to be submitted to the Conference by midnight, and that if the amendment were not submitted it would not be available for consideration.

To resolve this difficulty, MR. STETTINIUS suggested that each of the Delegations might put in its own amendment. In this same connection, he raised the question of the further action that might be taken with respect to the amendment to Chapter V, Section B, paragraph 6. MR. MOLOTOV said that he would like to study this proposal further; that on the whole, he found it acceptable and that it met the principal Soviet points, but that he would like to have the opportunity to study it a little further.

To bring the meeting to a close, THE SECRETARY then suggested that all of those amendments upon which they had found themselves in agreement would be submitted as joint proposals. Those amendments upon which they had found themselves in disagreement could then be submitted individually by each of the Delegations,[4] with the hope that the consultations on them could continue at a later state [*stage?*] in the Conference.

Thereupon, the meeting adjourned at 11 : 15 p. m.

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500.CC/5–645 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, May 6, 1945.
[Received May 6—4 : 09 a. m.]

1. The following is my daily message to the President, Mr. Hull and you on developments at the Conference.

[4] United States delegation, Doc. 2, G/14(*v*), May 6, UNCIO Documents, vol. 3, p. 598; Soviet delegation, Doc. 2, G/14(*w*) (1), May 8, *ibid.*, p. 601; British delegation, Doc. 2, G/14(*p*), May 5, *ibid.*, p. 574; and Chinese delegation, Doc. 2, G/14(*q*), May 5, *ibid.*, p. 576.

"1. Press conference. The full delegation held a large and successful press conference this morning [5] at which I gave out three statements, one describing the joint amendments submitted to the conference by the four sponsoring powers, the second quoting the amendments submitted by the United States alone, and the third dealing with the arrest of the Polish underground leaders.[6] The conference went off smoothly and the general impression seems to have been good on all counts.

2. Meeting with consultants.[7] I also attended this morning a meeting of the consultants representing the various national organizations and took up with them the amendments submitted last night. There was on the whole general satisfaction with the position which the delegation had taken. Only two groups expressed some dissatisfaction, the C.I.O., which wished representation on the economic commission to be by representatives of organizations rather than by experts as provided in the present draft, and the educational groups which felt there should have been a separate commission on education.

3. Reconciliation of differences on amendments. The staff of the United States delegation is actively engaged in examining the amendments submitted by the various countries. Particular attention will be given to attempts to reconcile the remaining differences among the four sponsoring powers to whose consultations France will henceforth be added. The chiefs of these five delegations will meet Monday afternoon in my office for this purpose. I am very hopeful that we will reach agreement early next week on the two issues still remaining open among the sponsoring powers. As a matter of fact we missed agreement last night only by the narrowest margin.[8] Agreement in principle had in fact been reached on a substitute provision the language of which has already been transmitted to you for that advanced by Senator Vandenberg originally relating to the review of treaties. The Senator believes that the new draft includes not only everything he had in mind but infinitely more. We were also extremely close to agreement on the paragraph on regional arrangements which has now been submitted as a separate United States amendment but at the last moment Molotov insisted that he would have to consult the French before giving definite assent.

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[5] May 5.

[6] For statements by the Secretary of State, see Department of State *Bulletin*, May 6, 1945, pp. 850 and 855–857; see also *ibid.*, pp. 851–855, for texts of the amendments submitted by the four Sponsoring Powers and those submitted by the United States.

[7] Minutes of meeting, May 5, 10: 15 a. m., not printed.

[8] See minutes of fifth Four-Power consultative meeting (parts 1 and 2), May 4, 6: 30 p. m. and 10 p. m., pp. 603 and 610, respectively; reference is to amendments to chapter V, section B, paragraph 6, and chapter VIII, section C, paragraph 2 of the Proposals.

4. Committees of the conference. The remaining committees of the conference met today and organized themselves.[9] Most of them will commence substantive work on Monday.[10]

One point of interest arose this morning in the committee having to do with the structures and procedures of the Security Council.[11] All of the delegates present except three spoke in favor of expanding the membership of the Council. The Soviet representative and Senator Connally both opposed the suggestion. Senator Connally quoted the text of the amendment on the composition of the Council agreed to by the sponsoring powers and it seemed to be generally felt that that amendment more or less met the arguments put forward by the other delegations.

5. Trusteeship. Commander Stassen held an informal meeting this afternoon with Senators Byrd, Eastland, Tobey, and Capehart of the Naval Affairs Committee and the military advisers of the delegation. The British and American trusteeship proposals were reviewed and the Senators were assured by the military that our security interests are adequately covered by our draft. The Senators seemed to be satisfied by these assurances.

The five delegations now engaged in preliminary consultations in regard to trusteeship are meeting again this evening to consider the French draft on this subject.[12] The French and United States drafts appear to be more or less along the same lines.

6. Latin American attitudes. At a meeting today with one of the chief advisers of the United States delegation the chiefs of the Brazilian, Colombian, and Cuban delegations stated their views in regard to regional pacts.[13] The conversation made it yet further evident that the other American Republics are insistent on greater freedom for the Inter-American system to act in matters of hemispheric concern. They do not for example wish to take [*make?*] action under the Act of Chapultepec dependent upon the veto of any one of the powers sitting on the Security Council. Strong sentiment exists for sharply restricting the scope of action of the general organization in this hemisphere and for permitting action under the Act of Chapultepec without authorization from the Council.

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[9] For data on organizational meetings of Conference Committees, May 4 and 5, see Précis of Committee Proceedings, Nos. 1 and 2, May 5 and 6, Docs. 89 and 111, UNCIO Documents, vol. 2, pp. 331–335.

[10] May 7; see Doc. 129, Précis No. 3, May 8, *ibid.*, p. 336.

[11] See summary report of the second meeting of Committee III/1, May 5, 10: 40 a. m., Doc. 120, III/1/3, May 6, *ibid.*, vol. 11, p. 252.

[12] Minutes of Five-Power meeting, May 5, 5 p. m., not printed.

[13] Memorandum of this particular meeting not found in Department files; for Assistant Secretary Rockefeller's report to the United States delegation on his talks with Latin American Ministers on this subject, see minutes of the thirty-first meeting, May 7, 9 a. m., *infra*.

7. Supplementary information on amendments. Late this evening Molotov called at my apartment [14] to say that the Soviet Government is now ready to concur in United States amendments on the two outstanding issues, i.e. (1) Authorization to the Assembly to recommend the adjustment of any situation whatever may be its origin likely to impair the general welfare and (2) the association of regional pacts having to do with aggressive states in the present war with the transitional arrangements referred to in Chapter XII of the Charter. I immediately informed Eden and Soong of this news which assures substantial agreement among all the sponsoring powers on the outstanding issues before the conference. This information should be held in a confidential status until Molotov himself makes the appropriate announcement."]

[STETTINIUS]

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RSC Lot 60–D 224, Box 96: US Cr. Min. 31

*Minutes of the Thirty-First Meeting of the United States Delegation, Held at San Francisco, Monday, May 7, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (29) present at meeting.]

Senator Connally, in the absence of the Secretary, convened the meeting at 9:00 a. m.

QUESTION OF UNOFFICIAL REPRESENTATIVES OF OFFICIAL ORGANIZATIONS

MR. HISS reported that he had come to the American Delegation to explain the status of the representatives of the five official organizations invited to the Conference. He had heard that the American Delegation was not altogether clear on this question, and although he thought there was no confusion, he thought the best way to handle the matter was to speak to the Delegation directly. He pointed out that the status of the representatives had remained the same since we left Washington. They continued to have an unofficial status and were not allowed in the closed sessions of the Conference, although it had been reported to him that a member of the American Delegation had said they would be admitted. Moreover, it looked as though the organizations might eliminate on their own initiative representatives of neutral nationality. The Permanent Court of International Justice had dropped their Spanish representative. He added that it now looked as though the Committee on the Court would invite to its meetings the representatives of the Permanent Court of International Justice.

[14] Saturday evening, May 5.

MR. DUNN thought the whole question of invitations to committee meetings of unofficial representatives should be referred to the Steering Committee. MR. HISS explained that so far the Conference was taking the same position that was taken in Congressional committees where each committee could invite in such persons as it wanted. In any event, he felt it would be better to raise this question at the committee level and not impose a decision from above. REPRESENTATIVE BLOOM commented that Congressional committees, when in executive session, invited persons to be heard only and only for a limited time. MR. HISS emphasized that the unofficial representatives of the five organizations have no status unless they are invited by the committees. He pointed out that one of the most important things was to get rid of the neutral representatives. If the neutral representatives withdrew, it would be possible to publish the names of the unofficial representatives in the Conference list.

MR. STASSEN commented that the question of inviting the two judges had arisen in the discussions of Committee IV/1.[15] It had been pointed out that the question was under consideration in the Steering Committee and therefore should be laid over. MR. HISS commented that the question was not under consideration in the Steering Committee and, as far as he knew, the only place it was being considered was in the committees themselves. MR. STASSEN stated that the situation would be chaotic, since different committees would make divergent decisions. He felt it was up to the Steering Committee to define the rules.[16] MR. HISS indicated that on this question the Congressional committees made their own rules. MR. STASSEN pointed out that the situation was not comparable in the two cases, since Congressional committees voted on the admission of citizens, whereas the issue before the Conference was whether official organizations should be given a status comparable to that of potential member states. REPRESENTATIVE BLOOM added that unanimous consent was generally required on Congressional committees for the admission of members.

MR. HISS pointed out that his staff was operating on instructions not to raise the question in the Steering Committee until it was negotiated outside the committee. SENATOR CONNALLY disapproved of the procedure of allowing committees to make their own decisions.

MR. SANDIFER commented that in fact the representatives of the official organizations have from the start been put in a different category from private organizations. The sponsoring governments had opposed the unofficial representation of private organizations, while consenting to the unofficial representation of the five official organizations. MR. DUNN pointed out that the official organizations had been

[15] Doc. 99, IV/1/2, May 5, UNCIO Documents, vol. 14, p. 137.
[16] Doc. 165, ST/4, May 9, *ibid.*, vol. 5, p. 189.

authorized only to send observers. MR. HISS added that the invitation requested that they come for "informal consultation".[17]

DEAN GILDERSLEEVE said that for the purpose of the record she would like to make it clear that she had had a conversation with the representatives of the I.L.O. who had inquired concerning what status they would have, but that she herself had said nothing to them on the matter. She recalled that the Delegation had decided that several of its representatives might well meet unofficially with the representatives of the five organizations at some opportune time.

SENATOR VANDENBERG asked whether Mr. Hiss had accomplished his business. MR. HISS replied in the affirmative. SENATOR VANDENBERG then said "Goodbye".

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RECONSIDERATION OF FOUR-POWER AMENDMENT OF REGIONAL ARRANGEMENTS, CHAPTER VIII, SECTION C, PARAGRAPH 2

SENATOR CONNALLY called on Senator Vandenberg to present his proposal to apply the same type of exemption to the "regional agreements" of the Pan American Union under the Act of Chapultepec which we allow to our European allies in respect to our European enemies.

SENATOR VANDENBERG indicated that he must have had a brain fag at the end of the meeting on Friday for he now felt that our proposal for Chapter VIII, Section C, paragraph 2, made it impossible for us to face either our European friends on the one hand or our Latin American friends on the other. He therefore had written the letter which the Secretary had distributed to the members of the Delegation (Letter by A. H. Vandenberg, May 5, 1945[18]). He remarked that from his point of view the question of fortifying our position with our American friends was so utterly fundamental that he would hate to impair this position by any action that might be taken.

MR. BOWMAN reported that in the discussion that had taken place Sunday on this question no one could recall clearly the objections raised by Mr. Stassen to the proposal, objections stated during the "bedroom session." MR. BOWMAN asked Mr. Stassen to explain those objections[19] if he was willing.

MR. STASSEN remarked that his objections concerned the clause which took the whole European scene away from the Security Council, at the same time leaving the entire Western Hemisphere within the

[17] UNCIO Documents, vol. 1, p. 3.

[18] Not printed; see *The Private Papers of Senator Vandenberg*, pp. 186 ff.

[19] See minutes of the thirtieth meeting (Executive Session) of the United States delegation, Friday, May 4, 7: 10 p. m., p. 607; during the recess period in the fifth Four-Power Consultative meeting at that time, the United States delegation adjourned to Mr. Stettinius' bedroom where this discussion took place (Stettinius *Diary*, tenth day, May 4, pp. 2–3).

jurisdiction of the Security Council. He stated that he did not wish to see more areas taken out of the jurisdiction of the Security Council, but preferred to soften the veto power. He indicated that the draft as it stood, as we submitted it to the Secretary-General, was an improvement over the earlier language and that this explained why he had felt so strongly about the original language. He urged that the Security Council would be a very weak body if it was deprived of jurisdiction over events in this hemisphere. On the other hand, it was difficult to see how this hemisphere could be left under the Security Council and Europe outside. He pointed out that the way the language now stood we would have to have the support of the Soviet Union to take enforcement action in this hemisphere, whereas the Soviet Union would not require our vote in taking action in Europe. He proposed that the issue be met, however, not by making further inroads on the powers of the Security Council, but by increasing the exemptions from its jurisdiction.

He pointed out that one important question was whether France could act under the regional arrangements against Germany and at the same time veto our action through the Security Council.

Senator Vandenberg noted that Mr. Stassen had suggested handling the situation by a change in the voting section. He questioned whether this was the way to handle the matter. His proposal, he said, did not involve robbing the Security Council of authority to act in the event that a situation was not being adequately cared for under a regional arrangement. On the other hand he felt it would preserve to us, until such time as the effectiveness of the world organization was demonstrated, the right to take advantage of the 100 or more procedures of the Pan American system including solidarity of mutual defense.

Senator Connally commented that in view of the present position perhaps our best immediate procedure would be to ask the Secretary to withdraw our consent to the proposed amendment to Chapter VIII, Section C, paragraph 2. Senator Vandenberg agreed this was the next step.

Mr. Dunn remarked that Mr. Molotov had called on the Secretary late Saturday [20] and had indicated the entire agreement of the Soviet Union with our two additional amendments. Representative Bloom proposed that rather than withdraw our amendment we should proceed, if necessary, to amend it in discussion. Senator Vandenberg thought the Secretary could say to Mr. Molotov that we were not proposing to alter or modify the regional provision as it related to the Soviet Union, but that we have to have a comparable right for this hemisphere, particularly in order to get the right for the Soviet

[20] May 5.

Union. SENATOR VANDENBERG suggested an informal conference between Mr. Molotov and the Secretary.

MR. DULLES indicated that our regional proposal was substantially similar to the one included in Chapter XII of the Dumbarton Oaks Proposals. Moreover, he thought that we should give very thorough consideration to the problem and not immediately go into discussion with Mr. Molotov. The fact of the matter is, he said, we had filed an amendment which the Russians approved.

MR. STASSEN commented that this amendment was not one of our own proposals, but was rather an alternative that we had worked out to meet the demands of the French and the Russians.

MR. DULLES remarked that the best way to handle this question was by amending our own amendment when proposals from other countries developed. He was sure that such proposals would be forthcoming. The important thing, he added, was not to let Mr. Molotov go home before this question was reopened. If he returned and we then opened the question, he certainly would charge us with bad faith and he would justifiably feel about our action some of the things that we have been feeling are typical of the Soviet Union. He added that we should do whatever we can in this situation to preserve our integrity. SENATOR VANDENBERG thought we could approach Mr. Molotov on the basis of the position that we did stand by our agreement as far as he was concerned, intending no change in the provisions affecting the Soviet Union. MR. DULLES suggested that we would actually be altering the power of the Soviet Union if we made Senator Vandenberg's proposal, since we would deprive the Soviet Union of veto over action in this hemisphere.

MR. STASSEN pointed out that we were not deprived of an opportunity to give subsequent consideration to this proposal. In fact, it was obvious that further consideration of it would have to be given since smaller powers would be making their own proposals on this same subject.

MR. ARMSTRONG pointed out that the general organization would be ruined if we made general exceptions for regional arrangements. The Soviet Union would demand freedom in Europe. The Latin American states would demand freedom in this Hemisphere. He wondered whether it would not be possible to handle the matter by itemizing occasions upon which the veto power would not hold. In this way it would not be necessary to make general exceptions for regional arrangements. He thought a rather simple list of events would do the trick.

MR. ROCKEFELLER pointed out that the Soviet Union under the exemption we had given them would on the basis of unilateral treaties build up a system which would amount to a strong regional system. SENATOR VANDENBERG asked Mr. Rockefeller what the reaction of the

Latin American states was to this exception. MR. ROCKEFELLER explained that they were frankly disturbed. They felt that without consultation with them we had in fact liquidated Chapter VIII, Section C. They now felt that we would not ratify any treaty on the basis of the Act of Chapultepec so that they feel we have liquidated the agreement made there. The Ministers he had talked to, he said, believe that something substantially new has been done in which they had no voice and which they feel has given them no security or protection. MR. STASSEN pointed out that the Act of Chapultepec explicitly states that action should be subject to the purposes and principles of the Organization. MR. DULLES asked why the Latin American Minister felt the question had arisen as a new issue. MR. ROCKEFELLER explained that the whole matter had been threshed out on a democratic basis in Mexico City and that now the Latin American Ministers were confronted with an agreement made without consultation with them.

MR. NOTTER asked whether we intended to go back on Paragraph 3 of the Moscow Declaration with its reference to consultation in taking action against enemy states.[21] MR. STASSEN said he assumed that we would be in all action taken with respect to enemy states under the surrender terms. MR. MCCLOY stated that having our armies in Europe would also keep us in the picture.

SENATOR VANDENBERG said he would now like to ask whether the Military Advisers had any comments to make on this question. MR. MCCLOY stated that he did not see how we could vote against a South American proposition for hemisphere solidarity. We had agreed to the Act of Chapultepec. In the discussions with the Big Four we did not get the full implication of the provision with respect to enemy states. We find that we have wiped out the veto provision in Europe permitting the Russians without restraint by us to deal on their own terms with the enemy states. Since the veto on Europe has been wiped out it would seem wise to wipe out the veto provision altogether. Rather than add an exception for the Western Hemisphere it would make sense to wipe out the veto provision altogether and allow regional organizations to operate on their own impetus.

MR. ARMSTRONG asked Mr. McCloy what he thought of the suggestion to enumerate a number of occasions on which the veto power would not be exercised. MR. DULLES questioned whether agreement on such a list could be reached here. MR. DULLES added that while the Soviet Union would have a free hand in Eastern Europe under our amendment, we would still have a voice in Western Europe. From his point of view the question was whether it was worth it

[21] Paragraph numbered 3 of the Moscow Declaration of Four Nations on General Security, November 1, 1943 states: "That they will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy." (*Foreign Relations*, 1943, vol. I, p. 756.)

to us to save our position in Western Europe or whether we should trade this off to assure American solidarity. This decision, he felt, would be the highest decision of national policy—whether or not to build on hemisphere solidarity alone and throw away all of Europe or whether to save our voice in Western Europe. MR. MCCLOY thought it was essential not to sacrifice our position with the British Empire as well as with Western Europe. MR. STASSEN proposed that we not deal ourselves out of Europe for fear of a possible circumstance when we would want to rely exclusively on the Western Hemisphere. The taking on of more exceptions he said would result in our being crowded out of the rest of the world. In any event he did not feel we should take a decision rapidly and should certainly confer fully with the President.

REPRESENTATIVE BLOOM asked what Mr. McCloy thought of Senator Vandenberg's proposal on page 2 of his letter beginning "and with the exception of measures which may be taken under Resolution VIII, known as the Act of Chapultepec", etc. MR. MCCLOY said that this exception would take care of the point he had but would not satisfy Mr. Stassen. The protocol method moreover might be preferable.

SENATOR CONNALLY asked whether action should be taken to do away with the veto. MR. MCCLOY felt that to do away with the veto would mean the elimination of the clause now in Chapter VIII, Section C, paragraph 2 that no enforcement action should be taken by regional organizations without the authorization of the Security Council. MR. ROCKEFELLER pointed out that the exception with regard to treaties in Europe already does away with the veto power. MR. STASSEN objected. MR. ROCKEFELLER pointed out that the argument had been made that if the Security Council refused to act, enforcement action would be taken in any event by this country in self-defense. He asked what would prevent Russia, on the basis of this same argument, from also taking independent action.

MR. STASSEN replied that if the organization failed to act we would not spinelessly give up. MR. ROCKEFELLER then asked what significance the veto had. MR. STASSEN replied that if the veto power impairs effective action for international security then we would have to act anyway. MR. ROCKEFELLER thought then that the veto power meant nothing more than a piece of paper. MR. STASSEN said that any one of the major powers could destroy the organization. MR. ROCKEFELLER recalled that at an earlier meeting Mr. Stassen had urged that a provision be included so that if the Council failed to act, force could still be employed on a regional basis without destroying the organization. MR. STASSEN pointed out that he had always preferred some modification of the veto power. MR. ROCKEFELLER indicated that the position he was taking did not imply any lessening of the power of the Security Council to take action in a situation if the

Security Council thought such action was necessary. MR. BLOOM noted that Senator Vandenberg's proposal was limited in time by the phrase "until such time as the organization may, by consent of the Governing Board of the Pan American Union, be charged with this function". SENATOR VANDENBERG thought this proposal would be acceptable. MR. BLOOM agreed that this limitation narrowed the exception and made it less objectionable. MR. ROCKEFELLER agreed.

MR. STASSEN urged that to adopt Senator Vandenberg's amendment would be to destroy the organization. If we intend to make this kind of a provision in Chapter VIII we should do it in Chapter I and realize that we were undermining the whole effort.

MR. ROCKEFELLER asked why Mr. Stassen had not objected to the weakening of the Organization by the exception for the Russian-French treaty. MR. STASSEN said he had strongly objected. He hoped that the definition of enemy states could be narrowed and moreover he thought it useful to point out that our amendment applied not only to action by European states against enemy states but also to action by any states in the world against former Axis states. The position we had taken in the amendment in its present form is in line with Senator Vandenberg's speech.[22] MR. STASSEN said he believed that it was not a general exception but was a limited and restricted exception that seems to have had the general approval of the public, if one can judge by the reaction to Senator Vandenberg's speech. MR. STASSEN said he would not approve a further exception being made in the basic document itself. He would, however, go along with an agreement made in advance that the Western Hemisphere would receive prior authorization to take action on local disputes. In this way the regional organization would be kept subordinate to the general organization. DEAN GILDERSLEEVE commented that we had assumed that some such blanket authorization in advance would be forthcoming. MR. MCCLOY indicated that he had recently talked with some of his friends, both French and English, who had indicated that they would support us on anything we wanted in connection with the Monroe Doctrine. DEAN GILDERSLEEVE said that Mr. Koo had talked in the same vein. MR. MCCLOY suggested that the problem comes down to getting agreement with the Soviets.

MR. NOTTER stated that he could not refrain from pointing out that the proposed exceptions would wreck the international organization. He felt that the present amendment that we had proposed, even without further exceptions, undermined the Organization since no time limit was indicated for the treaties and action might be taken under them independently of the Organization forever. MR. NOTTER pointed out that our amendment gave legal sanction to our Allies to build up a system that could in time be turned against us. He

[22] January 10, 1945; *Congressional Record*, vol. 91, pt. 1, pp. 164–167.

believed that all exceptions should be strongly fought in the name of American security. SENATOR CONNALLY asked Mr. Notter what he recommended. MR. NOTTER proposed that we return to the provisions of the Dumbarton Oaks Proposals. MR. ROCKEFELLER stated that he would be satisfied with the Dumbarton Oaks Proposals with a provision for prior authorization for action under the Latin American system. He stated that the Latin Americans felt that the United States had let them down and they were contemplating the disintegration of the Western Hemisphere system.

SENATOR CONNALLY thought that it would be necessary for the Secretary to see Mr. Molotov promptly and to tell him that we were agreed that we could not put over our proposed joint amendment. Since we did not have the votes we might ask him for a release from our proposals and then reconsider them. MR. BLOOM asked whether, if we went back to Dumbarton Oaks, that would take care of the Act of Chapultepec. MR. NOTTER thought that there was a danger of us selling out under the Act of Chapultepec simply in order to provide for an ultimate event that would probably not take place.

MR. DUNN thought that there was no need for an exception for the Western Hemisphere. If we went back to the original language of the Dumbarton Oaks Proposals the Inter-American System would have adequate protection. He noted that the exception in our proposed amendment was very similar to the exception formerly placed in Chapter XII of the Proposals. In fact, he said, it was the same provision in a different place. He questioned any decision that would compound the number of exceptions. He wondered why the original language of Chapter XII would not be perfectly satisfactory.

SENATOR CONNALLY noted that Mr. Molotov was wedded to protection for his French treaty. MR. DUNN commented that Mr. Molotov had his French treaty even under the old Chapter XII. MR. DUNN suggested that if we proposed an exception for the Western Hemisphere the Soviet Union would want to extend its exception over all regional arrangements without any limitation. We had successfully narrowed down our exception to rights already in the Proposals. If we now request an exception for the Western Hemisphere the pressure will be great to arrange exceptions for all regional arrangements. MR. DULLES questioned whether or not the basic question was to save our position in Western Europe.

MR. STASSEN said that even if Great Britain and other countries favored additional exceptions he felt that we should oppose them since they would tend to destroy the world organization. SENATOR CONNALLY asked whether the regional organization could function under the original language of the Dumbarton Oaks Proposals. MR. DUNN replied in the affirmative, noting that the regional organization would have to be consistent with the General Organization. It

would not be allowed, however, to take military action without authorization. Mr. Dunn added that the Dumbarton Oaks Proposals were built on the theory that there should be one General International Organization with teeth in it. If you distribute the right of enforcement action to regional organizations you distribute the teeth. Of course, he said, the decision might be made that the Inter-American System was so unique and so important that one had to sacrifice everything for it. If this is done, he said, the character of the world organization is changed. With the teeth distributed we would have to face the fact that any combination of powers might start up war in an area and we would have nothing whatever to say about it. Mr. Rockefeller said this was the case now under our amendment. Mr. Dunn noted that while any combination could take a stand against Germany there was not a general right to take enforcement action without authorization.

Mr. Stassen indicated that the provisions of our amendment as they now stood had been generally accepted as our national policy. Mr. Dunn agreed that the exception was a narrow one, for example, we had not given the Soviet Union and France the right to take action against Belgium without authorization. If we make one exception of a general nature he felt we would start the chain of exceptions until any group anywhere could take enforcement action without review or authorization by the Council. This system he said would be the end of the Organization.

Senator Vandenberg asked what we would say to the Latin American Republics who asked for some exception. Mr. Dunn replied that we would have to decide as to the type of organization we wanted. If we wanted regional organization we could go along with further exceptions. If we wanted overall supervision we should not make further exceptions. He thought that the Latin Americans would see the point of the exception in Europe. Since the Monroe Doctrine was protected by our right of veto and since the Act of Chapultepec does not itself call for the use of force he thought the Latin Americans would come along with us.

Mr. Rockefeller suggested that Mr. Dunn was making a legal interpretation. While the Act of Chapultepec was not a treaty and did not call for the use of force on a permanent basis we had agreed—we had pledged—our word of honor to work for a treaty. If we wished to continue good relations with the Latin Americans he said we would have to continue to work on the basis of good faith. (The Secretary joined the meeting).

The Secretary announced that he had been busy all day long on the telephone talking with the President concerning the development of the war situation. He wanted to be sure that the Delegation knew that Mr. Molotov had called on him Saturday late in the evening and

had said that the Soviet Union accepted the two points on which the Soviet Union had reserved its position. There was now unanimity of the four powers on the amendments to the Proposals. The Secretary commented that the public angle on this question was important and that his judgment would be to leave Mr. Molotov to make his own announcement in his own good time.

MR. DULLES reported that the *New York Times* had reported Mr. Molotov's agreement with our Proposals.

THE SECRETARY announced that the Foreign Minister of Belgium, Mr. Spaak, had left suddenly for Belgium. Whereas he had not checked out in the normal way the Secretary assumed there was no reason for his departure other than the urgency of his work at home. MR. DUNN reported that a political crisis was pending in Belgium and that Mr. Spaak wished to be there for the reorganization of the government. THE SECRETARY reported that he had been personally hurt by Mr. Spaak's not taking leave of either Mr. Dunn or himself. MR. HICKERSON reported that Mr. Spaak hopes to return to the Conference.

THE SECRETARY reported that Mr. Lie of Norway had been instructed to return and that he had explained to Mr. Lie that this would be embarrassing in view of his chairmanship. It would be a great blow, he said. Mr. Lie had assured him of his full confidence in the success of the enterprise and had in no way indicated any difficulty arising from the Conference. THE SECRETARY indicated that work would have to be speeded up in view of the day's developments, with Mr. Molotov leaving in a few days and with the possibility that he might himself have to leave for Washington. He pointed out that he had asked for a special meeting of the Steering Committee and that he thought it was time to set up a drafting committee to get the charter knocked into shape.

MR. STASSEN commented that there was a danger in this procedure since we were just getting to the small power stage and we should take advantage of the Conference organization to permit the smaller states, particularly the dominions, to make their contribution. In addition to these regular Conference meetings, however, MR. STASSEN thought it would be possible to make special provisions for special sessions with the Secretary in the Penthouse of members of the other delegations. SENATOR VANDENBERG agreed that these special meetings in the Penthouse might prove a shortcut to the ponderous procedure of the Conference. THE SECRETARY asked how these meetings might be organized. MR. ROCKEFELLER replied that the countries might be divided into eight key groups and that if the Secretary could meet with them it might go a long way to answer the problems that had arisen because they had been left out of the meetings of the Big Four.

MR. DULLES thought it would be possible even while the general discussions were going on in the Conference committees to have a small group of some five individuals whipping the Charter into shape so that a first draft would be ready for submission to the Steering Committee with such last minute changes as proved necessary.

THE SECRETARY emphasized that the work of the Conference would have to be speeded along. MR. STASSEN thought it would do no damage to have a "flat week", if meanwhile the heads of delegations were being invited by the Secretary to the Penthouse in order to present their views. SENATOR VANDENBERG remarked that it would be out of the dog house into the Penthouse. THE SECRETARY agreed with the suggestion and asked Mr. Hickerson and Mr. Rockefeller to prepare the plans for the meetings. THE SECRETARY agreed that he would postpone the Steering Committee meeting today. MR. STASSEN emphasized that the primary purpose of the meeting of the delegations would be to receive their views.

THE SECRETARY pointed out that the meetings with the heads of delegations should start today and continue tomorrow.

THE SECRETARY stated that we could not reverse ourselves on our proposed amendment. He did not see how he could go to Mr. Molotov and make an about face. SENATOR CONNALLY said he preferred the protocol arrangement under which the Pan American group would be authorized in advance to take regional enforcement action in local disputes. MR. DUNN suggested that the protocol involved an assurance from the permanent members that they would permit prior authorization of the Pan American group.

MR. ROCKEFELLER stated that this was quite in line with the Dumbarton Oaks Proposals and could be raised with Mr. Molotov. THE SECRETARY said he preferred to wait until later, at least until tomorrow, since it was psychologically impossible for him to discuss the revision of an amendment that was still warm.

### STATEMENTS BY REPRESENTATIVES OF LABOR

THE SECRETARY welcomed the representatives of American labor organizations who had been invited to meet with the Delegation. . . .

THE SECRETARY assured these representatives that the United States Delegation was doing everything in its power to represent their interests at the Conference and welcomed the opportunity of hearing their views. He explained that he was working on some important European matters and had asked Senator Connally to preside.

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### Assignment of Delegates and Advisers

Dean Gildersleeve urged that in so far as possible members of the Delegation should attend committee meetings as they had not been able to do the last few days.

Mr. Sandifer suggested that a final decision should be made on the assignment of advisers to committees.[23] The Secretary said he thought this matter had already been settled, but that if not a recommendation should be prepared by the Secretary-General after discussion with the delegates in charge and final decision made as promptly as possible. Mr. Stassen pointed out that Mr. Sandifer had attempted to get a decision on this question a number of times but that the Delegation had each time pushed the matter aside.

Mr. Bloom asked whether he was on the trusteeship committee. After a brief discussion Mr. Stassen indicated that he would be happy to have Mr. Bloom go with him on that committee.

### Reconsideration of Four-Power Amendment on Regional Arrangements, Chapter VIII, Section C, Paragraph 2

Mr. Dunn pointed out that a decision would have to be made as to what would go into the protocol. Senator Vandenberg asked who should take responsibility for drafting the protocol. It was agreed that the committee should consist of Mr. Dunn, Mr. McCloy, Mr. Dulles, Mr. Rockefeller, and Mr. Pasvolsky with possibly additional naval and military advisers.

Senator Connally indicated that we still had to decide whether we wished to pursue the method of the protocol.

General Fairchild thought the protocol would let us off the horns of our dilemma. We could maintain the right to take regional action at the same time that we would not violate the Charter. Mr. Bowman asked under the theory of the protocol when and in what form we would announce the decision. Mr. Dunn thought the whole question should, of course, be settled first among the Big Four.

Senator Connally proposed that the Secretary might go to Mr. Molotov and get his suggestion as to the proper procedure to follow. He doubted whether it would be possible to get agreement with the Russians on a satisfactory protocol.

Mr. Bloom suggested that two drafts be prepared, one, an amendment to Paragraph 2, Section C, Chapter VIII, and a second amendment in the form of a protocol.

Mr. Stassen proposed that (*a*) the Secretary should promptly notify Mr. Molotov that this question was pending and should advise

[23] For list of delegates, advisers, and technical experts assigned to Conference Commissions, see Department of State *Bulletin*, May 6, 1945, p. 858.

Mr. Molotov on the general nature of the problem we are facing, leaving to the discretion of the Secretary how far he would pursue this preliminary discussion; (*b*) appoint a technical committee to prepare a draft protocol; and (*c*) provide that the final decision as to the disposition of this problem would be made by the American Delegation before negotiations were opened.

(Mr. Pasvolsky entered the meeting.)

The motion made by Mr. Stassen was passed and the names of members of the Committee approved finally: Mr. Dunn, Mr. McCloy, Mr. Dulles, Mr. Rockefeller, and Mr. Pasvolsky.

MR. PASVOLSKY made the statement that having read Mr. Vandenberg's letter that had been before the Committee, he was completely flabbergasted.

MR. HICKERSON suggested that it might be best for the Secretary to meet with the members of the Latin American delegations alone. MR. STASSEN favored a meeting of the four powers with the American Delegation and the Latin American representatives. MR. BLOOM proposed that the meeting be of the five powers together with one or more members of the American Delegation accompanying the Secretary. After a brief discussion this last suggestion was agreed to.

. . . The meeting was adjourned by Senator Connally at 12:30 p. m.

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*Minutes of the First Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 7, 1945, 3 p. m.*

[Informal Notes]

[Here follows list of names of participants, comprising Chairmen of delegations of the United States, Soviet Union, and France, and representatives of the Chairmen of delegations of the United Kingdom and China.]

THE SECRETARY opened the meeting by calling attention to the fact that it was the first at which Mr. Bidault was present.[24] He said that it was his intention to make this a short meeting, although he had several items to discuss with the Foreign Ministers.

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[24] This was the first in a series of 29 meetings held in Mr. Stettinius' penthouse apartment at the Fairmont Hotel between May 7 and June 21 by the Heads of Delegations of the Sponsoring Powers and France. The minutes of the meetings were termed "Informal Consultation of the Foreign Ministers and Ambassadors of the United States, United Kingdom, Soviet Union, China, and France"; the Soviet, British, and French Foreign Ministers, however, departed May 9, May 13, and May 16, respectively.

1. CONFERENCE PROCEDURE ON SURRENDER OF GERMANY [25]

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2. CONSULTATION ON AMENDMENTS

MR. STETTINIUS recalled that the consultations of the four Ministers up to this time had included only those powers which were represented at the Dumbarton Oaks Conversations and concerned only their proposed amendments to the Dumbarton Oaks Proposals. With Mr. Bidault joining the group, he felt that they should now turn their attention to the amendments proposed by other countries and consider and review them. MR. BIDAULT said that he agreed with the procedure proposed by Mr. Stettinius but that he wished to call attention to the fact that the French Delegation has not yet had the time to study completely the amendments proposed by the four powers in their own right.

MR. STETTINIUS replied that so far as the French Delegation is concerned, it was understood, of course, that it would be a free agent with respect to the amendments proposed by the four powers to the Dumbarton Oaks Proposals; that the French Delegation would not be bound by the previous decisions in this regard.

MR. STETTINIUS said that in order to expedite the work of the five Foreign Ministers he suggested that a Committee of their deputies be appointed to consider the amendments that are proposed by the other nations represented at the Conference. All of the Foreign Ministers agreed and accordingly the following appointments were made:

MR. STETTINIUS appoint[ed] Mr. Leo Pasvolsky to represent the United States;

MR. MOLOTOV appointed Mr. A. A. Sobolev to represent the Union of Soviet Socialist Republics;

DR. KOO appointed himself as a deputy for the Chinese Delegation, in as much as he explained that Mr. Soong had intended that he, Dr. Koo, bear this responsibility, and that in the interim, Mr. Liang would represent him as an alternate;

MR. BIDAULT appointed Mr. Jacques Fouques Duparc;

MR. ATTLEE appointed Mr. Gladwyn Jebb.

MR. STETTINIUS suggested that this Committee of Deputies should meet rather soon [26] and should report back to the Foreign Ministers group on Wednesday, May 9, at 3:00 p. m., at its next meeting. This was agreed to.

DR. KOO suggested that as a method of procedure for expediting the work of the Conference, the review by the five Foreign Ministers

[25] See Doc. 128, May 8, UNCIO Documents, vol. 2, p. 45.

[26] The Deputies of the Heads of Delegations of the Five Powers held 36 meetings from May 8 to June 15; minutes of meetings not printed.

of the amendments to the Dumbarton Oaks Proposals should be in the nature of an examination of these amendments to determine whether they were in the framework of the Dumbarton Oaks Proposals, leaving the necessary verbal changes to the Commissions and Committees of the Conference.

MR. STETTINIUS said that he agreed with this observation of Dr. Koo's. He felt that the work of the Conference must be expedited but that they must leave freedom of expression to the Conference as much as possible. Accordingly, he recommended that the Subcommittee of Deputies which had just been appointed should recommend to the Foreign Ministers the procedure to be followed with respect to their review of the proposed amendments.

MR. BIDAULT said that it was his understanding that no final position would be taken by any one of the five powers in the Conference with respect to any amendment until agreement had been reached by this meeting of the five Foreign Ministers. MR. STETTINIUS assured him that such would be the case.

[Here follows discussion of items No. 3, drafting of final Charter; No. 4, press statement; and No. 5, expediting the Conference.]

### 6. SOVIET ACTION ON TWO AMENDMENTS

MR. ATTLEE raised the question as to whether the Soviet Delegation had agreed to the two proposed amendments to Chapter V, Section B, paragraph 6 and Chapter VIII, Section C, paragraph 2. MR. MOLOTOV replied that such agreement had been reached. MR. STETTINIUS then inquired as to whether the Soviet Delegation had announced this fact yet. MR. MOLOTOV replied that they would confirm this agreement in writing later in the day, and at the same time would also agree to the announcement of the fact. However, he indicated that if in the meantime, questions were raised by the press as to the Soviet Delegation's attitude in this matter, that Mr. Stettinius was at liberty to announce the Soviet agreement.

At this point MR. BIDAULT inquired as to what amendments were being discussed. Specifically, he asked whether these amendments included the United States amendment on regional arrangements.

MR. STETTINIUS explained that the Soviet Delegation had now agreed to accept the United States amendment on regional arrangements. MR. MOLOTOV reminded Mr. Bidault that Mr. Gromyko had informed the French Delegation of this fact on Saturday.

MR. BIDAULT agreed that Mr. Gromyko had informed them of that fact, but that in his opinion the Committee of Deputies of the Foreign Ministers should take the French amendment on this subject [27] into account.

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[27] Doc. 2, G/7(*o*) (2), May 6, UNCIO Documents, vol. 3, p. 392.

MR. STETTINIUS asked if there were further business to be brought before the group, and since there was none, the meeting was adjourned. . . .

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RSC Lot 60–D 224, Box 96 : US Cr Min 32

*Minutes of the Thirty-Second Meeting of the United States Delegation, Held at San Francisco, Monday, May 7, 1945, 6:18 p. m.*

[Informal Notes]

[Here follows list of names of persons (31) present at meeting.] THE SECRETARY opened the meeting at 6:18 p. m. and announced that the regular meeting of the Delegation each day would take place at 6:15 p. m. . . .

STATEMENT BY SENATOR VANDENBERG

SENATOR VANDENBERG remarked that Mr. Molotov had held a press conference that day and that he had a transcript of this conference before him.[28] He noted that Mr. Molotov had adroitly tried to leave the inference that in omitting the reference to "treaties", we were attempting to provide a means by which the enemy could get out from under repressive measures. Of course this was not the reason, but Mr. Molotov's interpretation made a hot story.

MR. PASVOLSKY stated that he had met with press representatives that afternoon and reread to them the statement made by Senator Vandenberg in the press conference Saturday morning.[29] He had pointed out that the phrase "regardless of origin was in fact broader than the term "treaties". MR. PASVOLSKY said he had defended Senator Vandenberg and said that he thought that Senator Vandenberg's own press statement would help to straighten out the situation.

THE SECRETARY announced that he would have to reach a quick decision on the matter raised at the morning meeting. (1) He would need to have the instructions of the Delegation as to what he would say to Mr. Molotov before he left. (2) It was important for two or three members of the Delegation and for Mr. Rockefeller and himself to meet with a half dozen of the Latin American ambassadors in order to thoroughly understand their position. Furthermore, he needed time to take the whole question up with the President after the Delegation reached a position. REPRESENTATIVE BLOOM suggested that the Delegation hear the report of the subcommittee appointed at the meeting of the morning.[30] MR. DUNN stated that an attempt had been made to draft alternatives in the form of a protocol and in the form

[28] Statement issued by Mr. Molotov at press conference, May 7, not printed.

[29] Press statement by Senator Vandenberg, May 5, not found in Department files. For United States-proposed amendments, chapter V, section B, paragraph 6, May 2, see *Postwar Foreign Policy Preparation*, p. 681; also, Doc. 2, G/14(*v*), May 6, UNCIO Documents, vol. 3, p. 598.

[30] Minutes of meeting, May 7, 9 a. m., p. 615.

of an amendment to paragraph 2, Section C, Chapter VIII. MR. DUNN then read the following two proposals:

(1) "It is the understanding of the undersigned that the provision of Chapter VIII, Section C, paragraph 2, with respect to authorization of enforcement action by the Security Council will not apply to the repression of aggression under a regional arrangement, such as contemplated by the Act of Chapultepec, which will define in advance the conditions under which said repression may occur."

(2) "The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council with the exception of measures against enemy States in this war provided for pursuant to Chapter 12, paragraph 2, or pursuant to regional arrangements directed against renewal of aggressive policy on the part of such States, and with the exception of measures to repress aggression under a regional arrangement, such as contemplated by the Act of Chapultepec, which will define in advance the conditions under which such repression may occur, such exceptions in all cases to expire when the Organization by consent of the Governments concerned may be charged with the responsibility for preventing the aggression so exceptionally dealt with."

REPRESENTATIVE BLOOM asked whether Mr. Dunn thought that the protocol proposition would take care of the problem. MR. DUNN expressed the view that if any proposal along the lines he had read was raised, it would be difficult to avoid opening up the old question of the exclusion of all regional arrangements from the jurisdiction of the Organization.

SENATOR VANDENBERG said he realized that if we now opened up this question Mr. Molotov would put an unfriendly interpretation on our action.

THE SECRETARY asked whether Ambassador Harriman would make a statement to the Delegation. AMBASSADOR HARRIMAN commented that he and Mr. Bohlen were shortly going to talk to Mr. Molotov. He added that while he would not talk on the substance of the question, he did have the following advice to give: (1) he thought we should not approach Mr. Molotov alone, but should rather meet him with the four powers together; (2) he hoped that when we talked to Mr. Molotov we would be clear as to our objective so as not to leave the matter in a vague state and so possibly arouse unnecessary fears on the part of Mr. Molotov; (3) we should guard against any possibility of giving the impression that we were bowing out of regional organizations in Europe. AMBASSADOR HARRIMAN explained that the Soviet Union believes that Continental Europe is properly the field

of action for continental countries only. We should be sure not to fall in with this assumption.

THE SECRETARY asked Ambassador Harriman if he wanted to define his stand more fully. AMBASSADOR HARRIMAN remarked that he did not know where the discussion stood in its substantive aspects, but that he felt very definitely that all five powers should meet together and that we should not manage things in such a way that the South American countries became our "stalking horses". In any event he said the Soviet Union would assume that we stirred up the problem. Moreover, he felt we should be clear that we are not backing out of Europe.

SENATOR VANDENBERG thought we could approach Mr. Molotov by stating that we were not proposing to debate what had already been given him in the modifications of Chapter VIII, Section C, paragraph 2. We could point out that in order to achieve these ends, we had found it necessary to clarify the situation regarding the Act of Chapultepec. We could explain that we contemplated that, in the first instance, the Pan American authority would be the enforcement authority, subject to the ultimate action of the peace league if the regional action was not successful.

AMBASSADOR HARRIMAN remarked that he had no comment to make on the substance of the discussion, but he felt constrained to point out that the Soviet Union would use whatever excuse it could find to minimize our interest in Europe and might welcome our approach as a reason to get us out of Europe.

DEAN GILDERSLEEVE recalled that on Friday night Mr. Molotov had said he had to think our amendment over, and that at this time the Secretary had urged that all amendments must be in by midnight Friday night. She felt that the Secretary would be in a very difficult position if modifications of our amendment were now urged.

MR. ROCKEFELLER indicated his agreement with Ambassador Harriman that the Soviet representatives should be approached quite directly and with simple frankness.

MR. STASSEN indicated that if any effort was made to put into the basic document an exception for the western hemisphere, it would be a basic and tragic mistake. MR. STASSEN stated that the draft read by Mr. Dunn went too far and went further than the speech made by Senator Vandenberg on January 10,[31] which, having received general approval, represented in his view the basic policy of the United States. To go as far as Mr. Dunn suggested would weaken our influence in the world and undermine the charter, which the world now looked to us to conclude. MR. STASSEN proposed a more limited protocol under which the Western Hemisphere would be given permission to take enforcement action in the event of aggression in an

[31] *Congressional Record*, vol. 91, pt. 1, pp. 164–167.

emergency situation until the Security Council took over. He said he would agree to a revision of our position to that extent only, and that he would strongly oppose any move that would open up the rest of the world situation. SENATOR VANDENBERG said he had no objection to this proposal. THE SECRETARY agreed that this represented exactly his position. MR. PASVOLSKY pointed out that even this went too far.

SENATOR CONNALLY felt that whatever was done, the Secretary would have to see Mr. Molotov before he left and tell him the situation.

MR. PASVOLSKY indicated that he would like to say a few words. He stated that the Act of Chapultepec does not provide for prior authorization of regional organizations by the general organization in taking enforcement action. The Act of Chapultepec says that whatever action is taken during the war must be in conformity with the world organization. At the time that the Act of Chapultepec was drafted it was our general understanding that the Dumbarton Oaks Proposals were not subject to change and we negotiated under instructions to use Section C, Chapter VIII as a basis. Therefore, the only interpretation that we can justifiably make of the Act of Chapultepec is to interpret it as being consistent with the Dumbarton Oaks Proposals. It is another story if we now propose to make a change.

MR. PASVOLSKY stated that on Saturday in a three-hour talk which he had with Latin American representatives he emphasized that the United States did not and could not make commitments which went beyond paragraph 2 of Section C, Chapter VIII. Therefore, the Latin Americans would be aware of the fact that there is no commitment in the Act of Chapultepec beyond the Dumbarton Oaks Proposals, nor are there any private commitments that go beyond the Proposals.

MR. PASVOLSKY said the basic situation we confront is to decide whether we wish to take the regional systems out of a world system of security. So far we have considered the Russians' proposal as applying only to special states in a special situation. In the course of our negotiations the one point we were not sure of was whether the Russians meant to go beyond this limited exception. On Friday afternoon we proposed a change in the Russian proposal limiting it to enemy states. The Russians accepted this, while a French representative also indicated his agreement with this limitation. The French Foreign Minister today said that he would reserve his position. In other words, the matter is not altogether "smoked out".

MR. PASLOVSKY stated that he had one important point which he felt should be emphasized. If we open up the Dumbarton Oaks Proposals to allow for regional enforcement action on a collective basis, the world organization is finished. In that event, we have accepted

the thesis brought forward openly, at the beginning by the British and voiced also in the Russian press. We then move into a system in which we rely for our security on regional groups, large states with their spheres of influence surrounded by groups of smaller states. We will convert the world into armed camps and end up with a world war unlike any we have yet seen.

SENATOR VANDENBERG asked what the purpose was of the Act of Chapultepec.

MR. PASVOLSKY stated that the Act of Chapultepec fulfilled one useful and very necessary purpose. In 1940 at the Conference at Habana [32] the Monroe Doctrine was extended, so that if any one of the American states was attacked by a non-American power each assumed the responsibility to consider it an attack upon itself. Under that Doctrine we were able to call upon the other American states when Japan attacked us, since the Japanese attack was under this Doctrine an attack on each of the American states. The only state that did not respond was Argentina. All the other states broke their relations with the Axis or put their resources at our disposal.

Recently there was some feeling that the Doctrine developed at Habana was not enough. It did not cover an attack by one American state upon other American states. This explains the Act of Chapultepec which extends the area of the doctrine of joint responsibility, so that the attack by any American state upon another American state is an attack upon each American state.

MR. PASVOLSKY pointed out that there were some at Mexico City who attempted to build a super-structure of a full-fledged regional system on the basis of this Doctrine. When first proposed, the draft for the Act of Chapultepec contained a mandatory obligation to use force which went way beyond the consultative obligations assumed under the Act of Habana. According to the first proposal, enforcement action would be mandatory for all American states when adopted by a majority. So, six Central American states, three island states, Venezuela, and Ecuador could send into action the forces of the United States. This mandatory obligation became in the course of negotiation an obligation to consult with the American states with a view to deciding what action should be taken.

MR. PASVOLSKY said he would like to point out that we are not now obligated permanently, as a treaty is envisaged in the Act of Chapultepec which would have to be ratified by the Senate. For the time being we are committed only to consulting and to determining what action is necessary to further the war effort. MR. PASVOLSKY stated that there was written into the Act of Chapultepec an enumeration

[32] For documentation on the second meeting of the Foreign Ministers of the American Republics, held at Habana, July 21–30, 1940, see *Foreign Relations*, 1940, vol. v, pp. 180 ff.

of measures corresponding to those in the Dumbarton Oaks Proposals, which were there, he said, for some unaccountable reason. Moreover, there is the obligation, after the establishment of peace, to consider the conclusion of a treaty under which the wartime obligations would be assumed in perpetuity. Very important, however, was the fact stated in Chapter III of the Act of Chapultepec that the operation of the Act shall be in conformity with the purposes and principles of the Organization, when that Organization is set up.

MR. ROCKEFELLER stated that he tended to agree with Mr. Pasvolsky's statement and that it was interesting to note that the initiative for the Act of Chapultepec had come from Mr. Roosevelt, who had proposed to the Colombians that they propose a resolution for the mutual guarantee of borders in this hemisphere.[33] MR. ROOSEVELT had said he would tell the Chinese and the Russians that this is what we intended to do. MR. ROCKEFELLER explained that the Latin Americans had no desire to withdraw from the World Organization and wanted to play their part fully. He thought that if Mr. Pasvolsky's suggestion was adopted we would be able to move forward happily with the Latin Americans.

MR. PASVOLSKY pointed out that there were three items not thoroughly considered in connection with the Act of Chapultepec:

(1) We never considered whether under this system we committed all of our forces or only a part of our forces.
(2) We never faced the question as to the kind of procedures by which our forces would be set in motion.
(3) Action could be taken, not only if a certain event took place, but also if there was *suspicion* of such an event, and we have not clarified our interpretation of intervention.

SENATOR VANDENBERG stated that the problem was that we would be helpless to act in the new world if our action was not wanted by China or Russia. MR. PASVOLSKY noted that thanks to our own veto power no state could interfere in this hemisphere. In the event of an attack upon us from within or without, we would go to the Security Council, and if the Security Council refused to act, we would take action in self-defense. There was no question, he said, but that if our security was immediately imperiled by the failure of the Organization to act, we would ourselves act.

SENATOR VANDENBERG said this amounted to doing as we pleased. MR. PASVOLSKY pointed out that we would do as we pleased only if we were attacked and the council would not act. He asked what Sen-

[33] For draft resolution No. 42 (submitted to the Mexico City Conference, February 21–March 8, 1945), entitled "Declaration on Solidarity against all Aggression", see *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Department of State publication No. 2497), p. 185; for documentation on the Conference, see *Foreign Relations*, vol. IX, pp. 1 ff.

ator Vandenberg thought we ought to do if the system failed. SENATOR VANDENBERG asked Mr. Pasvolsky whether he would be willing to have him tell the Senate that if the Security Council voted no and we thought action was vitally necessary we could take action on our own. MR. PASVOLSKY remarked that he would have no objection to Senator Vandenberg making the statement that if the Security Council failed we would have to go ahead and act.

REPRESENTATIVE BLOOM asked whether the Monroe Doctrine still remained untouched. MR. PASVOLSKY replied in the affirmative. SENATOR CONNALLY asked how the Monroe Doctrine was protected. MR. PASVOLSKY stated that the Monroe Doctrine is protected by our right of veto and by the obligation assumed by all the states, including the big powers, not to intervene. The old [*whole?*] system, he said, rests upon the good faith of the big powers and their willingness to behave. If they fall out there is no opportunity to keep the peace.

SENATOR VANDENBERG indicated that our only protection was then our right of independent action. MR. PASVOLSKY stated that this was not our only protection, but that there was certainly no statement in the text under which we would give up our right of independent action. MR. DULLES indicated his general agreement with Mr. Pasvolsky, but pointed out that he would argue the case on different grounds. He thought that Senator Vandenberg could say that at no point would the member states give up their right to use force in all circumstances. Under principle four they pledged to refrain from the use of force in a manner inconsistent with the purposes of the organization. Since the prevention of aggression was a purpose of the organization, action to prevent aggression in the absence of action by the Security Council would be consistent with the purposes of the organization. He thought that if a European country vetoed action to prevent aggression in the Western Hemisphere, we would be entirely free to use force. MR. STASSEN stated that in order to keep us free to use force under these circumstances, he had previously favored the omission of the phrase in principle four "consistent with the provisions of the Charter". SENATOR VANDENBERG commented that he had no further complaint to make, but that he was now convinced that the people would be disillusioned beyond words when they realized the plan. MR. STASSEN said he would be willing to speak on the subject and would gladly testify before the Senate Foreign Affairs Committee. SENATOR VANDENBERG thought that there was a general renunciation of the right to use force. Both MR. DULLES and MR. STASSEN pointed out that this was not the case.

SENATOR CONNALLY suggested that Mr. McCloy make a statement. MR. MCCLOY pointed out that he had just had a talk with certain Latin American delegates who had, in a tolerant and composed way, shown that they knew our problem and appreciated our situation. He

felt there was a good chance that in the discussion of paragraph 2, Section C, Chapter VIII, an effort would be made to eliminate the veto provision. MR. MCCLOY had asked the Latin American delegates whether if we withdrew our proposal, making an exception of treaties against enemy states, this would solve the difficulty. He reported that they had replied in the negative, suggesting that the whole issue would have arisen anyway in connection with the veto power of the major nations. They appreciated the fact that we felt it necessary to keep our hand in Europe, realizing that we had spent our men and our resources in wars that had arisen in Europe over minor incidents. He reported that they appreciated our need of finding a formula, and that they were quite sympathetic.

MR. MCCLOY suggested that the question might be confronted by weighing the relative assets of Europe against the assets of this hemisphere. He personally believed that both assets were important in their own way, and he did not feel that we could sit here deciding between the value of the two assets in a hypothetical way. MR. MCCLOY felt we would have the sympathy of our Latin American friends in reaching a formula. He thought that if such a formula was reached we should consult the President. He proposed that the procedure suggested by Ambassador Harriman, to consult only after our position was clear and to hear from the Latin American delegations as to their attitude on the problem, would go a long, long way in helping the situation.

SENATOR VANDENBERG asked Mr. McCloy what he recommended. MR. MCCLOY recommended that we follow along the lines of the protocol already suggested. He realized, however, that the main difficulty lay in the veto power of the major powers.

MR. ROCKEFELLER expressed the feeling that we would lose the conception of consultation before acting if we accepted the proposal made by Mr. Stassen and Mr. Pasvolsky. MR. STASSEN pointed out that it was assumed that we would act in this hemisphere, in the event of the Security Council failing to act, only after consultation with the other states.

MR. PASVOLSKY suggested that the following procedure be adopted:

(1) We should not take up changes in paragraph 2, Section C, Chapter VIII, as our proposals;

(2) We should take up the issue in the course of consultations with other countries and should state our position in the course of these consultations. A number of proposals, including the Cuban proposal,[34] have been brought forward on this question. We should present our case in the course of discussing these proposals.

(3) The Secretary should meet with the Latin American representatives as promptly as possible to get their views prior to discussing the question with Mr. Molotov. He added that we were now

[34] Doc. 2, G/14(*g*) (3), May 6, UNCIO Documents, vol. 3, p. 524.

through with the period for refining the amendments of the Big Four and had come to the period for the discussion of the proposals of other governments. It was then perfectly natural to raise our problem in connection with the discussion of these other proposals.

MR. ROCKEFELLER pointed out that in addition to the Cuban proposals there were proposals by Chile and Paraguay.[35] MR. PASVOLSKY suggested that at the meeting the next day these proposals be brought up, that at first the five powers talk them over, and that then consultations should continue with the heads of the other delegations. MR. ROCKEFELLER agreed that this was sound procedure.

SENATOR VANDENBERG asked whether, in supporting the treaty that came out of this conference, which he expected to do, if he was asked to answer the question whether a state had the right of self-defense, Mr. Pasvolsky would support him in making a reservation on this question. He added that he expected that the Senate would insist on such a reservation and that he would want to support it. REPRESENTATIVE BLOOM asked whether the Senator meant an interpretation or a reservation. SENATOR VANDENBERG replied that he meant an interpretative reservation. SENATOR VANDENBERG thought that some reassurance would have to be given the Senate on the right of self-defense. MR. PASVOLSKY urged that if the system failed, that is, if the Security Council did not act when it ought to, obviously a state was free to act to defend itself. MR. MCCLOY commented that the issue might not arise as a clear case of self-defense. There was a possibility that the situation might arise in a more confused way. SENATOR VANDENBERG asked what he should then say to the Senate. MR. PASVOLSKY urged that he did not promise intervention, and MR. ROCKEFELLER thought that the emphasis should not be on unilateral action, but rather on action through consultation.

SENATOR CONNALLY asked what would happen if one South American country attacked another. The Council might wish to intervene, but we could veto action and act ourselves. MR. PASVOLSKY pointed out that there would be a bad situation if a state acted first and talked to the Security Council afterward. MR. STASSEN said that he agreed with Mr. Pasvolsky that action should take place only when the Security Council failed to act or unduly delayed action. MR. PASVOLSKY said that he thought that Mr. Stassen earlier had said that we could act only "until" the Security Council takes action. MR. STASSEN said this was not what he had meant to imply.

THE SECRETARY requested that a statement be prepared that evening setting forth the issue as a basis for his talk with the President. MR.

[35] Doc. 2, G/28, May 6, "Joint draft amendment to chapter VIII, section C of the Dumbarton Oaks Proposals by the delegations of Chile, Colombia, Costa Rica, Ecuador, and Peru", UNCIO Documents, vol. 3, p. 620; no record found of proposed amendment by Paraguay on this subject; see remarks presented by the Government of Paraguay at the Mexico City Conference, *ibid*, p. 347.

BOWMAN thought it was very important for the Secretary to be thoroughly briefed on this question since in his view it was at the heart of the whole problem.

THE SECRETARY asked that a further statement be prepared by Mr. Hickerson and his assistants for the use by the Secretary in talking with Mr. Molotov. Agreement was reached that Mr. Stassen, Senator Connally and Senator Vandenberg, Mr. Pasvolsky, Mr. Dulles, Mr. Rockefeller, and Mr. Bowman would join the Secretary in his talks with the Latin American representatives at 9:00 a. m. the next morning.

MR. MCCLOY took issue with Mr. Pasvolsky's suggestion, and urged that we present the problem before us to Mr. Molotov as our own and not as a problem raised by the Latin American countries. The Secretary thought we should sleep on this question, but that he personally preferred at this time raising the issue in connection with the discussion of the proposals by other governments. MR. ROCKEFELLER thought that it was safer to be perfectly honest in this matter, and MR. MCCLOY agreed that any other tack would arouse suspicion.

MR. PASVOLSKY added that we were now through with the period of defining the amendments of the Big Four and had come to the period for the discussion of the proposals of other governments. It was then perfectly natural to raise our problem in connection with the discussion of these other proposals. MR. PASVOLSKY said he intended to raise this question as the number one problem in the subcommittee appointed by the Big Five that afternoon.

THE SECRETARY asked that Mr. Dunn speak immediately to Mr. Gromyko, explaining that the Secretary would want to see Mr. Molotov before he left.

MR. STASSEN asked for the consent of the Delegation to the holding of a press conference by Mr. Bloom and himself to give background information on trusteeship. He noted that there was considerable demand for such a press conference. The request was granted.

The Secretary adjourned the meeting at 7:30 p. m.

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500.CC/5–745 : Telegram

*The Acting Secretary of State to the Minister in Iceland (Dreyfus)*

WASHINGTON, May 7, 1945—7 p. m.

75. In telephone conversations during the past few days the Minister of Iceland has urged upon officers of the Department the admission of Iceland to the San Francisco Conference on the grounds that several states have been admitted subsequent to the original March 1 deadline. Mr. Thors was informed that should his Government desire to

present a formal request [36] it would, of course, be given consideration but that it seemed very doubtful that a favorable reply could be expected. It was pointed out to Mr. Thors that a declaration of war against one of the Axis powers is still a requisite for signature of the United Nations Declaration and that the Department had so far received no indication of a change in Icelandic opinion in this regard. Mr. Thors admitted that it was highly improbable that Iceland would declare war on Germany and in fact stated that in his opinion such a declaration at this late date would be ridiculous. He further stated that a declaration of war on Japan was quite out of the question.

It appears, however, that Mr. Thors has suggested to his brother, the Foreign Minister, that since the Ukraine and White Russia have been made members of the United Nations the Foreign Minister might try the experiment of writing a private letter to Secretary Stettinius asking for an application for membership in the United Nations on behalf of Iceland. Should the Foreign Minister request your views, you may advise him in the sense of the first paragraph of this telegram.

GREW

## CHAPTER V: MAY 8–MAY 31, 1945

**Beginning of open Conference discussion of Dumbarton Oaks Proposals and changes recommended by Sponsoring Powers and other participating Governments; exploratory discussions in meetings of United States delegation to establish position to be taken by U.S. delegates on all matters in connection with Conference; consultative meetings with other Sponsoring Governments and France to reach unanimous agreement on final position to be taken in meetings of the twelve technical committees by any one of the Five Powers with respect to proposed amendments; informal consultative meetings of United States delegates with Latin American representatives on regional arrangements; Five-Power agreement reached with regard to proposals on regionalism and trusteeship.**

RSC Lot 60–D 224, Box 96 : US Cr. Min 33

*Minutes of the Thirty-Third Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 8, 1945, 5 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (32) present at meeting.] Senator Connally called the meeting to order at 5:00 p. m.

[36] In a note of May 10 to the Acting Secretary of State (not printed), the Icelandic Minister expressed the desire of his Government to attend the San Francisco Conference, indicated that since the enemy in Europe had been completely defeated, there could be no longer any question of Iceland's declaring war, and stressed the feeling of the Government and the people of Iceland "that they have made their contribution to the United Nations' war effort by lending their country for important military bases and by sacrificing the lives of many hundreds of seamen engaged in transportation of food to Britain and the United States." (500.CC/5–1045) The text of the note was telegraphed to San Francisco (telegram 75, May 7, 1945), but the Conference took no action on the Icelandic request. (500.CC/5–1145)

AGENDA OF MEETING

MR. BOWMAN stated that a useful meeting had been held with the Advisers during the previous hour and that since an emergency matter had arisen concerning the regional question, he understood this meeting would now be in executive session, with the military advisers only. . . . (All Advisers except the Principal Advisers and Military Advisers and Senator McCarran [37] then left the meeting.)

DISCUSSION OF REGIONAL PROBLEM

At Senator Connally's request, MR. SANDIFER introduced a Draft Memorandum for the President, May 8, 1945,[38] which the Secretary had asked the Secretariat to prepare as a basis for his talks with the President on the question involving the inter-American system and its relationship to the proposed international organization. MR. SANDIFER stated that the draft was only a preliminary one to get before the Delegation the main ideas. MR. SANDIFER then read the draft.

[Here follows inconclusive discussion of the draft memorandum.]

(The Secretary joined the meeting.)

THE SECRETARY stated that he had two or three quick things to discuss: First, he wished to report that the Executive Committee had held a successful session; [39] secondly, the Steering Committee meeting had gone very well; [40] and thirdly, the regional question was now wide open. He said he had just left an international press conference and that the story was out in the open. He said we were going to be faced with the whole question in the press and the radio the next day. Further, Mr. Molotov was saying "goodbye" this evening at 8:30, but was planning to come here at 7 o'clock to meet with Mr. Eden and the other foreign ministers.[41] He expected to have a statement from the Delegation to be used in his talk at 7 o'clock with Mr. Molotov.

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[37] Senator Pat McCarran of Nevada.

[38] Not printed.

[39] Doc. 164, Ex/9, May 9, UNCIO Documents, vol. 5, p. 421.

[40] Doc. 165, ST/4, May 9, *ibid.*, p. 187.

[41] The meeting of the Big Five at 7 p. m. at the Fairmont Hotel was to be the last meeting of the Foreign Ministers. Mr. Stettinius recorded in his *Diary* of May 8 that there apparently had been some misunderstanding, for Mr. Molotov did not show up. Representatives of the United States at this meeting included Mr. Stettinius and six others; the United Kingdom, Mr. Eden and two others; China, Mr. Koo and one other; the Soviet Union, only Mr. Gromyko; and France, Mr. Bidault and four others. Mr. Stettinius said he would make his two-minute statement and then repeat it to Mr. Molotov at his meeting with him later at 8: 30 o'clock. He then talked from a prepared statement and outlined three main points to be considered by the meeting (see record of meeting with Mr. Molotov, *infra*). Mr. Stettinius noted that Mr. Eden's response was immediate—namely, that the first two questions were minor but the third (that the Latin Americans proposed to make reservations in favor of the Inter-American system) raised all kinds of questions and made him "very unhappy".

MR. DULLES thought that considerable time would be wasted if the Delegation continued to discuss the memorandum to the President. He did not feel that the question could be adequately represented to the President except orally, particularly because of the differing view points. He said the memorandum represented an honest attempt to state the differing views fairly, but that it would be unfair to the President to ask him to make a decision without giving him adequate background.

SENATOR VANDENBERG stated that the President was entitled to an entirely developed recommendation and that quick judgments under the pressure of events would not be satisfactory.

STATEMENT BY THE SECRETARY AT THE MEETING OF FOREIGN MINISTERS

THE SECRETARY said it was vital to have a document from which he could speak to Mr. Molotov. MR. DUNN indicated that Mr. Raynor was on his way down with the document. MR. MCCLOY stated that he had come to the conclusion that no document short of an essay would adequately cover the question under discussion. THE SECRETARY reported that he would like to send to the President a long night letter that he would have in the morning, so that when he telephoned the President the President would have an intelligent understanding of the issues.

MR. MCCLOY asked whether the Delegation would like to have a report on the telephone conversation he had had that afternoon with Mr. Stimson. The Delegation indicated their interest. MR. MCCLOY stated that Mr. Stimson had listened to his comments on the regional problems with great interest and had then indicated the following point of view. Secretary Stimson had requested that we try to obtain the right to move in this hemisphere free of the veto of the Security Council. This right, he felt, we should seek at the expense of the immediate non-concurrence of the Soviet Union. The Secretary had stressed that we should certainly have this right in internal western hemispheric matters. The Secretary had stressed the importance of preserving solidarity in the Western Hemisphere. He had pointed out the long heritage of pacific settlement in the Hemisphere. The Secretary of War had emphasized the fundamental need of finding a formula to meet the situation.

The Secretary of War did not believe that the one exception for this Hemisphere would cut the heart out of the document, but had expressed the hope that there would be no requests for further exceptions. He had said he wanted more time to consider whatever counter-requests came up before reaching a final decision upon this question. He urged that, since the matter was one that should be considered at the highest level, a decision should not be rushed into.

MR. DULLES stated that he had had some doubt as to whether the Soviets really wanted a world organization. Since he had come to San Francisco he had concluded that they would want an organization in order to get the maximum possible voice outside their own sphere of influence. They accepted the fact that they would be able to deal in their own sphere and he believed they felt that, working through a world security system, they might be able to influence areas outside their direct control. He thought this might mean that we could get an exemption for the Western Hemisphere without actually being driven out of Europe. The Russians, wanting to get as much as they could in the way of influence outside their own sphere, might be willing to accept the best they could get. Mr. Dulles indicated that he was not sure that we would have to give up our voice in Western Europe, but that the Secretary might want to keep these ideas in mind in determining his tactics. THE SECRETARY thought that Mr. Dulles had made a very wise observation.

THE SECRETARY then read the following memorandum prepared for his use at the meeting of foreign ministers:

"I. Quick Survey of Important Amendments Proposed by Other Countries

"(*a*) French suggest change in voting on recommendations in Security Council to classify recommendations as procedural matters, thus removing from themselves [*removing in these cases?*] the necessity of unanimity among the permanent members.

"(*b*) Netherlands have proposed shift of Paragraph I of Chapter VIII, Section B, to Section A. This will have the effect of making a party to a dispute unable to vote on decisions as to aggression or breach of peace.

"(*c*) Latin American Republics propose adjustment in regional arrangements to take care of Act of Chapultepec as was done in the case of European treaties.[42] (If questioned as to formula, we should say that we have not had time to analyze the question but we are basically sympathetic.)"

THE SECRETARY thought that an introduction would be necessary running as follows: He would say that he was terribly sorry that Mr. Molotov was leaving, that this was the last time that the ministers of the five powers would all meet together. However, he would be

[42] With reference to a meeting with Latin American Foreign Ministers, May 8, 9 a. m., in the Penthouse, Mr. Stettinius reported to the President and Mr. Hull in telegram 2, May 9, as follows: "The chiefs of eight Latin American delegations called on me this morning and presented a very urgent plea that the implementation of the Act of Chapultepec not be made subject to the veto of a single non-American power. On the other hand members of the United States delegation pointed out to them the disadvantages which would ensue if the focus of international security were to be placed in regional understandings rather than in the General International Organization. No conclusion was reached and the American delegation is still working actively on the question in the hope of finding a satisfactory formula which will relieve the Latin American apprehensions without seriously weakening the Charter." (500.CC/5–945)

sure to notify any one of the ministers that had to leave of events, if necessary by telephone. THE SECRETARY suggested that he might further add that there were two or three suggestions brought up by other governments. They would certainly have to be discussed and there were specifically three that he would like to mention at this time. THE SECRETARY indicated that he might say that these three questions have to be ironed out and would express the hope that when we communicated with any one of the foreign ministers we would find adjustments that would be agreeable to all concerned.

MR. ARMSTRONG indicated that the important point was to assure that Mr. Molotov would not be surprised by later exchanges of views.

MR. MCCLOY urged that Senator Vandenberg's position should be included that we were not going to whittle down what we had already proposed for the Soviet Union. THE SECRETARY stated that he might say that we were going to do nothing that would whittle down the rights that the Soviet Union wanted. SENATOR VANDENBERG said the matter might be stated more directly that we would protect the Soviet proposal to the finish, and that we would merely ask their cooperation in a collateral phase of the matter that would affect us but not the Soviet Union.

MR. DUNN thought the discussion should not be pointed at Mr. Molotov. He added that, at the suggestion of the Secretary, he had put this whole matter up to Sir Alexander Cadogan who had expressed concern lest any exception be extended and the Security Council's authority be seriously impaired.

THE SECRETARY, reported that Mr. Eden had expressed the same concern when the Secretary talked to him at the reception given by the Soviet Union for the representatives of the two Soviet Republics.

DEAN GILDERSLEEVE felt there was too much of an implication that we were engaged in a duel with the Soviet Union, when in fact there were other very important implications.

MR. PASVOLSKY did not think we should use the phrase "but we are basically sympathetic" until the Secretary had received an authorization by the President to take that position. MR. PASVOLSKY thought the Secretary should say that we are trying to find a solution. AMBASSADOR HARRIMAN, who had come into the meeting with the Secretary, urged that the important thing was to get into Mr. Molotov's mind the idea that we might want to press this matter. We would have to do this in order to feel free later to back a particular position. MR. PASVOLSKY suggested the phrase "we are sympathetically trying to find a solution". He thought the Secretary would get himself out on a limb if he said we were sympathetic to the Latin American proposal without the authorization of the President. MR. DUNN proposed the phrasing "we are sympathetic to the purpose of reaching an adjustment".

THE SECRETARY asked Mr. Rockefeller what had destroyed the faith of the American republics in the general organization when they arrived here in San Francisco. He said it was obvious that they had lost their confidence in the general organization and had nowhere near the genuine sincerity and interest they had previously expressed. MR. ROCKEFELLER replied that the reason for this loss of faith could be traced to the way the Soviet representatives had behaved toward the Secretary and their actions in general, their maneuvers and the entirely novel type of tactics that the Latin American representatives had come up against. MR. DUNN thought it was as much the attitude of the Soviets toward the other American republics. SENATOR VANDENBERG felt that a new and hysterical dread was sweeping the representatives of the American republics. MR. MCCLOY suggested that the death of Mr. Roosevelt might explain the situation in part. MR. STASSEN suggested that the President should speak out strongly on the Pan American Union, and THE SECRETARY noted that the President had already made one speech which had been an excellent one.[43] MR. ROCKEFELLER indicated that the representatives of the American republics were coming around to the position that, until the world organization proved its effectiveness, the Western Hemisphere system should be free from the necessity of any authorization for action by the Security Council. MR. DUNN noted that some of the representatives were saying that there was no use for the international organization. MR. STASSEN said that this was nothing more than a narrow isolationist approach and that it was exceedingly dangerous.

AMBASSADOR HARRIMAN stated that it was important for the Secretary not to commit us tonight but merely to make Mr. Molotov understand that this issue would certainly come up in the near future. MR. STASSEN thought that the memorandum that had been prepared for use by the Secretary was excellent and that the Secretary should certainly not allow Mr. Molotov to leave without raising this matter with him. DEAN GILDERSLEEVE asked whether it was true that the Arab delegations had told the Latin Americans that they would vote with them. MR. ROCKEFELLER reported that the Arabs had offered to support the Latin Americans, giving them five votes, but that the Latin Americans had refused.

THE SECRETARY remarked that the draft memorandum as it stood was unsatisfactory and that it should be re-dictated immediately in the light of the suggestions made during the discussions. SENATOR VANDENBERG thought that we should stress that we wanted an exception only until the organization proves its reliability and that we would fight to the death the right of the Soviet Union to the same privilege.

[43] For address broadcast from Washington on April 25, for the opening session of the Conference, see Department of State *Bulletin*, April 29, 1945, p. 789.

MR. DUNN urged that whatever the Secretary said should not be directed at Mr. Molotov alone. THE SECRETARY agreed that he would speak to the four ministers.

REPRESENTATIVE BLOOM remarked that the Latin American representatives were afraid that the Monroe Doctrine would be destroyed. He thought that, if they were reassured on this question, they might be more tractable on the other question. THE SECRETARY stated that Mr. Stassen and Mr. Pasvolsky had assured the Latin American representatives of our position on this question.

MR. DULLES pointed out that, if the Secretary made the statement that we were not going to take anything away from the Soviet Union that we had already granted them, we would be precluded from cutting down the scope of the phrase "enemy states". MR. DUNN urged that the Secretary not argue a case with Mr. Molotov but merely raise the issue. MR. BOWMAN stressed that it might be unwise to urge our position on the ground that we doubted the adequacy or reliability of the general organization. This, he said, would put the general organization in a very weak position from the start.

THE SECRETARY asked that Mr. Raynor and Mr. Hickerson proceed immediately to have a redraft made of the memorandum which would then be brought to the Delegation for its approval.

### REPORT OF DRAFTING SUBCOMMITTEE OF FIVE-POWER GROUP

MR. PASVOLSKY announced that the subcommittee appointed by the five-power group[44] had agreed upon ten broad topics that would be used as a basis for reaching agreement on the proposals:

1. Increase in the powers of the General Assembly on security matters.
2. Obligation of all members to carry out decisions of the Security Council.
3. Increase in the number of members of the Security Council.
4. Veto powers of the permanent members of the Security Council.
5. Purposes and Principles of the Organization.
6. Regional arrangements.
   - *a.* Mutual aid pacts.
   - *b.* Economic and social arrangements.
7. Definition of aggression.
8. Compulsory jurisdiction of the international court.
9. Peaceful change.
10. Admission, expulsion and suspension of members.

MR. PASVOLSKY announced that the international secretariat was preparing a collection of the proposals on all these ten topics. The procedure will be to go over the proposals on each of the topics and re-

[44] For information on appointment of Five-Power Deputies, see minutes of Five-Power meeting, May 7, 3 p. m., p. 628.

port the results of the preliminary discussion to the meeting of foreign ministers. MR. PASVOLSKY added that the Secretariat was having considerable difficulty in preparing the documentation and that discussion would be delayed in view of the fact that all the amendments would have to be available in order that they might all be considered on the same footing.

MR. STASSEN indicated that the ten points were very good. He thought that if we gave way to the smaller powers on a number of these points, we would be able to get agreement on a Charter in rather short order.

(The Secretary then left the meeting.)

### DISCUSSION OF REGIONAL PROBLEM

MR. ROCKEFELLER felt that further consideration should be given to backing up our position that the Organization does not affect the Monroe Doctrine. He felt personally that the two were now mutually exclusive. Under the provisions of Chapter VIII, if we were attacked, the only way we could take action would be to ask permission of the Security Council. On the Security Council one state could veto action. He felt the Monroe Doctrine was not safeguarded unless we could take action to protect ourselves. If we did take action in spite of the Security Council, it would, as Mr. Stassen said, break up the Organization. MR. DULLES indicated that he had prepared a memorandum [45] on the question of the Monroe Doctrine which he thought covered the point raised by Mr. Rockefeller. SENATOR VANDENBERG thought Mr. Dulles' memorandum was totally disillusioning. MR. STASSEN thought that the memorandum was good, and that, in so far as the Monroe Doctrine meant that an attack on one American state was an attack on all, he thought it was not inconsistent with the General Organization. SENATOR VANDENBERG commented that Mr. Dulles' point of view reduced itself to the principle that we have the right to do anything we please in self-defense. MR. ROCKEFELLER stated that that was perhaps our own interpretation, but that it was not expressed in the Charter. MR. STASSEN said that the Charter was limited to describing the methods by which to prevent the necessity of resorting to self-defense.

SENATOR CONNALLY stated that he felt that the question under discussion was a very critical one, and that we were facing a very difficult problem, particularly in view of the attitude taken by the Latin American representatives that they want absolute control of action in this Hemisphere. MR. ROCKEFELLER thought that the Latin American representatives would be willing to take a compromise.

DEAN GILDERSLEEVE asked why we were not proceeding with the proposal for a protocol, under which prior authorization would be

[45] Not printed.

given to the Pan American system. MR. PASVOLSKY indicated that prior authorization was in fact the same as an exception, as it would always be possible for us to prevent the Security Council from taking over responsibility for action in this Hemisphere. SENATOR VANDENBERG stated that he could not get away from the feeling that Mr. Dulles' interpretation made every state a law unto itself.

SENATOR CONNALLY asked Mr. Rockefeller how far he thought the American republics would be willing to go. Would they oppose the General Organization altogether? MR. ROCKEFELLER replied that they had faith in the Secretary and wanted to find a solution of the problem. He believed that they were hopeful that a solution could be worked out, and that their main concern was not to permit the liquidation of the inter-American system.

### REVISED MEMORANDUM FOR SECRETARY AT FOREIGN MINISTERS' MEETING [46]

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### DISCUSSION OF REGIONAL PROBLEM

MR. DUNN stated that for background the delegates might wish to know that the British and French were engaged in setting up a Western European bloc. The question of the establishment of this bloc was no longer in doubt. The only problem was who would dominate it. He thought that other regional blocs would possibly be developed along similar lines in other areas. SENATOR VANDENBERG stated that this might be a healthy thing in order to prevent control by Russia of the entire European Continent.

MR. STASSEN thought it was very important for us not to weaken our hand out in the areas of the world where difficulties begin. We wanted to preserve the solidarity of the Hemisphere, but we should also keep a strong hand in other areas so that we could meet problems when they first came up rather than when they had already developed into first-class wars.

MR. MACLEISH questioned what the result would be if we put our faith in the Western Hemisphere alone. Would it not in the last analysis result in our being thrown back on preserving the peace in this Hemisphere alone and at the same time preparing for possible attack from abroad? While we would keep up our Army in any event in joining the General International Organization, would we not be in a position where we would have to have an even larger army if we pulled into the shell of this Hemisphere?

MR. MCCLOY stated that from the military point of view it was important to have the strength of this Continent in order to be able to branch out. We could not, for example, get to North Africa unless we had a considerable area in this Hemisphere from which to operate.

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[46] See memorandum of conversation, May 8, 8:30 p. m., *infra*.

We depended on Brazil, for example. He added that of course the more consultation we had with the Latin American powers the better, and that we could not afford to ignore the significance of the western continental land mass as a factor in any of our military operations. MR. MACLEISH repeated that he questioned where dependence on the Western Hemisphere exclusively would leave us.

MR. PASVOLSKY suggested that the South American representatives should consider what was involved in the use of force in the Western Hemisphere under the inter-American system. That system, he said, had been built on the basis of consultative arrangements and procedures for peaceful settlement and the principle of non-intervention. Now it was proposed to use force under this system. If this policy was adopted, what we have had at its best would exist no longer. We would have intervention on a grand scale. Where would we be, he asked, if we had intervened with our military might in Argentina? GENERAL EMBICK pointed out that the Argentinian situation had seriously worried the military. Our policy had been not to foment a situation there unless we could count upon the neighboring countries. If we attempted anything alone, we would have greatly prejudiced the war in Europe, but with the cooperation of adjoining countries we could have easily handled the situation. The fact of the matter was, he said, that in order to have essential bases for our security, the solidarity of the Western Hemisphere was indispensable. ADMIRAL HEPBURN suggested that he feared that the use of force in this Hemisphere might result in the extension of subversive political principles.

The meeting was adjourned by Senator Connally at 6:30 p. m.

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500.CC/5–845

*Memorandum by Mr. Charles E. Bohlen, Member of the United States Delegation, of a Conversation Held at San Francisco, May 8, 1945, 8:30 p. m.*

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| Present: | **The Secretary** | Ambassador Harriman |
| | **Mr. Molotov** | Mr. Pavlov |
| | **Mr. Dunn** | Mr. Bohlen |

THE SECRETARY expressed his great regret at Mr. Molotov's forthcoming departure and his appreciation for the cooperative spirit of their work together here at the Conference.

MR. MOLOTOV warmly thanked the Secretary, and through him, the American Government for all the hospitality and friendly treatment he had received during his stay in the United States.

THE SECRETARY thanked Mr. Molotov for the picture which he had received this afternoon and presented Mr. Molotov with one of himself in return, also a salad bowl made from redwood which Mr. Molo-

tov accepted with deep appreciation. He then said that despite the departure of Mr. Molotov, he hoped it would be possible to communicate with him for purposes of consultation, since, although they had reached a large measure of agreements already, there were bound to be questions put forward by other countries which would require careful consideration by the sponsoring powers.

MR. MOLOTOV said, of course, such consultations should continue and he was leaving as his deputy, Ambassador Gromyko who was thoroughly familiar with all the problems at the Conference and of Dumbarton Oaks.

THE SECRETARY said he had in mind questions of the following type which would be raised by other countries. He briefly outlined the following important amendments which had been proposed by other countries:

1—The French suggestion that recommendations of the Council should be regarded as procedural questions not requiring unanimity of the permanent members—

2—The Dutch suggestion to move paragraph one of Chapter 8 from Section B to Section A in cases involving threats of aggression or breach of the peace which would mean that the parties to such disputes would not be entitled to vote—

3—The Latin American countries were proposing that adjustments be made in the section dealing with regional agreements so as to safeguard the inter-American system, i.e. the Act of Chapultepec as had been done in the case of the European treaties.

In regard to the last point, the Secretary said he wished to make it clear that as far as the U.S. Government was concerned, any consideration of the Latin American suggestions would not affect the agreement already reached in regard to treaties directed against enemy states and that the U.S. would fully support the agreement reached on this point.

MR. MOLOTOV said he felt that the proper course was for the sponsoring powers to defend the agreements in regard to the amendments which they had worked out themselves. He said he felt that points 1 and 2 mentioned by the Secretary were fully covered in the Dumbarton Oaks proposals and in the Crimea decisions. He added that from the Soviet point of view, until agreements were reached, everyone was free to discuss and argue, but that once an agreement was reached, they should all undertake to defend it and in this way insure harmony of action and guarantee the success of the Conference.

AMBASSADOR HARRIMAN pointed out that the views of other countries would have to be heard and there might even be strong pressures for one suggestion or another. He said he felt it would be a mistake for the big powers to give any ground for belief that they were attempting to intimidate the smaller powers.

MR. MOLOTOV said there was, of course, no question of intimidation, but he felt if an agreement had been reached, those who reached it should endeavor to explain, convince and persuade the other nations as to the common advantage of the agreements reached. After further expression of gratitude for his kind treatment in the United States, Mr. Molotov left, after urging with great sincerity that the Secretary not come down to see him off at the airport.

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500.CC/5–845 : Telegram

*The Acting Secretary of State to the Chairman of the United States Delegation (Stettinius)*

WASHINGTON, May 8, 1945.

8. At his press conference yesterday [47] Molotov is reported to have stated that Russia will take the initiative in having the International Organization clothed with power actively to promote self-government for dependent peoples. Although this has been our historic role, Russia, I fear, may appear before the world as the champion of all dependent peoples. Molotov's move may confirm in the minds of the people of Asia their already strong suspicion that the Anglo-American powers are not their real champions and will turn to Russia as their more outspoken friend and spokesman.

Although I am sure you have these thoughts in mind, I thought perhaps you would like to have our own impression of the importance of Molotov's statement.

GREW

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 2

*Minutes of the Second Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 9, 1945, 3:05 p. m.*

[Informal Notes]

[Here follows list of names of participants, including the Chairmen of delegations of the United States, United Kingdom, and France, the Acting Chairmen of delegations of the Soviet Union and China, together with various unnamed delegates, advisers and members of the technical staffs.]

In opening the meeting, THE SECRETARY said that he hoped to make it as short as possible, since they had one major item on their agenda, namely, the report from the Subcommittee of their Deputies. Accordingly, he said, he would call upon Mr. Pasvolsky as his Deputy to report to this meeting.

[47] UNCIO press release No. 55, May 7, not printed.

MR. PASVOLSKY said that the assignment of the Deputies had covered two points:

1. The suggested procedure for drafting the final Charter, and
2. The establishment of a system whereby consultations might proceed respecting the amendments placed before the Conference by the other Governments.

He said that his Subcommittee had completed the first of these assignments, and that there was being distributed a copy of the procedure which was being suggested for the approval of the heads of the Delegations. He said that on the second point, the method had been established for reviewing the mass of amendments now pending before the Conference and that he thought that they would be able to proceed rapidly with these consultations.

1. DRAFTING FINAL CHARTER

At Mr. Stettinius' request, MR. PASVOLSKY summarized the document shown in Annex A.[48]

Following this oral summary of the document, MR. STETTINIUS said that in his opinion, each member of the five should appoint a deputy to sit on the Coordination Committee, and that the Coordination Committee would then report to the Executive Committee. He said that it was his understanding that the procedure set forth in the draft proposed by the Subcommittee was in the nature of a unanimous recommendation to the heads of the Delegations. MR. PASVOLSKY also noted that it was the recommendation of the Subcommittee that if the document was approved by the five heads of Delegations, it should then be submitted to the Executive Committee for its approval before it would become operative.

MR. STETTINIUS then asked for comments on the document.

MR. BIDAULT said that paragraph 6 seemed to be a bit complicated. MR. STETTINIUS said that both paragraphs 6 and 7 seemed to be somewhat complicated and both envisioned a problem which, in his judgment, would have to be met when it arose. MR. EDEN agreed with this point of view. MR. PASVOLSKY suggested that if the paragraphs were dropped, the procedure that they contemplated would, of course, have to be kept in mind.

MR. GROMYKO then inquired as to whether the heads of the Delegations would sit on the Coordination Committee, stating that in his view this would be a preferable procedure. MR. STETTINIUS said that he could not agree to such a proposal; that in his judgment it would be better if the members of the Coordination Committee were of the technical level, otherwise there would be great confusion. MR. GROMYKO said that in that event, he recommended that Mr. Sobolev sit as the Soviet member of the Coordination Committee.

[48] Not printed.

REPRESENTATIVE EATON expressed the hope that in the drafting of the Charter, it would be written so that the common people could understand it.

MR. STETTINIUS said that if there were no further comments on the Subcommittee's report, it would be accepted as modified.

MR. PASVOLSKY then raised the question as to the manner in which the procedure could be adopted, expressing the view that the drafting procedure could be adopted by the Executive Committee without referral to the Steering Committee. MESSRS. STETTINIUS, EDEN, BIDAULT, and KOO agreed that this would be the procedure to follow, with MR. KOO noting that it might be well to report the action to the Steering Committee at its next meeting.

MR. HISS then suggested that the Coordination Committee itself should meet informally first to approve the procedure and then have the Executive Committee meet formally to approve the document itself. MR. PASVOLSKY said he would agree with such a suggestion if the only business before the Coordination Committee at such a meeting was the approval of such a procedure.

Although MR. EDEN expressed the opinion that this seemed to be a slow procedure, MR. STETTINIUS said that in his view the Coordination Committee could be quickly called together, even later in the afternoon, to discuss the document and then to clear it with their respective members on the Coordination Committee.[49] Then, if it appeared to be necessary, the Executive Committee could meet the following morning at 10:30 for the purpose of approving the document itself.[50]

This procedure seemed to be agreeable, and MR. HISS was requested to make the necessary arrangements at once.

As the meeting closed, MR. DUNN suggested, and THE SECRETARY approved, that the head of each Delegation might also wish to appoint an alternate to the Deputy which he appointed to the Coordination Committee.

Whereupon the meeting adjourned at 3:45 p. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 34

*Minutes of the Thirty-Fourth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 9, 1945, 5:30 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (30) present at meeting.]

The Secretary of State opened the meeting at 5:32 p. m.

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[49] Doc. 198, CO/2, May 10, UNCIO Documents, vol. 15, p. 5.

[50] See Doc. 184, EX/10, May 10, *ibid.*, vol. 5, p. 432, and Doc. 243, ST/8, May 11, *ibid.*, p. 222, which was approved by the Steering Committee at its third meeting, May 10 (Doc. 224, ST/7, May 11, *ibid.*, p. 207).

ANNOUNCEMENTS

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APPOINTMENT OF MEMBERS OF THE COORDINATION COMMITTEE

THE SECRETARY stated that it was necessary to appoint at once the members of the Coordination Committee, which was to meet at 6:00 o'clock.[51] This Committee was to comprise fourteen members, namely, one deputy for each member of the Executive Committee. It had also been agreed that each deputy would have an alternate. THE SECRETARY proposed that the deputy and alternate for the United States be Mr. Pasvolsky and Mr. Dunn respectively. This proposal was approved by the Delegation.

ATTENDANCE AT COMMISSION AND COMMITTEE MEETINGS OF THE WORLD TRADE UNION AND OF OTHER ORGANIZATIONS

THE SECRETARY remarked that he wished to submit to the Delegation an emergency matter on which a decision must be taken without delay. The problem arose out of a vote taken by the Economic and Social Committee to invite the World Trade Union Conference to send a representative to the meetings of the Committee.[52] He requested Mr. Hiss to explain the situation.

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MR. HISS explained the parliamentary situation stating that the Steering Committee was the only body of the Conference competent to pass upon the subject and that it had made a positive but not a negative decision, i.e., it had approved an invitation to the five official organizations but had not explicitly ruled out invitations to the other organizations. He was of the opinion that if the question of the invitation to the World Trade Union Conference were brought up in the Steering Committee an acrimonious debate would ensue.

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THE SECRETARY requested that Mr. Hiss call a meeting of the Steering Committee for 10:30 the next morning to consider the question.[53] He likewise requested Mr. Hiss to hold up sending the invitation of the Economic and Social Committee pending a final disposition of the issue.

[Here follows discussion of schedule of Committee meetings, proposed Conference procedure on drafting of the final Charter, background talks by the Delegates on the amendments to the Dumbarton

[51] Doc. 198, CO/2, May 10, UNCIO Documents, vol. 15, p. 5.

[52] See Doc. 189, II/3/7, May 10, UNCIO Documents, vol. 10, p. 16; see also, Doc. 83, II/3, May 4, *ibid.*, vol. 8, p. 7. See Doc. 165, ST/4, May 9, *ibid.*, vol. 5, p. 187, meeting of the Steering Committee on May 8, 3:35 p. m., for data on approval of recommendation of the Secretary General to leave to the bodies concerned the matter of inviting the representatives of the five intergovernmental organizations to attend meetings.

[53] Doc. 224, ST/7, May 11, UNCIO Documents, vol. 5, p. 207.

Oaks Proposals made by the Big Four, and procedure in the Committees.]

NON-PERMANENT MEMBERSHIP ON THE SECURITY COUNCIL

SENATOR CONNALLY remarked that pressure for an increase in the membership of the Security Council up to fifteen members was building up and asked for suggestions on how this could be met. He thought that Mr. Rockefeller might have something to contribute on this point since a great deal of the pressure was emanating from the Latin American group. MR. ROCKEFELLER said that this was in part a reflection of the desire of Brazil for a permanent seat and of the group as a whole for at least two nonpermanent seats.

COMMANDER STASSEN expressed the opinion that the delegations pressing for an increase in membership should be reminded that the five permanent members represented 65 percent of the peoples of the world. SENATOR CONNALLY said in this connection that in the Assembly all states, regardless of size and importance, would have an equal vote and that a majority would elect six of the members of the Security Council. MR. DULLES characterized the discussion developing on this subject as "academic" since an increase in the permanent and non-permanent members was out of the question. MR. ROCKEFELLER held that while this might be true it was desirable and wise to allow full and free discussion since it would permit the middle and small states to "get the thing off their chests".

COMMANDER STASSEN'S PROGRESS REPORT ON TRUSTEESHIP

COMMANDER STASSEN reported that the conversations with the other four powers had not yet reached the stage where anything could be approved and indicated that the following problems were being discussed:

(*a*) the non-discriminatory language was opposed by the British and the French and the possibility of a different approach was being explored.

(*b*) the British opposed the distinction between strategic and non-strategic territories.

(*c*) the handling of welfare problems of the inhabitants of the trusteeship territories was causing difficulties and it had been suggested that jurisdiction over these problems be delegated by the Security Council to the trustee governments.

(*d*) we were opposing a British proposal that the trusteeship governments have the right to conscript the forces and facilities of the trusteeship territory.

(*e*) the British and French opposed the right to petition and investigate. We were standing firm on the right to petition and would insist on some right of inspection within the general trusteeship territories.

(*f*) France was opposed to the self-government phrase, apparently because of the absence of an adequate equivalent in French. The

British were prepared to accept this terminology with proper qualifications.

Mr. Fraser, the Chairman of the Committee, was anxious to proceed without delay and a comparative study of the proposals was now being prepared.

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The meeting was adjourned at 6:27 p. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Mtn. 35

*Minutes of the Thirty-Fifth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 10, 1945, 6:30 p. m.*

[Informal Notes]

[Here follows list of names of persons (22) present at meeting.]

CONTINUATION OF THE DISCUSSION OF REGIONAL PROBLEM

Prior to the opening of the meeting MR. DULLES stated that he had a memorandum in preparation indicating the five ways of dealing with the regional problem. He suggested that a meeting be held with the principal advisers on the draft memorandum this evening, and that the memorandum then be made available to the Delegation. He said that he had already had some reactions from the principal advisers. MR. PASVOLSKY commented that the memorandum was excellent. MR. DULLES commented that the memorandum presented the arguments for and against each of the five alternatives. He thought the memorandum might be used as a basis for reaching an agreed recommendation. MR. PASVOLSKY suggested that Mr. Rockefeller should meet with the principal advisers this evening. He pointed out that Mr. Dulles had previously focused attention on a very important point, and the Act of Chapultepec only visualizes a treaty and does not provide for a specific treaty system.

MR. DULLES explained that his memorandum makes the point that there is no correlation between the existing treaty system in this hemisphere and the Dumbarton Oaks Proposals. The Act of Chapultepec simply recommends the ratifiication of the treaty in the future. Before there would be a conflict, there would have to be a conference held to consider the draft of a treaty. He questioned whether this could ever happen. Moreover, he said, the treaty would have to be ratified by twenty-one republics, which he thought was altogether unlikely. Only after these two hurdles were surmounted would there perhaps be a conflict between the Dumbarton Oaks Proposals and the treaty system. He thought there were 99 chances out of 100 that the issue of such a conflict would never have to be faced. MR. PASVOLSKY thought that if the recommendation of the

Act of Chapultepec was translated into treaty terms we ourselves would probably object.

ANNOUNCEMENTS BY THE SECRETARY

THE SECRETARY convened the meeting formally and indicated that he had a number of announcements to make to the Delegation.

1. Mr. Gromyko had called to present to the Secretary comments and amendments of the Soviet Union on our trusteeship proposals.[54] . . .

[Here follow numbered paragraphs 2–7 containing announcements on questions of expediting the Conference, non-admittance of non-Governmental organizations to Committee meetings; providing information on developments to Senator McCarran, changing time of meetings of the Delegation to 9 a. m., postponing discussions of the location of the Organization, and keeping all members of Committees and Commissions informed of the progress of work.]

LOCATION OF THE ORGANIZATION

THE SECRETARY stated that it had been the feeling of many in the Delegation that this question was not one with which we should attempt to deal at this Conference, since it would raise all manner of knotty problems. He suggested that we agree here on the place for the holding of the meeting of the General Assembly and put up to the General Assembly the task of deciding on a permanent location. He felt that there was the possibility of the development of blocs if this matter was considered at the Conference. MR. PASVOLSKY agreed that the best procedure might well be to await recommendations by the Preparatory Commission on both the question of the location of the Organization and the place of the first meeting of the General Assembly. MR. DUNN agreed with this proposal. MR. STASSEN (who had just come into the meeting) expressed approval of the Secretary's recommendation and Mr. Pasvolsky's addition.

THE SECRETARY recommended that Mr. Sandifer consult with the two Senators who were not present on this question and if they were agreeable we would make this recommendation to the sponsoring governments and then take it up in the Executive Committee.

. . . . . .

CONTINUATION OF DISCUSSION OF REGIONAL PROBLEM

MR. STASSEN stated that he had had another idea in connection with the regional question that had come from his discussions with members of the Delegation and Advisers. He added that he had just

[54] Doc. 2, G/26(*f*), May 11, UNCIO Documents, vol. 3, p. 618; for analysis of Soviet proposal on trusteeship, see Doc. 324, II/4/5(*a*), May 15, *ibid.*, vol. 10, p. 671.

come from a meeting of the regional subcommittee (III/4) [55] at which the Colombian Delegate [56] had eloquently and clearly pressed his case for a regional exemption in this hemisphere. MR. STASSEN reported that it was a perfect plea for hemispheric isolation. The Colombian Delegate had stated that a regional arrangement in the Western Hemisphere was better than the general organization as a means of preserving security. Under this system responsibility is placed on the regional system to take action to maintain peace. He had pointed out that military and economic sanctions were still only contemplated in this hemisphere but that these could be developed. The Colombian Delegate proposed that exceptions be made for the Western Hemisphere and added that he also believed in such an exception for Pan-Arabia. He continued that if in the future there were two or three or four regions he did not believe that would be a danger to the peace, but thought that that would more assuredly result in security. The Colombian Delegate said of course that one could not foresee developments. For the time being, he would ask for only one exception, since further developments could not be clearly anticipated.

MR. STASSEN pointed out that the Colombian had revealed assumptions that he had anticipated were behind the Latin American position. It was clear that their position was not based on sound reasoning.

MR. STASSEN pointed out that he had heard over and over again that the basic objection to the present plan was the inability of a regional organization to act in the event of an arbitrary veto of one of the major powers. He said he had come to the conclusion that it might be best to spell out in the Charter the right of self-defense, in order to meet the recurrent criticism on this question. MR. STASSEN then read the following memorandum:

"Memorandum to U.S. Delegates and Advisers

"On the basis of suggestions and discussions these past few days with a number of our delegates and advisers it appears to me that the following would be the best answer to our regional problem and it would at the same time meet other problems. This language arises from the suggestions of other delegates and advisers.

"*VI–E. Self-Defense*

"1. Nothing in this Charter shall be construed as abrogating the inherent right of self-defense against a violator of this Charter.

"2. In the application of this provision the principles of the Act of Chapultepec and of the Monroe Doctrine are specifically recognized.

[55] Summary report of first meeting of Subcommittee III/4/A, May 10, 5:15 p. m., not printed.

[56] Alberto Lleros Camargo.

"It is of course also clear that all regions are fully entitled to use all peaceful means of settling disputes without the permission of the Security Council.

Harold E. Stassen"

On the basis of this proposal MR. STASSEN explained the Inter-American system could go forward in the field of peaceful settlement. The International Organization would have responsibility for the use of force unless this responsibility was delegated. If, however, the principles of the Act of Chapultepec or of the Monroe Doctrine were violated the proposal of the right of self-defense would be applicable. THE SECRETARY asked Mr. Rockefeller for his view on this proposal. MR. ROCKEFELLER thought that it was interesting but said he would need more time before he could make any decision.

THE SECRETARY commented that at the 6:30 meeting the next evening this whole question would be the first order of business.

MR. PASVOLSKY announced that an amendment by Bolivia [57] had just been brought to his attention, stating that in no case should regional organizations or agencies be able to adopt sanctions without the express authority of the Security Council. In view of Bolivia's position stated orally, he thought this amendment was most interesting and wondered whether it had been withdrawn. MR. ROCKEFELLER reported that it was an earlier amendment and that he did not know whether it had been withdrawn.

MR. DULLES indicated that he had had a brief talk with members of the Soviet group who had reported that they thought that most of the outstanding questions could be answered, but that the one question to which they did not see the answer was this regional one. THE SECRETARY asked whether that was indicative that they had faith that in time they would see it. MR. DULLES replied that they did not talk in these terms.

THE SECRETARY announced that he would have to be excused from the meeting to phone the President.

### MEETING WITH CONSULTANTS

. . . THE SECRETARY stated that Mr. MacLeish and Mr. Dickey were working out a schedule for meetings with consultants.

. . . . . .

In leaving the meeting THE SECRETARY asked Mr. Stassen to preside.

### ADMISSION OF MEMBERS TO THE ORGANIZATION

MR. BOWMAN said he would like to present a question in the absence of Representative Bloom which Representative Bloom had asked him to discuss with the Delegation. Representative Bloom wondered what position we should take on Chapter V, Section B, paragraph 2, if

[57] Doc. 2, G/14(*r*), May 5, UNCIO Documents, vol. 3, p. 586.

the Committee voted on that paragraph. Should he stand for the position that new members should be admitted "on recommendation of the Security Council" or "unless the Security Council interposes objection". After some discussion, it was agreed that Representative Bloom's question was typical of the situation of many Delegates on questions on which the United States' position was not yet clear. MR. BOWMAN suggested that Representative Bloom's device of appointing a subcommittee or referring the question to a subcommittee was useful, but that there was always the possibility that such a move would be opposed and defeated. Therefore, it was necessary for a Delegate to have instructions on how to vote.

MR. HARTLEY pointed out that the United States amendment with respect to the interposing of an objection by the Security Council had not been actually proposed. In the discussion, it had been pointed out that, if this change was accepted, an objection to a new member could be prevented by one vote on the Council. Because of this objection, REPRESENTATIVE BLOOM wanted to know whether we wished to drop the United States amendment. MR. PASVOLSKY suggested that agreement had been reached that, if we had to recede, we would recede to the position that the General Assembly and the Security Council would have concurrent powers in the admission of members, with initiative in either body. MR. BOWMAN said that Representative Bloom wanted some indication as to how he should act on this question. MR. PASVOLSKY replied that it might be necessary in this interim period, until the Delegation had fully made up its mind on some questions, to reserve our position, then later we could move reconsideration. We might then use the procedure of the Coordination Committee to reconcile certain decisions that were not altogether to our liking. He suggested that it would be important to have a long meeting of the Delegation on Saturday to go through the crucial questions and to make up our minds. He thought he perhaps could make a report to the Delegation at that time on a number of items discussed at the meeting of the Subcommittee of Five.

### QUALIFICATIONS OF MEMBERSHIP

MR. PASVOLSKY thought the delegation might be interested in the method adopted in the Subcommittee of Five. He said he had before him an amendment worked out by that Committee on the qualifications for membership in the Organization. A number of amendments, he pointed out, had been proposed on this problem. The French wished to qualify the term "peace-loving states" by providing that only those should be admitted which give proof of their love of peace by their institutions, their international behavior, and the effective guarantee which they furnish that they will respect their international obligations. The Dutch proposed the amendment "which

may be expected, on account of their institutions and by their international behavior, faithfully to observe and carry out international commitments". The Australians proposed a reference to acceptance of the obligations of the Charter as a condition of membership.

Following discussion, MR. PASVOLSKY stated that a simple statement had been worked out in the Subcommittee of Five, reading: "Membership of the Organization should be open to all peace-loving states, which in the judgment of the Organization have demonstrated their willingness and ability to accept the principles and obligations contained in the Charter". After some discussion in Commission I, Committee 2,[58] it was generally agreed that the following text would do, proposed by the British: "Membership of the Organization should be open to all peace-loving states, which, in the judgment of the Organization, are able and ready to accept the principles and obligations contained in the Charter".

REPRESENTATIVE EATON pointed out that an attempt had been made to get a vote on this paragraph in the Committee, but that the Belgians had opposed it and that the text had been referred to the drafting subcommittee. DEAN GILDERSLEEVE pointed out that there was considerable objection among many people in this country to the term "peace-loving" and that there was some talk that the best definition of "peace-loving" was "readiness to fight". On the philosophical level she had of course objections which could be raised, but she questioned whether it was the proper time to take out the term altogether. MR. PASVOLSKY questioned whether it should be taken out here, since the word "peace-loving" had already been removed in Chapter II. MR. STASSEN, serving as Chairman, said that, if there was no objection, the Delegation would agree to retaining the term "peace-loving".

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### NEW ZEALAND AMENDMENT ON POWERS OF ASSEMBLY IN ENFORCEMENT ACTION

MR. STASSEN stated that in Committee III/3 [59] the Delegate of New Zealand had made a strong plea that decisions of the Security Council involving the application of enforcement measures should require the concurring vote of the General Assembly, except in extremely urgent cases. MR. PASVOLSKY said that for the moment the only thing to do would be to filibuster in this Committee.

### REGIONAL PROBLEM

SENATOR VANDENBERG stated that the regional question was making his life in Committee III/4 extremely difficult. He reported that he had just come from a meeting of that Committee in which the Colom-

[58] For discussion on chapter III at the fourth meeting of Committee I/2, May 10, 2:50 p. m., see Doc. 242, I/2/11, May 11, UNCIO Documents, vol. 7, p. 24.

[59] Doc. 231, III/3/9, May 11, UNCIO Documents, vol. 12, p. 295.

bian representative had stated in a most earnest and eloquent fashion the South American position. He said it was a humdinger of a speech. He said he had had to make a statement at this meeting making clear that we were attempting to obtain both the objectives of our South American friends and to safeguard the interests of the general organization.[60] He had added that, whereas he could not speak in any detail and would have to reserve his position, he hoped that without too much delay, possibly by Monday, a concrete suggestion would be available for the Committee to shoot at.

. . . MR. WARREN commented that the Russian reaction to Senator Vandenberg's speech might be mentioned. SENATOR VANDENBERG pointed out that the Russians had expressed the view that the Delegate from the United States had presented a very novel proposition which the Russians would want to have time to consider.[61] SENATOR VANDENBERG explained that he had proposed that a formula was needed which would both preserve global security and regional security until the system of global security had proved that it would work. MR. WARREN explained that the reaction to Senator Vandenberg's statement had been quite striking. Great enthusiasm was voiced, particularly among the Latin Americans. MR. STASSEN asked whether any more had been said in the Committee concerning the Pan-Arab League.[62] MR. WARREN replied in the negative. SENATOR VANDENBERG pointed out that most of the emphasis in the meeting was on the amendment situation. He added that he had made his speech with the approval of Mr. Wellington Koo and as a result of an appealing look by the Delegate from Colombia.

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The meeting adjourned at 7:35 p. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 36

*Minutes of the Thirty-Sixth Meeting of the United States Delegation, Held at San Francisco, Friday, May 11, 1945, 2:30 p. m.*

[Informal Notes]

[Here follows list of names of persons (30) present at meeting.]

[60] See Senator Vandenberg's comments on the meeting in *The Private Papers of Senator Vandenberg*, p. 191.

[61] Mr. Stettinius, referring to the meeting of the subcommittee on regional arrangements, (III/4/A), May 10, 5:15 p. m., noted in his daily message (telegram 2, May 11), to the President and Mr. Hull that "The Russian delegate indicated that he thought no change should be made in the amendment on this subject already approved by the four sponsors." (500.CC/5–1145)

[62] For text of "The Pact of the League of Arab States, signed in Cairo, March 22, 1945", submitted to the Conference by the Delegation of Egypt and referred to Committee III/4, see UNCIO Documents, vol. 12, p. 745 (Doc. 72, III/4/1, May 4). At the second meeting of Committee III/4 on May 9, 10:30 a. m., the Secretary called attention to the Pact.

Senator Connally, in the absence of the Secretary, convened the meeting at 2:40 p. m.

REGIONAL ARRANGEMENTS

SENATOR CONNALLY requested Mr. Dunn to report on the new draft on regional arrangements.[63] . . .

(At this point the Secretary entered the room.)

THE SECRETARY took the Chair and informed the meeting that Mr. Eden planned to leave Sunday morning because of the situation in England. He will call on President Truman on his way through Washington but will not discuss the problems of the Conference. A public statement to this effect will be made both by Mr. Eden and the Secretary at an opportune moment. THE SECRETARY said that Mr. Eden had expressed anxiety over the regional problem at the morning meeting in the Penthouse [64] and indicated that he was favorably impressed by the French amendment to Chapter VI, Section C.[65] In this respect he appeared to share the opinion expressed recently by Dr. Padilla of Mexico. THE SECRETARY added that he had tentatively called a meeting of the Big Five for tonight [66] to discuss the matter. MR. DUNN had talked by telephone with Mr. McCloy and the Secretary with Mr. Hull. The former had indicated that he would discuss the formula with the Secretary of War and report back his views. MR. MCCLOY said that he had discussed the problem in an informal way with the Chiefs of Staff who had indicated that they did not want to take a position which would interfere with the working out of a political formula.

THE CHAIRMAN called on Mr. Gates who reported on the reaction in Washington. MR. GATES confirmed that Mr. McCloy had discussed the problem yesterday with the Chiefs of Staff but indicated that at that time they did not have the new formula.

MR. DUNN reported on the conversation with Mr. Hull who had indicated that he considered the draft might offer a possible solution but wanted to mull over the formula. He had raised two questions: (1) whether the formula might encourage states to take themselves out of the Security Council, and (2) whether a political conflict might not ensue if an American state attacked another, requiring a decision by the Security Council and the adoption of a position by the United States. MR. DUNN reported that he had indicated to Mr. Hull that states would take action under the formula only if the Security Council failed and a state was attacked; the Security Council would have to

[63] See annex, p. 674.

[64] In his *Diary* of May 11, Mr. Stettinius noted: "Eden came to talk with me at 10:30 this morning and I did not talk, but we have got to talk to him on this before he goes."

[65] Doc. 2, G/7(*o*), March 21, UNCIO Documents, vol. 3, pp. 384.

[66] The meeting was not held.

decide to go to the aid of the State attacked or to call a halt to the hostilities. This must be left to the discretion of the Security Council.

THE CHAIRMAN requested the opinion of the military people and MR. GATES replied that he could not speak for them. THE CHAIR inquired if General Embick or Admiral Willson could express their personal views. GENERAL EMBICK reported that he had been in telephonic conversation with Mr. McCloy who considered the formula satisfactory. GENERAL FAIRCHILD agreed with this and ADMIRAL WILLSON expressed the opinion that "in view of the history of the subject" he thought the draft was adequate.

(At this point Admiral Hepburn entered the room.)

THE CHAIR said that the draft should not be discussed with the President in Washington until after the Delegation had agreed. MR. GATES gave assurances that the military people in Washington would limit their discussions of the proposal to their own group.

ADMIRAL HEPBURN reported that he had talked with Mr. McCloy who had said that his impression and that of others in Washington was that the Draft in its present form might weaken the world organization; that it was satisfactory in so far as it related to the protection of the inter-American system.

MR. MACLEISH inquired if the idea of attack in the draft was not too vague and recalled that Germany had entered Poland at the beginning of the present war on the pretext that Poland had attacked her. MR. DULLES referred to the Act of Chapultepec. He said that it had two parts: first, it incorporated the principle that an attack on one American republic is an attack on all. The second part recommends the conclusion of a treaty consistent with the principles and purposes of the new international organization. He thought that it was hard to reconcile on paper the establishment of two police groups, the regional and the world. However, he saw no real clash because it was highly unlikely that a local police group would be established in the Western Hemisphere. The proposed draft takes the first part of the Act and recognizes that it establishes a valid principle. The use of the word "attack" is already in the Act of Chapultepec. We thus take the operative part of the Act and say it is acceptable, subject to the concurrent power of the Security Council. The French proposed amendment to Chapter VI, Section C, is substantially similar in concept—if the Security Council fails to act then states can take measures of defense. MR. DULLES thought that the French proposal was unduly restrictive, involving a negative concept. The problem was to indicate definitely when there was a failure on the part of the Security Council. However, the basic concept in the two, that is, the French and the new draft, is the same, i.e., the inherent right of self-defense cannot be immobilized.

SENATOR CONNALLY inquired whether the Security Council could take cognizance of a situation in which there was an attack and a counterattack by other states acting in self-defense. MR. DUNN replied in the affirmative and MR. DULLES added that however the states were not obliged to discontinue their countermeasures taken in self-defense. In other words, that there was concurrent power.

THE CHAIRMAN recalled that since the deadline had passed for the submission of amendments, no new proposal could be offered and that, therefore, we had to build on the French proposal. He also inquired whether it was necessary to mention the Act of Chapultepec. He thought that it would be hard to negotiate the new draft with the British and the Russians if the Act was mentioned. MR. DUNN agreed that perhaps it might not be necessary to mention the Act but that we could start with it as a negotiating point. It could be dropped later if necessary. MR. ROCKEFELLER agreed but emphasized that the mention of the Act had a sales value for the Latin American group. MR. DUNN thought, however, that the general language of the draft took care of the idea.

THE CHAIRMAN was very strongly of the opinion that the time had arrived when, while recognizing the strategic importance of inter-American solidarity, we should not allow ourselves to be compelled to adopt a position contrary to our own view of national interest . . . The United States must lead, not follow. MR. ROCKEFELLER said the Secretary had given the right kind of leadership and that the attitude of some of the Latin American republics merely reflected the grave concern they felt over developments which they believe tended to weaken the inter-American system. This concern made them say things that they ordinarily would not say.

THE CHAIRMAN said that some of the Latin American representatives had come to the Penthouse and declared that they had lost confidence in the Conference and that recent developments made them entertain doubts that an effective international organization could be created here and that it might be necessary to build a fence around the hemisphere. THE CHAIR added that we had come to this Conference to create an international organization and could not be deviated from that course. MR. ROCKEFELLER referred to the support given the American Delegation with respect to the Trade Union conference, despite the fact that Mr. Toledano [67] had had many of the Latin American delegations lined up in favor of admission. He did not think that they were motivated by an isolationist spirit and recalled that most of the Latin American republics had been members of the League while we had stayed out of it.

MR. NOTTER spoke against the mention of the Act of Chapultepec and said that under the Act several states, not including the United

[67] Lombardo Toledano, Mexican labor leader.

States, could take action against another American state and the United States would have to deal with the consequences of such a situation in the Security Council. The right of self-defense is an inherent right and is not restricted to the case of a direct attack. The concept is much broader. He recalled that the concept of an indivisible peace had dominated the thinking of Mr. Roosevelt, Mr. Hull, President Truman, and Secretary Stettinius. This concept is that an attack against one state in any part of the world is an act against all. This is the concept of world security, not of regional security.

MR. HACKWORTH said that the Act was mentioned merely by way of example. The Act is in fact merely a first step toward the ambition of the United States to prevent and stop aggression through the creation of a world security system. He did not think that we were setting a precedent by referring to the Act since the precedent was already in Article XXII [*XXI*] of the League.[68] He thought that it would be helpful in securing the support of the Latin American bloc and to the world at large to have an example of the kind of regional undertaking that we consider desirable.

SENATOR VANDENBERG inquired as to the distinction between "attack" in the first sentence and "armed attack" in the second sentence. MR. DULLES explained that the distinction was made deliberately in order to cover the Monroe Doctrine which has two parts—the case of an overt attack and that of political efforts from outside the continent to overthrow the political institutions of the American Republics. Perhaps the word "attack" could be used to cover both contingencies but the second has specific reference to collective action under the Act of Chapultepec. SENATOR VANDENBERG understood from this that the first was broad enough to cover a propaganda attack.

SENATOR CONNALLY inquired if it would not suffice to use the language of Article XXII [*XXI*] of the League Covenant. MR. DUNN read Article XXII [*XXI*] and SENATOR CONNALLY recalled that he had drafted similar language which would cover both the Monroe Doctrine and regional arrangements and indicated a personal preference for such language. MR. DULLES thought that this would open up regionalism; that the League Article XXII [*XXI*] was adequate for its time but not now. The new draft doesn't refer to regional arrangements. It avoids the idea of regionalism in preference for the concept of self-defense.

MR. GATES reported that the discussions yesterday in Washington were based on the previous idea developed by the Delegation, that is,

[68] Reference is apparently to article 21: "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace", *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, p. 92.

that we proceed by way of an exception of the American system to the provision of prior authorization for enforcement action. He thought the present draft was broader and presumably covered regionalism in other parts of the world.

SENATOR VANDENBERG said that the problem is broader and that if we proceeded by way of exception in Section C, Chapter VIII, we would encourage the specific mention of other regional arrangements, including the Arab League. MR. GATES inquired whether since we have a unique system in this hemisphere we would not be justified in insisting on an exception. THE CHAIRMAN thought that we could not expect special consideration for the inter-American system in the Charter. MR. DUNN agreed with this.

ADMIRAL WILLSON said that this was a compromise which gives all regional systems the right of automatic action but retains in the general organization the exclusive right to determine when there is a threat to the peace.

COMMANDER STASSEN expressed the opinion that the Advisers had done an able job and that he would join in a recommendation to the President that the draft be accepted, after the Secretaries of War and Navy had been heard from. He considered that this was a high policy decision which must be passed upon by the President. He thought the formula was a satisfactory compromise since it (1) placed no restrictions on pacific settlement by regional means, (2) recognizes the paramount authority of the world organization in enforcement but (3) permitted freedom of action for all in the event of failure by the general organization and of an attack. He thought the formula fits both world and regional requirements. MR. GATES inquired if this formula didn't encourage regionalism which would shut us out of other parts of the world in which we had a direct and vital interest. COMMANDER STASSEN thought it did not since it applied only in case of an attack. We cannot prevent an immediate response to a direct attack and moreover this provision did not affect enforcement action. This was the same principle as in private law in which defense must have relation to the nature of the attack. In the case of propaganda we would respond with propaganda. In the case of an armed attack we would respond with an armed attack, this however, without prejudice to the continued authority of the Security Council.

MR. DULLES stressed that the principle operates if the Security Council is paralyzed by unwarranted exercise of the veto power and MR. ROCKEFELLER agreed and stressed that the Act of Chapultepec has a symbolic value similar to the Monroe Doctrine and that it would be helpful to have a specific reference to it in the formula. COMMANDER STASSEN agreed with this opinion and said that if the principle is sound we should have a specific mention. The Act is the modern Monroe Doctrine. MR. SANDIFER expressed the opinion that it was

not desirable to include the Act since it was a transient instrument. To this MR. HACKWORTH said that the Act has two parts, one of which relates to the war period and ends with it and the other to the post-war in which the implementation of the Act is contemplated through the negotiation of a treaty. SENATOR CONNALLY thought there was merit in the mention of the Act in so far as it might constitute a warning to other states to keep out of this hemisphere and in so far as it might give body and content to the vague concept of self-defense. THE CHAIR inquired whether it might not be desirable to mention the Monroe Doctrine and SENATOR VANDENBERG thought that such a reference was outdated—that we had gone beyond the point where we could speak exclusively of the Monroe Doctrine. MR. GERIG called attention to the fact that mention of the Monroe Doctrine in Article XXII [*XXI*] in the League Covenant had always proved rather embarrassing at Geneva; that it was very difficult to explain to non-American states precisely what was meant by the Monroe Doctrine.

THE CHAIR at this point canvassed the opinion of the meeting and it was agreed that the new draft should be discussed with the other sponsoring governments.

MR. BOWMAN said that there appeared to be consensus that the draft represented our maximum demands. He thought this should be made clear to Mr. Eden so that he would have the assurance that later on we would not ask for more. THE CHAIRMAN again said that in the discussions he would stress that we had built on the French amendment and would discuss the draft in general terms, since the specific text had not yet been cleared by the War and Navy Departments or approved by the President. MR. DUNN thought it desirable not to say that the new draft was a modification of the French amendment but rather that it was based on the French position. SENATOR CONNALLY thought that the Delegation must come to a definite conclusion and stand by it in the discussions with the other powers. He said that it might be well to emulate Stalin's tactics at Yalta where he had told Churchill and Roosevelt that he could not vary from the position he had taken; that it was the *sine qua non* of Russian approval of the Yalta conclusions. THE CHAIR agreed that a firm position should be taken but thought it should be with respect to the fundamental ideas contained in the draft and not on the exact text.

MR. ROCKEFELLER said that the draft under consideration represented our minimum demands, not the maximum, as Mr. Bowman had indicated. MR. BOWMAN replied that he had reference solely to the fact that Eden is about to leave and the Secretary must take a position and inform Eden that he can leave with the assurance that his deputies will not be called upon to make greater concessions later on. COMMANDER STASSEN thought that the draft represented both the minimum and the maximum.

MR. MACLEISH thought that we would regret the formula as long as the memory of the Conference lasted. He referred specifically to the vague terminology, specifically the term "attack". He also considered that the state attacked and the other states siding with it should be required specifically to submit to a decision of the Security Council. MR. PASVOLSKY thought that the third sentence of the draft amply satisfied the point raised by Mr. MacLeish. He thought, however, that the draft would require public explanation so as to avoid the impression that the Security Council had lost out. The point should be driven home that the formula covered only emergency situations and that the Security Council had the power to stop the fighting at any stage.

(At this point the Secretary, Mr. Gates, and General Embick left the meeting to talk by telephone with Mr. McCloy.)

MR. DUNN declared that states already have the right to take measures of self-defense against attack and that the draft should be read in relation to the responsibility given the Security Council and the right of the states to submit the case to the council and their obligation to abide by its decision. COMMANDER STASSEN thought the formula would be attacked by extremists on both sides and agreed that it was necessary to have a full explanation of the background and meaning of the draft. MR. DUNN stressed that the formula would of course work only if good faith was present.

(At this point Representative Bloom entered the meeting.)

MR. PASVOLSKY suggested certain drafting changes, particularly the insertion of the word "inherent" before the phrase "right to take measures of self-defense" and also that the words "be reported immediately to the Security Council and shall not in any way" be added before the phrase "affect the authority and responsibility of the Security Council. . . ." SENATOR CONNALLY said that he agreed with the revisions and that it was clear that they did not mean that the states attacked should stop fighting before the necessary countermeasures were taken by the world organization; that the situation was similar to that of the individual who could continue to protect himself until adequate police measures had been taken. MR. GERIG pointed out that the draft not only didn't affect the authority of the Security Council but includes the right of the attacked state to appeal to the Council. MR. DUNN added that as far as the Western Hemisphere is concerned we had additional protection in our veto right.

SENATOR VANDENBERG inquired as to which of the Conference committees had jurisdiction. MR. PASVOLSKY thought that perhaps a joint subcommittee should study the proposal in the first instance and that ultimately the Coordination Committee would decide as to location. SENATOR VANDENBERG recalled that Subcommittee III/4/A had been

requested to consolidate or amalgamate the various amendments offered to Section C of Chapter VIII [70] and that the draft, in his opinion, could be submitted direct to the Subcommittee.

STATEMENT TO THE PRESS

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THE UNITED STATES POSITION ON THE AMENDMENTS OFFERED BY OTHER DELEGATIONS

MR. PASVOLSKY reported that the Committee of Five had studied the ten questions before it and had completed part of the work. Substantial agreement had been reached to recommend acceptance of the first sentence of the Australian proposal on membership.[71]

DEAN GILDERSLEEVE reported that the group of Advisers and Technical Experts assigned to Committee I/1 had met all afternoon to study the amendments suggested by other governments and to point up the issues which required decision by the United States Delegation. MR. SANDIFER informed the Delegation that a report on the work of the various commissions and committees had been prepared and distributed. It was agreed that there would be no committee meetings tomorrow and that the Delegation would meet at 9:00 a.m. and stay in session all morning to determine the United States position on the various amendments.

VOTING PROCEDURE IN THE COMMITTEES

REPRESENTATIVE BLOOM inquired as to the voting procedure in the committees and MR. PASVOLSKY said that this question had come up in the Committee of Five but that a final decision had not been taken.

It was agreed that the amendments proposed by other governments should be voted upon in the first instance and rejected. If it appeared that the vote would be against the United States position, appointment of a subcommittee should be suggested and if this failed the United States representative should reserve the position of the Delegation. MR. PASVOLSKY stressed that pressure for an increase in the members of the Security Council should be opposed by every means and if necessary carried back through the Executive and Steering Committees.

SENATOR CONNALLY thought the Steering or Executive Committee should rule on the number and duration of speeches. He thought that something should be done immediately since the tendency to make long speeches was delaying the work of the Conference.

JURISDICTIONAL DISPUTES BETWEEN COMMITTEES

MR. ARMSTRONG inquired as to the procedure where there was a dispute between two committees as to where a given subject should be

[70] Doc. 196, III/4/, May 10, UNCIO Documents, vol. 12, p. 669.
[71] Doc. 2, G/14(1), May 5, *ibid.*, vol. 3, p. 543.

discussed. MR. PASVOLSKY said that this problem had come up in the Coordination Committee and that no agreement had been reached. He thought, perhaps, that the issue could be settled by the Steering Committee. MR. ARMSTRONG said that in practice the Chairmen were deciding either individually or in consultation and REPRESENTATIVE BLOOM thought this was undesirable since it might foreclose the issue; he considered the dispute should go direct to the body competent to decide such questions. MR. PASVOLSKY then suggested that perhaps it might be better that the matter be reported to the President of the Conference through the Secretary General. It was agreed that this should be done.

REGIONAL ARRANGEMENTS (Continued)

(The Secretary, Mr. Gates, and General Embick returned to the meeting.)

THE CHAIR reported he had talked with Mr. McCloy who had just finished a conversation with the War and Navy Secretaries who felt that the draft placed too much emphasis on regionalism at the expense of the world system. They thought it might be better to go back to the idea of a specific exception for this hemisphere. Mr. McCloy was to talk again with the Secretaries of War and Navy and report back. THE CHAIRMAN also said that MR. MCCLOY thought the drafting changes agreed upon at the meeting would be helpful.

MR. GATES added that the impression in Washington appeared to be that the draft strengthened our position in the Western Hemisphere from the military point of view but that the problem of world security was not adequately covered; that the formula might be a wide open invitation to regionalism; and that the distinction between "attack" and "armed attack" gave rise to certain doubts. SENATOR VANDENBERG thought that it would be very difficult to explain in the Committee and in the Senate the distinction between the two concepts of "attack" and "armed attack". MR. HACKWORTH thought it might be better to speak of "armed attack" in both cases and THE CHAIR thought it might be useful to use the word "aggression" instead of "attack". MR. DULLES suggested that there be no tinkering with the text around the table since every word had been carefully scrutinized by the group which had prepared it and that if there were any suggestions for drafting changes they should be referred to the small group for study and report.

THE CHAIRMAN inquired as to what should be done with respect to the meeting with the other sponsoring governments and France scheduled for tonight and specifically whether the other sponsoring delega-

tions should be with him when he discussed the draft with Mr. Eden. He thought perhaps it was better to confine the conversation to Mr. Eden since his departure made it necessary to be specific with him. MR. PASVOLSKY was of the opinion that tonight's meeting of Five should be called off and that Mr. Eden should be told that the Delegation was moving in the direction set out in the draft. SENATOR VANDENBERG thought that the others could be seen later in the evening. MR. PASVOLSKY believed Mr. Eden would accept the proposal since he had been worried regarding the situation which would ensue if the Security Council failed to take action as a consequence of the exercise of the veto power by one of the permanent members.

It was agreed that the procedure from here on should be: (*a*) the Delegation would wait to hear the views of the Secretaries of War and Navy; (*b*) if these views were favorable, the draft would be submitted to President Truman for his approval; (*c*) the Secretary would cancel his meeting with the representatives of the four sponsoring powers and M. Bidault and would explain in an informal manner to Mr. Eden and his chief advisers the general lines of the Delegation's thinking; (*d*) in negotiating the draft the position would be taken that it was simply a United States modification of the French proposal.

REPRESENTATION OF THE DELEGATION AT COMMITTEE MEETINGS

REPRESENTATIVE BLOOM stressed that it was important that a voting member of the Delegation be at all committee and subcommittee meetings. MR. SANDIFER referred to a directive issued recently by the Chairman with respect to this matter. THE CHAIRMAN stated that the Secretary General of the Delegation had the responsibility to see that a voting representative of the United States was at every committee meeting. In the absence of the delegate, the adviser would vote and in his absence the principal technical expert assigned to the committee.

STATEMENT TO THE PRESS (Continued)

MR. MACLEISH reverted to his previous request for instructions regarding a statement to the Press, particularly if he were asked whether the subject had been referred to Washington. . . .

Mr. Hickerson's suggestion was approved, to the effect that the Press be informed that there were approximately seventeen amendments on the various aspects of the problem and that the Delegation had spent the afternoon considering the position it should take, that it had made progress, but that it had not completed its studies.

The meeting was adjourned by the Chairman at 5:00 p. m.

[Annex]

(REGIONAL ARRANGEMENTS)

(This is a new paragraph to be added to Chapter VIII, Section B, as paragraph 12.) [71a]

12. In the event of an attack by any state against any member state, such member state ~~shall~~ possesses the inherent right to take measures of self-defense. The inherent right to take measures of self-defense against armed attack shall apply to arrangements, like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such measures shall be reported immediately to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 37

*Minutes of the Thirty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, May 12, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (37) present at meeting.]

The Secretary called the meeting to order at 9 : 10 a. m.

JEWISH ORGANIZATIONS

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REGIONAL ARRANGEMENTS

THE SECRETARY replied that on the previous evening Mr. Dulles, Mr. Dunn, Mr. Pasvolsky and himself had met with Mr. Eden and a few of his associates on the question of regional arrangements. He stated that the British had been shown none of the American language, however. Mr. Pasvolsky and Mr. Dunn are to meet today with Mr. Jebb. Mr. McCloy and Secretary Stimson are satisfied with the revised language. Army clearance has been obtained on the language which the Delegation worked over on yesterday.

THE SECRETARY also stated that there was great embarrassment yesterday afternoon. The press had picked up the story that Sol Bloom had made an indignant speech. MR. PASVOLSKY stated that it was a mistake to permit the press on this floor.

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[71a] Marginal notation on the original: "(Deletions made at the Delegation meeting of May 11, are indicated by lines through the word and additions by underscoring.)"

THE SECRETARY also stated that he and Señor Padilla are close friends and that on the strength of this he had phoned him this morning to inquire whether there was any concern or uneasiness on the part of the Latin American states on the question of regional arrangements. He replied that there was none at all, and that the Latin American states had complete confidence in the United States Delegation. THE SECRETARY added that he was inclined, therefore, to believe that there was no immediate heat on this question.

SENATOR VANDENBERG remarked that on the other hand, the Committee on regional arrangements on the previous day[72] had insisted on going ahead on this question and he doubted if he could hold them much beyond Monday. The meeting on the previous day had been tough, he said, and very nearly got out of hand. He added that he had great difficulty in getting the meeting adjourned. They wanted to go ahead on the veto question.

MR. PASVOLSKY inquired as to who was particularly difficult in the meeting, and SENATOR VANDENBERG replied Australia and the Soviet Union. He urged that this question must be settled some way in the next forty-eight hours.

THE CHAIRMAN replied that Dean Gildersleeve wished direction on the question of the Social and Economic Council and that attention should be given to her subject early in this meeting.

*Navy Views:*

On the question of regional arrangements MR. GATES reported that the reaction of the Navy Department is the same as it had been on the previous day. The Navy will concur if this is the best deal that can be made. It is satisfactory with respect to western hemispheric solidarity, but there is a fear that it will throw the door open to arrangements elsewhere which might weaken the international organization.

GENERAL EMBICK stated that he had informed a General who wanted to exempt the Pan American system from the Security Council that this would be the best arrangement that could be made.

THE CHAIRMAN pointed out that Mr. Eden was leaving the Conference at 2:30 p. m. on the next day, and that this would be the last chance to talk with him on this subject.

*Proposed New Language*

MR. DULLES called attention to a proposed new language on regional arrangements (US Gen. 93).

"(Regional Arrangements)

(This is a new paragraph to be added to Chapter VIII, Section B, as paragraph 12.)

[72] Summary report of Committee III/4/A, May 11, 5:15 p. m., not printed.

12. If the Security Council fails to prevent aggression by any state against any member state, such member state possesses the inherent right to take measures of self-defense. The right to take measures of self-defense against armed attack shall apply to arrangements, like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

THE CHAIRMAN inquired whether this would include the two changes adopted by the Delegation, and Mr. DULLES replied that this was an original wording.

SENATOR CONNALLY inquired why the language "in the event of an attack" had been changed.

MR. DULLES explained that this was in order to make the same approach as the French proposal which Mr. Eden favored. If the Security Council fails to maintain peace and security then a state's inherent right of self-defense comes into play.

*British Reaction*

THE CHAIRMAN stated that on the previous evening he had heard the British reaction to the Act of Chapultepec and inquired whether it is necessary to mention this Act specifically.

MR. DULLES stated that there were two reasons for doing so: First, the Latin American states will like it, and secondly, reference to the Act of Chapultepec puts a limitation on the arrangements. Specific reference to it would tend to prevent arrangements purporting to be like it, but not having the same solid basis. Reference to the Act, therefore, has a limiting force. It prevents throwing the door open to less sound and historical arrangements.

SENATOR VANDENBERG inquired whether there might be some other word than "arrangement".

MR. DUNN pointed out that the Act of Chapultepec in fact is not much more than an arrangement.

*Appraisal of New Language*

MR. HACKWORTH expressed the view that in the proposed new wording the document has been greatly weakened. It presupposes a breakdown of the Security Council and he inquired when it would be determined that the Security Council has failed. MR. HACKWORTH went on to suggest that the wording be left as it had been originally.

MR. DUNN remarked that the new wording had been devised in order to bring the Security Council into the picture—that is to make it clear

that the regional arrangement only operated in self-defense. The intent was to bring the Security Council right into the picture.

MR. ARMSTRONG commented that the new wording emphasized the Security Council more than did the former text.

THE SECRETARY suggested that Mr. Pasvolsky might discuss the French amendment which the British prefer to the American wording.

### FAILURE OF SECURITY COUNCIL TO ACT

MR. PASVOLSKY pointed out that if the Security Council fails to agree on an act, then the member state reserves the right to act for the maintenance of peace, justice, etc. The League of Nations Covenant, he said, had a provision that if the Council fails to act, then a member state resumes freedom of action for the maintenance of peace.[73] The present French amendment is much like that except that it says "after the Council fails to agree". The freedom of action reserved to the member state if the Council fails to agree, is much greater than in the American wording—a reservation for individual freedom of action. Mr. Eden's interpretation of this is that group action is not precluded and is therefore entirely possible. There is agreement that the French wording permits much more freedom of action than the American, but the British were shocked by the American concept of self-defense. It was to them a new thought that self-defense can operate outside of a nation's territorial limits. The wording of the French text was as follows: "Should the Council not succeed in reaching a decision the members of the organization reserve to themselves the right to act as they may consider necessary in the interest of peace, right and justice".

COMMANDER STASSEN suggested a new wording of the US Gen 93 as follows: "if the Security Council does not prevent aggression and aggression occurs by any state against any member state . . ."

[Mr. Rockefeller arrived at this point and the Chairman brought him up to date on the discussion, including the Army and Navy reaction to the proposed wording on regional arrangements, and the fear that it would strengthen the hemispheric situation at the expense of the world situation.] [74]

### MR. HULL'S VIEWS

THE SECRETARY expressed regret that he had not been seeing the Latin American Foreign Ministers. He announced that he had heard from Mr. Hull this morning, and that Mr. Hull felt that the American position was veering away from a strong international organization. MR. HULL felt that the proposed new wording on regional arrangements would impair the strength of the international organization. He

[73] Art. 15 (7).
[74] Brackets appear in the original.

stated that we are being led away from our own national interest and the intent of the Dumbarton Oaks proposals.

MR. DULLES suggested the addition of the word "existing" before "arrangements" in line 5 of US Gen 93. Mr. Eden, he said, would like this since he is worrying about opening the door too wide to such arrangements.

MR. BOWMAN pointed out that the insertion of the word "existing" would limit and freeze the situation. There could be, he said, other regional arrangements approved by the Security Council as long as they were within the broad purposes of the organization.

MR. DULLES pointed out that as it now stands anybody can create a regional organization. Any group of states can make a pact that an attack against one is an attack against all. He stated that he would propose to put a veto power on that, *i.e.* that no new groups can be created for this purpose without the approval of the Security Council.

THE SECRETARY inquired whether this would not also raise the question of whether the Security Council must approve arrangements under the Act of Chapultepec, and MR. DULLES replied negatively.

COMMANDER STASSEN stated that he did not think that the United States could draw up a rule which would permit the door to be closed after they had taken care of our own national advantage. Arrangements for mutual defense against armed attack can be made, he said, but if an attempt is made to make this exclusively a United States or western hemisphere advantage then we would be in an impossible position, vis-à-vis the rest of the world.

MR. DULLES pointed out that this would merely recognize an existing situation.

COMMANDER STASSEN responded that the British would say that an armed attack against any part of the empire is an attack against all of the empire.

MR. DUNN stated that there is a wide-spread hope that the Act of Chapultepec would be superseded after the war by a new arrangement. The United States, he said, would not wish to cut itself off. MR. DUNN added that it is not possible to limit the right of self-defense, and that the reaction of the British last night was that the American conception was so new as to be startling to them. SENATOR CONNALLY remarked that if the concept was applied to the six dominions it should not be startling to them.

MR. DUNN pointed out that suppose arrangements were made between Britain and Turkey on the basis that Turkey is essential to the defense of the British Isles. He added that the regional concept is easy for the United States to visualize because of the background of the Monroe Doctrine, but it is not so easy for others.

The CHAIRMAN referred again to the French amendment and MR. HACKWORTH asked when it would be decided that the Council had not succeeded. THE SECRETARY replied that this would be when aggression occurs.

MR. PASVOLSKY suggested that it might be possible to use the language proposed by Commander Stassen as follows: "should the Council not succeed in preventing aggression and should aggression occur by any state against any member state such member state possesses the inherent right to act individually or collectively as they may consider necessary in the interest of self-defense against aggression."

MR. BLOOM inquired whether the intent was the threat of aggression or actual aggression.

MR. PASVOLSKY stated that Mr. Eden had been bothered last night and that the United States Delegation had been for a long time, since there is no way that individual nations can act legally within the system. Mr. Eden would prefer a wording relating to "collectively".

MR. BLOOM inquired if more than one state acts, if that is to be interpreted as "collectively" and MR. PASVOLSKY said that it would.

SENATOR CONNALLY inquired whether the French would accept the elimination of the words "peace, right, and justice", and the CHAIRMAN said that they would.

MR. PASVOLSKY inquired as to who would determine whether or not an act of aggression occurs.

MR. ARMSTRONG inquired whether this disadvantage had appeared in the draft which had been considered at the morning's meeting.

MR. PASVOLSKY pointed out that this was a new arrangement involving a defensive alliance.

MR. ARMSTRONG stated that it appeared to open a much broader door to the break-up of the international system than under the original wording.

MR. PASVOLSKY stated that it implied complete freedom of action. Mr. Eden, he said, had introduced a new problem, namely, how much freedom of action is to be allowed to individual nations without a Council break-down. The United States, he said, referred to its hemispheric system, but that doesn't cover the British. The French tried to solve the problem by giving freedom of action to individual states, leaving the states completely free. What Mr. Eden had liked was that it applies to a group and not to a region and thus could apply to the British Commonwealth.

SENATOR CONNALLY remarked that if the organization fails any nation not pleased with the speed of action can say "here we go in a bloc." MR. PASVOLSKY observed that it is really worse than that, for they can veto the action of the Council. But this, he said, is a danger that can not be avoided.

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COMMANDER STASSEN remarked that in his view this would open it up too wide. This door, he said, should not be opened up too wide. Some emphasis should be on regional arrangements like Chapultepec, but the situation should not be opened up wide for any kind of regional arrangement. Commander Stassen suggested that it might be advisable to revert to the original American wording, using the opening sentences of the French text.

SENATOR CONNALLY stated that the French text does not provide for group action.

MR. PASVOLSKY stated that the Act of Chapultepec has all sorts of things in it. It would be well, he said, to make certain it is that sort of arrangement which is being referred to, and not an interventionist system.

COMMANDER STASSEN inquired whether there was general agreement on the wording "should the Council not succeed in preventing aggression and should aggression occur . . .".

PROPOSALS RELATING TO WORK OF THE COMMITTEES

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REGIONAL ARRANGEMENTS

With respect to the draft on regional arrangements SENATOR CONNALLY stated that he would prefer some arrangement setting forth the American position. This is, he said, a very broad question, but he thought that the draft before the Delegation would possibly be satisfactory if some of the language of the French text were added.

MR. BOWMAN urged that whatever the changes which might be made in the wording, it is obligatory that somewhere a finger be put on the historical chain, beginning with Monroe and ending with Chapultepec. Mr. Bowman stated that he would like a poll taken with respect to the specific inclusion of the Act of Chapultepec in the draft.

MR. PASVOLSKY commented that no one was opposed to this.

THE SECRETARY observed with emphasis that the American Delegation had not taken a position on this matter and asked Mr. Bowman why he would try to force a position. It will be necessary, he added, to consult with the President. He stated further that he understood fully Senator Connally's position.

SENATOR CONNALLY said that the people making this organization need the United States as badly as the United States needs them. The time will come, he said, when the United States will have to talk turkey to them. The United States must be able to take care of itself.

COMMANDER STASSEN commented that the other countries go along. He pointed out that on the previous night all four votes had come along with the positions he had urged in the Committee, and that on every occasion he was sustained by more than a ⅔ vote. The South American countries had come along, he said, after some stewing.

THE CHAIRMAN suggested that the opening sentence of the French text might be taken, from the point of view of psychology, since Mr. Eden favors it.

DEAN GILDERSLEEVE stated that she would like to make three points: (1) that she was in general agreement with the position taken in the Delegation on the matter, (2) that it is impossible for the United States to get an arrangement without giving the possibility of a similar arrangement to the rest of the world, and (3) that she felt a little uneasy about not mentioning the Act of Chapultepec in the draft.

THE CHAIRMAN inquired whether there was agreement on using some of the French language, that is the opening sentence in the French text.

MR. BLOOM stated that he was in agreement with this but would like to see the Act of Chapultepec mentioned.

SENATOR VANDENBERG stated that it would help him greatly in the Committee, if the statement should start out with the French language. The Soviet representative, he said, had raised a procedural question and the employment of the French language would help.

REPRESENTATIVE EATON said that he was in agreement.

COMMANDER STASSEN said that the suggestion was a very good one and that it would be desirable to start with the French language. This is, he said, a difficult and intense issue. There are, he warned, some efforts being made on the outside to split up this Delegation, and it is very important that all members of it should remain calm and clear. The attempt to split the Delegation, he said, is because it has done so much.

THE SECRETARY stated that he would wish to endorse every word of Commander Stassen's statement and suggested that everyone should get rested over the week end. He had told the press, he said, that there was no split in the American Delegation, and that it was operating under very harmonious relations. From the point of view of negotiating the draft with the British, French and Russians, it would be helpful to start with the French language. With respect to the mention of the Act of Chapultepec, he added, this has been his unalterable position, providing it is something that can be negotiated.

MR. MACLEISH stated that it is important to consider the impact on the public. This, he said, is a new angle. The right of self-defense, is spelled out in these treaties, and it should be made clear that the right of self-defense is spelled out in one regard by bilateral treaties and in the second by regional arrangements. This should be presented to the public as a spelling-out of the self-defense arrangements and not as a dicker between governments.

THE SECRETARY expressed agreement with this view, and inquired whether the military advisers wished to say anything on the subject.

MR. GATES stated that he would be willing to go along with the Secretary's suggestion respecting the use of the French language.

ADMIRAL WILLSON also expressed agreement with this view. He added, however, that a question which is not settled is how much of the French language should be used. A decision would have to be made, he suggested, between armed as against unarmed attack.

GENERAL EMBICK stated that he would concur in opening the provision with the language of the French, and following with the draft that had been agreed upon yesterday and mentioning the Act of Chapultepec.

MR. ARMSTRONG said that he was in agreement with the Secretary's suggestion.

DEAN GILDERSLEEVE inquired as to what the attitude of the British and Russians was to the French amendment.

THE SECRETARY replied that the British like it and would accept it, but that the United States advisers and technical experts think that it opens the door too wide.

MR. DUNN commented that he would not go so far as to say that Mr. Eden actually liked the French text, but that he did recognize that it provided for action to be taken legally if the Security Council did not have success in stopping an act of aggression.

REPRESENTATIVE EATON asked why they should not conform to human nature since it is only natural that nations will take arms when attacked.

COMMANDER STASSEN offered a suggested composite wording as follows: "Should the Security Council not succeed in preventing aggression, and should aggression occur, the members of the Organization possess the inherent right to act as they may consider necessary in the interest of self-defense. The right to take measures of self-defense against armed attack shall apply to arrangements, like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security".

MR. PASVOLSKY pointed out that an important word was missing in this draft, namely, the word "also" following the phrase "armed attack shall".

SENATOR VANDENBERG inquired whether this revised language would cover the situation of a British-Turkish arrangement, and MR. PASVOLSKY replied that it would.

THE SECRETARY stated that he would like to revert to the matter raised by Mr. Bowman, that is, leading down the historical chain of events from Monroe to Chapultepec. He stated that it should be decided whether the United States Delegation is willing to accept anything without specific mention of the Act of Chapultepec. The British, he said, will press strongly for general language, and the Delegation should reach a decision on this issue.

MR. BOWMAN stated that his intent was that somewhere the draft should reach out and touch this chain of historical events. Whether the Act of Chapultepec is mentioned specifically is of little consequence. Whatever changes may be made, and in his opinion, starting out with the language of the French text, would be good, will relate to this chain of circumstances. If Mr. Eden should find that this has completely opened the door to all sorts of independent individual actions and destroyed world organization, the question then arises as to whether the United States would wish to give up its hemispheric organization in order to preserve the world organization.

SECRETARY STETTINIUS inquired whether the sentiment of the Delegation was to mention the words "Act of Chapultepec" or whether there would be a willingness merely to describe it in the language. Mr. Rockefeller stated that the Delegation had on its hands a negotiation with the four sponsoring powers, but that it also had negotiations with twenty other South American powers. He expressed agreement with the views stated by Dean Gildersleeve. Specific mention of the Act of Chapultepec would have a great drawing power. The simplest way would be to mention the name.

THE SECRETARY stated that the Delegation would like the Act mentioned, but if Russia and Britain refuse, what will our position then be? The question is, he said, whether the United States Delegation would be willing to have it described rather than mentioned.

SENATOR VANDENBERG pointed out that the League Covenant had been mentioned, and that the Act of Chapultepec is merely the modern name for the Monroe Doctrine.

COMMANDER STASSEN stated that it is not necessary to have complete agreement. The United States is not in a weak position, and it is on sound ground in stating that an opening has been made.

MR. PASVOLSKY stated that by the elimination of certain words from the previous American draft the French and British had been given exactly what they wanted. In the new sentence it is left to the member states, individuals or groups of states, to make decisions regarding self-defense. It should be remembered, he said, that lend-lease was adopted as a measure of self-defense. There would be no objection to mention of the Act of Chapultepec if it is made clear to what part of that Act reference is made.

MR. PASVOLSKY read a revision which he suggested and which was as follows: "Should the Security Council not succeed in preventing aggression, and should aggression occur, (the members of the Organization possess the inherent right to take necessary measures for self-defense) [by any state against any member state, such member state possesses the inherent right to take necessary measures of self-defense] [74a] the right to take measures of self-defense against armed attack shall [also] extend (to a group of states the members of which agree,) as in the case of the Act of Chapultepec, [action taken as a result of understandings or arrangements under which all members of a group of states agree] to consider an attack against any one of them as an attack against all of them [as in the case of the Act of Chapultepec] the taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security".

THE CHAIRMAN suggested that there might be a pause in the discussion in order to take inventory. He raised a question as to whether this matter would need to be referred to Washington.

MR. GATES thought that it would need to be referred to Washington if any change in the substance of the text is made.

THE CHAIRMAN inquired whether the Delegation would feel that a tentative decision could be reached before Mr. Eden leaves, that if so that it could be taken up at 2:30 at the meeting of the Foreign Ministers.

MR. PASVOLSKY suggested that it would be advisable to explain to Mr. Eden what the Delegation has in mind to do. This, he said, has never been discussed with Mr. Eden and amounts to the resumption of complete freedom of action.

COMMANDER STASSEN expressed the view that it would not be a reversion to freedom of action if the American draft is sufficiently tied down.

MR. PASVOLSKY pointed out that the intent of this morning's discussion had been to tie in the whole Act of Chapultepec. This would cause trouble. No one, he said, would grant the right to bring in the entire Act of Chapultepec.

COMMANDER STASSEN stated that the intent was to use the Act of Chapultepec as a limiting factor not only with respect to a group of states but also with respect to the nature of the group.

MR. PASVOLSKY observed that Mr. Eden would disagree. The point is, he said, that a group such as that involved in the Act of Chapultepec should have the right to act in self-defense.

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[74a] Brackets throughout this paragraph appear in the original.

SENATOR VANDENBERG commented that Mr. Pasvolsky was right in respect to sentence 2, and Commander Stassen with respect to sentence 1.

MR. PASVOLSKY advised that it is much better to nail down specific examples after the principle is clearly defined.

COMMANDER STASSEN observed that the British had been satisfied with the draft which had been shown to them the other night, and that they should not be given more than they needed.

MR. PASVOLSKY inquired whether the intent would be to eliminate the possibility of the formulation of a group such as the United States, the United Kingdom and France.

MR. GATES suggested that it would be inadvisable to give way any further.

THE CHAIRMAN read the 11:05 a. m. draft and following some discussion the suggested rewording of this draft by Commander Stassen was agreed upon. The original wording with the suggested revisions appearing in brackets was as follows: "Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state shall possess [such member state possesses] [75] the [inherent] right to take [necessary] measures of [for] self-defense. The right to take measures of self-defense against armed attack shall also extend [apply] to [understandings or arrangements, like those embodied in the Act of Chapultepec] action taken as a result of understandings or arrangements under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them, ~~as in the case of the Act of Chapultepec.~~ The taking of such measures shall be immediately reported to the Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security".

[Here follows discussion on Commission meetings and a report to the Press.]

### 11:20 DRAFT ON REGIONAL ARRANGEMENTS

At this point THE SECRETARY read the 11:20 draft on regional arrangements. This draft, with the minor revisions indicated in brackets, was as follows: Chapter VIII, Section B, paragraph 12

"Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state ~~shall~~ possess[es] the [inherent] right to take necessary measures for self-defense. The right to take [such] measures for self-defense against armed attack shall also apply to under-

[75] Brackets throughout this paragraph appear in the original.

standings or arrangements like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

THE SECRETARY requested that all of the Delegation in favor of this draft as amended and for its submission to the President raise their right hands. Agreement on this draft was unanimous. THE SECRETARY announced that he would phone the President immediately to inform him that the Delegation had unanimously approved this draft and that the military advisers were in agreement with it.[76] [The Secretary left the meeting at 11:35 a. m.] [76a]

TRUSTEESHIP

COMMANDER STASSEN presented a brief explanation of the developments with respect to the trusteeship problem. He explained that a proposed Working Paper had been explored and discussions held and that it had been agreed upon in part in the Five-Power Consultation Group on Trusteeship.[77] He emphasized the importance of not having anything in that paper which the United States Delegation might not wish, and pointed out that it was much more difficult to get something out of the paper than it was to get something into it. He read the proposed draft of the Working Paper. With respect to paragraph 6, he said that the British do not contemplate putting their territories under the strategic arrangement concept which the Americans have advanced. The British on their part want a general provision affecting security matters which would make it possible to use resources and facilities in any territory for purposes of security and local defense. With respect to paragraph 10, he pointed out that the Soviet Delegation had requested that they be insured a seat on the Trusteeship Council. The British are reluctant to accept this position. With respect to paragraph 11 the arrangement agreed upon had been to strike out the specific reference to investigation which had been a provision of the American proposal and to accept a provision relating to the right of periodic visits to the trust territories. This had been done to satisfy the British and the French who balked at the concept of investigation.

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[76] The Secretary read to President Truman on the telephone the text of the new paragraph No. 12 for chapter VIII, section B, and sent the text to the Acting Secretary of State in telegram 6, May 12, for transmission to the President and to Mr. Hull (500.CC/5–1245).

[76a] Brackets appear in the original.

[77] Not printed.

COMMANDER STASSEN requested permission of the Delegation to present the Working Paper draft to Committee II/4 as the basic working paper for its deliberations at its 11:30 meeting on Monday morning,[78] provided the Soviet Union and the British accept it in its present form.

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COMMANDER STASSEN inquired whether he would have permission of the Delegation to move this draft as a working paper on Monday in Committee II/4 if the Army and Navy approve it.

SENATOR VANDENBERG inquired whether there were any objections and in the absence of any the request of Commander Stassen was approved. SENATOR VANDENBERG asked Commander Stassen if he would like to comment on the position taken by Senator Byrd with respect to the American right of possession in the Pacific.

COMMANDER STASSEN stated that the United States has the right of possession. This right of possession, he emphasized, can be kept if the country has national backbone and if satisfactory trusteeship arrangements for these territories cannot be negotiated.

### ECONOMIC AND SOCIAL COOPERATION

DEAN GILDERSLEEVE stated that she would like to seek some advice. She stated that she would be pushed into a corner if the Committees are going on. She would have need for guidance, although she realized that all of the members of the Delegation were now tired after a long meeting.

SENATOR VANDENBERG inquired whether the Delegation would do anything about this now. He stated that it was only 11:50 and suggested that Dean Gildersleeve might be given an hour at this time.

DEAN GILDERSLEEVE stated that if this were to be done she would like to have Mr. Stinebower come into the meeting. A group of the American advisers and technical experts on this subject of economic and social cooperation had held a number of meetings, she said. They had gone over the amendments which had been submitted to the Committee, and especially the Canadian redraft. DEAN GILDERSLEEVE stated that she would like to get guidance on some of these points.

With respect to putting in "educational" as well as "cultural", DEAN GILDERSLEEVE stated that she had taken the line that "educational" should be kept out, since this would make trouble in Congress. She expressed the view that "cultural" covers "educational", but if other countries insist on the inclusion of "educational", DEAN GILDERSLEEVE inquired whether she should vote against it.

With respect to Chapter IX, paragraph 1, she said, a number of nations, and especially Haiti, desired to have "educational" inserted.

[78] Doc. 310, II/4/11, May 15, UNCIO Documents, vol. 10, p. 439.

MR. STINEBOWER stated that the issue also arises with respect to the Commissions which were to be set up under the Economic and Social Council, one of which will be on education.

SENATOR VANDENBERG inquired whether, if the word "educational" is to be used, there would be any way to make it clear that American educational autonomy is not subject to any outside interference whatever.

DEAN GILDERSLEEVE explained that she and M. Bonnet were in agreement. The French would like to use the word "intellectual", but the specific vote, if it comes, will be on the word "educational".

SENATOR VANDENBERG stated that he would have no objection to its inclusion if there were some qualification that is explicit with reference to domestic jurisdiction.

MR. DULLES stated that this is clear in the Charter; nothing contained in the Charter can interfere with domestic jurisdiction.

MR. ARMSTRONG said that if the word "cultural" includes education, science and other fields, he was agreeable to the word "cultural". DEAN GILDERSLEEVE said that if "cultural" does not include "educational", why then should we avoid the word, but that she was nevertheless prepared to hold to the word "cultural". She said that other fields such as health had also been proposed for specific mention.

SENATOR VANDENBERG believed that we should say precisely what we mean, and make it clear that we do not contemplate interference with domestic affairs. He said that it was not possible to get UNRRA through the Senate until Congress was satisfied that there would be no control over education or domestic affairs. Dean Gildersleeve said that in the Committee she would follow the American position and speak regarding our interest in education, but that she would oppose specific inclusion of the word. She said that the Canadian draft [79] included neither the words "educational" or "cultural", and that we could probably get the Canadian draft accepted with the word "cultural" added. This would be the simplest method.

MR. STINEBOWER pointed out that possible interference of the Organization in domestic affairs could be avoided if its actions were limited by words such as "the Organization should encourage separate and cooperative actions". SENATOR VANDENBERG liked these words and believed they should be inserted so as to apply broadly to all activities of the Organization that were under discussion.

DEAN GILDERSLEEVE then referred to the Canadian proposals (Document 157, p. 8 [80]) which included as an objective "attaining of higher standards of living and economic and social progress and development", asking whether this amendment was acceptable. COMMANDER STASSEN pointed out that it went no farther than the Atlantic Char-

[79] Doc. 2, G/14(*t*), May 6, UNCIO Documents, vol. 8, p. 589.
[80] Doc. 157, II/3/5, May 9, *ibid.*, vol. 10, pp. 306–307.

ter. SENATOR VANDENBERG replied that the Atlantic Charter went farther than many Senators liked.

MR. STINEBOWER suggested that if the words "encourage separate and cooperative action" were included in the Canadian amendment, this should meet the objection. SENATOR VANDENBERG agreed but said that two-thirds of the Senate would be hunting for some of Mr. Wallace's ideas.

DEAN GILDERSLEEVE said that in the next sub-head of the Canadian proposal, i.e. (*b*), we would add the word "cultural". This and (*c*) were agreed to by the Delegation.

DEAN GILDERSLEEVE then asked our position on inclusion of the word "health". MR. STINEBOWER said that several countries hope for the establishment of a consultative health organization. He felt that the word "health" was probably not included in the word "cultural". SENATOR VANDENBERG said that he had less objection to "health" than "education", and was willing to include "health", providing we emphasize that we were not attempting to internationalize these fields but were to "encourage separate and cooperative action". He said he objected to none of these ideas if they were adequately explained.

DEAN GILDERSLEEVE then brought up the British amendment (pp. 10, 14 [81]) which gives a special position to the ILO. She said that we were not opposed to the ILO itself but did not believe it should be singled out and given special attention. COMMANDER STASSEN felt quite definitely that we should not have the Charter take sides in a labor fight as would be done by the British amendment. DEAN GILDERSLEEVE said that the British reportedly had binding instructions regarding the ILO proposal. MR. ARMSTRONG said that Mr. Eden had remarked that if the ILO were excluded, Mr. Attlee would "have a fit but that there was to be a general election".

MR. STINEBOWER said that even if there were no labor fight regarding the ILO, we still did not wish a special position specified for the ILO in the Charter, since the ILO had been inclined to regard itself as superior to all other agencies and to encroach upon their fields. He raised the question as to whether we should not have a line of retreat if necessary, namely to delete the British amendment but to be willing to mention the ILO in some innocuous manner by a phrase "such as the ILO". COMMANDER STASSEN declared that we should have no line of retreat and that if necessary the United States should reserve its position and carry the fight all the way up. This was agreed.

DEAN GILDERSLEEVE said that Mr. Tomlinson of the U.K. had just requested a meeting with the United States to go over the ILO amendments. COMMANDER STASSEN said that we should tell Mr. Tom-

[81] *Ibid.*, pp. 308 and 312.

linson that we had discussed the matter at length and that no compromise language was possible. DEAN GILDERSLEEVE said that she would meet with Mr. Tomlinson at two o'clock this afternoon. MR. BOWMAN said that the picture was continually changing regarding the ILO and the labor field in general. We would therefore lose flexibility if we recognized the ILO in the Charter.

MR. ROCKEFELLER said that there were fifteen men from the press outside the door and that they were bitter at the American Delegation. He thought that with the Sunday papers and special articles coming out we should give them background material and meet with them even though there was little we could say. MR. DULLES and SENATOR VANDENBERG agreed. SENATOR VANDENBERG said that he would be willing to talk with them briefly, telling them that the Delegation was completely united in its desire to find a formula, and believes it can, to preserve the Act of Chapultepec without impairing measures to gain general security. COMMANDER STASSEN said that he saw no objection to Senator Vandenberg's talking to the press as Chairman of this meeting and also in harmony with the right of any delegate to give background material. MR. ARMSTRONG suggested that the press be told other matters were also discussed.

DEAN GILDERSLEEVE said that she would like help in clarifying the functions of the Economic and Social Council, referring particularly to the Australian and Canadian proposals (pp. 20–22, Doc. 157 [82]).

MR. STINEBOWER said that a question for determination had to do with the power of the Council to make recommendations to governments. He said that this did not depart from the intent of the proposal but that we should have delegation approval. SENATOR VANDENBERG believed it was dangerous to have the Council enabled to make recommendations to governments for fear that the Council might criticize a certain country. COMMANDER STASSEN said that the recommendations to individual countries should go through the Secretariat. MR. STINEBOWER gave an example of what was intended, namely that if the Council had analyzed a world inflationary trend, could it send its report directly to members or must it wait for the General Assembly? SENATOR VANDENBERG agreed that if no one nation were singled out, it would be appropriate to send recommendations directly to members but he said it would still be dangerous since the United States would have only one member on the Council who could commit the United States to a policy. MR. STINEBOWER referred to the Canadian wording (*b*) on page 22, wherein the Council is authorized "to make on its own initiative studies, reports, and recommendations with respect to economic, social and other related matters of international concern to the General Assembly, to mem-

[82] Doc. 157, II/3/5, May 9, UNCIO Documents, vol. 10, pp. 318–320.

bers of the United Nations and to related organizations and agencies." SENATOR VANDENBERG believed that to make studies was satisfactory but that the power to make recommendations should be removed. MR. DULLES agreed. COMMANDER STASSEN said that the wording should make clear that the Council could still make recommendations to the Assembly.

The meeting adjourned at 12:30 p. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 3 (Parts I and II)

*Minutes of the Third Five-Power Informal Consultative Meeting on Proposed Amendments (Part I), Held at San Francisco, Saturday, May 12, 1945, 2:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (12); United Kingdom (4); Soviet Union (4); France (3); and the International Secretariat (1).]

At the request to Mr. Stettinius, MR. HISS made a statement concerning the procedure of the Committees.

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MR. STETTINIUS said that the main problem which the group had been assembled to consider was that of regional arrangements. He said that the United States Delegation had studied the amendment put forward by the French and taking the French language as a basis they had drawn up a new draft. The text of the French amendment referred to by Mr. Stettinius is as follows, and has been put forward by the French as an amendment to Chapter VI, Section C, Paragraph 1: "Should the Council not succeed in reaching a decision, the members of the Organization reserve to themselves the right to act as they may consider necessary in the interest of peace, right and justice". (Doc. 2, g/7 (*o*)).[83] He would hand the text of the draft prepared by the United States Delegation to those present for their confidential information.

He proceeded to read the text as follows which would be a new Paragraph 12 of Chapter VIII, Section B: "Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense. The right to take such measures for self-defense against armed attack shall also apply to understandings or arrangements like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such meas-

[83] Doc. 2, G/7(*o*), March 21, UNCIO Documents, vol. 3, p. 385.

ures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

AMBASSADOR GROMYKO inquired whether this affected the amendment to Chapter VIII, Section C, Paragraph 2 jointly proposed by the four powers.[84] MR. STETTINIUS said definitely that it was not intended to affect the amendment.

MR. EDEN immediately expressed an intense dislike for the draft. He said that it was clearly of Latin American origin. It would result in regionalism of the worst kind. The draft made him very unhappy and he would be frank to say he did not like it a bit.

AMBASSADOR GROMYKO said that he would like time to study the draft.

AMBASSADOR BONNET inquired where it was proposed to put this provision. MR. STETTINIUS pointed out that it was intended to be a new paragraph in Chapter VIII, Section B.

MR. EDEN said that no one had been able to define aggression in thirty years. He said that if such a provision as this were included in the Charter he would not be able to sign it. It would make it a Latin American document. He inquired what was wrong with the French amendment. He could not see why the French amendment did not take care of the situation with which the United States draft was intended to deal.

SENATOR VANDENBERG remarked that the British had brought forward an amendment proposing a recognition of special treaties. MR. EDEN rejoined that these treaties were limited in time and scope and that they were directed against preventing renewed aggression by the enemy states.

MR. STETTINIUS asked that Senators Connally and Vandenberg comment upon this matter from the viewpoint of the United States Senate.

SENATOR CONNALLY referred to the long history of the Monroe Doctrine dating back to the days of Canning. He said that as a practical matter what happened in this Hemisphere had not actually been a cause of world wars. If the countries in this Hemisphere adopt an agreement for resistance this attack against aggression question would not affect the world organization.

[84] Doc. 2, G/29(*a*), May 11, UNCIO Documents, vol. 3, p. 629.

THE SENATOR emphasized that self defense is an inherent right. If we are attacked, we can act. We have a right to resist. After we have acted, then we would be obligated to report to the world Organization. With respect to the question of ratification of the Charter of the world Organization by the Senate everybody knows the importance which the Senate attaches to the Monroe Doctrine and to the recent application of this Doctrine in the Act of Chapultepec.

MR. EDEN remarked that he had not come here for the purpose of signing a regional agreement. If what was wanted was a Latin American regional arrangement that was all right with him but he would have nothing to do with it.

SENATOR CONNALLY referred to the Franco-Russian and the Anglo-Russian treaties and said that we had agreed in the amendment to Chapter VIII, Section C, Paragraph 2, which we had jointly sponsored, to recognize these treaties and to accept them for approval by the Security Council. He did not see why in return the other sponsoring governments were not willing to recognize our special problem in this Hemisphere.

SENATOR VANDENBERG said that in his view this matter was on all fours with the Russian request for an amendment to Chapter VIII, Section C, Paragraph 2 excepting the Russian treaties from control by the Security Council. He recognized that Russia could not afford to give up reliance on these treaties until the world Organization had demonstrated its capacity to guarantee security. On the other hand how could the American Republics be expected to give up the guarantee of security which they had in the Inter-American System until the world Organization had demonstrated its ability to maintain security. The two situations were in his opinion on all fours and there was no justification for denying recognition to the special needs of Latin American countries and of the United States in this Hemisphere.

MR. STASSEN said he thought it was important to recognize that there were three stages in the development of world security. The first has to do with peaceful methods of settlement. In this area no one questioned the propriety of emphasis on regional action for the peaceful settlement of disputes. The second is the matter of enforcement. What sanctions shall be applied, and how. The world Organization should have complete and exclusive jurisdiction with respect to determination and enforcement. The third relates to action in the event of the absence or failure of enforcement. He said that the right of self defense must be reserved to meet such a situation. In Europe this has been done through the exception allowed with respect to the treaties against the enemy states. So in this hemisphere the Charter of the world Organization cannot take away the right of self defense. Recognition must be given to the right of joint action in

self defense. This three stage situation is recognized in the draft proposed by the United States.

AMBASSADOR KOO said that one or two points were not clear to him. As he understood it the aggression to which reference is made in this draft is not limited either in time or scope. The second point was as to whether the conditional clause in the first sentence, "Should the Security Council not succeed in preventing aggression" is applicable to the second sentence. The second sentence provides "The right to take such measures for self defense against armed attack which also apply to understandings or arrangements like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them".

MR. STASSEN said that the right of collective or group action only comes into operation in the event of an armed attack.

SENATOR CONNALLY repeated that he thought that the United States proposal was not greatly at variance with the Anglo-Soviet and the Franco-Soviet treaties. Under these treaties, as in the case of the Act of Chapultepec an attack against one is treated as an attack against all parties to the agreement. In both cases the treaties were aimed at resistance to armed aggression. The United States draft enlarges the scope but not the principle of the exception already agreed upon with respect to Chapter VIII, Section C, Paragraph 2.

MR. BIDAULT said that because of his limited knowledge of English he had not been able to follow the discussions closely. Some of the shading and nuances of meaning might have escaped him. He thought however, that his thinking ran along the lines of Mr. Stassen's. That is, there are three steps in security. First, there is an immediate reliance on group or regional agreements; next comes the world Organization; finally, when the world Organization has proved itself to be effective regional agreements can be modified or dropped. In the meantime such agreements or arrangements must be maintained for immediate action in case of danger. MR. BIDAULT said that his reaction was not like that of Mr. Eden. However, he wanted time to think over this text.

AMBASSADOR GROMYKO inquired whether this represented a formal proposal on the part of the United States. MR. STETTINIUS said that it did not, that it was offered entirely informally for consultation and discussion.

AMBASSADOR GROMYKO inquired further whether this draft was based on a proposal from the American Republics. MR. STETTINIUS said that this was not the case but that it represented rather an attempt on the part of Technicians on the United States Delegation to meet the views of the various interested parties on this question.

AMBASSADOR GROMYKO said that it was his understanding that the Latin American states had asked for the right of independent action. That is action without approval of the Security Council. This might well result in a series of regional organizations acting independently of the Council; one for Latin America, one for Europe and others elsewhere. These regional organizations would act independently and only report to the Security Council. They would not be subject to its control.

SENATOR VANDENBERG emphasized that our purpose was the very reverse of this. As soon as the world Organization proves its effectiveness in guaranteeing security, we would accept the jurisdiction of the Security Council as exclusive.

AMBASSADOR GROMYKO said that this point was covered in connection with the amendment proposed for Chapter VIII, Section C, Paragraph 2. There was an important difference in that amendment in that these treaties were limited in application to the enemy countries and they would only continue in effect until the functions provided in them were transferred to the world Organization by consent of the parties in the draft proposed by the United States. On the contrary, in the United States draft there was no time limit to the exception proposed.

SENATOR VANDENBERG said that he would be happy to accept the same formula as to time action [*limit?*] as that contained in Chapter VIII, Section C, Paragraph 2.

MR. EDEN pointed out that the two situations were entirely different in this respect and that such a time limit would not be appropriate. SENATOR VANDENBERG rejoined that we proposed action only when the world Organization has failed to maintain peace and security.

MR. STASSEN pointed out that the United States draft would not give the regional organization freedom of action. It is not as broad as the treaty formula in Chapter VIII, Section C, Paragraph 2. Under that formula the parties to the treaties could take enforcement action against the enemy states. Under the United States draft there is no right of enforcement. There is only the right of action in self defense against armed attack.

MR. EDEN wanted to know why a proposal had been made that was so far removed from the concept and purpose of the Anglo-Soviet and the Franco-Soviet treaties. He emphasized that the entire concept which had been in prospect in calling this Conference was that of world Organization. Did we want a world Organization, recognizing the existence of some treaties and agreements or did we want a concept of regional organization topped by a world Organization with very limited powers. The four powers had tried in the previous formula (Chapter VIII, Section C, Paragraph 2) to protect the concept of world Organization. This had been done very carefully by

imposing a specific time limit on the continuation of the treaties in question.

On the contrary, embodying in the Charter a draft of the character brought forward by the United States could only have the effect of encouraging groups of states everywhere to enter into regional arrangements and organizations. The whole concept of world Organization would thus be undermined. This was what worried him and he could not for a minute accept a concept so at variance with the purpose for which the San Francisco Conference had been called.

SENATOR VANDENBERG inquired of Mr. Eden how he thought the United States and the other American Republics were to meet the need with which they were very definitely confronted. MR. EDEN said that he saw the difficulty which existed. He had thought that the French formula would meet the situation satisfactorily. He was intensely afraid of any formula which draws attention to regional organization. Regionalism is the thing which frightened him.

SENATOR VANDENBERG said that he totally agreed with the need for world Organization but at the same time he thought it was essential to protect the special needs of the United States and the other American Republics in this Hemisphere.

MR. STETTINIUS said again that the draft put forward by the United States was informal and for study among the five powers.

SENATOR VANDENBERG asked if it would be possible to meet again before Mr. Eden left. MR. EDEN said that he would like very much to do so.

MR. PASVOLSKY said that he wished to bring to the attention of the group a draft which had been prepared in the Committee of Five on Chapter V, Section B, Paragraph 1. He pointed out first that it made a distinction between recommendation relative to principles of cooperation from [*and*?] principles relative to maintenance of peace and security. The present paragraph would be broken into two paragraphs, the first relating to principles of cooperation and the second to principles of the maintenance of peace and security. There was no doubt of the power of the General Assembly to make recommendations upon the first. In the second place with reference to Assembly action on actual questions, it was suggested that the existing limitation on the power of the Assembly be modified to the extent of authorizing it to call attention of the Security Council to the situations. In the third place the Committee had adopted to rewrite the last sentence of the paragraph in a more precise form. It had taken the Australian amendment [86] and adapted it. The whole draft was in accord with the Dumbarton Oaks concept of the General Assembly in acting while the Council was dealing with a dispute. MR. PASVOL-

[86] Doc. 2, G/14(1), May 5, UNCIO Documents, vol. 3, p. 552 (No. 28).

SKY said that the language of the Dumbarton Oaks Proposals had been somewhat ambiguous and had caused a misunderstanding as to what the Assembly could do while the Security Council has a case under consideration.

MR. JEBB said that he had not had time to show Mr. Eden the draft to which Mr. Pasvolsky referred. He had presented it briefly and in broad terms to a meeting of the British Delegation. MR. STETTINIUS agreed that consideration of the draft should be postponed.

AMBASSADOR GROMYKO inquired whether the formula would meet the desires of the other countries. MR. PASVOLSKY said that it was intended to do so. For this reason the revision had been based on the Australian amendment. With the new text there would be no doubt of the meaning of the provision and of the circumstances in which the General Assembly might make recommendations.

AMBASSADOR GROMYKO said that he thought the idea was the same in both texts. He wondered whether the proposed change actually improves the situation and meets the desires of other delegations. MR. PASVOLSKY thought that it did.

MR. STETTINIUS again suggested that further study be given to this provision and that it might be considered again early next week.

MR. EDEN said that he was leaving tomorrow morning and suggested that a meeting be held yet this evening to consider further the regional question precipitated by the United States draft. It was agreed that another meeting should be held at six o'clock.

Sir Alexander Cadogan, Mr. Butler and Mr. Jebb remained in the Penthouse after the representatives of the other countries had left and a discussion [was] undertaken of the United States draft with a view to adjusting it in a manner to make it acceptable to the United Kingdom Delegation for the United States.*

Senator Connally, Senator Vandenberg, Mr. Stassen, Mr. Dunn, Mr. Rockefeller, Mr. Pasvolsky, Mr. Dulles, Mr. Warren, Mr. Raynor, Mr. Hartley and Mr. Sandifer participated in the discussion.

Mr. Eden and Mr. Stettinius were present at the beginning of this discussion and returned shortly before the meeting reconvened at six o'clock.

MR. EDEN was in a more conciliatory mood at the beginning of the intervening meeting. He said that he expected that basis could be found on which the United States and the United Kingdom could agree.

MR. DULLES emphasized that the United States did not want to encourage regionalism.

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*Minutes of this discussion as recorded by Mr. Hartley are annexed. [Footnote in the original; see memorandum of conversation, printed as annex 1 to these minutes.]

MR. EDEN remarked that God knows we were as well aware as he as to how the world would react to a provision which was as potentially regional in character as the draft which the United States had produced in the meeting just adjourned. He said that he had no objection whatever to the desire of the Senators to safeguard properly the right of action through the Inter-American System.

MR. STETTINIUS expressed his deep regret at the way things had gone. He said that it had been intended that Mr. Dunn should see Sir Alexander before the meeting at 2:30 and show him the draft. There had been an unfortunate slip on this. The pressure of time had made it impossible for Mr. Dunn to get together with Sir Alexander, consequently the United Kingdom Delegation had very unfortunately not had an opportunity to see the draft before the meeting began.

[Annex 1]

*Memorandum by Mr. Robert W. Hartley of the United States Delegation of a Conversation Held at San Francisco, Saturday, May 12, 1945, 3:30 p. m.*

Present:

United States—Secretary of State Stettinius, and Delegates, Advisers and Experts of the United States Delegation

United Kingdom—Foreign Minister Eden, and members of the Delegation, Technical Advisers and Experts.

Subject: United States Proposal on Regional Arrangements and the Right of Self-Defense.

This conversation was held immediately following the adjournment of the meeting of the Foreign Ministers of the Big Five.

In opening the discussion, THE SECRETARY OF STATE said that he wished to make clear to Mr. Eden that there had been no thought on the part of the United States Delegation in presenting its amendment on regional arrangements and self-defense (See Annex A [87]) of trying to impair the effectiveness of the proposed international organization. However, he said, the United States Delegation was faced with a very practical problem. There was the internal problem in the United States of trying to put a treaty through the Senate, and unless some method was worked out by which the Inter-American System was interlocked into the world organization without impairment of that System, there was a good possibility that the treaty could not be approved. At this point, SENATOR VANDENBERG said it was

[87] Annex A not printed; for text of proposed amendment, see *ante*, p. 691, last paragraph.

not only a question in the United States alone, but also a question of approval of the world organization by the other twenty American republics.

MR. EDEN stated that he was quite happy to accept the French amendment (See Annex B [88]) in this matter and thought that it would be sufficient.

SIR ALEXANDER CADOGAN then said that as a result of his study of the French amendment and the United States proposal (Annex A) he would like to suggest another way of handling the situation, by replacing the proposed United States amendment to Chapter VIII, Section B by the following:

"Should a breach of the peace arise out of a dispute or situation still under consideration by the Security Council or shall a sudden and unforeseen breach of the peace occur, any member state has the right to take measures of self-defense. If the Security Council should be unable to take a decision on the measures to be undertaken to restore the situation, the members of the organization reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

After a brief study of this document, THE SECRETARY pointed out that its provisions did not specify that the self-defense measures to be taken could be taken either individually or collectively. SIR ALEXANDER replied that, in his opinion, such a specification of that right was unnecessary; all that was necessary, he said, was to assert the right without stating that it was to be exercised either individually or collectively. It was perfectly clear, he said, that if the Security Council were unable to act, the right of self-defense was perfectly open to an individual state, which state could exercise that right individually or in combination with other states.

MR. STASSEN, in commenting upon the new British text as proposed by Sir Alexander, pointed out that it had some of the defects of the proposed French amendment in that it opened very widely the field for the exercise of the right of self-defense.

MR. PASVOLSKY, in commenting upon the new British draft, compared it with the proposed United States text (Annex A) and pointed out that under the United States proposal, the Security Council would be given full opportunity to act.

MR. EDEN, in meeting these preliminary criticisms, said that the draft prepared by Sir Alexander was only a suggestion and that he thought it might be well to allow the technical experts "to have a go at it" in order to try to clear any obscure points.

As a general comment, THE SECRETARY pointed out that what was of most concern to the United States Delegation was that the United

[88] Annex B not printed; see *ante*, p. 691, paragraph beginning, "Mr. Stettinius said".

States should have full opportunity to act in the event of an attack on Latin America. MR. EDEN replied that it was his concern that not only the United States should have such a right to defend itself against such an indirect attack, but that the United Kingdom should have the same right. In this connection, he cited the position of Great Britain in the event of an attack on Turkey by Bulgaria, the latter acting perhaps at the instigation of the Soviet Union. He said that if such an attack occurred, Great Britain, as a matter of self-defense of the Empire, wished to have the opportunity to act at once.

SIR ALEXANDER Cadogan pointed out that under the new British text, action could be taken in a breach of the peace without too close a definition of the circumstances under which that action should be taken. He made the point that he wanted the Security Council to have the chance both to act and to examine the case. Also, he said he found the United States draft faulty in that it left open the problem of defining the aggressor state.

MR. DULLES stated that the United States proposal attempted to define aggression in terms of "armed attack" and in this way it was hoped to avoid the problem of trying to define aggression as such. SIR ALEXANDER reiterated his feeling that the Security Council should have the opportunity to determine the circumstances of an armed attack without trying to write any such close definition into the provisions.

MR. DULLES said that it was not only a question of the Security Council having the opportunity to act, but it was the question of the United States carrying forward within the new world organization its traditional policy of the Monroe Doctrine as expanded and further defined in modern times; that the United States now regards an attack on any one of the American Republics as an attack upon the United States, and in that event the United States wished to exercise collectively its right of self-defense. SIR ALEXANDER countered this with the example of two American Republics fighting each other, and pointed out that it was his desire to give the Security Council a chance to act in such circumstances; that it was not just a question of providing against an attack against the Western Hemisphere.

MR. ROCKEFELLER said that one of the matters of concern to the United States Delegation was the attempt to avoid the misuse of the veto power in the Security Council by which the Security Council would be powerless to act, in the event of an attack on any one of the American Republics, because of the veto of one of the permanent members of the Council. He also pointed out that the inclusion in the Charter of some language along the lines of the proposed United States amendment would be of great psychological value, bearing as it would upon the feeling of security of the other American republics and their willingness and desire to participate in a world organization.

MR. EDEN said that this psychological effect of the United States proposal was precisely the one which he most feared. He said that in Europe it would open up wide the field for regional arrangements undertaken without the approval of the Security Council. In such an event, he said that the question raised by the proposal became, indeed, a very vital one, and that his apprehension as to the inclusion of anything along the lines proposed by the United States was based on the highest world politics. MR. EDEN spoke very eloquently of his fears in this connection, stressing repeatedly his view that any provision of this kind would raise some very crucial problems in forming the proposed world organization.

MR. DULLES said that he did not think it was a question of the American Republics alone and their participation in the world organization that was involved, but that it was also the question of the tradition of the Monroe Doctrine in United States foreign policy.

THE SECRETARY then pointed out that in the Covenant of the League of Nations there had been a special provision exempting the application of the Covenant to the policy of the Monroe Doctrine. Furthermore, the Secretary said, in view of Mr. Eden's strong views in this matter, he thought that it might be well to attempt a new draft of a provision which would incorporate both the American and the British text.

At this point MR. ROCKEFELLER stressed the fact that it was to the interest of the United States, and of the world organization as well, that there should be a strong system of Western Hemisphere defense. He said that such a system, if properly integrated into the world organization, would be almost indispensable to the successful functioning of that organization, and he cited the resources and manpower that would be available from the other American Republics.

MR. EDEN said that, speaking quite frankly, he was not impressed by the military contribution such as the other American Republics might make to the world organization at this time.

SENATOR CONNALLY then advanced the suggestion that it might be well to take the Four-Power amendment to Chapter VIII, Section C, paragraph 2, dealing with enforcement measures under regional arrangements, and add to that an exception for the Monroe Doctrine. MR. EDEN then recalled that this particular Four-Power amendment had a time limit to it and that that would not seem to meet the issue.

SENATOR VANDENBERG suggested that it might be well to put into the charter at some point an exemption for measures taken under the Act of Chapultepec. MR. STASSEN then said that in his view such an exception for the Act of Chapultepec would be going too far; that what he wished to see was any such exception limited only to defensive action.

SENATOR VANDENBERG then proposed an additional wording to the Four-Power Amendment to Chapter VIII, Section C, paragraph 2, somewhat along the following lines (underscoring indicates additional words proposed):

"The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council with the exception of measures against enemy states in this war provided for pursuant to Chapter XII, paragraph 2, or, in regional arrangements directed against renewal of aggressive policy on the part of such states, until such time as the Organization may by consent of the Governments concerned, be charged with the responsibility for preventing further aggression by a state now at war with the United Nations, and with the exception of measures taken in self-defense against armed attack in accordance with Part I, paragraph 3 in the Act of Chapultepec, until such time as the Organization may, by the consent of the states concerned, be charged with this function."

Following a very brief discussion of this newest proposal by Senator Vandenberg, MR. JEBB said that still he thought that the French amendment was better because the freedom of action under it was greater. MR. PASVOLSKY said that it was his principal criticism of the French amendment. It was "wide open"; it enabled complete freedom of action by a state, and in acting under it a state could legally wreck the proposed international organization. MR. PASVOLSKY then called attention to the fact that the text originally proposed by the United States (See Annex A) arose out of the inherent right of self-defense and that it was this residual right of self-defense which was to be protected under the wording of the original United States amendment. MR. PASVOLSKY said that the original United States amendment would be limited to armed attack and would thus limit freedom of action which states could take, so that it was not as "open" an amendment as might appear at first glance.

In answer to Mr. Pasvolsky's point, MR. EDEN cited again the specific case of the position of Great Britain in the event of a Bulgarian attack upon Turkey, and the Soviet Union's vetoing measures by the Security Council. Under such circumstances, he said he wanted Great Britain to be free to act and to take such measures as it might deem necessary for its self-defense in the Middle East.

In arguing the case for the original United States amendment (Annex A), MR. PASVOLSKY pointed out that the good features of it were that it placed the major powers on their good behavior; that the bad features were that in the event of a veto in the Security Council, member states were free to act. He said that it would be impossible to permit complete freedom of action without smashing

the entire international organization; if such an event were to be avoided, it would be better to limit the right of self-defense along the lines of the United States proposal.

MR. EDEN said that, in his judgment, the United States proposal could not apply in the case of an attack upon Turkey such as he cited, and that the United Kingdom could not—acting under the United States proposal—come to the aid of Turkey in self-defense. MR. PASVOLSKY then inquired as to what other basis the United States had had for acting under the Lend-Lease Act.[89]

THE SECRETARY made clear that he was sympathetic to the position taken by the United Kingdom, but that at the moment both Delegations faced the very practical problem of finding a formula which would satisfy the American Republics and which would, at the same time, avoid impairing the efficiency of a world-wide international organization. MR. DULLES said, that in his view, Mr. Eden wanted to go further in his proposal than the United States did and that if he understood correctly, Mr. Eden disliked the United States proposal because of its limitations on the right of self-defense. MR. STASSEN stated that with a proviso such as suggested by the British draft, the international organization would fail before it started; that the British amendment could not be written into the Charter without destroying the Organization in advance.

THE SECRETARY said that he thought it might be well to try to bring the discussion to a focus by asking the Delegations to prepare a new draft upon the basis of the British amendment and the United States proposal. There followed a brief discussion of the advisability of attempting such a redraft. In this discussion, MR. PASVOLSKY made the point that if it were to be decided to give all member states complete freedom of action when the organization failed to take appropriate measures, then why should the British proposal be concerned with what the arrangements would be in the event that such action had to be taken by the member states. MR. EDEN replied that the French amendment was better in this respect by not specifying in detail what arrangements would follow. MR. PASVOLSKY disagreed, stating that in his view the United States draft provided for this contingency in a much better fashion.

Also from this discussion arose Mr. Eden's point that self-defense in modern Europe was a difficult term to define, and that attempts to specify in the Charter those conditions under which such self-defense measures could be taken would raise many difficult issues.

MR. DULLES made the suggestion that a new redraft might be attempted, taking part of the newest British text and the proposal made by Senator Vandenberg to add additional language to Chapter

[89] For text of the "Act to Promote the Defense of the United States", approved March 11, 1941, see 55 Stat. 31.

VIII, Section C, paragraph 2. THE SECRETARY said that he thought it might be well if such a redraft were attempted, and then he raised the question as to whether the British Delegation could accept a reference in such a redraft to the Act of Chapultepec. MR. EDEN and SIR ALEXANDER indicated that they would rather not have such a direct reference but would prefer to have more general language. MR. EDEN especially made the point that if a reference to the Act of Chapultepec appeared in the document, this would precipitate additional requests for the inclusion of references to the Arab League, etc. MR. EDEN inquired as to whether the Latin American Republics specifically wanted an inclusion in the Charter of a reference to the Act of Chapultepec as proposed in the United States amendment. THE SECRETARY informed him that the Delegations of the American Republics had not yet been shown the amendment and, therefore, he could not reply to Mr. Eden's question.

Meanwhile, MR. JEBB had been developing a new draft of a proposed text and accordingly he suggested a new paragraph 12, Section B, Chapter VIII along the following lines:

"Nothing in this Charter should invalidate the right of self-defense against armed attack, either individual or collective, in the event of the Security Council failing to take the necessary measures to maintain or restore international peace and security. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

THE SECRETARY said that he felt that a draft based on Mr. Jebb's proposal could well be developed by six o'clock when the five Foreign Ministers were to meet again. SENATOR VANDENBERG, however, expressed some doubts as to whether such a statement would be acceptable without a specific reference in it to the Act of Chapultepec. MR. ROCKEFELLER also said that such a specific reference would have a tremendous effect.

MR. EDEN suggested that the technical experts be permitted to redraft something based upon the discussions that had been held and suggested that he and the Secretary meet again at 5:45 p. m. for a fifteen-minute review of the draft prior to the meeting of the five Ministers at six o'clock. This was agreed to and the conversations formally ended at 4:30 p. m.

(NOTE: Subsequently, working together during the next hour, the technical experts of the British and United States Delegations worked out a new draft shown in Annex C [90].)

[90] For text, see first quoted paragraph of minutes of informal drafting session, printed as annex 2, below.

[Annex 2]

*Minutes of Informal Drafting Session, by Mr. Robert W. Hartley*

With the return of Mr. Eden and Mr. Stettinius the following draft[91] prepared during the interval was considered:

"Nothing in this Charter impairs the inherent right of self-defense, either individual or collective, in the event that the Security Council has failed to maintain international peace and security and an armed attack against a member state has occurred. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and Security".

It was suggested by the United States that in addition to this provision a specific reference to the Act of Chapultepec be inserted in Chapter VIII, Section C, Paragraph 1. MR. DULLES had prepared the following draft for this purpose:

"Nothing in the Charter should preclude the existence of regional arrangements or agencies or collective arrangements like that contemplated by the Act of Chapultepec for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council."

MR. EDEN found the general draft acceptable, but he objected to the proposal to make a reference to the Act of Chapultepec in Chapter VIII, Section C, Paragraph 1. SENATOR VANDENBERG insisted on including a reference to the Act of Chapultepec. He said that a Senate reservation would be necessary if this were not done. MR. EDEN said he would have no objection to such a reservation.

MR. STETTINIUS inquired whether he should say at the beginning of the meeting at six o'clock that this was a joint draft. MR. EDEN thought that it could be said that we had agreed on this as far as it goes.

It was agreed that Mr. Eden should present the draft and should say that he and his colleagues had been trying to work something out which might be acceptable as a basis for discussion. They had worked out this draft and had just had time to show it to Mr. Stettinius. Mr. Stettinius would say that we had had a chance to look at the draft briefly and that we liked it so far as it goes. He thought progress

[91] Draft prepared for a new paragraph 12 at the end of section B, chapter VIII.

had been made and he was well pleased. He would say however that we must find some way to include the Act of Chapultepec.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 3 (Parts I and II)

*Minutes of the Third Five-Power Informal Consultative Meeting on Proposed Amendments (Part II), Held at San Francisco, Saturday, May 12, 1945, 6 p. m.*

[Unofficial Notes]

Meeting reconvened at six o'clock.

Present: Same persons as at the meeting at 2:30.

MR. EDEN opened the meeting by saying that he had been working with his colleagues since the meeting at 2:30 and they had produced a draft which they wish to submit for consideration and discussion. He had had just a moment to show it briefly to Mr. Stettinius before the meeting began.

MR. STETTINIUS said that he had only had a chance to glance at the draft which Mr. Eden had mentioned. He said that his reaction was favorable as far as the draft went. He wished to emphasize that in view of the commitments made by the United States at Mexico City the United States Delegation attached great importance to mention somewhere in the document of the Act of Chapultepec. Mr. Dulles handed Mr. Stettinius a draft of Chapter VIII, Section C, Paragraph 1 which he had sketched out proposing to insert in that paragraph the phrase "or collective arrangements like that contemplated by the Act of Chapultepec".

AMBASSADOR GROMYKO said that on first glance he would say that the proposal presented by Mr. Eden comes much nearer the ideals and principles of the proposed Organization as understood by his government. However, he would naturally have to have time to study the draft.

AMBASSADOR KOO said that his reaction was favorable. Out of this draft he thought we might be able to get something that might be acceptable.

MR. BIDAULT said that he had nothing to say against the British formula. However, it was his impression that the draft said something that was self evident. In case of aggression any state has the right of self defense. That was why the French Delegation had considered that something along the lines of Article XV of the League Covenant[92] was desirable. It was this that the French Delegation had sought to embody in its draft.

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[92] Article 15, paragraph 7 reads as follows: "If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

MR. STETTINIUS said that he wished to emphasize the informal and preliminary character of this consultation among the five powers. He was greatly encouraged and felt that since the group convened at 2:30 good headway had been made. At this point he read the draft which had been handed to him by Mr. Dulles proposing the incorporation in Chapter VIII, Section C, Paragraph 1 of the phrase "or collective arrangements like that contemplated by the Act of Chapultepec".

MR. DULLES reminded the group that the United States and nineteen other American Republics had joined in signing the Act of Chapultepec. In the draft presented by the United States we had referred definitely to action like that in the Act of Chapultepec. We must include the Act of Chapultepec somewhere in the draft. This he thought was a possible place.

MR. EDEN expressed appreciation to his colleagues for giving attention to the draft which had been so hastily prepared and which he had submitted. It would not be possible to resolve this question at the moment but he said that he thought this represented a step in the right direction. He thought that perhaps better progress might be made without him. The group unanimously took exception to this statement by Mr. Eden. MR. STETTINIUS suggested that this matter be taken up again on Monday.[93] He expressed deep appreciation to Mr. Eden for his support and expressed deep regret at his prospective departure.

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RSC Lot 60–D 224, Box 96: U.S. Min. Cr. 38

*Minutes of the Thirty-Eighth Meeting of the United States Delegation, Held at San Francisco, Monday, May 14, 1945, 9:05 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (36) present at meeting.]

The Secretary called the meeting to order at 9:05 a. m.

REGIONAL ARRANGEMENTS

THE SECRETARY reported on the five-power consultation of Saturday, May 12, stating that the British had turned down the proposed new paragraph 12 of Chapter VIII, Section B, which read as follows:

[Here follows text identical with that printed on page 691.]

Mr. Eden had felt that the inclusion of this paragraph would completely destroy the organization and others had agreed with his views.

After the meeting had broken up, the members of the Delegations had worked all Saturday afternoon and met again at 6:00 p. m. when Mr. Eden presented a new draft. Senators Connally and Vandenberg

[93] May 14.

had been most helpful in convincing Mr. Eden of the importance of this paragraph and he had departed saying he was no longer worried. THE SECRETARY now referred to two papers both dated May 14, 1945, which were before the Delegation, one a revision of the proposed new paragraph 12 of Chapter VIII, Section B, and the other a proposed revision of paragraph 1 of Chapter VIII, Section C. These read as follows:

CHAPTER VIII, SECTION B

NEW PARAGRAPH 12

[Here follows text identical with that printed on page 705.]

CHAPTER VIII, SECTION C

PARAGRAPH 1

[Here follows text identical with that printed on page 705.]

THE SECRETARY stated that Mr. Eden had accepted the new paragraph 12 but was not keen on the revision of VIII, C, 1, with its reference to the Act of Chapultepec. SENATOR CONNALLY said that VIII, C, 1 in its original form was encouraging to regional arrangements. SENATOR VANDENBERG remarked that after thinking about the matter over the weekend, he believed that if Mr. Rockefeller and the Latin American Delegations are agreeable, it would be better not to identify the Act of Chapultepec. His reason was that such identification might lead to endeavors to identify the Arab League and other regional organizations. SENATOR VANDENBERG went on to say that he had remarked to Mr. Eden that the U.S. Senate would have to make a reservation with respect to the Monroe Doctrine and Mr. Eden thought that would be all right. In view of this, THE SENATOR wondered whether that would not be a better procedure than to identify the Act of Chapultepec, provided it was reasonably satisfactory to the Latin Americans. There was some discussion also of the possibility of the Delegation adopting a resolution about a reservation on the Monroe Doctrine.

Upon THE SECRETARY asking whether SENATOR VANDENBERG thought a reservation by the Senate would be necessary, the latter replied that he did.

CONGRESSMAN BLOOM thought that Senator Vandenberg's proposal constituted a better way to handle the matter, as then there would be no discussion at the Conference of other regional bodies such as the Arab League. Upon being asked for the view of the military, MR. GATES stated that as yet he had no comment to make on Senator Vandenberg's suggestion. ADMIRAL HEPBURN added that at the time the U.S. Delegation reached San Francisco it had approved the Dumbarton Oaks Proposals without any reference to the Act of Chapultepec. This reference was introduced only as the result of the Latin

American views. He hoped that they could accept Senator Vandenberg's proposal.

MR. STETTINIUS remarked that we were in no position as yet to go forward with a Committee meeting at 10:30. SENATOR VANDENBERG agreed and both remarked that it was necessary to get the Latin Americans together quickly.

SENATOR CONNALLY remarked that if we make a unilateral declaration it will not be binding but will rest only on our own strong right arm. SENATOR VANDENBERG said we must stall today, since we cannot go ahead with other big four proposals until this is settled even though the Soviets approved. SENATOR CONNALLY said that the big question was: Would the Latin Americans accept this solution? SENATOR VANDENBERG inquired just exactly where we stood with the Latin Americans; he pointed out that the new language of VIII, B, 12 clearly removes the veto. Would the Latin Americans be satisfied? MR. HACKWORTH commented that he thought they would be if the U.S. makes it clear that they feel this language clearly covers the matter. MR. STETTINIUS said he felt they ought to take it.

MR. ARMSTRONG asked why it was necessary to tell the Latin Americans that we intend to make a reservation on this matter and COMMANDER STASSEN replied that we can certainly tell them that in our opinion this covers the Act of Chapultepec.

MR. GATES posed a question as to our freedom under this provision in case a fleet had started from abroad against an American republic, but had not yet attacked. To this COMMANDER STASSEN replied that we could not under this provision attack the fleet but we could send a fleet of our own and be ready in case an attack came.

MR. ARMSTRONG inquired what difference there was between our text and the Eden draft which makes Mr. Eden like the latter better. SENATOR VANDENBERG replied that the Eden draft would cover the right to take action in support of another country; for example the U.K. could support Turkey if she should be attacked by Bulgaria. SENATOR CONNALLY and MR. DULLES explained that Mr. Eden's motives were (1) a desire to avoid referring to regional agencies which would be dangerously limiting, and (2) also to leave leeway for other regional organizations. MR. ARMSTRONG inquired whether this then meant that we were pushing the U.K. into a stronger position and MR. BOWMAN replied that that was so only if an armed attack had occurred.

In reply to SENATOR VANDENBERG's inquiry as to the French reaction, MR. DUNN said that M. Bidault had liked it and would abandon his insistence on his position.

SENATOR VANDENBERG said that it was important to see some of the Latin Americans before talking to the other three sponsoring powers and France again. These Latin Americans should include the Co-

lombian Foreign Minister as well as Padilla and a few others. MR. DULLES thought the Eden draft not quite as satisfactory as the original American text, as the narrowing expression "armed attack" applies in this draft both to the individual and collective rights of self defense. He felt that the individual right should not be curtailed in any way. In reply to a query from Mr. Gates he said that the Eden draft covered the right of a Latin American state if attacked by another.

It was agreed that Mr. Gates should phone Mr. McCloy for his views and that the Secretary and Senators Connally and Vandenberg would try to get together with a small group of Latin Americans about 2:30 p. m. MR. DUNN remarked that the Soviet and French reactions could not be obtained today and, in reply to a query from Dr. Bowman, said that he thought the idea of a separate protocol by the five covering their understanding about the Act of Chapultepec would be very dangerous. MR. BOWMAN said there was no way to make valid a protocol signed only by the five and SENATOR CONNALLY thought the protocol would be fatal. MR. EATON said he had always been opposed to the protocol as well as to the naming of the Act of Chapultepec. He asked why we should fool ourselves; if an armed attack should come from abroad we would take action in any case.

SENATOR CONNALLY would prefer to leave out the word "armed" and MR. STETTINIUS replied that there would be many refinements of language before a document was finally agreed upon. SENATOR CONNALLY commented that we have not done a thing to abrogate or modify the Monroe Doctrine. We certainly have not done so in so far as our power to enforce that document is concerned. SENATOR VANDENBERG said that hitherto our veto in the Security Council had been a guarantee that the organization could not take action against an American republic and that with the present arrangement we have closed the last loophole.

The Delegation *agreed* to reject the insertion in paragraph 1 of Chapter VIII, C of the words "or collective arrangements like that contemplated by the Act of Chapultepec."

SECRETARY'S PROPOSED PRESS STATEMENT OF HUMAN RIGHTS [94]

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ELECTION OF SECRETARY GENERAL

CONGRESSMAN BLOOM stated that there had been discussion in his Committee (II/1) regarding the relationship of the Security Council and the Assembly in regard to the election of the Secretary General.[95] It was *agreed* that the Security Council should nominate the Secretary General for election by the Assembly and that the Mexican proposal

[94] For statement on human rights made by Mr. Stettinius at San Francisco on May 15, see Department of State *Bulletin*, May 20, 1945, p. 928.

[95] Doc. 295, II/1/11, May 14, UNCIO Documents, vol. 8, p. 317.

in this regard is acceptable provided that the Security Council majority should be 7 and not 6. MR. BLOOM remarked that the Australian proposal is impossible and after MR. KOTSCHNIG, at his request, had read the Mexican proposal, he announced that the U.S. would tell the Mexicans we would accept it in committee with the change mentioned above.[96]

ARRANGEMENT FOR DISCUSSION IN THE DELEGATION OF IMPORTANT ISSUES PENDING IN COMMITTEES

. . . . . .

REPORT TO PRESS ON STATUS OF REGIONAL ISSUE

THE SECRETARY asked whether he should say anything to the press about the status of the regional discussions. COMMANDER STASSEN thought that the whole story should be given on a background basis but SENATOR VANDENBERG thought it should come from him and should not be detailed. SENATOR CONNALLY said that in his opinion the less that was said now the better and asked what really could be given out at the present time. To this THE SECRETARY replied that the press contend that they can obtain all the background information they want from the British, but none from us, and added that that is not a desirable situation. SENATOR VANDENBERG said that he thought that as soon as we know that we are in the clear—that is that the Latin Americans are reasonably satisfied—we should give out the text. It was *agreed* not to make any statement until after the forthcoming discussion with the Latin American representatives.

. . . . . .

NEW ZEALAND AND CANADIAN AMENDMENTS IN COMMITTEE III/3

SENATOR CONNALLY brought up the New Zealand proposal in Committee III/3 regarding the role of the Assembly in enforcement action.[97] He said that he and Commander Stassen were opposed to this amendment and had assumed that this was the Delegation's view. THE SECRETARY said that it was.

SENATOR CONNALLY then mentioned the Canadian amendment[98] to allow states not members of the Security Council to sit as voting members when the use of their forces is under consideration. He said

[96] The Mexican amendment proposed that the Secretary General be elected upon nomination by a simple majority of the members of the Security Council; the Australian amendment proposed that he be elected by the Assembly subject to confirmation by a majority of any seven members of the Security Council and a majority of ten members of the Economic and Social Council (Doc. 294, II/1/10, May 14, UNCIO Documents, vol. 8, p. 323).

[97] The New Zealand delegate submitted a motion at the fourth meeting of Committee III/3 on May 10 "that this Committee express its approval of the plan that in all matters of the application of sanctions, military or economic, the Security Council associate with itself the General Assembly" (Doc. 231, III/3/9. May 11, *ibid.*, vol. 12, p. 295).

[98] *Ibid.*, p. 297.

that the British are somewhat sympathetic to the Canadian position and appear willing to soften the present provision to accommodate them at least part way. SENATOR CONNALLY thought, however, that we should oppose even this.

It was *agreed* to oppose both amendments.

PROCEDURE IN VOTING ON AMENDMENTS IN COMMITTEES

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The meeting was adjourned at 10:25.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Amer Rep Min 1

*Record of First Informal Consultative Meeting With Chairmen of Delegations of Certain American Republics,*[99] *Held at San Francisco, May 14, 1945, 2:30 p.m.*

[Informal Notes]

[Here follows list of names of participants, including chairmen of delegations of the United States (ten additional members of the delegation), Brazil, Chile (one additional delegate), Cuba, Colombia, Mexico, Peru, and Venezuela.]

MR. STETTINIUS opened the meeting by saying that since his recent consultation with the Foreign Ministers[1] the American Delegation had been studying this question day and night and had made good progress. He had before him a paper which he wished to give the Ministers for their private and confidential study. In order to handle this matter in such a way as not to cause jeopardy to the success of the San Francisco Conference, it was essential that this matter should be kept confidential and not given to the newspapers. It would, of course, cause the gravest embarrassment in other relations with other states participating in the Conference, especially the other sponsoring powers, if the matter should become public prematurely.

MR. STETTINIUS emphasized that it was just as important to the United States to have the inter-American system continue and succeed as it was to any of the American Republics. The United States is determined to maintain so far as is within its power the military, political, and economic solidarity of this Hemisphere. We are constantly working in that direction.

Since the discussion of this regional question came up MR. STETTINIUS said that there had been so much public agitation of the question that the United States is being charged with departing from

[99] This was the first of three informal consultative meetings with the Latin American diplomats, held in Mr. Stettinius' apartment in the Fairmont Hotel, May 14–20.

[1] For Mr. Stettinius' summary report to the President on a May 8 meeting with the Latin American Foreign Ministers regarding the place of the inter-American system in the World Organization, see footnote 41, p. 642.

the idea of world organization and the idea of President Roosevelt for the establishment of a world organization to keep the peace. MR. STETTINIUS said that it would be a tragedy to have the San Francisco Conference jeopardized by this issue. He knew that the Foreign Ministers did not like some of the events in Europe any better than he did, but it is essential that we have a world organization for the maintenance of peace and security.

At this point the Secretary distributed three papers (copy attached): (1) Chapter VIII, Section B, New Paragraph 12, first version; (2) Chapter VIII, Section B, New Paragraph 12, second version; and (3) Chapter VIII, Section C, Paragraph 1.[2] After reading the first version of the proposed new paragraph 12 of Chapter VIII, Section B, MR. STETTINIUS said that the proposed draft of paragraph 1 of Chapter VIII, Section C, was a companion piece with this—the two would go together. He said that the second version of the new paragraph 12 of Chapter VIII, Section B, involved a refinement in the language of the first seentence worked out by some of his colleagues.

MR. DUNN remarked that the second version pointed out more clearly the responsibility of the Security Council to take action.

MR. DULLES added that it avoided a specific reference to the possibility of the Security Council failing to maintain peace and security. Some have thought that it would be better not to mention the possibility of failure. The substance of the first and second version is the same.

MR. DUNN added that the second version might have a better psychological effect.

SEÑOR PADILLA (Mexico) said that the drafts presented impressed him very favorably on first reading. He thought that the formula would take care of the interest of the inter-American system. He said that he would like to suggest the addition of one word in Chapter VIII, Section C, paragraph 1. In the last sentence following the word "encourage" he would insert the words "and support", so that the sentence would read: "The Security Council should encourage *and support* settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council."

SEÑOR FERNANDEZ (Chile) said that he thought the right ideas were in these drafts. The final wording of the Charter would need to be worked out later. He understood that the word "shall" would be used in the first line of paragraph 1 of Chapter VIII, Section C, in place of the word "should". He was assured that this was the case.

[2] For texts of the three papers, see (1) p. 691, last paragraph; (2) p. 705, first quoted paragraph; and (3) p. 705, second quoted paragraph.

SENATOR VANDENBERG made a statement at the request of Mr. Stettinius. He said that his position was well known and that the Ministers were well aware of how sympathetic he was to the inter-American system and to its maintenance in complete and effective operation. He said that he had been driven to the reluctant conclusion that if the Act of Chapultepec is to be identified in the Charter we will have to identify other regional agreements by name. We would then wind up, if we identify the Act of Chapultepec by name, with a long list of other identifications. He thought that we had done nothing for the Act of Chapultepec if in addition we have to include along with it the names of a number of other agreements. It would almost ruin the unity of our undertaking if this should happen.

SENATOR VANDENBERG said that he would prefer to rest on either the first or second version of the new paragraph 12 of Chapter VIII, Section B. He would be willing to guarantee that the Senate Foreign Relations Committee in making its report to the Senate on the Charter would specifically spell out the meaning which the United States Delegation attaches to the language used in the new paragraph 12.

It would be stated that the collective action referred to in this paragraph had reference primarily to action through the inter-American system under the Act of Chapultepec and such treaty as might be negotiated to carry out the Act of Chapultepec. With this declaration of the interpretation by the United States of this provision he thought that we would be better off not to identify the Act of Chapultepec by name. The language of the new paragraph 12 gives us everything that we want and assures the United States and the other American Republics of the right to take necessary action in the event of an armed attack against one of them. This would not in any way impair the idea of global security.

THE SENATOR concluded by saying that it would be no satisfaction to the American Republics to have the Act of Chapultepec bracketed with other regional agreements of much less stature and importance.

MR. STETTINIUS observed that a further consideration in this connection was that it would be extremely difficult, if not impossible, to be sure of getting the other powers to agree to the inclusion of the Act of Chapultepec in paragraph 1 of Chapter VIII, Section C.

SENATOR VANDENBERG said that if we stand on either the first or second version of the new paragraph 12 we get everything that we really want and we have not challenged the unity of the world effort for the establishment of an organization for the maintenance of peace and security. He would guarantee that the report of the Senate Foreign Relations Committee would spell out by interpretation the meaning of collective action.

MR. STETTINIUS endorsed the statement made by Senator Vandenberg.

SEÑOR CAMARGO (Colombia) said that he did not think it was possible to omit the Act of Chapultepec from Chapter VIII, Section C, paragraph 1. It was essential that the Act be mentioned in order to assure that there be no question of its consistency with the principles of the Charter. As far as the United States was concerned a statement of the character suggested by Senator Vandenberg would be satisfactory, but this would not take care of the question of the interpretation put on this provision by the rest of the world.

SENATOR VANDENBERG remarked that if the United States and the other American Republics understood each other, it did not matter what attitude other countries take.

MR. STETTINIUS said he wished to raise the direct question whether the American Republics wanted world organization or whether they wanted regional organization.

SEÑOR CAMARGO (Colombia) said that the American Republics wanted a regional organization which would operate within the framework of the world organization.

MR. STETTINIUS said that this matter must be very clearly understood, that the primary goal was world organization, and that the success of the San Francisco Conference must not be impaired by any exaggerated emphasis on regionalism.

SEÑOR CAMARGO (Colombia) said that it was his view that all regional arrangements should be approved by the world organization both now and in the future. Tomorrow or the day after a group of states might get together, enter into a regional organization or arrangement, and demand the same rights as the inter-American system. This should not be possible. It should be clear that any such organization or arrangement would have to prove its consistency with the world organization.

SEÑOR FERNANDEZ (Chile) inquired whether the new paragraph 12 of Chapter VIII, Section B, and the proposed revision of paragraph 1 of Chapter VIII, Section C, were to be taken separately or whether they went together. MR. STETTINIUS replied that they were companion documents and would be proposed as a part of one formula. He said that Senator Vandenberg's proposal was that we drop the proposed amendment of Chapter VIII, Section C, paragraph 1. SENATOR VANDENBERG returned to the point that we could not guarantee getting the revision of Chapter VIII, Section C, paragraph 1.

SEÑOR PARRA-PEREZ (Venezuela) inquired whether regional organizations would be subject to approval by the Security Council. It was pointed out that this was clearly contemplated under the language of paragraph 1 of Chapter VIII, Section C.

At this point one of the Ministers inquired about the possibility of a protocol giving the interpretation suggested by Senator Vandenberg.

MR. STETTINIUS said that he could not understand why the proposed new paragraph 12 was not adequate if it were accompanied by a statement of the character proposed by Senator Vandenberg. He asked again whether the American Republics wanted a world organization in which we would all have confidence or whether they wanted a regional organization.

SEÑOR CAMARGO (Colombia) said that his point of view was definitely not against world organization. He felt that every regional organization must have the approval of the Security Council and must be consistent with the purposes and principles of the organization.

SEÑOR PARRA-PEREZ (Venezuela) pointed out that there was a difference of primary importance between the inter-American system and other regional arrangements in the process of development. SENATOR VANDENBERG said that this was exactly his view and it was for this reason that he proposed [*opposed*?] having them bracketed together in the Charter.

MR. STETTINIUS inquired if Señor Camargo understood that we have not obtained the approval of other governments for the papers under consideration. SEÑOR CAMARGO said that he did. He thought that it was vital that any regional organization or arrangement should have the approval of the Security Council and that its aims should be consistent with those of the world organization. This should be true of organizations established in the future. To this SENATOR VANDENBERG agreed. SEÑOR CAMARGO inquired whether the pact entered into by the Arabic states would have to be approved by the Security Council.

MR. PASVOLSKY pointed out that the inclusion of the name of the Act of Chapultepec in the Charter would constitute prior approval. However, it was clear that under Chapter VIII, Section C, paragraph 1, new organizations or arrangements would be subject to approval by the Security Council. However, the procedure undoubtedly would be that such an arrangement or organization would be treated as consistent with the Charter of the organization unless the question of its consistency were challenged.

In answer to an inquiry from Señor Camargo, MR. PASVOLSKY said that the Security Council would have the authority to determine the question of consistency. SEÑOR CAMARGO said that if the name of the Act of Chapultepec were not included, the consistency of the Act with the inter-American system might be challenged at a later time and the Security Council might declare it to be inconsistent with the

Charter. It was pointed out that there was no likelihood of this happening with the United States having a veto in the action of the Security Council.

SEÑOR PADILLA (Mexico) remarked that the American Republics would not be internationally reassured unless the Act of Chapultepec were mentioned. He thought there might be two exceptions to the authority of the Security Council: one, the European mutual assistance treaties excepted by the joint Four Power amendment of Chapter VIII, Section C, paragraph 2; and the other, a special exception for the inter-American system.

SENATOR VANDENBERG pointed out that the limitation of the exception already proposed was to enemy states. Its purpose was confined to action for the control of Germany and Japan.

SEÑOR CAMARGO (Colombia) said that this was not the question. The question here relates to Chapter VIII, Section C, paragraph 1. He returned to his question whether under this provision later regional arrangements would be subject to approval by the Security Council. If the inter-American system were not mentioned it might be subject to disapproval by the Security Council.

MR. PASVOLSKY reiterated his statement that the burden of proof in such a case would be on others to show the existence of such inconsistency and that there would be the safeguard of the veto of the United States. SEÑOR CAMARGO again asserted that what he did not want was that some day the Security Council should have an opportunity to say that the inter-American system was inconsistent with the Charter.

MR. STETTINIUS suggested that the Ministers might like to have an opportunity to discuss among themselves the formula which had been laid before them and to meet again later. He said that we must speed along on this matter, and that rumors of the desire of the American Republics to build a fence around this Hemisphere were causing a great deal of damage. We cannot let the policy of hemispheric solidarity interfere with a world system of security. SENATOR VANDENBERG indicated his wholehearted agreement with this and said that we cannot recede now from the program of establishing a world security organization.

SEÑOR FERNANDEZ (Chile) said that the final issue was that—whether it would be possible to get agreement on mentioning the Act of Chapultepec in the Charter, or whether it would [be] more preferable not to mention it if other arrangements were also to be mentioned.

SENATOR VANDENBERG said that the Minister had put his finger right on the real issue. He said that he had discussed this general question with MR. EVATT of Australia who indicated general satis-

faction with it, but thought if such action were taken he would insist on the name of the Venezuelan-New Zealand Pact.[3]

SEÑOR PADILLA (Mexico) said that we are really concerned about the Act of Chapultepec because it represents the fruition of years of effort. Naming it here would give recognition to the Act and its importance to the American Republics. He thought, however, that inclusion of the word "support", as he had suggested, in paragraph 1 of Chapter VIII, Section C, would help the Latin American position a great deal. If this were accompanied by a guarantee from the United States of the existence and validity of the policy embodied in the Act of Chapultepec, the American Republics might be willing to refrain from insisting on the inclusion of the Act of Chapultepec.

MR. STETTINIUS referred to the assurance given by Senator Vandenberg. MR. ROCKEFELLER inquired whether this would be in writing, to which SENATOR VANDENBERG replied that definitely it would. It would be embodied in a report of the Senate Foreign Relations Committee on the Charter.

SEÑOR PADILLA (Mexico) pointed out that if the Act of Chapultepec has no support from the Senate naming it here would be of no help. He asked if they could have a guarantee of specific support by the United States of the Act of Chapultepec. SENATOR VANDENBERG said that it was his understanding that the United States Delegation would be willing to issue a statement or adopt a resolution saying that the collective action under the new paragraph 12 includes action under the Act of Chapultepec.

SEÑOR BELT (Cuba) said that this is just what was wanted. He said that the Act of Chapultepec synthesizes Pan American aspirations of half a century. He emphasized that the policy of inter-American solidarity as represented in the Act of Chapultepec has the support of the peoples of Latin America.

MR. ROCKEFELLER said that the possibility might be considered of having the Delegation prepare a resolution interpreting the new paragraph 12 of Chapter VIII, Section B, along the lines indicated by Senator Vandenberg. The Ministers expressed approval of such a procedure.

SEÑOR PADILLA (Mexico) said that it would be a poor gain for the United States if they should obtain the language of the new paragraph 12 and then find themselves standing alone in the Security Council. The continued support of the Latin American Republics was of great importance to the United States. In order to preserve the spiritual unity of the world the Charter of the new world orga-

[3] Reference is apparently to the Australian-New Zealand agreement of 1944 on World Security Organization: for documentation on U.S. concern over this agreement, see *Foreign Relations*, 1944, vol. III, pp. 168 ff.

nization must give evidence of the joint action of the American Republics.

MR. STETTINIUS indicated his agreement with the general sentiments expressed by Señor Padilla. He suggested an adjournment and that the Ministers meet again at nine o'clock.[4]

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 39

*Minutes of the Thirty-Ninth Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 15, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (31) present at meeting.]

The meeting was opened by the Secretary at 9 : 00 a. m.

PROCEDURE FOR ESTABLISHING POSITION OF DELEGATION ON MAJOR ISSUES

THE SECRETARY announced that Mr. Pasvolsky had said that we must take a position in the Delegation on about thirty open questions. . . .

. . . MR. DULLES asked whether it would not be well for the Technical Experts to make a brief report to the Delegation with their recommendations which could then be discussed. MR. PASVOLSKY favored presenting arguments orally, particularly since he wanted to give the Delegation a survey of the arguments advanced in the meeting of the five. THE SECRETARY asked that a memorandum be circulated in addition to oral comments. He hoped that it would be possible to go over all the material in the three scheduled meetings.

CONTINUATION OF DISCUSSION OF REGIONAL PROBLEM

THE SECRETARY proposed a procedure for handling the regional question under which the Latin American Republics would receive:

*a.* The text of Chapter VIII, Section B, new paragraph 12 (US Und 10, May 15, 1945 [5]);

*b.* The text of the Proposed Redraft of Chapter VIII, Section B, paragraph 3 (US Und 11, May 15, 1945 [6]);

*c.* A proposal that "encourage" in Chapter VIII, Section C,[7] be strengthened, with the technical advisers preparing an actual draft for recommendation to the Latin American governments; and

*d.* A statement by the President calling for a conference of foreign ministers of the Latin American countries, September or October next,

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[4] No record of meeting found in Department files.

[5] U.S. Und. 10, May 15, not printed; for text released to the press on May 20, see Department of State *Bulletin*, May 27, 1945, p. 950.

[6] U.S. Und. 11, May 15, not printed; reference is made to section A, paragraph 3 of chapter VIII; for text released to the press on May 20, see *ibid.*, p. 949.

[7] For text of May 15 draft of chapter VIII, section C, paragraph 1, see minutes of meeting of the United States delegation, May 20, 12 noon, p. 813.

for the negotiation of a treaty to give permanence to the undertakings of the Act of Chapultepec (Statement by President, May 15, 1945, US Und 12[8]).

MR. BLOOM questioned whether with so many other treaties coming up it was wise to make a statement at this particular moment regarding the negotiation of a treaty to implement the Act of Chapultepec. MR. DULLES indicated that the problem was that the Latin American countries were not interested in any academic statement but were concerned to know whether we were going ahead with the negotiation of a treaty on a permanent basis. MR. BLOOM indicated that he had no objection to the basic idea but that he questioned the wisdom of bringing up at this time a matter still far in the future. MR. DULLES stated that this statement by the President was relevant now. It was the price we had to pay for omitting reference to the Act of Chapultepec in the document. MR. ROCKEFELLER thought it might be possible simply to announce during the Conference that an Inter-American Conference would be held in the fall. THE SECRETARY questioned whether this was the proper time to mention such a Conference. SENATOR VANDENBERG stated that the truth of the matter was that the South Americans would not go home without mention of the Act of Chapultepec in the Charter or a statement that we would implement the Act of Chapultepec. Since we could not specifically mention the Act of Chapultepec in the Charter without becoming involved in the enumeration of other regional groups, including the Pan Arab League, and since this was impossible, the only answer was to go ahead with a promise to implement the Act of Chapultepec.

MR. BLOOM questioned why the matter had to be brought up during the Conference. SENATOR VANDENBERG replied that it was necessary in order to have the Latin Americans come along. MR. BOWMAN proposed that a statement might be made just at the close of the Conference.

SENATOR VANDENBERG said he had gotten into the state of mind when he would like to see us quit rewriting every draft as a result of every little protest, establish our point of view and announce it. THE SECRETARY commented that the position of the Delegation on the problem now before it had changed twice since he last saw the papers. SENATOR VANDENBERG expressed disapproval at having meetings of Advisers called to revise drafts agreed to by the Delegation. THE SECRETARY indicated that he was getting quite discouraged at the difficulties of reaching agreement on this question.

SENATOR CONNALLY asked whether he could raise a point concerning the amendment to Chapter VIII, Section B, new paragraph 12. He

[8] U.S. Und. 12, not printed; for statement by the Secretary of State on this subject, which was released to the press in San Francisco on May 15, see Department of State *Bulletin*, May 20, 1945, p. 930.

questioned how this amendment should be handled in Committee 4 of Commission III where the Delegates worked along without dramatics, without color, without anything but sweat!

MR. PASVOLSKY proposed that since the subject was already under discussion in Committee 4 the discussion should continue there. A decision could be reached there that the best way to handle this question would be in Committee 3. A recommendation could then be passed by Committee 4 that this paragraph be added to Section B. If Committee 3 was satisfied with the language then they could recommend it for the Charter. If not satisfied, a joint subcommittee could be set up to iron out the differences.

THE SECRETARY asked Mr. Rockefeller what had taken place in the discussion with Mr. Padilla after he had left. MR. ROCKEFELLER replied that he had not gone to the discussion, feeling that it would be more gracious for him to stay out of the way. He added, however, that the Latin American Ministers had indicated their agreement in general with the proposals made as long as something could be worked out that would preserve the best in the Inter-American System. On the other hand they did not wish to jeopardize the world organization. While not losing what is of value to us in this hemisphere they wished to act within the framework of the international organization.

THE SECRETARY asked why Mr. Padilla had urged the change of the word "encourage" to "support". THE SECRETARY added that he had said this after the Secretary had pointed out the phrase "collective" would be interpreted to include action under the Act of Chapultepec and that this would be made clear in a Senate resolution. THE SECRETARY indicated that it was most embarrassing to have the Latin Americans speak out the way they did. MR. ROCKEFELLER explained that the difficulty was that the Latin Americans felt that our promises might be carried out or they might not be carried out. They were concerned whether the Secretary was speaking for the President and whether he was voicing the foreign policy of this government. They had some doubt as to our sincerity.

THE SECRETARY protested that of course the Secretary of State and the President could only speak for a limited time . . . MR. ROCKEFELLER pointed out that the Latin Americans had faith in the last war but that we dropped them and left them out in the cold. This, he said, had created a bitter reaction which he felt had something to do with the growth in Latin America of sympathy with the German position.

THE SECRETARY indicated that his reaction to an announcement of calling a meeting of the Latin American Republics four months from the end of the Conference was not good. He was afraid that such an announcement, if the Conference was still going on, would be an un-

pleasant shock, like pouring a bottle of cold water down everybody's neck. The interpretation would be given to this announcement that we were calling a special conference for this hemisphere because we had no faith in the organization.

MR. PASVOLSKY thought that the Secretary might be going a bit far. We have always talked about integration of the Act of Chapultepec with the General Organization. We could not do this at Mexico City and we recognized there that final integration could only take place after the Conference here. He thought we could announce the conference in such a way that it would be clear that we were quite properly putting the finishing touches on the integration of the Western Hemisphere with the General Organization.

MR. ROCKEFELLER suggested that Mr. Padilla might write the Secretary a note prior to his departure from the Conference stating that the Secretary had agreed to calling such a Conference. THE SECRETARY replied that our main problem was a political one to get the Charter through the Senate. He expressed fear that all this talk about hemispheric isolationism would build up a lack of trust in the world movement. In the last week he felt that emphasis had been taken off the world movement and directed towards hemispheric isolation. Lots of people were getting worried and at his last meeting with the Consultants the Secretary stated that there had been some very pointed statements. MR. ROCKEFELLER stated that he was only interested in promoting a policy that would be to the best interest of the United States. He was acting on the assumption that unless we operated with a solid group in this hemisphere we could not do what we wanted to do on the world front. THE SECRETARY said he thought that some of us had lost our perspective and that we ought to be perfectly sure where we stood on this issue. It was significant he said to have Latin American representatives openly say that they had lost faith in the general organization, a statement made by the spokesman and backed up by at least two other speeches.

SENATOR CONNALLY asked whether the Latin Americans would be reassured if they were promised that an invitation would be issued. MR. ROCKEFELLER thought the matter could be handled so as not to jeopardize the general organization and that this was the basic approach. THE SECRETARY thought that some way should be worked out whereby invitations to the conference to implement the Act of Chapultepec could be issued after the Conference.

MR. STASSEN pointed out that we were now involved in details on the periphery of a basic problem. We want a solid hemisphere and we want an effective general organization. Our problem is to prevent the lesser from interfering with the effectiveness of the greater. He stated that the question of negotiating a permanent treaty on the basis of the Act of Chapultepec was one which President Truman

would have to decide. When that decision was made then the secondary problem of timing could be considered. The problem was to be sure of our own policy. If we had an assured policy so that it was absolutely certain that ultimately we would support the negotiation of a treaty, then the fact that some Latin American representatives would have to go home somewhat uncertain as to how their people would react, would be unimportant. He proposed that in any event we should not go further from the standpoint of the Charter than the Vandenberg-Eden draft. On this we could take our stand while leaving the other problem to the President, it being one of highest national policy.

THE SECRETARY reported that he would have to meet with the Latin American representatives at 2:30. He asked whether the Delegation was willing to adopt the suggestion in the memorandum to the President.[9] SENATOR VANDENBERG stated that he was in agreement with Mr. Stassen that the fundamental question of the future of Chapultepec was none of our business. He pointed out that the Latin Americans want to know whether we are going to keep our promise in the Act of Chapultepec. This was not a question on which the Delegation could pass. It was up to the President of the United States as the chief foreign political [*policy?*] officer to decide.

MR. ARMSTRONG indicated that one way of handling the matter would be to hold a press conference at which proper questions were planted. In answer to these questions the Secretary could go on record that nothing in the Act of Chapultepec collided with the General Organization and that the implementation of the Act of Chapultepec would take place at a Conference in the near future.

SENATOR VANDENBERG urged the Secretary personally to take charge of this whole matter as the first adviser to the President on foreign policy and to make plain our policy regarding the Act of Chapultepec. He felt it was time to stop quibbling and to make a decision. He urged that whatever we decided upon we then do without further delay.

ADMIRAL WILLSON pointed out that there will be other arrangements to be made following the negotiation of the Charter. It might be possible to mention the Act of Chapultepec in conjunction with these other arrangements. Incidental mention could be made of the implemention of the Act of Chapultepec to carry out the purposes of the Organization. In this way he felt the curse could be taken off the emphasis on regionalism. MR. ROCKEFELLER thought this was a good idea.

MR. HACKWORTH thought the curse could be taken off if it was said that the Charter contemplates regional organizations and agencies

[9] Draft memorandum for the President, May 8, not printed; for previous discussion, see minutes of meeting of United States delegation, May 8, 5 p. m., p. 641.

on the one hand and that the Act of Chapultepec on the other hand itself provides for integration with the General Organization. We could then say that a meeting would be called to bring the Act of Chapultepec into harmony with the General Organization. THE SECRETARY thought there might be some value in the suggestion and asked the advice of General Embick. GENERAL EMBICK thought there was some value in this approach believing that what the Latin Americans wanted was to have a meeting at which a treaty could be prepared.

SENATOR CONNALLY asked whether the Latin Americans would turn down our compromise altogether unless they had this assurance by the President. SENATOR VANDENBERG replied in the negative indicating that they had not asked for this proposal. THE SECRETARY indicated that he was not in favor of the draft memorandum as it stood. MR. ROCKEFELLER explained that when he had proposed the omission of reference to the Act of Chapultepec the necessity had been created of searching for an alternative to satisfy the Latin Americans. In looking for this alternative this memorandum had been worked out.

SENATOR CONNALLY pointed out that the Charter envisages regional organizations that could have plenty of authority. The only thing is that enforcement action would have to be approved by the Security Council. SENATOR VANDENBERG noted that the Latin Americans wanted to have a regional organization that could take enforcement action without approval. THE SECRETARY stated that this was impossible.

MR. STASSEN moved the first three items of the Secretary's recommendation, *a*, *b*, and *c* and urged that a vote be taken. THE SECRETARY polled the Delegation and all agreed to the motion. SENATOR VANDENBERG pointed out that these items alone would not work as we would have to provide the Latin Americans with something to go home with in the way of a word of assurance to their peoples.

MR. ROCKEFELLER stated that, once the policy was settled, he and Mr. Dunn would prepare and bring back to the Delegation a proposal to implement that policy.

THE SECRETARY said he was opposed to the President proclaiming during the San Francisco Conference that a meeting of the hemisphere would be called. SENATOR VANDENBERG and SENATOR CONNALLY agreed that this would overdo the matter and THE SECRETARY pointed out that there was already a lot of damage to repair.

SENATOR CONNALLY asked whether the Latin Americans really trusted us. MR. DULLES pointed out that the language of the Act of Chapultepec to the effect that the governments of the American Republics should consider the conclusion of a treaty raised the question whether this Government was now favorable to or looked with disfavor on such a treaty. MR. ROCKEFELLER explained that the

question was in the minds of the Latin Americans whether the changed circumstances since Mexico City have affected our decision. Doubt was raised in their mind by our position to exempt the European treaties directed against enemy states. SENATOR CONNALLY advocated that we hold to our position.

THE SECRETARY asked what had happened to account for the lack of faith of our Latin American friends in the General Organization. MR. ROCKEFELLER replied that he personally had stood for nothing but what was in the interest of the United States. He favored only what was to our interests. THE SECRETARY asked whether he would also be willing to say that the world organization was a matter of primary interest to us. MR. ROCKEFELLER said he did believe that a world organization was essential for our interests. THE SECRETARY asked whether Mr. Rockefeller could get our Southern friends to say this. MR. ROCKEFELLER replied in the affirmative noting that recently seven of those countries had voted against their own instructions.

MR. DUNN explained that three events had affected the attitude of the Latin Americans; one, the decisions taken at Yalta, two, hard sledding with the Soviet Union after they got to the Conference and three, the special exemptions for European treaties. These events disturbed them and raised the question of our own confidence in the Inter-American System. MR. DUNN felt that there was no question but what the Latin American representatives would prefer to have full faith in the General Organization.

THE SECRETARY reported that Mr. Savage had just talked to Mr. Hull. Mr. Hull had expressed the opinion that if we cannot check the tendency towards regional and national self protection the international organization will gradually fade away. SENATOR VANDENBERG pointed out that he had consistently stressed global unity. THE SECRETARY added that he had done this also. SENATOR VANDENBERG replied that it was more significant that he had done it since he was the "old isolationist"!

MR. HACKWORTH asked for one moment to present his opinion. He suggested the possibility of having Mr. Padilla as President of the Mexican Conference [10] write to the Secretary asking him how it was now intended to implement the provision in the Act of Chapultepec, that it should be integrated with the General Organization. He suggested that the Secretary could then reply to Mr. Padilla that we intend to carry out the policy agreed to, and accordingly, a conference would be called in the near future. MR. ROCKEFELLER thought this was not a bad idea and SENATOR VANDENBERG and THE SECRETARY indicated a favorable reaction.

[10] Ezequiel Padilla, Minister for Foreign Affairs of Mexico, served as permanent President of the Inter-American Conference on Problems of War and Peace, Mexico City, February 21–March 8, 1945.

PROVISION FOR THE GUARANTEE OF TERRITORIAL INTEGRITY

MISS GILDERSLEEVE introduced the question whether the Delegation would agree to the inclusion in the Chapter on Principles of a statement regarding the preservation against external aggression of the territorial integrity and political independence of members. She pointed out that some such provision would mean an enormous amount to the small nations who want specific mention of this principle in order to feel more secure. She asked for instructions on our position, in view of the New Zealand amendment [11] which was being heavily pushed. MR. NOTTER pointed out that we were in a difficult spot. We interpret sovereign equality as embodying the principle of respect for territorial integrity. We consider the principle implicit so that it is difficult to answer the question why we object to spelling it out.

MR. PASVOLSKY pointed out that the Australian amendment [12] to Paragraph 4 was not too bad on this point in as much as it did not involve a guarantee of territorial integrity. This amendment read: "All members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any member or state, or in any other manner inconsistent with the purposes of the United Nations."

SENATOR VANDENBERG was afraid that this principle in any form would result in the freezing of Russian boundaries achieved by conquest. MR. PASVOLSKY pointed out that the Soviet Union was actually opposed to the inclusion of this principle. MR. DULLES noted that the Soviet Union had not yet completed its conquests.

DEAN GILDERSLEEVE indicated that it was extremely difficult in the committee to take a firm stand against the demands of the smaller states in this matter. MR. NOTTER pointed out that it might be well to develop a formula under which respect for external aggression against territorial integrity [would be safeguarded rather than territorial integrity] [13] in general.

DEAN GILDERSLEEVE said she had a number of other items to raise including the question whether any reference should be made to respect for treaties or to an obligation on members to refrain from intervention, and the problem of enumerating human rights in the Charter. THE SECRETARY asked whether decisions on the first question raised by Dean Gildersleeve could be held off. MR. NOTTER suggested that it could be held off a day or two. MR. SANDIFER pointed out that at the meeting at four o'clock with the principal

[11] Doc. 2, G/14(*f*), May 2, UNCIO Documents, vol. 3, p. 486.
[12] Doc. 2, G/14(1), May 5, *ibid.*, p. 543.
[13] Bracketed insertion on basis of draft report.

advisers and technical experts in Room 462,[14] the questions raised by Miss Gildersleeve would be considered in order to bring recommendations on them to the Delegation.

### Membership in the Organization

Mr. Eaton noted that Committee 1, Commission II [15] had adopted the following draft texts on membership:

"Members of the Organization are the signatories of the Charter whose ratification has become effective in accordance with Chapter XI."

"Membership of the Organization is open to all peace-loving states which in the judgment of the Organization are able and ready to accept and carry out the obligations contained in the Charter."

Mr. Eaton pointed out that the problem was now up in the Subcommittee of II/1 whether there should be a withdrawal provision. He noted that it was the unanimous opinion of the members of the Subcommittee that members of the Organization should not have the right to withdraw. Mr. Sandifer noted that the United States was not represented on this Subcommittee. Mr. Eaton replied that our position was still reserved on this question.

The Secretary asked Mr. Sandifer whether we had not already made a decision in the Delegation on this question. Mr. Sandifer replied that we had not reached a final decision but had agreed that we would consider our position on the matter of withdrawal in connection with any proposal for withdrawal made at the Conference. He added that while no proposal for withdrawal had been made Uruguay had proposed an amendment under which no members of the Organization would be permitted to withdraw.[16] Mr. Bloom pointed out that in fact a state withdrew if it defaulted on its contributions for two years and he thought this could be used as an argument against claims for a provision on withdrawal. Senator Vandenberg thought this was a poor substitute for withdrawal. Mr. Bloom said he was not proposing a substitute and that he did not favor withdrawal. Senator Vandenberg said he wanted a provision for withdrawal. It was agreed that further discussion of this matter would take place at the evening meeting.

### New Zealand and Canadian Amendments of Enforcement Procedures

Mr. Hickerson pointed out that Mackenzie King had expressed the view that he could not return to Canada and secure the ratification of the Charter unless some sort of language was inserted by which

[14] No record of this meeting found in Department files.
[15] See summary report of sixth meeting of Committee I/2, May 14, 5:20 p. m., Doc. 314, I/2/17, May 15, UNCIO Documents, vol. 7, p. 36.
[16] Doc. 2, G/7(*a*)(1), May 5, *ibid.*, vol. 3, p. 36.

states contributing forces to the Organization would be consulted when they were used. He noted that the British were sympathetic to this proposal and that Mr. Jebb had made a modified Canadian proposal [17] which was before the Committee as Chapter VIII, Section B (US Gen 103). SENATOR CONNALLY noted that the New Zealand amendment [18] was now up, calling for Assembly approval by a majority vote of all Council decisions for enforcement except where urgency is indicated. SENATOR VANDENBERG, THE SECRETARY and MR. DUNN suggested that this proposal should be voted down. SENATOR CONNALLY thought it would be a bad thing to accept the Canadian proposal to invite states in as voting members of the Council. He was afraid this would disturb the balance of a Security Council of eleven members. MR. EATON pointed that the Canadian problem was a political one at home.

SENATOR VANDENBERG suggested that each member state had control over the conditions under which it would supply forces by means of the agreement under which forces would be supplied. MR. HICKERSON thought it would be unsatisfactory to place a mandatory obligation upon the Security Council to invite in other states since this would greatly slow up the procedure. THE SECRETARY suggested that if anyone providing facilities for enforcement action could also come in and ask for a vote the situation would shortly get out of hand. SENATOR CONNALLY pointed out that this matter would be pressed by the Canadians. MR. HICKERSON noted that the only small country speaking on our side was Norway.[19] He added that the vote would be taken today [20] on the New Zealand amendment. THE SECRETARY asked for the views of the Military Advisers. MR. GATES indicated his opposition to the Canadian proposal as well as to the New Zealand proposal, as did GENERAL EMBICK.

MR. DULLES said we should not altogether ignore Canada's political problem and that we should not be too arbitrary in this matter. SENATOR CONNALLY indicated that he had no objection to states that were contributing forces being called in for consultation but that he did oppose their being called in as members of the Council.

ADMIRAL WILLSON commented that he had talked recently with a member of the Soviet Delegation who had reminded him that we had opposed the international police force on the grounds that our system would actually be more effective. Now the Soviet Delegate found, what he had suspected earlier, that our system was not going to be very effective and wondered whether we should not give power to an international police force. MR. DULLES pointed out that in any

[17] Doc. 2, G/14(*t*), May 6, UNCIO Documents, vol. 3, pp. 590–591; also Doc. 231, III/3/9, May 11, *ibid.*, vol. 12, p. 297.
[18] Doc. 2, G/14(*f*), May 2, *ibid.*, p. 488.
[19] Doc. 2, G/7(*n*), (May 4, 1945), *ibid.*, vol. 3, pp. 358 and 361.
[20] Doc. 355, III/3/17, May 16, *ibid.*, vol. 12, p. 326.

event the main burden of enforcement action would presumably rest on the major powers. MR. ARMSTRONG noted, however, that we have emphasized the necessity of provision of forces and facilities by the smaller states.

THE SECRETARY asked if any other Adviser wished to speak on this question. MR. PASVOLSKY suggested that Canada had a good point in stressing that consultation was necessary in order to assure effective operations by the Military Staff Committee. He would suggest that we oppose the particular method brought forward by the Canadians for handling this problem, but that we search for some formula to help Mackenzie King in facing the Canadian people.

SENATOR CONNALLY proposed that we vote against the Canadian proposal and consult further on a possible modification of it. MR. HICKERSON suggested that the question might well be referred to a subcommittee. MR. PASVOLSKY thought we should express sympathy for the idea of finding a formula that would satisfy the Canadians. MR. HICKERSON said he had already expressed this attitude to the Canadians. MR. PASVOLSKY thought it should be stated on the record in the Committee. THE SECRETARY indicated that Mr. Hiss had assured him that no voting would take place in the committees that day on substantive subjects and that he did not think this matter would come up for a vote. MR. STASSEN and SENATOR VANDENBERG indicated that as far as they knew certain important matters were going to come up for a vote that day, after all.

### SECURITY POWERS OF THE GENERAL ASSEMBLY

SENATOR VANDENBERG indicated that a decision was imminent on the power of the General Assembly relating to the maintenance of international peace and security. MR. PASVOLSKY offered a proposed Redraft of Chapter V, Section B, paragraph 1, US Gen 104, May 15, 1945,[21] worked out in the Subcommittee of Five. MR. PASVOLSKY pointed out that this draft was generally satisfactory to the British, the Chinese, the Russians and the French. MR. PASVOLSKY pointed out that the first paragraph was divided into two and that words proposed by one of the Latin countries had been adopted in the first paragraph. He thought on the whole, with the added last sentence, the draft was clearly improved. He thought the last sentence spelled out in clear language the right of the General Assembly to be informed on all matters before the Security Council. This sentence, he said, was proposed by the British. SENATOR VANDENBERG thought the draft was splendid and suggested that he be allowed to introduce it in his Committee. MR. PASVOLSKY said it was important to assure endorsement of our position by the other powers when this draft was introduced. He said he would raise the question of final approval

[21] Not printed.

of the draft in the Committee of Five immediately after this meeting and let Senator Vandenberg know whether he could go ahead with the assurance of the endorsement of the other four powers. He assured Senator Vandenberg that he would inform him by one o'clock. General approval was given to the draft as proposed by Mr. Pasvolsky.

VOTING PROCEDURE IN THE CONFERENCE [22]

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DRAFT REPLY CONCERNING FREEDOM OF COMMUNICATION

Brief consideration was given to the adequacy of a Draft Reply to Letter of May 1 from Certain Publishers, Educators, Writers, and Churchmen Concerning Freedom of Communication, United States Gen 102.[23]. . .

PICTURES OF THE DELEGATION

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The meeting was adjourned by the Secretary at 10:35 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Amer Rep Min 2

*Notes on Second Informal Consultative Meeting With Chairmen of Delegations of Certain American Republics, Held at San Francisco, May 15, 1945, 2:45 p. m.*

[Informal Notes]

[Here follows list of names of participants, including chairmen of delegations of the United States (15 additional members of delegation), Brazil, Chile (one additional delegate), Colombia, Cuba, Mexico, Peru, Uruguay, and Venezuela.]

THE SECRETARY OF STATE opened the session with the remark that he wanted to reaffirm the statement made at the previous meeting that the United States desired to strengthen the inter-American system and to do nothing which might weaken it. Since the last meeting he had discussed the regional problem with other members of the United States Delegation and two drafts had been prepared which he wished to submit for their consideration.

The draft revision of May 15 of paragraph 3 of Chapter VIII, Section A, and the new paragraph 12 for Section B of the same Chapter [24] were distributed and were then read by the Secretary.

THE SECRETARY stated that after thorough consideration of all aspects of the problem the delegation had come to the conclusion that it was not desirable to insist that the Act of Chapultepec be mentioned

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[22] With reference to memorandum on voting procedure, see Doc. 147, EX/8, May 8, UNCIO Documents, vol. 5, p. 430.

[23] U.S. Gen. 102, not printed.

[24] Drafts not printed.

in Chapter VIII, Section C, but were in accord with Dr. Padilla that the word "encourage" was not adequate in the first paragraph of Section C.

THE SECRETARY prefaced his next remark with the statement that this was a private meeting and nothing of what was said in it should be made public. He then said that he wished to make a statement as Secretary of State of the United States and not as Chairman of the American Delegation. He informed the meeting that he had been in communication with President Truman and as a result of that conversation was authorized to say to his colleagues that there would be no change in the Good Neighbor policy and that the Government of the United States looked to the strengthening of the inter-American system and would do nothing which might weaken it. It was the desire of the Government that the regional system should be integrated with the general organization and part of this process involved the implementation of the Act of Chapultepec in the form of a treaty. The United States is prepared to take the initiative to this end not later than autumn of this year. He believed that this step would fully meet the problem troubling the Latin American delegations as well as the problem confronting the United States, which was to strengthen the inter-American system without weakening the general organization. He expressed the hope that this statement of the position of the United States would meet with the approval of his Latin American colleagues.

THE COLOMBIAN FOREIGN MINISTER inquired as to the meaning of the phrase "resort to regional agencies or arrangements". THE CHAIRMAN of the Cuban Delegation explained the significance of the phrase in Spanish.

THE PERUVIAN FOREIGN MINISTER inquired if they could communicate to their governments in confidence the statement made by the Secretary. THE SECRETARY replied in the affirmative but cautioned that complete secrecy was imperative since public knowledge of the statement at this stage of the proceedings might have undesirable repercussions.

THE CUBAN DELEGATE inquired when they could release the Secretary's statement. MR. STETTINIUS again made it clear that he had made the statement as Secretary of State and not as Chairman of the United States Delegation, but thought perhaps the statement could be released after the Conference. He reminded his colleagues that there were many matters to be implemented after San Francisco and mentioned specifically the question of contingents, bases, facilities, interim commission, location of organization, and relations with specialized agencies. The problem referred to in his statement was only one of many to be implemented, just as at Mexico many things were agreed upon which required further action, including the Act of

Chapultepec. He assured his colleagues that a statement would be made at the proper time and hoped that there would be no pressure for a premature release during the San Francisco Conference.

THE CUBAN DELEGATE said that he and his colleagues would be placed in an awkward situation in the discussions relative to Chapter VIII, Section C. They had taken a decided position on the changes they considered necessary in this section, and approval of the present text without modification would be misunderstood. He felt that it was necessary for them to explain to their peoples just what was being done so as to avoid creating the impression that they had abandoned their position that nothing should be done to jeopardize the inter-American system.

THE MEXICAN FOREIGN MINISTER expressed general approval of the Secretary's statement but considered consultations with their governments necessary. He added that the efforts of the Latin American group on the problem before the meeting had not been dictated by selfish aims but rather by a desire to improve and strengthen the system in a manner which would benefit not only the Latin American republics but the United States as well. The inter-American system had been built up over a great number of years and a peculiar kind of confidence had been created which would be necessary to the security and prosperity of the Western Hemisphere, even after the general organization was created. Moreover, he agreed with the Cuban delegate that they had to face public opinion in their own countries. He did not see any incompatibility between the inter-American system and the general organization. They were moved by the desire to use the former for cooperative purposes to the maximum extent possible. There was a need to explain to all the peoples of America just what was being done to safeguard the system. It was of the utmost importance that the United States have the confidence of the other American republics, because he foresaw that the world might be divided into regions in which the American continent must be strong and united in all fields. It was not possible at this moment to have a full vision of future developments and he considered it necessary to have a stable hemispheric system based upon full mutual confidence. This was an element that could not and should not be ignored in the building of a new organization, particularly since this was a psychological moment, in which the eyes of all the world were turned upon San Francisco. Consequently, the approval of Chapter VIII, Section C, without a full explanation would not be understood and might give rise to undesirable consequences. DR. PADILLA expressed himself as being very happy with the statement made by the Secretary and considered it a sound decision and that it would lead to much satisfaction and increased confidence once it was known publicly. This was definite assurance that there was every intention that the

inter-American system would be kept and would not be sacrificed. We cannot destroy without adverse and even dangerous consequences what has been built up over the years. He expressed the opinion that in addition to the drafts proposed and the statement made by the Secretary it would be helpful to have an additional statement regarding the value of the inter-American system for the future of America.

SENATOR VANDENBERG stated that unfortunately he must leave the meeting but before doing so he wanted to say on behalf of the United States that he warmly welcomed the sentiments expressed by Dr. Padilla and that in some future press conference it might be possible to say something along the line of what he had said.

(At this point Senator Vandenberg left the meeting.)

AMBASSADOR BELT again returned to the question of what the Latin American delegates should say when voting on Chapter VIII, Section C, indicating that he felt that he could not give the appearance of voting to destroy the inter-American system. THE SECRETARY inquired how his vote would destroy the inter-American system. THE AMBASSADOR replied that the two drafts gave no recognition to the inter-American system and the statement by the Secretary would not be known when the vote was taken.

COMMANDER STASSEN held that the new paragraph clearly gave us the right to negotiate a treaty implementing the Act of Chapultepec and that was all that was necessary at this point. Moreover, voting on Section C of Chapter VIII was an individual matter and if any delegate had made public commitments which would prevent his voting in its favor that was his concern. AMBASSADOR BELT replied that it was not an individual matter since the Latin American group had taken a definite position and must justify an apparent retreat from it. COMMANDER STASSEN reaffirmed his opinion that the new paragraph offered the basis upon which the necessary action to implement the Act of Chapultepec could be taken and that perhaps something along that line could be said by the Secretary at some future press conference.

THE FOREIGN MINISTER OF VENEZUELA remarked that the new paragraph was included in Sections A and B of Chapter VIII and not in Section C and that consequently the latter Section read by itself might convey the wrong impression.

SENATOR CONNALLY gave assurances that the United States Delegation fully recognized the difficulties confronting their Latin American colleagues and that if the Delegation had the power to do so it would remove those difficulties. However, they should bear in mind that a great number of other nations were involved and that no one of them could get everything it desired. It was now clear, for one

thing, that it was impossible to secure a specific mention of the Act of Chapultepec in the Charter. The new paragraph was based on an express recognition of the inherent right of self-defense. If the Security Council fails to stop aggression and there is an attack on any American republic or on the United States, adequate countermeasures can be taken. We have the right to say that the word "collective" in the new paragraph means the Western Hemisphere. SENATOR CONNALLY stated that the United States must depend on the confidence of its Latin American neighbors—on their confidence that the United States was not going to allow interference by any outside power in the hemisphere. President Truman has told the Secretary of State that this Government will negotiate a treaty implementing the Act of Chapultepec in the near future and it was a question of their confidence and trust in the intention of the Government to give complete fulfillment to its word. He stressed that the United States is as much a part of the Western Hemisphere as its Latin American neighbors and reminded his colleagues that he had been at the Mexico City Conference and had there indicated his complete sympathy with all that was done to strengthen the inter-American system. He recalled that the Act of Chapultepec is a mere resolution or recommendation and requires implementation in the form of a treaty ratified by the individual nations. He gave assurances that a treaty would be negotiated which would convert the generalities of the Act into the realities of legal obligations. The United States wanted an over-all organization for peace and security but its creation required compromise with other nations. This, however, did not preclude a clear indication of the intention of the United States to implement the Act. He reminded them that the United States had not failed them before. SENATOR CONNALLY concluded with an appeal to them to be sympathetic to the effort of the United States to harmonize the two great objectives of maintaining the inter-American system while doing nothing to jeopardize the general organization. This was but the beginning of world security which would take a more perfect form in the future and this could be brought about only through the assistance of the Latin American republics.

THE FOREIGN MINISTER OF MEXICO expressed his keen disappointment that the splendid statement made by Senator Connally could not be made public. AMBASSADOR BELT stated that he had full faith and confidence in the United States and moreover that he considered that the Good Neighbor policy could not be overthrown because it was a policy of the American people. He reverted, however, to his previous statement that he would find it very difficult to vote on Chapter VIII, Section C, without a public explanation. DR. PADILLA indicated that the Latin American group would meet this afternoon

where the problem would be discussed.[25] SENATOR CONNALLY asked Dr. Padilla to explain to the group that there are a lot of things that we all wish to see in the Charter which we cannot put there because of other points of view.

THE FOREIGN MINISTER OF COLOMBIA suggested that since there is now an exception to the principle set forth in paragraph 2 of Chapter VIII, Section C, covering mutual assistance pacts he saw no reason why a reference could not be made in the same place to the provisions of new paragraph 12 in Section B. He stated that without some such reference, paragraph 2 of Section C might be misconstrued as not encompassing paragraph 12. He suggested that perhaps rather than a mention by way of exception the phrase "and without prejudice to the provisions of Chapter VIII, Section B, paragraph 12" might solve the difficulty. COMMANDER STASSEN agreed with this suggestion but MR. DULLES pointed out that the collective defense concept in the new paragraph 12 is different from the regional idea.

THE COLOMBIAN FOREIGN MINISTER stated that he could say for himself and he hoped for the other Latin American delegates represented at the meeting that he had full confidence and trust in the United States and considered the statement made by the Secretary of State as completely satisfactory. He explained that all the efforts of the Latin American group at the Conference had not been merely for their own benefit but, as had been stated by Dr. Padilla, for the benefit of the entire continent. Latin America would always desire the fullest possible kind of cooperation with the United States in order that the United States might bring the full force of its power and influence to bear on the solution of world problems. So far as he was concerned, personally, there was no need of any additional assurances or documents. The word of the Secretary, Senator Connally, and the other members of the American Delegation was enough. However, he thought it was desirable to do whatever might be possible to dispel any suspicion among the peoples of the continent that the inter-American system was not being adequately safeguarded. He thought that they could safely leave this problem to the judgment of the Secretary, both as to the content of the explanation and the time of its release. THE SECRETARY expressed his gratification over the statement made by Señor Lleras Camargo. THE FOREIGN MINISTER OF PERU explained that he had wanted to send the statement to his

[25] With regard to regional arrangements, Mr. Stettinius, in his daily message to the President, Mr. Hull, and Mr. Grew, on developments at the Conference (telegram 12, May 16), stated as follows: "The Chief Delegates from the other American Republics met in the apartment of the Mexican Foreign Minister last evening and discussed the regional arrangements compromise. The Uruguayan representative strongly supported the compromise and the others accepted it. Informal discussions with a large number of delegates from the other American Republics indicate that they accept the compromise proposal realistically." (500.CC/5–1645)

government to secure its full backing and support. He was confident that he would receive its full approval. He also expressed his gratification over the statement made by Senator Connally who had once more, as he had at Mexico City, convinced them of his Pan American sentiments. This was all he wanted to say pending the final word on the drafts after consultation with their governments. THE SECRETARY inquired how much time this would involve and stressed the need for prompt action.

THE FOREIGN MINISTER OF VENEZUELA expressed in the name of his country his absolute faith and confidence in the United States. He had experienced the most profound satisfaction and gratification over the remarks made by the Secretary and Senator Connally regarding the Good Neighbor policy and the friendship of the United States for Latin America. He stated that he was in a somewhat different position from his colleague from Colombia since he felt that he could give, in the name of his Government, complete approval of the two documents involved (new paragraph 12, Chapter VIII, Section B, and the additional clause in Section A, paragraph 3) and of the statement made by the Secretary. THE SECRETARY explained that with respect to the change in Section C, paragraph 1, designed to strengthen the word "encourage" in accordance with Dr. Padilla's ideas, the precise language would require further consultations.

THE FOREIGN MINISTER OF VENEZUELA inquired as to the procedure by which the proposed drafts and the statement made by the Secretary might be communicated to the other Latin American delegations. He did not feel that the group at this meeting had a mandate to act as a unit in proposing these drafts. He thought perhaps an informal conversation would be the best procedure.

THE SECRETARY said that Mr. Rockefeller would be glad to join in a private meeting with the chairmen of all the Latin American delegations for a discussion of the proposals.

THE MINISTER OF FOREIGN AFFAIRS OF CHILE expressed his thanks for the statement authorized by President Truman on behalf of the United States Government. This demonstrated that the Good Neighbor policy was a reality not only in the minds but also in the hearts of American statesmen. He felt sure that he expressed the sentiments of the entire Latin American group in requesting the Secretary to convey to the President their appreciation of the statement and their confidence that a formula satisfactory to all would be found.

COMMANDER STASSEN stated that he wished his Latin American colleagues to know that he was in complete accord with the Secretary's statement.

The meeting adjourned at 3:45 p. m.

RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 4

*Minutes of the Fourth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 15, 1945, 5 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of the delegations of the United States (11); United Kingdom (4); Soviet Union (3); China (2); and France (5).]

MR. STETTINIUS opened the meeting by referring to drafts of three amended paragraphs on the regional question which the group had had under discussion previously. He first read the text of the new proposed paragraph 12 of Chapter VIII, Section B (copy attached [26]). MR. DUNN pointed out that the only change in this draft as compared with the one considered at the last meeting was the change to omit the use of the word "fail" with respect to the action in the Security Council. It was thought desirable not to use the term "fail" in this connection. The other difference was the change of the words "shall not" to "does not".

MR. STETTINIUS then read a proposed redraft of Chapter VIII, Section A, paragraph 3 (copy attached [26]). The change in this paragraph was the insertion of the phrase "resort to regional agencies or arrangements". This change was merely intended to bring this provision into line with the provision in Chapter VIII, Section C, paragraph 1, that the Security Council should encourage settlement of local disputes through regional arrangements or agencies.

MR. STETTINIUS read finally the proposed text of the first paragraph of Chapter VIII, Section C (copy attached [26]). He emphasized the proposed addition of a second sentence as follows: "The member states comprising such agencies or entering into such arrangements should make every effort to achieve peaceful settlement of local disputes through such agencies or arrangements before referring them to the Security Council." In the last sentence he called attention to the insertion of the words "the development of peaceful" which would make the sentence read "The Security Council should encourage the development of peaceful settlement of local disputes", etc.

MR. STETTINIUS said that the United States Delegation felt that these proposals taken as a whole would clarify and strengthen the role of regional agencies and arrangements in the peaceful settlement of disputes. At the same time the authority of the world organization with respect to enforcement action would be fully maintained. This the United States Delegation considered to be absolutely essential. Under these proposals if the international organization does not maintain peace and security and an armed attack occurs the right of self-

[26] Not printed.

defense would remain unimpaired. However, in case of any action taken in self-defense there would be an obligation to report such action immediately to the Security Council and this would not in any way affect the authority and responsibility of the Council to take at any time such action as it deemed necessary in order to maintain and restore peace and security.

The United States Delegation believed that these provisions would furnish a sound and adequate basis for the integration of the world organization with regional agencies and arrangements. The American Republics would be confronted at the San Francisco Conference with the problem of integrating the inter-American system with the new world organization. There remained the question for the United States and the other American Republics of the manner in which this should be done. This involved the question of implementation of the Act of Chapultepec. MR. STETTINIUS called attention to the fact that specific reference to the Act of Chapultepec had been dropped in the present drafts. He wished to make it clear that one of the steps envisaged in the conference held at Mexico City in March was the setting up at a later time the machinery to implement the Act of Chapultepec. It is the intention of the United States some time after the close of the San Francisco Conference to negotiate a permanent treaty pursuant to the Act of Chapultepec providing that an act of aggression against one American Republic would be treated as an act of aggression against all.

THE SECRETARY said that this was the end of his story. He hoped that we had found an acceptable solution.

AMBASSADOR KOO said that in the light of previous discussion his first impression was that this afforded a very happy arrangement. It seemed designed to meet the divergent views which have been expressed and he thought that it worked out into a fair arrangement.

MR. STETTINIUS, with the arrival of Sir Alexander Cadogan, emphasized that the Act of Chapultepec was not mentioned in the proposed formula. He said that the Act would be implemented later as a means of giving effect to the historic policy of the United States in the Western Hemisphere.

MR. BIDAULT said that he recognized that a great effort had been made to find an acceptable solution. He would be happy to study the drafts presented by Mr. Stettinius and thought that he might be in a position to give an answer tomorrow or the day after.

LORD HALIFAX said that he had not been present during the earlier discussions of this problem. He could say without hesitation, however, that so far as the British Delegation was concerned the suggested solution seemed to offer a fair and reasonable adjustment of the twin claims of regional and global security. He said that thanks were due to the ingenuity and industry of the United States Delega-

tion in working out the proposed solution. Many would be gratified to see the absence of the Act of Chapultepec in the draft. He would say that the British would associate themselves with the proposal when it was brought forward.

MR. STETTINIUS inquired whether the proposed implementation of the Act of Chapultepec would affect this view. LORD HALIFAX replied that it would not in any way affect the position he had stated.

MR. STETTINIUS expressed gratification at the favorable reception of the proposal. He thought that it would be acceptable to most of the American Republics. He said that there had been so much news speculation and so much misinformation in the press that he would like to feel free to make the United States position known promptly. SIR ALEXANDER CADOGAN said that he thought there would be no objection to this. He said that a solution was very much wanted and that Committee 4 of Commission III was waiting anxiously for the proposal.

MR. STETTINIUS said that he thought it would help a great deal if the proposal could be put forward soon. SIR ALEXANDER CADOGAN hoped that this meant perhaps by tomorrow.

MR. STETTINIUS referred to the rules concerning the presentation of new proposals and raised the question as to the form in which these drafts should be brought forward. MR. PASVOLSKY thought that they should be brought forward as amendments to existing provisions or as amendments to other amendments which had been proposed to the section on regional procedures. He pointed out that the new paragraph 12 of Chapter VIII, Section B, was in fact an amendment to the French amendment [27] on the same subject. The question was raised whether the matter could be brought up in the meeting of Committee 4 scheduled for tonight at 8:30 p. m.[28] AMBASSADOR KOO said that he could propose a postponement to the meeting until tomorrow.

MR. STETTINIUS remarked that Mr. Bidault and Ambassador Bonnet had a great deal to do in the next few hours in view of their prospective departure, and said that he would not keep the group longer. He regretted that Ambassador Gromyko had not been able to reach the meeting as it had necessarily been called on short notice. He said that he would explain the proposed drafts to Ambassador Gromyko and tell him about the discussion in the meeting.

NOTE: Mr. Stettinius presented the drafts to Ambassador Gromyko after the meeting. THE AMBASSADOR said that he could not express his reaction to the drafts and that he would be glad to refer them to his Government for consideration.

[27] Doc. 2, G/7(o), March 21, UNCIO Documents, vol. 3, p. 385.
[28] Doc. 363, III/4/7, May 17, *ibid.*, vol. 12, p. 674.

RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 40

*Minutes of the Fortieth Meeting of the United States Delegation, Held at San Francisco, May 15, 1945, 6 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (28) present at meeting.] Senator Connally presided during the absence of the Secretary.

PROCEDURE FOR COMMITTEE MEETINGS

SENATOR CONNALLY noted that the first item on the agenda for this meeting was a report on the voting procedure for Conference committees. MR. SANDIFER called attention to the Memorandum of the Conference Secretariat [Ex-Sec/8 [29]] with regard to procedure for conducting committee meetings. . . .

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DEPUTY SECRETARIES GENERAL

SENATOR CONNALLY called upon Representative Bloom for a report on the urgent business of Committee II/1 [Structure and Procedures of the General Assembly]. REPRESENTATIVE BLOOM reported that this Committee was now considering selection of the Deputy Secretaries General.[30] Many Delegations did not want the number four specified in the Charter; also they wanted the Secretary General to appoint the Deputies rather than having them elected by the same procedure as the Secretary General himself. Moreover, they objected to the three year term without the possibility of re-election. He wanted to get the advice of the Delegation on the position we should take in the Committee, and asked for guidance.

SENATOR CONNALLY commented that the Secretary General was eligible for re-election and asked if what was wanted was a longer term. REPRESENTATIVE BLOOM said there had been agreement on the three year term. MR. NOTTER said the term represented a compromise. Originally Russia had wanted two years and the United States five. SENATOR CONNALLY observed that five would really be better. REPRESENTATIVE BLOOM said that as far as his committee was concerned the main issue was whether or not the Deputies should be elected by the same procedure as the Secretary General himself. He called upon Mrs. Brunauer as the technical expert assigned to this Committee, to elaborate on the report.

MRS. BRUNAUER stated that there had been very strong opposition expressed, especially by Canada and New Zealand, to the proposals of the Sponsoring Governments with respect to the Deputy Secretaries General. They had contended that the development of a strong

[29] Doc. 332, EX–SEC/8, May 13, UNCIO Documents, vol. 2, p. 559. Brackets throughout this document appear in the original except for one bracketed paragraph on p. 748.

[30] Doc. 328 II/1/13, May 16, *ibid.*, vol. 8, p. 331.

and effective international civil service required that the Secretary General should have authority to appoint his own Deputies. They were also apprehensive lest the number four indicated an intention on the part of the great powers to dominate the Secretariat by assigning the top positions to nationals of the permanent members of the Security Council. The Canadian and New Zealand Delegates had also objected to terms of three years as being too short to permit the Deputies to function effectively especially since they were not to be eligible for re-election.

MR. SANDIFER said he wished to call the attention of the Delegation to another problem, relating to the election of the Secretary General himself. The amendment proposed by the Sponsoring Governments to Chapter X, paragraph 1 stated "the Secretary General should be elected by the General Assembly on recommendation of the Security Council for a period of three years and should be eligible for re-election".[31] In Committee II/1 there had been considerable discussion as to what vote would be required in the Security Council to recommend election of the Secretary General, and this Committee had decided that the recommendation should be made by any seven members of the Security Council.[32]

REPRESENTATIVE BLOOM stated that Mexico had proposed that the recommendation of the Security Council be made by a simple majority,—six members. He thought that there was a very good chance that the Committee would have voted for the Mexican proposal. He did not want to see the United States defeated on this issue, and so he had suggested that the Mexican proposal be amended to read "a majority of seven members" rather than "a simple majority." MR. SANDIFER said that this question had come up in the group of advisors and experts which met that afternoon and he asked Mr. Hartley to explain the problem.

MR. HARTLEY said that in the Committee of Five the British and Russian representatives had contended that the four Governments should stand by any proposals they had made jointly, unless they regained freedom of action as a result of consultation. They had been very much disturbed over the fact that Great Britain and the U.S.S.R. were on one side and the United States and China on the other on this issue. MR. SANDIFER added that the Committee of Five had insisted that the vote in the Security Council for recommendation of the Secretary General should be the regular Security Council vote, including all the permanent members. He said that Representative

[31] For the joint Four-Power proposed amendment to chapter X, section 1, as well as the four proposals by Australia, Honduras, Mexico, and Uruguay for amendment of the second sentence in chapter V, section B, paragraph 4 concerning election of the Secretary General, see Doc. 238, II/1/8, May 11, UNCIO Documents, vol. 8, pp. 502–503.

[32] Doc. 328, II/1/13, May 16, *ibid.*, pp. 331–332.

Bloom had brought this problem before the Delegation in the morning meeting [33] preceding the session of the Committee where it was to be taken up, but that the Delegates had not realized its importance.

REPRESENTATIVE BLOOM said that when you are in a meeting you feel that you must win if you possibly can. You cannot always ask instructions and if you cannot get instructions you have to do your best. MR. SANDIFER read the following items from the Agenda for the Fifth Meeting of Committee II/1 [Document 294, II/1/10, May 14, 1945.]:

"A. Should the Secretary General be elected by the Assembly—

3. Upon nomination by a simple majority of the members of the Security Council.

5. On recommendation of the Security Council for a period of three years, the Secretary General to be eligible for re-election."

REPRESENTATIVE BLOOM said that the Committee had voted that nomination by the Security Council should be made by a vote of seven members. This was a compromise proposition. MR. SANDIFER said that under the Yalta formula seven votes in the Security Council would have to include the five permanent members. REPRESENTATIVE BLOOM said that the proposition in this form could never have gotten through the Committee. It was not unlikely, even, that in that case the Committee would have voted that the Secretary General should be elected by General Assembly, alone, without participation by the Security Council. He said it was recognized in the Committee that Committee I/2 was dealing with the chapter on the Secretariat,[34] and that this motion constituted a recommendation to that Committee.

MR. NOTTER said that there was a real problem here. The four powers had agreed on a certain procedure, and then the United States Delegate had taken a different line and the others did not like it. We have to decide whether or not we are going to stand by the other three on the position that voting in the Security Council must include the permanent members. REPRESENTATIVE BLOOM said that they never would have gotten their proposal through this Committee. DEAN GILDERSLEEVE said she had considerable sympathy with Mr. Bloom's position. She found it very difficult always to stick to the four-power agreements in the face of developments in committee meetings. REPRESENTATIVE BLOOM said that the opposition on the subject of the Deputies proved that if the four power amendment had been put to a vote without any compromise, it would have been lost.

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[33] For minutes of the thirty-eighth meeting, May 14, 9:05 a. m., see p. 707.

[34] See agenda for sixth meeting of Committee I/2, Doc. 249, I/2/13, May 12, UNCIO Documents, vol. 7, p. 35; see also Doc. 501, I/2/30, May 23, *ibid.*, p. 74, regarding the overlapping jurisdiction of various committees on the subject of the Secretariat.

MR. NOTTER said there were three alternatives now before the Delegates (*a*) this question could come up in Committee I/2 and the United States could change its vote there; (*b*) we could move for a reconsideration in Committee II/1; or (*c*) we could let it go to Committee III/1 which had jurisdiction over the question of voting in the Security Council. COMMANDER STASSEN said he thought the Coordination Committee could clear up any inconsistencies when the votes came in from other Committees. He was sure there would be numerous instances of conflict and inconsistency. He thought that Representative Bloom and Dean Gildersleeve were working along the right lines in attempting to win the maximum support and gain as many friends as possible, and then to iron out any difficulties in making the final draft in the Steering Committee.

MR. NOTTER said that the Committee of Five has been justified in raising the question about the action of the United States in this Committee because it had been agreed that each of the Delegations would consult with the others on such matters. He wondered if there might not be consultation among the Delegates of the Five Powers during the committee meetings. It was a bad situation, in a vote on a proposal to which all had agreed ahead of time, to have the United Kingdom abstain, the U.S.S.R. vote no, and China and the United States voting together on the other side. REPRESENTATIVE BLOOM replied that it would be the worst possible thing to do to call for a consultation among the Delegates of the five big powers during the course of a committee meeting. COMMANDER STASSEN and DEAN GILDERSLEEVE agreed with Representative Bloom on this point. REPRESENTATIVE BLOOM said that sometimes a division among the big powers was not a bad thing, especially when a vote was being forced. He asked Mr. Kotschnig, who was assisting him in this Committee, to comment further.

MR. KOTSCHNIG said that the Committee voted down the Honduran proposal that the Secretary General should be elected by the Assembly without recommendation or confirmation of the Security Council. The Australian Delegation had withdrawn its amendment ["subject to confirmation by a majority of any seven members of the Security Council and a majority of ten members of the Economic and Social council"]. Then they came to the Mexican proposal ["upon nomination by a simple majority of the members of the Security Council"]. It looked as though this proposal might carry if put to a vote. On the basis of the discussion of the meeting of the Delegates that morning, Representative Bloom had proposed that this proposal be changed to a "majority of seven members of the Security Council."

MR. SANDIFER said that this problem would have to be left for solution to the Coordination Committee. It would of course come up in Committee III/1. He suggested, further, that a representative of the

United States could reserve his position if he was in doubt about what the United States Delegation wished to do in a matter that came up in a Committee.

REPRESENTATIVE BLOOM stated that he had been authorized by the Delegation to proceed as he had. MR. SANDIFER said it was true that the matter had been brought up in the Delegation meeting, but he believed the Delegates had not understood all the ramifications of the question. REPRESENTATIVE BLOOM said he had even gotten in touch with the Mexican Delegation following the advice given by the United States Delegation.

COMMANDER STASSEN said that he would like to have it suggested to the Conference Secretariat that they talk with Delegations proposing amendments, and ask them to refer amendments to other Committees or withdraw them when they seem to be unsuitable for the the committees in which they were originally brought up. He thought this would save endless debate in the Committees; no Delegate likes to be licked and he is bound to fight hard for his proposal; this takes a great deal of time, especially in three languages.

SENATOR CONNALLY said that the matter of voting in the Security Council lay within the jurisdiction of Committee III/1 [35] and nowhere else. REPRESENTATIVE BLOOM said he would be delighted to have the problem sent there. SENATOR CONNALLY said he would like to have it sent on to Senator Vandenberg. COMMANDER STASSEN said he thought it would be a good idea to tell the other four governments that we thought it would be better to have action on this matter in Committee III/1. DEAN GILDERSLEEVE said she wanted instruction as to whether the representatives of the United States had to support to the last gasp all the propositions made by the Sponsoring Powers. SENATOR CONNALLY said that this must be done unless we could be released from our agreement after consultation. MR. NOTTER said we could not follow two policies at once.

MR. SANDIFER suggested turning to the next question on the Agenda, which was the draft reply to the letter of May 1 from certain publishers, educators, writers, and churchmen concerning freedom of communication.[36]

MR. JOHNSON asked how the problem of voting in the Security Council should be dealt with in Committee III/1. SENATOR CONNALLY said they could specifically take up this question of voting in relation to the recommendation for the Secretary General, and then let the Coordination Committee straighten out any inconsistencies. MR. SANDIFER asked whether, if this question comes up in Committee III/1, the American Delegation will support the Yalta formula. SENATOR CONNALLY asked whether the Delegation agreed to the recommenda-

[35] Doc. 76, III/1, May 4, UNCIO Documents, vol. 11, p. 5.
[36] Not printed.

tion of the experts and advisors with regard to the issues arising in Committee II/1 [36a] on the election of the Secretary General. The Delegates agreed to parts (*a*) and (*b*) of this recommendation ["(*a*) we should adhere to the position taken in the joint proposals of the four sponsoring governments, which specify that a vote should be a vote of seven including the votes of each of the five permanent members of the Security Council; (*b*) we initiate consideration of this question in Commission III, Committee 1, in connection with the related problems of voting procedure in the Security Council;"]

### Freedom of Communication

Senator Connally called upon Mr. Sandifer to present the next item on the Agenda, the draft reply to the letter concerning freedom of communication.[37] . . .

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### Recommendations on Preamble, Purposes, Principles

Senator Connally turned to the recommendations on the Basic Issues in Committee I/1 [Recommendations to United States Delegation on Basic Issues, Committee I/1, Preamble, Purposes and Principles [38]] Mr. Sandifer said that in accordance with the decision taken by the Delegates in the morning meeting, he had called together the advisors and technical experts working on matters pertaining to Committee I/1. The meeting had been interrupted by others that were scheduled later. Mr. Pasvolsky was able to be present for only a short time. The advisors had to go to another meeting half way through, and he himself had not been able to stay for more than a short time. Mr. Notter, however, had been present throughout the meeting and he might present the recommendations.

Mr. Notter called attention to the fact that eleven points were raised in this document, some being very important and some being quite unimportant. The first question was whether there should be both a Preamble and a chapter on Purposes. This matter had not been decided in the Committee of Five, but we wished to recommend that the Chapter on Purposes be retained and that there also be a Preamble even if there was some duplication. He said there was considerable British pressure for a separate chapter on Purposes in the Charter and he would like to have guidance from the Delegation. He, himself, thought that including the chapter on Purposes in the Charter would give it great strength. The Delegation agreed to the recommendation ["that a chapter on purposes should be retained together with a preamble even though there may be some duplication between the two"].

[36a] Not printed.
[37] Letter of May 1 from certain publishers, not printed.
[38] U.S. Gen. 110, May 16, not printed.

MR. NOTTER presented the second recommendation with regard to a reference in the Charter to observance of treaties as an essential condition of international order. He said that the French were insisting on a statement with regard to the observance of treaties as a kind of mandate. It was the opinion of our group that there should be no other reference to this matter than in the Preamble and that the subject should be separated from references to human rights.

COMMANDER STASSEN asked why it should not be included in the Chapter on Purposes or Principles. REPRESENTATIVE BLOOM commented that if it was in the Preamble it has nothing to do with the Charter and if we want it to be effective we should put it in the Chapter on Purposes. DEAN GILDERSLEEVE asked why it could not be in the Chapter on Principles.

SENATOR VANDERBERG said there were so many dubious treaties in existence, and more would be made in the near future, that we did not want to be tied to a hard and fast support of all of them. He said that was why he had tried to get into the Charter an authority to review treaties so that they could be changed peaceably. COMMANDER STASSEN said that in any case we would want to respect treaties as long as they were in force. REPRESENTATIVE BLOOM said that the reference to observance of treaties would not be emphatic if it was only in the Preamble and not anywhere else in the Charter.

SENATOR VANDENBERG asked why the Committee of Five recommended that this reference be put only in the Preamble. MR. NOTTER said they could not figure out why the French were pushing so hard for the statement, though he suspected it might be that they had their eye on the mutual assistance treaty with Russia. SENATOR VANDENBERG said he agreed with that view of the situation. COMMANDER STASSEN said that if the French were pressing for a statement in the Chapter on Principles, it would be very difficult for anyone to be against it.

MR. JOHNSON asked whether the French Delegate in the Committee of Five agreed to recommend to his Delegation that they accept the proposal of the Committee of Five. MR. BOWMAN asked that the exact wording of the French proposal be read. MR. NOTTER read the amendment proposed by the French Government to Chapter I, paragraph 1:[39] "to maintain international peace and security, in conformity with right and justice, and to that end to take effective collective measures for the prevention and removal of threats to the peace and suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace, *while bearing in mind that treaties bind those who have signed them*

[39] Doc. 2, G/7(a), March 21, UNCIO Documents, vol. 3, p. 383.

*and that their observance constitutes one of the essential conditions of international order.*" [40]

MR. BOWMAN said that this was a standard French legalism spelled out. It was partly a matter of holding down the tendency to support the movement by Senator Vandenberg to bring treaties under review. He thought they also had in mind the possibility of getting certain treaties signed before the Charter goes into effect, especially treaties in the Near East, including one with Syria before the mandate is transferred or Syria made independent. He thought it was not so much a great moral principle that the French were trying to establish, as a measure to consolidate their own position through these treaties. It was essentially a combination of French foreign policy and French legalism.

DEAN GILDERSLEEVE said that the French proposal was one that it would be difficult to stand up and object to. MR. BOWMAN said he liked the phrase "due respect for treaties." COMMANDER STASSEN said that he agreed with the idea of putting this statement into the Preamble rather than in the Chapter on Purposes or the one on Principles. DEAN GILDERSLEEVE and REPRESENTATIVE BLOOM said they did not agree with this recommendation.

The Delegation voted 4 to 2 for approving the recommendation of the Committee of Five that reference to "due respect for treaties should be put into the Preamble and that any reference to human rights, which has been associated with this point, should be handled separately." It was also agreed that there should be no other reference in the Charter to respect for treaties.

MR. BOWMAN said that we should not stand for inclusion in the phraseology of the Charter of any general philosophical language about the sanctity of treaties. REPRESENTATIVE BLOOM asked if they wanted a statement on treaties in both Principles and Purposes. MR. NOTTER said that the French wanted to put it into the Chapter on Purposes. COMMANDER STASSEN said they did not want it in the section on Peaceful Settlement. MR. NOTTER said that the French representative in the Committee of Five did not give the reasons for the French position, but he had said he would recommend to his Delegation that they agree to putting the reference to the observance of treaties in the Preamble. REPRESENTATIVE BLOOM said in that case he would have the recommendation read "only in the Preamble." He said that he would like to reconsider the matter and have this phrase included. This point was agreed to by the Delegation.

MR. NOTTER presented point C of the recommendations for Committee I/1. ["The recommendation of the Committee of Five, that the Australian proposal should be accepted, is recommended. This pro-

[40] Passages in this document printed in italics are underlined in the original.

posal to amend paragraph 4 of the principles reads: "4. All members of the *United Nations* shall refrain in their international relations from the threat or use of force *against the territorial integrity or political independence of any member or state*, or in any other manner inconsistent with the purposes of the United Nations."]

SENATOR CONNALLY asked if there was any discussion. There was none, and since the Delegates raised no objection SENATOR CONNALLY stated that this recommendation was accepted.

MR. NOTTER commented that there was considerable pressure in Committee I/1 for a stronger statement guaranteeing that the members would not use force against each other. He said that they would want the Organization to guarantee that assurance.

MR. NOTTER presented recommendation D ["that the Delegation accept the decision of the Committee of Five to oppose reference to non-intervention anywhere in the Charter."] DEAN GILDERSLEEVE asked how this recommendation could be defended in the Committee. MR. HARTLEY said that the problem arose out of defining what constituted intervention. At Dumbarton Oaks the British had contended that sometimes the failure to act is intervention. He said this matter did not cover the relations of the organization with domestic affairs. [Mr. Armstrong, Mr. Dulles, Mr. Dunn and Mr. Pasvolsky entered the meeting.]

MR. BOWMAN asked what Mr. Hackworth's opinion was on this question of non-intervention. MR. SANDIFER said that Mr. Hackworth had not been consulted specifically on this point, but in general he approved of the principle contained in the recommendation. MR. BOWMAN said that his opinion should be requested.

[Here follows report by Mr. Dunn on developments with respect to the regional problem, in the meeting with the Chairmen of Delegations of certain American Republics, May 15, 2:45 p. m. (see page 730); and the Five-Power meeting, May 15, 5 p. m. (see *supra*).]

MR. DUNN read the draft of the statement to the press. (Statement by the Honorable Edward R. Stettinius, Jr., Secretary of State, May 15, 1945, No. 25).[41] When MR. DUNN finished reading the statement, SENATOR VANDENBERG said he thought it was excellent. COMMANDER STASSEN expressed satisfaction that it dealt not only with the problem of regional areas but also with the problem of self-defense. He thought it was the general view of those present that the statement should be gotten out before anything more was done to it.

SENATOR CONNALLY stated that the Delegation had accepted the recommendation of Committee I/1 subject to Mr. Hackworth's approval. The members of the Delegation concurred. [The Secretary entered the meeting.]

[41] Department of State *Bulletin*, May 20, 1945, p. 930.

THE SECRETARY asked whether the Delegation approved the statement on regional areas. He said that the President had approved it, and he intended to release it to the press immediately. All the Latin Americans had accepted by this time. MR. PASVOLSKY asked who had the master copy. MR. DUNN said he had it, but that the Secretary would keep it in his hands. THE SECRETARY said he thought all were satisfied; the British, Chinese, French and Latin Americans. The U.S.S.R. had had no instructions.

The meeting was adjourned until the following morning at 9 o'clock.

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500.CC/5–1545

*Memorandum of Conversation, by the Acting Secretary of State*

[WASHINGTON,] May 15, 1945.

The Swiss Minister [42] called on me this afternoon at his request.

In connection with the San Francisco Conference, the Minister wondered what the position of Switzerland would be in relation to the eventual world organization. I said it was hoped that all "peace-loving countries" would eventually become members of the organization and I supposed that of course Switzerland would be one of the first to be invited to join. The Minister said that this would be difficult in view of the fact that Switzerland's neutrality is provided for by law and that in the case of Swiss membership in the League of Nations Switzerland had insisted upon a special clause providing that, in view of her neutrality, Switzerland would not be called upon to participate in sanctions against any country. He thought it would be impossible for Switzerland to become a member of the proposed world organization, in which Switzerland might be called upon to participate in the use of force against another country, which would violate her neutrality, and that if she were to join a special exception would probably have to be made in her case. He thought that Soviet Russia, which does not like Switzerland, might refuse to permit such an exception. I said that I could not answer this question in advance of the setting up of the world organization.

JOSEPH C. GREW

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 41

*Minutes of the Forty-First Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 16, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (36) present at meeting.]

The Secretary called the meeting to order at 9 : 00 a. m.

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[42] Charles Bruggmann.

## RECOMMENDATIONS ON PREAMBLE, PURPOSES AND PRINCIPLES (COMMITTEE I/1, US GEN 110, MAY 16, 1945)

THE SECRETARY stated that the Delegation had before it recommendations with regard to the amendments proposed by other countries and that the position of the Delegation should be established with regard to those proposals. He expressed the hope that the work in the Committees could be concluded within the next ten days. MR. BLOOM stated that he would like to take up first those matters which were currently under consideration in the Committees and on which a decision of the Delegation was required immediately. MR. PASVOLSKY replied that that was what he hoped the Delegation could do.

MR. PASVOLSKY referred to the series of documents on Recommendations to United States Delegation on Basic Issues (US Gen 110, 111, 112, 113, 114, and 116 [43]) and stated that recommendations had been prepared on the principal issues before the Conference. THE SECRETARY suggested that the Delegation go through these recommendations in a systematic way and pointed out that the recommendations in these documents referred only to the questions before the Committees of Commissions I and II. MR. HACKWORTH stated that if one of the issues now being considered in Committee IV/1 is not decided this morning it would be too late for us to make our position known. MR. SANDIFER stated that the question Mr. Hackworth was interested in, namely the membership of neutral states in the Court, was listed as item 3 on the agenda for this morning.

MR. PASVOLSKY stated that the Delegation had gone through the first three items on Preamble, Purposes and Principles (US Gen 110) yesterday afternoon. MR. SANDIFER added that the Delegation had approved items *a*, *b*, and *c* of this paper and had tentatively approved item *d*, subject to Mr. Hackworth's concurrence.

MR. HACKWORTH stated that he believed it would be unfortunate if no provision were made in the Charter in which members of the Organization would be obligated to refrain from intervention. He referred to the non-intervention agreements in a number of the Latin American agreements and suggested that if we did not subscribe to the insertion in the Charter of such a provision he feared that the Latin American countries would misunderstand our position. DR. BOWMAN inquired whether these Latin American agreements were not in themselves a sufficient offset to make it unnecessary to make any provision in the Charter for an obligation to refrain from intervention in the internal affairs of other countries. MR. HACKWORTH replied that he could not answer that question without examining the provisions contained in the many documents on this subject. He reiterated the view that non-intervention clauses have been a focal point

[43] Dated May 16, none printed.

in major agreements with the Latin American countries and thought opposition on the part of the United States to the insertion of a similar provision in the Charter would be unfortunate.[44] MR. PASVOLSKY stated that it was difficult to draft a statement upon which agreement could be reached. He added that an attempt had been made at Dumbarton Oaks [45] to find a satisfactory formula but that none had been found. COMMANDER STASSEN moved that the Delegation accept the decision of the Committee of Five to oppose reference to non-intervention anywhere in the Charter. It was so agreed.

MR. PASVOLSKY read the text of recommendation (*e*) concerning the enumeration of human rights. He pointed out that this question would come up in connection with the Ukrainian amendment on the right to work.[46] THE SECRETARY observed that if any recommendation not to enumerate human rights was agreed to, it would eliminate the possibility of the proposal for a free flow of information. COMMANDER STASSEN suggested that if the Ukrainian Delegation insists on its proposal concerning the right to work we could then insist upon adding to the list such rights as the free flow of information, freedom of worship, and others. The Delegation agreed that there should be no enumeration of human rights in the form of a declaration, nor in an extended preamble, nor under a specific provision for the preparation of a Bill of Rights, in accordance with the recommendation of the Committee of Five.

MR. PASVOLSKY then read item (*f*) as follows: "Modification of Principle 4 to the effect that the pledge of the members to refrain in their international relations from use of force would apply solely to force 'not approved by the Security Council'. It is recommended that this change be opposed, in accordance with the recommendation of the Committee of Five." He pointed out that the amendment in question under this paragraph had been proposed by Norway and that it was primarily a verbal change. MR. DULLES observed that this was a very bad recommendation because it was contrary to the provision concerning self-defense. MR. PASVOLSKY observed that force could be used with the approval of the Council and be used independently by states. COMMANDER STASSEN moved disapproval of the recommendation. It was then agreed that this recommendation be disapproved in the form stated.

The Delegation approved without discussion recommendation (*g*) which reads as follows: "Modification of Principle 5 to exempt states

[44] See amendments proposed with respect to chapter II by Latin American States, UNCIO Documents, vol. 6, pp. 557–568 (Doc. 215, I/1/10, May 11).

[45] See the following documentation on the Dumbarton Oaks Conversations: Progress report No. 17 and extract from minutes of the Joint Steering Committee meeting No. 12, both of September 9; progress reports of September 20 and 27; and chapter VIII A (7) of the Proposals, *Foreign Relations*, 1944, vol. I, pp. 789, 791, 828, 838, and 896, respectively.

[46] Doc. 447, G/53, May 19, UNCIO Documents, vol. 3, p. 633.

of one region from the obligation to assist in action taken by the Organization in disputes affecting another region and in endangering world peace. It is recommended that any change in this direction should be opposed, in accordance with the recommendation made by the Committee of Five".

MR. PASVOLSKY then read the recommendations under item (*h*) (Minor Amendments) concerning references to justice and international law and to principles of the Atlantic Charter which the Committee of Five considered should be opposed. Concerning the inclusion of further references to justice and international law, human rights, etc., MR. PASVOLSKY stated that the only question at issue was that of the location of references to these matters. He stated that an attempt was being made to shift them from Chapter I. SENATOR VANDENBERG stated that he had no objection to the recommendation provided that the State Department wasn't trying to finagle justice out of the Charter. The Delegation agreed to oppose the inclusion of any further reference to justice, international law and to cultural cooperation other than those made in the joint amendments of the four sponsoring governments.

MR. PASVOLSKY then called attention to item (*h*) (2) and pointed out that the Committee of Five opposed any specific reference to the principles of the Atlantic Charter, to educational cooperation, and to an obligation to maintain international free communication and information. COMMANDER STASSEN stated that he was opposed to the recommendation of the Committe of Five to which MR. PASVOLSKY replied that we would not oppose a general reference to the Atlantic Charter. THE SECRETARY observed that we would hardly oppose any reference to the Atlantic Charter. COMMANDER STASSEN stated that if the small nations wanted a reference to the Atlantic Charter we should not oppose them in this matter. DR. BOWMAN said that he was not opposed to the substance of the Atlantic Charter but to the specific enumeration of the principles of the Atlantic Charter.

THE SECRETARY stated that he would like to include freedom of worship, and freedom of information without some of the other amendments proposed. He called attention to the heading of this section, "Minor Amendments", and hoped that this would not receive any attention outside the Delegation. MR. PASVOLSKY then proposed that the Delegation not oppose a specific reference to the principles of the Atlantic Charter provided we can get such a reference by itself without enumeration. The recommendation with regard to the other items in (*h*) (2) were disapproved.

MR. PASVOLSKY then read the additional recommendations (US Gen 110, page 3) as follows:

*a.* Procedure for dealing with four-power amendment regarding domestic jurisdiction.

It is recommended that the United States Delegate move in Committee III/2 that this proposed amendment be referred to a joint subcommittee of Committees I/1 and III/2 for immediate action and identical reports to these Committees. The object would be to eliminate the present paragraph 7 of Chapter VIII, Section A.[47]

*b*. The location of the proposed four-power amendment in Chapter I, paragraph 1, dealing with justice and international law should not be shifted from its position as adopted by the four sponsoring governments.[48] This accords with the recommendation of the Committee of Five.

*c*. The elimination of the word "adjustment" in Chapter I, paragraph 1, should be opposed.

Each of these recommendations was approved without discussion.

REPRESENTATIVE BLOOM inquired what procedure should be followed when there is a conflict of jurisdiction between Committees. MR. PASVOLSKY observed that the jurisdiction of Committees was not always clear. MR. BLOOM suggested that it might be desirable if it could be agreed that when a matter had been handled by one Committee and decisions made thereon then other Committees which might be interested in the matter should not have jurisdiction. MR. PASVOLSKY suggested that Mr. Bloom's proposal was reasonable but pointed out that the procedures for settling jurisdictional conflicts between Committees have not been decided. He understood that the Secretariat was preparing a plan for settling such conflicts.

### RECOMMENDATIONS ON MEMBERSHIP AMENDMENTS AND SECRETARIAT (COMMITTEE I/2, US GEN 111)

MR. PASVOLSKY read item (*a*) on the recommendations concerning withdrawal. With regard to the first question, "Should a prohibition of withdrawal be placed in the Charter", MR. SANDIFER pointed out that Uruguay and two other Latin American countries had introduced a proposal which would prohibit voluntary withdrawal from the Organization.[49] The Delegation agreed that this proposal be opposed. In connection with the second question, "Should provision for withdrawal be included?", MR. PASVOLSKY expressed the view that the Senators would not like the recommendation that no provision on withdrawal be inserted in the Charter. REPRESENTATIVE BLOOM inquired whether the absence of a provision for withdrawal would meet objection in the Senate. SENATOR VANDENBERG replied that he thought it would. He stated that no major power could be stopped from withdrawing from the Organization if it wanted to. Representative Eaton observed that the only powers who would want to get

[47] See Doc. 207, III/2/A/3, May 10, and Doc. 433, III/2/15, May 19, UNCIO Documents, vol. 12, pp. 179 ff., and p. 50, respectively.

[48] Doc. 288, G/38, May 14, *ibid.*, vol. 3, p. 640.

[49] Doc. 2, G/7(*a*) (1), May 5, (Uruguay); Doc. 2, G/7(*e*), May 2, (Brazil); and Doc. 2, G/7(*p*) (Ecuador), May 1, *ibid.*, pp. 36, 238, and 402, respectively.

out were the Big Five and wondered who would stop them. COMMANDER STASSEN thought that the Charter should be silent on the subject of withdrawal.

REPRESENTATIVE BLOOM inquired whether a state could get out by its failure to pay its contributions to the Organization to which MR. DULLES replied in the negative. MR. DULLES went on to interpret the meaning of silence on the question. In his view, he thought that this question depended on whether the Organization was a union or a league. If it is a league, a state would [*could*?] withdraw even though no specific provision to that effect were made in the basic instrument. If it is a union, withdrawal would be impossible in the absence of any specific provision thereon.

SENATOR CONNALLY observed that the Charter was a treaty and wondered whether there was any doctrine on international law which gives perpetuity to a treaty. He wondered what would happen if we denounce a treaty. REPRESENTATIVE BLOOM observed that signature of the Constitution was binding for all time. He thought we should make the Charter of the Organization just as strong. SENATOR VANDENBERG stated that he favored a decent withdrawal clause. SENATOR CONNALLY stated that at first he had thought there should be a withdrawal clause but that he now favored the proposal that the Charter be silent on the matter. THE SECRETARY, after noting that the recommendation that the Charter be silent on withdrawal was approved by all but Senator Vandenberg, expressed the hope that we would not have any newspaper story on this question. SENATOR VANDENBERG stated that if he was asked his position on the matter he would have to give an answer. SENATOR CONNALLY observed that the newspaper stories showing divisions of opinion within the Delegation had not hurt.

MR. PASVOLSKY then read the recommendation that the Delegation should support the deletion of the provision concerning expulsion and rely simply on the power of the Organization to suspend the exercise of the rights and privileges of membership. Under suspension, a state against which preventive or enforcement action had been undertaken would still be bound by its obligations under the Charter. He suggested that the Delegation support this recommendation but thought that it should be first taken up with the Committee of Five.

With respect to amendments modifying the provision that all permanent members of the Security Council must ratify amendments before they can become binding,[50] MR. PASVOLSKY proposed that we stand on the provisions of the Dumbarton Oaks Proposals and that we do not approve any amendments which do not recognize the requirement that the amendments to the Charter require ratification by the perma-

[50] Doc. 288, G/38, May 14, UNCIO Documents, vol. 3, pp. 700–701.

nent members of the Council. SENATOR CONNALLY observed that it was essential to have unity among the Big Five on this question. Recommendation (*c*) was approved.

REPRESENTATIVE EATON brought to the attention of the Delegation the question being raised in Committee I/2 concerning the amendment to Chapter IV, providing for representation and participation in the organs of the International Organization of men and women under the same conditions.[51] He stated that there were four ladies in the Committee who were pressing very hard for this amendment and that it had strong support. REPRESENTATIVE BLOOM stated that the same question had arisen in Committee II/1 [52] and inquired what the recommendation of the Delegation was with respect to the jurisdiction of the respective Committees. MR. PASVOLSKY stated that the question of jurisdiction would have to be decided between the Presidents of the Commissions. MR. SANDIFER referred to the recommendations in US Gen 112 concerning the election of the Secretary General and the question of representation of women on which recommendations were made in items (*a*) and (*c*) respectively.

MR. PASVOLSKY read item (*a*) concerning the recommendations on the method of selection of the Deputy Secretaries-General, the number to be elected, their term of office and their eligibility for reelection. MR. PASVOLSKY pointed out that the amendment of the Sponsoring Governments [53] answered all but one of these points, namely the eligibility of the Deputy Secretaries-General for reelection. REPRESENTATIVE BLOOM inquired whether the Deputies should be nominated by the Council and elected by the Assembly. He stated that Canada was proposing that the Secretary-General appoint the Deputies.[54] MR. NOTTER suggested that we might have more than four Deputies to meet the criticism that both the Secretary-General and the four Deputies would probably all be nationals of the Great Powers. THE SECRETARY stated his firm belief that the agreement with the Big Four on the amendments should be observed unless there is very good reason for departing from it.

REPRESENTATIVE BLOOM then inquired whether it would be possible to make a compromise in connection with the system of election proposed by the Sponsoring Governments. He wondered whether we should go along to defeat on this question or whether we should compromise and save something of our position. MR. DULLES observed that it would be unfortunate if the Five Powers could not accomplish what they want. MR. PASVOLSKY recommended that the question of the re-eligibility of the Deputies be raised with the Com-

[51] Doc. 357, I/2/19, May 16, UNCIO Documents, vol. 7, p. 43.
[52] Doc. 294, II/1/10, May 14, *ibid.*, vol. 8, p. 324.
[53] Doc. 2, G/29, May 5, *ibid.*, vol. 3, p. 627.
[54] Doc. 2, G/14(*t*), May 6, *ibid.*, p. 595.

mittee of Five. He thought that, except for that point, we should not disturb the text of the amendment of the Sponsoring Governments. SENATOR CONNALLY expressed the view that the whole plan was based on agreement among the Five Powers. He thought we should stick with them right down the line. The Secretary stated that this discussion was very important and believed that we could not deviate from the amendments of the Sponsoring Governments. MR. DULLES stated his belief that the question of re-eligibility of the Deputies had been an oversight. MR. PASVOLSKY said that it was obvious that we should not change the agreements but he thought it proper to discuss any proposals for alteration in the amendments among the Big Five. He said he would like to raise the question of the re-eligibility and number of Deputies with that Committee. REPRESENTATIVE BLOOM stated that practically all of the small powers were opposed to the provisions concerning the four Deputies and wondered why we should fight them on this point. It was agreed that the Delegation should support the election of the Deputies by the same method as the Secretary General, that is, election by the General Assembly on recommendation of the Security Council. It was also agreed that the question of the number of Deputies and their eligibility for reelection be discussed by the Committee of Five.

### NEW COURT VS. OLD COURT

MR. HACKWORTH stated that he wished to have the views of the Delegation on the question of the continuation of the present Court as against the proposal for a new Court, a matter which was to be decided by a Subcommittee at 2:30 today.[55] He reported that there had been considerable debate in this Subcommittee and that the position of the Delegation would need to be defined. He stated that the British, French, Cubans and Mexicans wanted to continue the Permanent Court of International Justice.[56] The Soviet Union had expressed opposition to the continuation of the old Court. The question involved concerned the position of the 17 parties to the Statute of the Permanent Court of International Justice who were not represented at San Francisco. He said that the Chilean Delegation wanted to know the views of the Sponsoring Powers with regard to these 17 members of the old Court. He reported that Professor Golunsky had expressed the view that some neutrals should not be parties to the Statute. SENATOR CONNALLY inquired whether the neutrals could not be knocked out of the old Court and then readmitted.

[55] Minutes of meetings of Subcommittee IV/1/A not printed; for its report on the question of continuity of the International Court, May 21, see Doc. 477, IV/1/A/1, May 22, UNCIO Documents, vol. 13, p. 524.

[56] For index to amendments, comments, and proposals on chapter VII, see Doc. 288, G/38, May 14, *ibid.*, vol. 3, pp. 668–671.

COMMANDER STASSEN stated that the Delegation has taken the position that we do not want parties to the Statute which are not members of the Organization. He pointed out that the concept on which we had been operating was that the Court would be integrated with the Organization. Consequently, the members of the Permanent Court of International Justice who were not members of the United Nations should be sloughed off. He pointed out that under the Statute, as at present drafted, non-members could use the new Court but that they could not take part in the election of judges.

MR. HACKWORTH reiterated his question as to whether we should continue the old Court or establish a new one. SENATOR VANDENBERG said he thought that it had been agreed to build on the old Court but confine its membership to members of the new Organization. THE SECRETARY then stated that there appeared to be agreement for a revised Court based on the Statute of the old Court but that membership of the new Court would be integrated with the new Organization.

### OTHER MATTERS

MR. JOHNSON referred to the Canadian proposal [57] that the Assembly should be empowered to define the criteria for the election of non-permanent members to the Security Council. It was agreed that any provision in the Charter on this subject should be permissive rather than mandatory.

COMMANDER STASSEN reported that the Committee on Trusteeship had accepted the Delegation's working paper as a basis for its discussion.[58] REPRESENTATIVE BLOOM inquired when we would be over the hurdle on the question of trusteeship. COMMANDER STASSEN replied that we should be through the discussions with the Big Five in another two days. REPRESENTATIVE BLOOM and COMMANDER STASSEN both expressed the view that a background press conference would be useful. MR. PASVOLSKY asked whether the working paper had been approved.

COMMANDER STASSEN replied that the working paper [59] which was in line with the proposals of the United States on trusteeship had been approved and that the Army-Navy Group had agreed to it.

SENATOR VANDENBERG stated that he needed to be advised on what to say on regionalism at the meeting of the Subcommittee of Committee III/4 which was meeting at 5:30 p. m.[60] MR. PASVOLSKY stated that it would first be necessary to get a decision on the precise

[57] Doc. 2, G/14(*t*), May 6, UNCIO Documents, vol. 3, p. 589.
[58] Doc. 364, II/4/13, May 17, *ibid.*, vol. 10, p. 447.
[59] Doc. 323, II/4/12, May 15, *ibid.*, p. 677.
[60] The agenda for the fifth meeting of Subcommittee III/4/A, May 16, provided for further consideration of the question of amalgamation of amendments (point 6 of Interim Report of Rapporteur to Committee III/4 on work of Subcommittee III/4/A); Doc. 335, III/4/A/5, May 15, *ibid.*, vol. 12, p. 833.

text of the draft on regionalism in the Committee of Five. He pointed out that we were not presenting this alone but only after consultation and that we would need to have consultation before the position is perfectly clear. SENATOR VANDENBERG stated that he would have to have the Subcommittee meeting postponed because the Chairman had asked whether the American position would be presented at the meeting of the Subcommittee or of the full Committee. MR. PASVOLSKY said that another effort would have to be made to get agreement of the Big Five. He thought that the Soviet Delegation might have instructions but if they did not have them, it would be possible to postpone consideration on those grounds. He suggested that we might call the Soviet, French and Chinese together and inform them that we have to go forward. MR. DUNN reported that Ambassador Gromyko had asked that we do not proceed further with the matter.

The meeting adjourned at 10:30 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 5

*Minutes of the Fifth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 16, 1945, 3 p. m.*

[Informal Notes]

[Here follows list of participants, including members of delegations of the United States (11); United Kingdom (5); Soviet Union (5); China (3); and France (4); and the International Secretariat (1).]

MR. STETTINIUS apologized for bringing the group together on such a busy day, but said that he had a very pressing matter to present, that is what position should be taken by the five governments at the committee meeting on the question of the regional formula considered at the meeting yesterday afternoon.[61] MR. STETTINIUS said that he had met with Ambassador Gromyko after the meeting yesterday afternoon and explained the proposal to him. He asked Senator Vandenberg to state the situation with respect to this matter in the regional committee of Commission IV [*III/4*].

SENATOR VANDENBERG said that the situation was that for three successive meetings the Committee had adjourned awaiting the report of the consultation on the regional question. The full Committee met last night [62] and agreed to have a subcommittee meet this afternoon.[63] The Chairman had asked what the Delegate of the United States would be in a position to do at the next meeting. He had suggested

[61] Minutes of fourth Five-Power informal consultative meeting, May 15, 5 p. m., p. 737.

[62] Doc. 363, III/4/7, May 17, UNCIO Documents, vol. 12, p. 673.

[63] Minutes of fifth meeting of Committee III/4/A, May 16, 5:30 p. m., not printed.

the possible reference of the matter to a subcommittee. THE SENATOR submitted that in view of the publication of the Secretary's press statement and of the general temper of the Committee it was impossible for him to go before the subcommittee again with nothing to present. He asked what latitude he would have in presenting this matter to the subcommittee.

MR. STETTINIUS recalled that he had stated yesterday afternoon that there was so much confusion in the public mind that it was important to issue a press statement at once. This had been done.

SENATOR VANDENBERG said that during the morning he had studied all the amendments on regionalism. Sixteen countries had submitted amendments and he was confident that the proposed formula would cover practically all of these amendments.

MR. BONCOUR asked what statement Mr. Stettinius had referred to.

MR. STETTINIUS replied that it was the statement which he had given to the press last night. He remarked that Mr. Hiss was here to take up the question of speeding up the work in the Committees. This was relevant to Senator Vandenberg's query with respect to the presentation of the regional formula in the Committee. If we are to complete the work of the Conference on schedule it is necessary to speed up the work of the Committees more than it has been possible to do up to the present time.

MR. STETTINIUS said that the principal point was that we cannot discuss the proposal formally until the consultation of the five powers has been completed. He said that Ambassador Halifax had indicated the agreement of his Delegation with the proposal yesterday and that Mr. Bidault had indicated that the reply of his Government might be forthcoming today. He asked if there was any comment.

AMBASSADOR GROMYKO said that the latest proposal had been submitted only yesterday.[64] He asked whether it was the intention to present it formally to the Committee before the end of the consultation. MR. STETTINIUS said that that was what we had met to discuss today. AMBASSADOR GROMYKO remarked that it had been stated yesterday that the document would not be presented formally until the consultation had been completed. MR. STETTINIUS replied that he did not recall making this statement. He said that he had presented the proposal for consideration and had indicated that there had been only a verbal change to avoid the use of the word "failure" with respect to the Security Council.

LORD HALIFAX thought that if everyone agreed the paper could be presented formally. If agreement was not reached, in accordance with the procedure which had previously been agreed upon and followed, the United States could, after the completion of the consultation, present the matter as its own proposal.

[64] Minutes of Five-Power meeting, May 15, 5 p. m., p. 737.

MR. BONCOUR stated at this point that he accepted the text of the proposal on behalf of the French Delegation.

AMBASSADOR GROMYKO said that he considered that it would be expedient to present the proposal after the end of the consultation, that is after each government had given its official reply. For the Soviet Delegation he would remark that he had noticed on reading the document for the first time that there were certain deviations in it from the principles agreed upon at Dumbarton Oaks. He had communicated the text to his Government but had not received a reply. As soon as he had received instructions from his Government he would inform Mr. Stettinius.

MR. BONCOUR asked Ambassador Gromyko whether he could specifically state in what respects the proposal differed from the Dumbarton Oaks Proposals. AMBASSADOR GROMYKO said that he did not wish to take up a detailed discussion of the provisions but that he would say that it deviated from the Dumbarton Oaks Proposals in permitting any organization to act independently of the Security Council.

AMBASSADOR KOO recalled that he had said previously that his first impression, in light of all the circumstances, was that the present formula offered a fair and happy solution. This impression had been confirmed by further study. In response to a direct question from Mr. Stettinius as to whether the Chinese Delegation was prepared to support the proposal, AMBASSADOR KOO said that it was.

At this point MR. STETTINIUS asked Mr. Hiss to comment on the problem of expediting the work of the Conference. He said that he thought this was relevant to the matter under discussion.

MR. HISS recalled that he had spoken at the meeting last Saturday [65] of a plan for having certain amendments eliminated and others consolidated. He said that this work had not progressed very far. He had had reports from the secretaries of the various Committees indicating that the Delegations of the five powers had not pressed this procedure. Mr. Hiss thought that the steps to expedite the work was especially important in Committees 1 and 2 of Commission II and Committees 1, 2, and 3 of Commission III. He asked that the Delegates of the five powers press this point in these Committees. He said that the consolidation in question had been carried out and that the secretaries were ready to produce the necessary materials on request.

MR. BONCOUR fully shared Mr. Hiss' views on the necessity for expediting the work of the Conference. He referred to the experience in his own Committee [66] as showing the need for this.

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[65] Third Five-Power informal consultative meeting, May 12, 2:30 p. m., p. 691.

[66] For list of delegation assignments to commissions and committees, see Doc. 175, G/24(*1*), May 10, UNCIO Documents, vol. 15, p. 572.

SENATOR VANDENBERG said that as to the regional committee (Committee 4 of Commission III) that he was sure that all important amendments would be covered by the proposal in question. As soon as the proposal could be presented in the Committee we would be well on our way to finishing the work of that Committee.

MR. STETTINIUS recalled that Ambassador Gromyko had said that he felt that the matter should not be presented until the consultation was completed, to which AMBASSADOR GROMYKO rejoined that he thought that this would be the expedient procedure. MR. STETTINIUS inquired how Ambassador Gromyko would feel if Senator Vandenberg should present the proposal informally to the Committee.

AMBASSADOR GROMYKO recalled that an oral agreement had been reached in Washington [67] under which there would be consultation among the sponsoring powers before any amendments to the Dumbarton Oaks Proposals were presented by them. It had been agreed also that there would be consultation on all amendments of other governments involving a change in the meaning of the Dumbarton Oaks Proposals. He regarded this agreement as very important. In his opinion it would be desirable not to present the proposal until the consultation had been completed.

[Here follows further discussion of postponing action on the regional question and on means of expediting the work of the Conference.]

The meeting was adjourned by Mr. Stettinius with the understanding that the group would meet together the following day at 3:00 p. m.[68]

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 42

*Minutes of the Forty-Second Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 16, 1945, 6 p. m.*

[Informal Notes]

[Here follows list of names of persons (28) present at meeting and the Secretary's report on his talk with Secretary Hull.]

THE AUSTRALIAN AMENDMENT

THE CHAIRMAN suggested that we must proceed with our work and turn our attention to document US Gen 112, which we were considering at the end of our meeting this morning. MR. JOHNSON asked to present an urgent matter pertaining to an Australian amendment (US Gen 119 [69]) which would be considered at the 8:30 meeting of

[67] See minutes of the second meeting of the Informal Organizing Group, April 10, 3 p. m., p. 235.

[68] The next meeting of the group was held on May 19.

[69] Not printed; see Doc. 391, III/3/19, May 18, UNCIO Documents, vol. 12, p. 334.

Committee III/3. He stated briefly that the Australian amendment pertains to two issues, first, the laying down of terms of settlement and, second, requiring the Security Council to impose its settlement rather than merely to oppose and suppress aggression. He continued that point 1 is already covered both in the revised paragraph of Chapter I on Purposes of the Organization and in paragraph 1 of Chapter VIII, B, and that point 2 should be opposed as going beyond the obligation which we are prepared to accept. MR. DULLES believed that the first part was adequately covered by Mr. Eden's amendment on the recommendation of terms of settlement.[70] MR. SANDIFER agreed that the positions recommended by Mr. Johnson should be followed by the United States. THE SECRETARY checked the members of the Delegation and all of them approved the recommendations as outlined by Mr. Johnson.

PROCEDURE FOR MEETINGS

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CONSIDERATION OF RECOMMENDATIONS TO UNITED STATES DELEGATION ON BASIC ISSUES (STRUCTURE AND PROCEDURES OF THE GENERAL ASSEMBLY), COMMITTEE II/1

MR. SANDIFER was then asked by the Secretary to proceed with the presentation of the recommendations covered in US Gen 112. These recommendations pertain to Committee II/1. MR. SANDIFER presented the recommendation pertaining to the suspension of voting rights in the General Assembly as the penalty for non-payment of contributions. He indicated that there was some interest in this provision because it seemed logical that financial support of the Organization should provide a logical basis for enjoyment of the privilege of voting. MR. BLOOM indicated that the British favored the amendment. SENATOR VANDENBERG raised several questions with regard to the payment of quotas. He wondered particularly whether it should not be implied that all members should keep up their quotas. MR. DUNN believed that we should support the recommendation which provided that we abstain from voting on the issue since political punishment should not be linked with dereliction on administrative matters. SENATOR VANDENBERG inquired whether it might not be desirable to use such pressure to enforce payment.

MR. SANDIFER suggested that point *c*, Representation and Participation of Women in the General International Organization, was approved at the previous meeting. MR. EATON observed that there should be some provision in the Charter for the rights of men too. He made reference to the group of women who were engaging in a

[70] Doc. 2, G/29, May 5 (new paragraph after paragraph 6, in place of paragraph 7, Chapter II), UNCIO Documents, vol. 3, p. 623.

vigorous fight for the introduction of a clause providing more amply for the representation and participation of women in the Organization.

The recommendation for point *d*, Explicit Allocation of the Residual Powers of the Organization to the General Assembly, was approved. It was pointed out by MR. SANDIFER that we had approved this amendment in Washington as an amendment to be supported in case it was initiated by some other government. MR. DUNN expressed his approval of the amendment and suggested that it might be introduced by one of the other governments. Australia and New Zealand were mentioned but it was finally agreed, upon the suggestion of Mr. Dulles, that Canada might be approached upon the matter.

The recommendation for point *e*, defining the subjects upon which the General Assembly should vote by a two-thirds majority, was approved. This recommendation merely stated, said MR. SANDIFER, that the position of none of the questions covered by the amendment to this paragraph can properly be considered by Committee II/1 until the substantive decisions involved are made in the pertinent committees. THE SECRETARY canvassed the attitude of all the Delegates and all of them approved the recommendation.

The recommendation on point *f* on the American position with regard to amendments specifying the method of convoking special sessions of the General Assembly was approved. The recommendation provided that the United States Delegation should support a motion to set up a subcommittee to draft a consolidated amendment on this subject. MR. SANDIFER indicated that a considerable amount of study had been done by the Secretariat and that several methods of convoking the General Assembly in special session had been outlined.

In connection with the Brazilian proposal [71] providing quin-quennial sessions of the General Assembly to revise the Charter, the United States Delegation accepted the recommendation that if the matter came up in Committee II/1 that it should be referred to Committee I/2 and that our position is adequately covered by the amendment to Chapter XI proposed by the sponsoring governments.[72]

CONSIDERATION OF RECOMMENDATIONS TO UNITED STATES DELEGATION ON BASIC ISSUES (POLITICAL AND SECURITY FUNCTIONS OF THE GENERAL ASSEMBLY) (COMMITTEE II/2) (US GEN 113 [73])

In opening discussion on recommendations for Committee II/2 SENATOR VANDENBERG indicated the five powers had already agreed to positions on each of the nine propositions [74] listed in this document.

[71] Doc. 2, G/7(*e*)(3), May 6, UNCIO Documents, vol. 3, p. 250.
[72] Doc. 2, G/29, May 5, *ibid.*, p. 628.
[73] Not printed.
[74] For the nine questions recommended by Subcommittee II/2/A for consideration in full Committee with respect to principles raised by the various amendments proposed to V, B(1) of the Proposals, see Doc. 235, II/2/A/1, May 11, UNCIO Documents, vol. 9, p. 335.

He felt, therefore, that we could dispose of his recommendations very quickly. These questions, he added, pertain to the increase of the Assembly's competence in relation to the Security Council on security matters under Chapter V, Section B, paragraph 1. MR. JOHNSON announced that Committee III/3 had already voted on proposition 6. MR. SANDIFER indicated that Committee II/2 had defeated proposition 1 at its last meeting. MR. NOTTER pointed out that proposition 3 should be referred to the Committee of Five since an important principle was involved in the relationship of the General Assembly and the Security Council. THE SECRETARY suggested that we could very quickly approve propositions 2, 5 and 9 and vote negatively on all of the others.

SENATOR VANDENBERG raised a question in regard to No. 9. He wondered whether we should vote "yes" on the question, since the sponsoring power amendment for both paragraphs 1 and 6 largely covered the principle contained in that proposition. MR. DULLES asserted that the new amendment proposed by Canada would provide ample coverage for this point, especially if it were taken in conjunction with the two sponsoring power amendments. SENATOR VANDENBERG made it clear that he wanted the General Assembly to exercise the authority suggested by the phrase "to discuss any matter affecting international relations" and agreed with other comments to the effect that the two sponsoring power amendments approximated that goal.

It was agreed that there was no issue of importance in connection with paragraph 8 of Chapter V, Section B. It was the consensus of the group also that the sponsoring power amendment for paragraph 6 covers all other amendments for that paragraph.

CONSIDERATION OF RECOMMENDATION TO THE UNITED STATES DELEGATION ON BASIC ISSUES (ECONOMIC AND SOCIAL COOPERATION) (COMMITTEE II/3, US GEN 114)

MR. SANDIFER asked Mr. Kotschnig to present the recommendations of Committee II/3 on economic and social cooperation. MR. KOTSCHNIG read the first item in which it is recommended that our Delegation oppose any special mention of the International Labor Organization in the Charter. DEAN GILDERSLEEVE reported a very active debate on this issue in the afternoon session.[75] She believed that if the issue came to a vote now, the vote would be quite close. The United Kingdom is standing strongly for mention of the organization in the Charter and she has strong support from many other powers. The issue seems to have gotten into the emotions of some of the Delegates. They will not back down willingly on the stand that they have taken. It was the belief of Dean Gildersleeve that the problem should be referred to the Subcommittee of Five for solution.

[75] Doc. 381, II/3/16, May 17, UNCIO Documents, vol. 10, p. 40.

THE SECRETARY wondered why mention should be made of the International Labor Organization in the Charter. Is there not equal reason to mention other organizations and if so, why mention any of them?

MR. STINEBOWER supported the interpretation given by Dean Gildersleeve on the atmosphere of the afternoon meeting. He believed that we would have to take a decisive stand to avoid an unfavorable vote. In answer to the Secretary's question, MR. SANDIFER suggested that the International Labor Organization differs from others that might be included in the fact that it has had a record of genuine accomplishment over a sufficiently long period of time to deserve recognition. He suggested that the proponents of the mention of the organization feel that its brilliant history should not only in this fashion be recognized but that mention of the organization in the Charter would confirm its continuance as a successful body dealing with important world labor problems and define the relations between the world organization and itself.

MR. STASSEN pointed out that the real issue is the Trade Union problem. The U.S.S.R. is clearly opposed to mention of the International Labor Organization and insists that if that organization is recognized by the world Organization, the many millions of Russian trade unionists would not have a voice in the Organization. It is a very knotty problem. We gave in to England on the Act of Chapultepec. They should give in to us on this issue.

THE SECRETARY, in polling the Committee, concluded that it was the sense of the Committee to stand by the recommendation not to mention the International Labor Organization in the Charter. MR. KOTSCHNIG then read a rough draft of a report of the Subcommittee of Committee II/3.[76] The draft had just been made a few minutes prior to this meeting and covered amendments to Chapter IX, Section A, paragraph 1. This draft was in response to efforts to spell out more explicitly certain functions and obligations of the Economic and Social Council. There was strong vocal objection to the new draft. MR. DULLES opposed it on the ground that it would give the Organization direct power to legislate on matters of domestic concern. SENATORS CONNALLY and VANDENBERG objected to the obligation to promote full employment. All agreed that the present wording would make it possible for the Organization to encroach upon domestic matters and might, in fact, create a super state. SENATORS CONNALLY and VANDENBERG agreed that the Senate would be definitely opposed to the creation of such specific pledges and powers which in their fulfillment would require a heavy impingement upon the internal policies of member states. MR. DUNN questioned the expres-

[76] Doc. 381, II/3/16, May 17, UNCIO Documents, vol. 10, p. 39.

sion "higher standards of living" and wondered how the term could possibly be defined. DEAN GILDERSLEEVE indicated that at present the Committee showed considerable approval of this draft. THE SECRETARY pointed out that we should make clear that we are not opposed to these objectives but we oppose rather the implication of interference in domestic affairs as a means of attaining them.

THE SECRETARY declared that it was the sense of the Delegation that we should support the amendment sponsored by the four powers on this paragraph [77] with modifications along the lines suggested by the Canadian amendment.[78] MR. DULLES added that we should hold to the phrase "to facilitate the solution of . . .". MR. KOTSCHNIG quoted Senator Connally's version on higher standards of living and agreed that the judgment of the Delegation might be in accord with the judgment of the Committee.

It was agreed that "health" should be included among the objectives of the Organization. It was also agreed that the word "education" should be omitted on the ground that the word "cultural" includes education. MR. STASSEN quoted the dictionary definitions of education and culture and concluded that the difference was very slight. MR. KOTSCHNIG indicated that a strong unit of Consultants, lead by prominent educators, were strongly insisting upon the use of the word "education".

The Delegation approved the recommendation that the Ukrainian S.S.R. amendment to guarantee the right to work should be opposed. It was agreed by the Delegation that there was no need to insert such a provision in a world Charter.

The Delegation registered its opposition to the Australian amendment providing for a pledge by members to improve labor standards.

On the issue of special representation of countries of major economic importance in the Economic and Social Council, it was agreed that we stand by the original language which does not specify representation by any defined group of countries. MR. NOTTER suggested that such definition would act against the interests of the small powers. In any case, representation would be given to advanced countries economically. By leaving the door open to smaller states, representation on the Economic and Social Council could be maintained on a more democratic basis.

SENATOR CONNALLY at this point indicated that in his Committee it was agreed that the countries supplying forces should be requested to sit and vote on decisions. SENATOR VANDENBERG agreed with Senator Connally that the idea might have some merit but it deserved very careful study.

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[77] Doc. 288, G/38, May 14, UNCIO Documents, vol. 3, p. 690.
[78] Doc. 2, G/14(*t*), May 6, *ibid.*, p. 591.

The Delegation approved the recommendation that all amendments stipulating representation for special regions should be rejected.

It approved the recommendation that the membership of the Economic and Social Council should be maintained at 18. It approved the recommendation that the principle of rotation in the election of members to the Economic and Social Council should be rejected. MR. DUNN indicated that some principle of rotation would be followed in any case.

The Delegation approved the recommendation rejecting the proposal that countries of special interest in questions under consideration have seats and votes.

A consideration of the recommendation concerning representation of labor, industry, etc., was postponed until tomorrow when a special committee of labor, industry and agriculture will meet with the Delegation.

At this point MR. DICKEY announced that the combination of labor, industrial, agricultural and educational leaders had been able to get together on an important issue for the first time. All of them were very much enthused about their achievement. In fact, it almost reached Holy Roller proportions. He urged that the Secretary use the first thirty minutes of tomorrow's session to give them a hearing. THE SECRETARY pointed to the extremely heavy schedule of the Delegation and concluded that this meeting with these organizational leaders must be held strictly to thirty minutes.

The Delegation approved the recommendation that the French proposal empowering the Economic and Social Council to "initiate" as well as to "facilitate" solutions of economic and social problems, should be opposed.[79] SENATOR VANDENBERG felt that this suggestion could be opposed on the same grounds as those mentioned in connection with the draft submitted a few moments ago by Mr. Kotschnig, namely that it would represent interference in domestic problems.

THE SECRETARY checked the Committee and stated that there was agreement on the recommendation that the Economic and Social Council should be empowered to initiate international conventions for submission to member nations for ratification. MR. DUNN wondered why the Economic and Social Council should initiate conventions while the General Assembly was not given that power. SENATOR VANDENBERG believed that the process of initiating conventions by the Economic and Social Council should be kept under the control of the General Assembly. Conventions drawn up by the Economic and Social Council should be submitted to the member states through the Assembly. The Delegation agreed to that view.

[79] Doc. 2, G/7(o), March 21, UNCIO Documents, vol. 3, p. 387.

The Delegation also approved the recommendation that the Economic and Social Council should be empowered to call, through the Assembly, international conferences in economic emergencies.

It was agreed, upon a check of the Delegation by the Secretary, that the Council should be empowered to perform services at the request of members and related organizations and agencies.

On the question of the power of the Economic and Social Council to make, on its own initiative, recommendations to the United Nations, SENATOR VANDENBERG asked that such reference of recommendations should be made through the Assembly.

The Delegation approved the recommendation that the words "general" or "regional" be inserted after the word "agencies" in paragraph 2 of Section D. MR. NOTTER called attention to the fact that the use of the terms "general" or "regional" after the word "agencies" in the first sentence of paragraph 2, Section A, Chapter IX, is objectionable because regional agencies would thus be brought into relationship with the General Organization.

MR. KOTSCHNIG agreed that the use of the words "general" or "regional" in connection with paragraph 2, Section D, would be adequate.

The Delegation opposed the draft of the Drafting Subcommittee on paragraph 1, Section D. MR. STASSEN contended that the wording in this draft is not as good as that of the sponsoring power amendment. We want commissions, not committees or subcommittees. We want no watering down of the provisions for commissions. DEAN GILDERSLEEVE added that the Consultative group opposed the Cultural Commission and wanted an organization like the ILO and semi-autonomous structures. MR. DUNN asked that the sentence on experts be omitted. MR. KOTSCHNIG suggested that the word "cultural" be deleted. It was agreed that with the deletion of the word "cultural" and the sentence on experts, the Delegation would stand by the amendment of the sponsoring powers.

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The meeting adjourned at 7:05 p. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Mtn. 43

*Minutes of the Forty-Third Meeting of the United States Delegation, Held at San Francisco, Thursday, May 17, 1945, 8:30 a. m.*

[Informal Notes]

[Here follows list of names of persons (41) present at meeting.]

THE SECRETARY welcomed the group representing agriculture, business, labor and education . . .

[Here follow statements by five consultants and comments by the delegates.]

This part of the Delegation meeting concluded at 9:15 a. m., at which time the representatives of agriculture, business, labor and education, left the meeting, together with the advisers and technical experts on economic and social questions.

The second part of the meeting was opened by the Secretary at 9:20 a. m.

### Election of the Secretary General

Representative Bloom said that he had been embarrassed in relation to the delegates of the other sponsoring governments in connection with the vote on the method of electing the Secretary General.[81] In supporting in Committee II/1 the modified Mexican amendment [82] relative to the election of the Secretary General, he was voting in accordance with the instructions of the Delegation and asked that this be made clear to the other sponsoring governments. Accordingly, The Secretary asked Mr. Pasvolsky to explain the basis of Representative Bloom's vote in the Subcommittee of Five.

### Procedural Questions

Senator Vandenberg drew attention to the unsatisfactory coordination of the positions of the Five. He said that he had been in the position of offering an amendment in Committee to which the Soviet Delegate subsequently took exception, saying that it was their understanding that Mr. Pasvolsky had undertaken to inform the American Delegation of their dissent. Mr. Pasvolsky said that coordination in the Committee of Five was difficult because conclusions reached there were referred back to the respective delegations and that the point at which final agreement could be assumed was frequently not clear. He hoped that coordination among the Five Powers might be improved.

Dean Gildersleeve objected to the procedure followed in her Committee and suggested that the Steering Committee might do something further to clarify this whole problem. She referred to the adoption in Committee II/3 of an amendment containing the phrase "full employment" [83] without adequate previous notification and during her absence. The American position in this case had been in favor of the phrase "high and stable levels of employment". Mr. Bloom suggested that in the circumstances she could ask for a reconsideration of the action; and it was further pointed out that the Commission as a whole would have to review the decision. Regret was expressed that in the circumstances this issue would become the focus of exaggerated attention.

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[81] Doc. 328, II/1/13, May 16, UNCIO Documents, vol. 8, 331; see also Doc. 238, II/1/8, May 11, *ibid.*, p. 502.

[82] Doc. 294, II/1/10, May 14, *ibid.*, p. 323.

[83] Doc. 381, II/3/16, May 17, *ibid.*, vol. 10, p. 39.

MR. NOTTER reported that the Russians had expressed concern to him with respect to the practice of appointing subcommittees with only one or a few of the major powers represented. GOVERNOR STASSEN expressed the view that it was desirable, in the interest of Five Power unity, that the membership of all subcommittees should include the Five Powers. THE SECRETARY said that he would take these matters up with Mr. Hiss immediately.

DISCUSSION OF QUESTIONS PENDING BEFORE COMMITTEE III/1

The Delegation now proceeded to a discussion of pending questions before Committee III/1 on the basis of US Gen 120.[84]

3. *Should the General Assembly participate in decisions of the Security Council with respect to coercive measures?* In view of the action of Committee III/3 in defeating amendments to VIII–B–4 offered by New Zealand, Mexico, and Egypt,[85] it was agreed that participation by the Assembly in such decisions was no longer an open issue.

4. *Should the Yalta decision stand which allows a permanent member to veto peaceful settlement of a dispute to which it is a party?* General dissatisfaction was expressed with respect to the applicability of the veto to procedures for peaceful settlement. Pointing out that fifteen amendments had been proposed with respect to this matter, GOVERNOR STASSEN took the position that a change would be highly desirable and suggested that the American Delegation take the position that decisions relative to peaceful settlement should be made by a majority of seven, including at least three of the permanent members of the Council. It was further suggested that the question should be taken up in the Subcommittee of Five. In response to a query from Mr. Dunn, GOVERNOR STASSEN said that he thought that the Yalta formula was subject to an interpretation which would exempt procedures of peaceful change from the veto and directed attention to Mr. Eden's recent press statement which seemed to support such a position. MR. DUNN, however, took the view that it was not just a matter of interpretation but of change in the Yalta formula and pointed out that the British had issued a correction regarding Mr. Eden's reported statement. After MR. BLAISDELL drew attention to the Department's press release of March 24 on this subject,[86] the view was accepted that the proposal would clearly involve a departure from the Yalta decision. It was agreed, furthermore, that in no event

[84] Not printed.

[85] Doc. 289, III/3/11, May 13, and Doc. 355, III/3/17, May 16, *ibid.*, vol. 12, pp. 602 and 326, respectively.

[86] For statement by Acting Secretary Grew on operation of the proposed voting procedure in the Security Council, see Department of State *Bulletin*, March 25, 1945, p. 479.

would this Government take a position independent of the other four powers.

While agreeing unqualifiedly with the necessity for Five Power unity, GOVERNOR STASSEN thought it would be desirable to have our dislike for the Yalta formula in this particular application to be on record, a position in which Mr. Dulles concurred. However, SENATOR VANDENBERG took the view that the Russians would not recede in this matter and that, therefore, it would be pointless to bring the matter up and thus jeopardize the success of our views in other connections. He thought it was important for the record to show that we had lived up to the Yalta agreement unequivocally.

MR. PASVOLSKY expressed the opinion that if the matter were to be opened, it should be done at a higher level than the Subcommittee of Five. He said that the question had come up in that Committee as to whether paragraph 1 of VIII–A constituted an exception to the unanimity rule and that the Russian representative had taken the position that, although this possibility did not present a serious problem in this particular connection, to open the Yalta formula at this point would encourage pressure for further concessions. Mr. Pasvolsky said that the distinction between procedural and substantive questions was difficult to make and that the Russians were of the view that paragraph 2 of the Yalta formula refers exclusively to VI–D. He said that it was very interesting, in view of China's experience in the Manchurian affair, that the Chinese representative took the view that investigation was a substantive matter. It was after this statement of the Chinese representative that the French representative announced the intention of his Government to withdraw its amendment relative to VI–C.[87]

SENATOR CONNALLY said at this point that, although he would like to see a change made in the Charter in this connection, he felt nonetheless that some defense could be made for holding to the rule of unanimity. He pointed out that if there were a split among the great powers concerning measures of peaceful settlement that it would certainly carry over into any subsequent question of the application of sanctions.

MR. JOHNSON raised the tactical question of what should be done if the Yalta formula fails of acceptance in Committee III/1. MR. ROCKEFELLER felt that it might be unwise to exert undue pressure on the Latin American countries because of the added support this would give to the opinion that an American bloc exists. At the same time he felt that if the Latin American countries understood that peaceful settlement on a regional basis were exempted from the veto their objection to it would be mitigated.

[87] UNCIO Documents, vol. 13, p. 384.

GOVERNOR STASSEN said that he would like to have the question raised at both levels. He thought it was important for us to go on record against the veto of procedures of peaceful settlement in order to keep our moral leadership. He pointed out that there would seem to be no hesitance on the part of Russia in seeking the approval and support of liberal opinion on the trusteeship question. He did not want this Government maneuvered into a position where it would seem to take the illiberal view.

At THE SECRETARY'S suggestion, it was finally decided to instruct Mr. Pasvolsky to take the question up in the Committee of Five, the problem to be posed as one of strategy rather than as one of substance.

5. *Proposals of Economic and Social Consultants.* At this point, DEAN GILDERSLEEVE raised the question as to when the Delegation would consider the proposal prepared by the consultants with reference to economic and social matters. MR. SANDIFER'S suggestion that the proposals be taken up at the evening meeting of the Delegation was agreed to.

6. *Voting Procedure on Enforcement Action.* It was *agreed* that proposed changes in the Yalta voting arrangement, contained in the amendments of other countries, as regards the existence of a threat to the peace or the taking of enforcement action (the latter including the case of regional action) should be opposed.

7. *Voting Procedure with Respect to the Secretary General.* It was *agreed* that all questions involving voting in the Security Council should be referred to Committee III/1 for decision. MR. BLOOM pointed out that this had been the action of his Committee with respect to this matter.

8. With respect to the *Voting Status of Non-Members of the Council When Sitting with the Council*, it was *agreed* that, in general, the voting privilege should not be extended, but that the Canadian proposal concerning the specific question of decisions involving the contribution of forces be considered in the sub-committee of Committee III/3 appointed for this purpose.

9. Action of the Delegation with respect to other amendments pending with respect to Chapter VI [88] was as follows:

*Chapter VI, Section B*

*a.* To refer the Norwegian proposal to eliminate the word "principal" from the title of Section B to the Coordination Committee as a drafting matter.

*b.* To take the position that Norway's proposed addition to paragraph 2, which is in the nature of an injunction against appeasement, is covered by the four power amendments to Chapter I.

*c.* To refer Norway's proposal relative to the enforcement of judicial decisions to Committee III/3.

[88] Doc. 360, III/1/16, May 15, UNCIO Documents, vol. 11, p. 767.

*d.* To refer Norway's proposal with respect to the role of the Council in the election of court judges to Committee IV/1.

*e.* To take the position that Uruguay's recommendation relating to government monopoly of arms production is unsuitable for incorporation in the Charter.

*Chapter VI, Section C*

*a.* To oppose Norway's proposal requiring a vote of 8, instead of 7, on Section C–3 matters.

*b.* To oppose the Netherlands proposal requiring a majority vote of non-permanent members in connection with Section C–3.

*c.* To oppose all other proposed amendments to Section C as definitely beyond practical limits.

*Chapter VI, Section D*

*a.* To oppose Brazil's proposal requiring quarterly and extraordinary sessions of the Council as not taking into account the conception that the Council is in continuous session.

*b.* To regard Norway's argument that regional military collaboration must be defined by the agreement(s) under VIII–B–5 as a matter for discussion in III/3.

*c.* To oppose the Mexican and Venezuelan proposals for determining when a member or non-member shall be called in by the Security Council.

*d.* To oppose the disqualification of any member of the Security Council involved in a dispute from participating in the taking of decisions, as proposed by Liberia and Guatemala.

10. Action of the Delegation with respect to amendments pending in connection with VIII–A [89] was as follows:

*a.* With respect to the authority of the Security Council to recommend terms of settlement, it was agreed that the only question remaining was one of drafting. It was decided to oppose any amendments which would give to the Security Council the power to *impose*, rather than recommend, terms of settlement.

*b.* With respect to the question whether the Security Council should be obligated to submit justiciable questions to the Court, it was decided that the Delegation would stand on the present wording of paragraph 6. In case of a conflict between Committees III/2 and IV/1, a joint subcommittee would be appropriate.

*c.* With regard to the power of the General Assembly (or other international organ) to request an advisory opinion from the Court, it was decided to pass the matter over, since this question will not be reached in Committee III/2 for several days.

*d.* It was decided to oppose the removal to VIII–A of paragraphs 1 and 2 of VIII–B, relating to the determination of threats to or breaches of the peace, or acts of aggression, because this would constitute a change in the Yalta formula. It was decided that the Delegate of the United States in Committee III/2 take the view that III/2 has no competence until III/3 has acted, and that the amendment be opposed in the latter Committee.

*e.* It was decided that any amendments providing for participation by the Assembly in pacific settlement should be opposed on the ground

[89] Doc. 207, III/2/A/3, May 10, UNCIO Documents, vol. 12, pp. 179 ff.

that the point is adequately taken care of by the five power amendment.

*f.* It was decided to oppose the inclusion of any reference to territorial integrity and independence in VIII–A, and it was pointed out that Committee III/2 had approved of the Australian amendment on this point, which is to be incorporated in II–4 of the Charter.[90]

*g.* It was decided to take up in the Subcommittee of Five the question as to whether the words of XII–2 are adequate for excluding an appeal by an enemy state to the Security Council under VIII–A–2.

The meeting adjourned into Executive session.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 43 (Exec.)

*Minutes of the Forty-Third Meeting (Executive Session) of the United States Delegation (B), Held at San Francisco, Thursday, May 17, 1945, 10: 20 a. m.*

(Continuation of regular meeting)

[Informal Notes]

DEPUTIES, SECRETARY GENERAL

MR. BLOOM proposed that there be "not more than five" deputies, rather than "four". He indicated that there was very little likelihood of a proposal for four deputies being accepted in his Committee. MR. ARMSTRONG agreed that the presidium system implied in the provision for four deputies was most distasteful and should be strongly opposed. MR. PASVOLSKY said the system contemplated was somewhat analogous to the system for a Secretary of State and Assistant Secretaries. MR. ARMSTRONG indicated that the Soviet Union had in mind a system of rotating the four deputies and the Secretary General among the five powers. This, MR. ARMSTRONG felt, would be intolerable. MR. PASVOLSKY pointed out that an unfortunate element in the situation was that the proposal for four deputies was the agreed proposal of the sponsoring governments. THE SECRETARY stated that his view corresponded with that of Mr. Armstrong.

MR. PASVOLSKY stated that he would discuss this question which had been before the Committee of Five quite frankly here. When Mr. Molotov had first discussed the proposal for four deputies [91] he

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[90] See *ibid.*, p. 185, for Iranian proposal regarding the inclusion of reference to territorial integrity or independence in VIII, A(4) ; p. 181 for amendment of the four Sponsoring Powers, VIII, A(4), which was approved by Committee III/2 on May 17 (Doc. 433, III/2/15, May 19, *ibid.*, p. 48) ; p. 185 for Australian-proposed amendment of VIII, A(5) ; Doc. 20, P/6, April 28 (*ibid.*, vol. 1, pp. 173–174) and Doc. 2, G/14(1), May 5 (*ibid.*, vol. 3, p. 543), for Australian-proposed amendment of II(4) ; and Doc. 382, I/1/19, May 17 (*ibid.*, vol. 6, p. 303) for discussion in Committee I/1 of the question of inclusion of reference to territorial integrity and political independence in II(4).

[91] Minutes of Four-Power consultative meeting, May 3, 10 a. m., p. 562.

had proposed that the four deputies and the Secretary General be chosen from the five members with permanent seats on the Security Council. After being pushed on this question MR. MOLOTOV had said he would not insist on this, and it was now [*not*?] clear why he would not insist. If this was definitely agreed to, it was quite possible that there would be no Secretary General of the Organization. The Security Council would put up a list of nominations and the General Assembly would knock it out. MR. PASVOLSKY reported that this question had been discussed in detail in the Subcommittee of Five with no conclusion reached.

MR. PASVOLSKY added that he had explained to the committee why it was not possible for us to go along with the proposal that the five major powers should occupy all the leading positions in the Organization. Our proposal was that they would have the leadership in the organization in matters relating to security, but beyond that that the major powers should have no status that went beyond the status of others. MR. PASVOLSKY thought there was a great disadvantage in naming the exact number of deputies, since an amendment would then be required to increase the number. MR. ARMSTRONG suggested the formula four or more deputies or five or more deputies. He added that if the Security Council with the present arrangement was in a weak position with relation to the Assembly, then we should strengthen the present provisions to meet the requirements of the Assembly.

MR. BLOOM pointed out that there was no possibility in his view of getting the present provision for four deputies by Committee II/1. THE SECRETARY agreed that it would not be very easy to get it by. MR. ARMSTRONG suggested that we should oppose any effort to inflict a presidium on the Organization and that our strategy could well be to state to the other four powers that the proposal we had originally suggested in the sponsoring government amendment was not going to get through the committee. MR. BLOOM urged that the question be taken up with the Subcommittee of Five. MR. PASVOLSKY agreed that this was the sound procedure and stated that he would know tonight what that Committee would recommend. He added that he would take the position that the proposal for four deputies would probably not get by the Committee II/1.[92]

PROGRESS OF MEETINGS OF SUBCOMMITTEE OF FIVE—REGIONAL PROBLEM

THE SECRETARY asked Mr. Pasvolsky to indicate the general progress of the consultations with the Subcommittee of Five. MR. PASVOLSKY reported that there were supposed to be two meetings

[92] Doc. 415, II/1/18, May 18, UNCIO Documents, vol. 8, p. 353.

yesterday, but that because of the necessity of discussing the regional problem only one meeting had been held, two hours having been spent on the discussion of regional amendments. He indicated that some progress had been made and that we could tell better what the situation would be when we saw Sobolev. The Soviet representatives, he said, were objecting to the word "collective". MR. HOLMES asked why they objected to that word. MR. PASVOLSKY thought that they were just stalling. Their argument was that they were not sure the word collective conformed to the conception of Dumbarton Oaks. They were willing to accept the provision for the right of self-defense, since they thought this was covered in Dumbarton Oaks. They now were arguing, however, whether the principle of collective self-defense was covered there.

THE SECRETARY asked Mr. Pasvolsky what he thought. MR. PASVOLSKY replied that he thought it was covered. He believed that if any right of self-defense is implied, then the right remains in any form. He stated that the other three governments were in agreement with him on that view, and the Soviet representatives he thought were awaiting instructions. MR. PASVOLSKY thought that the Soviet Union was putting up a smoke screen while waiting for instructions and compared the situation to Molotov's refusal to accept the revision of Chapter V, Section B, paragraph 6 until he had received his instructions. MR. PASVOLSKY stated he was sure this question had been referred to Moscow.

The Chinese, he said, had raised the question whether our proposal on the right of self-defense did not open the matter too widely. We said "when the Security Council does not maintain peace and security . . .". They wanted to make the statement more precise to read "if in any particular instance the Security Council does not maintain peace and security and an armed attack occurs . . .". SENATOR VANDENBERG opposed making any change in our proposal, feeling that we should stand our ground. MR. PASVOLSKY said the Chinese might accept our proposal, but that he felt in fact the Chinese wording was an improvement. MR. DULLES questioned whether any real change was involved, since our proposal also had the provision *if an armed attack occurs*. SENATOR VANDENBERG opposed again the reopening of the formula, pointing out that we would then have to consult widely with our South American friends and with everybody else. He thought we should stick to our stated position. THE SECRETARY agreed that we had stated our position and that that was our policy.

[Here follows discussion of powers of Executive and Steering Committees.]

## CHAPTER II, PRINCIPLES: ATLANTIC CHARTER: FREEDOM OF INFORMATION AND COMMUNICATION

MR. PASVOLSKY stated that the Delegation had yesterday decided not to oppose addition of principles of free communication and specific mention of the Atlantic Charter in the Charter.[94] At the meeting of the Subcommittee of Five the British had stated that they would oppose both of these amendments and the USSR indicated the same policy. MR. PASVOLSKY stated that he had told the Subcommittee of Five that the United States wishes to be in a position not to oppose these amendments. The question was then how the United States should vote in the committee. Should it vote affirmatively or abstain?

THE SECRETARY thought we should vote affirmatively. MR. DUNN agreed that this was probably what we wanted to do. MR. DULLES said it would be more difficult to take an affirmative stand for the inclusion of mention of the Atlantic Charter than to vote affirmatively on the inclusion of the principle of freedom of information, since, in discussing Senator Vandenberg's proposal, we had agreed to omit any reference to the Atlantic Charter. MR. PASVOLSKY thought that if we voted in favor of the proposal for freedom of information and communication the Soviet Union would certainly include their proposals for the right to work and the right to education. MISS FOSDICK stated that the decision with respect to freedom of information and communication had been that we would not oppose such a principle as long as we did not have to accept with it a further enumeration of fundamental freedoms. MR. HARTLEY suggested that there had been an inconsistency in the decision of the Delegation which had voted on the one hand against any amendment and had voted on the other hand to favor the addition of a principle of freedom of communication and information. MR. PASVOLSKY said he thought the Soviet Union might get through the acceptance of the principle of "right to work". If so, we would have to see that other fundamental freedoms were enumerated. MR. NOTTER commented that the situation was rather complicated. In the committee, if the Soviet Union opposed and Great Britain opposed all we could do would be to say that we wanted this one freedom enumerated, but that we did not want anything more enumerated. MR. DULLES thought our position should be that we are against any enumeration, but that if there was to be any enumeration it should include freedom of communication.

SENATOR VANDENBERG pointed out that the question would probably come up "shall we put a principle of freedom of information and communication in the Charter." He asked how we would vote on this question. THE SECRETARY replied that he would favor not voting on this question until the prior question was decided whether there should

[94] Minutes of meeting of May 16, 9 a. m., p. 749.

be an enumeration. If so, we would propose freedom of information and communication. MR. PASVOLSKY thought this was a tenable position. MR. NOTTER then stated that the policy would be to vote against enumeration. MR. PASVOLSKY added that if we lost on that vote we would then go in for a full enumeration of freedoms.

The meeting was adjourned by the Secretary at 10:50 a. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 44

*Minutes of the Forty-Fourth Meeting of the United States Delegation, Held at San Francisco, Thursday, May 17, 1945, 6 p. m.*

[Informal Notes]

[Here follows list of names of persons (30) present at meeting.]

The meeting was called to order by the Secretary at 6:00 p. m.

COMMISSION MEETINGS

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YALTA VOTING AGREEMENT

SENATOR CONNALLY called attention to a matter in Committee 1 of Commission III [95] which he said he found himself "right up against", and with respect to which he needed instructions from the American Delegation. The Yalta voting agreements, he said, were being attacked. Sir Alexander Cadogan had spoken on the subject. Ambassador Gromyko was scheduled to speak tomorrow,[96] and SENATOR CONNALLY said that his associates had urged him to speak.

THE CHAIRMAN stated that it was his understanding that the agreement was not to depart from the Yalta formula except upon the agreement of the other sponsoring powers.

MR. PASVOLSKY reported on the views expressed in the Committee of Five and stated that the French take the position that they had made their formulation before the Yalta formula came out, and while they do not like the Yalta formula they will not force the issue. The Russians say that the only way to deal with the problem is by the Five Powers staying together. MR. PASVOLSKY replied that it is necessary to judge the temper of the Conference in order to determine whether it will be possible to hold the line. If it appears that the line cannot be held, it may be necessary to confer on the possible modification of the position to be taken. With respect to the veto, and specifically the Dutch proposal,[97] the British are determined to turn it down. The French withdrew their proposal.[98] MR. PASVOLSKY

[95] Doc. 417, III/1/19, May 18, UNCIO Documents, vol. 11, p. 305.
[96] Doc. 459, III/1/22, May 21, *ibid.*, p. 332.
[97] Doc. 2, G/7(*j*) (1), May 1, *ibid.*, vol. 3, p. 325; WD 215, III/1/36, June 7, *ibid.*, vol. 11, p. 326.
[98] Doc. 2, G/7(*o*), March 21, *ibid.*, vol. 3, p. 384.

further expressed the view that the possibility of altering the Yalta formula should not be discussed in the Committee of Five, but only at the highest level. It would have to be taken up, he said, in a meeting of the Big Five as a matter of strategy; otherwise, suspicion might be created that the United States is trying to run out on the Yalta agreement. It is not yet possible, he added, to know just what the pressure is on this issue.

MR. BOWMAN stated that it is necessary to decide as a matter of strategy whether the best possible defense is going to be made of the Yalta agreement. Today, he added, it seemed that a detailed defense of the agreement is necessary.

MR. PASVOLSKY commented that the Netherlands Delegation is in opposition of the Yalta formula and is urging the adoption of the Netherlands amendment. The French, however, withdrew their amendment. Sir Alexander supports the Yalta formula.

MR. BOWMAN observed that Sir Alexander, in response to a question put by Mr. Fraser, had answered that he would bring in an explanation, paragraph by paragraph, on how the Yalta formula affects the Charter.[99] Copies of this explanation would be distributed, he said. The United Kingdom has taken the position that it must actively support the Yalta formula, and MR. BOWMAN expressed the view that the United States should pursue the same course.

SENATOR CONNALLY commented that then the American Delegation would support the formula.

THE CHAIRMAN agreed that this was the sense of the Delegation as of this morning.

COMMANDER STASSEN stated that it would be fine if it would be possible to get a modification of Section 8*a* and if agreement could be reached on this among the Five Powers. COMMANDER STASSEN agreed that it was necessary to defend aggressively the Yalta formula but that this is one point at which it is really indefensible.

SENATOR CONNALLY stated that it could be defended on another point. He pointed out that if sanctions are employed later on there would be a veto power if the Security Council should take any action, but if on the other hand the consideration of a dispute is begun with a divided Security Council, why not permit the exercise of the veto power at the very beginning.

MR. PASVOLSKY suggested that the next step in the consultations would depend on the developing tide in the Committee. If it is shown clearly that the necessary votes are lacking then further consultations will be required. This, he said, is not only a Russian proposal, but a British proposal as well.

The British wish to go all the way with respect to the veto power.

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[99] WD 3, May 17, UNCIO Documents, vol. 11, p. 320.

COMMANDER STASSEN stated that it would be undesirable to have the inner feeling of the American Delegation on this matter misrepresented in inner circles. There can be no question that the Five Powers must stay together.

SENATOR CONNALLY stated that Ambassador Gromyko will speak the first thing tomorrow. He added that there was quite strong feeling among the Five Powers that that question is the heart of the Charter and of Five Power unity, and that if this issue is lost the entire situation is wrecked.

MR. DUNN inquired whether the American political officers should get word around to the other delegations.

### POSTPONEMENT OF BIG FIVE MEETING

THE CHAIRMAN stated that the meeting of the Big Five which had been scheduled for 3 o'clock on this afternoon had been canceled because Ambassador Gromyko had not yet received word from Moscow. He stated that if he did not hear from Ambassador Gromyko by 10:00 a. m. on the next day he would proceed to call another meeting of the Big Five.

SENATOR VANDENBERG stated that Ambassador Gromyko had been given until 3:00 today, and that his default had ended his rights. Postponing the meeting, he said, simply encouraged the Russian belief that they can push us around simply because they had not had word from Moscow. Ambassador Gromyko, he urged, should not be encouraged to slide by the deadlines. The other representatives in the Big Five, he added, were in agreement.

MR. DUNN pointed out that the Russians had not set the deadline, and he went on to inquire as to what the American Delegation's attitude would be in a similar situation in Moscow.

SENATOR VANDENBERG asserted that if the Big Five did not meet tomorrow then the Delegation could name someone else to sit on the Regional Committee. He stated that he would not humiliate himself and his country any longer. This is, he said, an outrageous situation. It is impossible to hold the South American countries.

SENATOR CONNALLY urged that the American Delegation should not go that far, and SENATOR VANDENBERG replied that it is not a final situation, and that the American delegates are free agents and can do as they please.

SECRETARY STETTINIUS observed that this would be so only when the Five Power consultations are ended. He pointed out that Ambassador Gromyko had said that he had not had time physically to get word from Moscow and that therefore he was unable to say anything on the issue. If, however, Ambassador Gromyko has not heard from Moscow by tomorrow then Lord Halifax will back up the American position.

MR. DUNN pointed out that the Americans would feel that they were being pushed around if they were in Moscow and subjected to the same conditions. Communications between this country and Moscow, he said, are not as good as they are between London, Washington, and Paris.

SENATOR VANDENBERG stated it as his view that a great deal more was involved than in this particular instance. The United States, he said, was being pushed around all over the world by the Russians. They are not adhering to the Yalta agreement or to their agreement with the Secretary of State.

MR. DUNN advised that there should be no deadlines set at a conference of this kind. He pointed out, for example, that twenty-four hours after Mr. Molotov had said that he could not agree on the two points, he came around and said that he received word that he could agree on them. MR. DUNN stated that he had never before heard of a deadline in diplomacy, and that a deadline in diplomacy is actually an ultimatum. In diplomacy, he said, one waits a reasonable time, but one never says 11, or 2, or 3 o'clock.

SENATOR VANDENBERG asked who was responsible for this twenty-four hour deadline and answered the question by stating that Dr. Koo had proposed it and had been supported by Lord Halifax, and that both of these men were experienced diplomats.

MR. ARMSTRONG commented that they had proposed this, however, very reluctantly.

### COLLECTIVE MEASURES IN SELF-DEFENSE

At this point SECRETARY STETTINIUS suggested to Mr. Pasvolsky that he had better introduce his "ray of sunshine" regarding his talk with Mr. Molotov on regional arrangements.

MR. PASVOLSKY stated that the Russians had been much disturbed by the word "collective".[1] They were afraid that it would make possible a coalition against them. They said that it creates a new situation. MR. PASVOLSKY remarked that he had argued in two languages that it does not create a new situation and that it was covered entirely in the Dumbarton Oaks proposals. Actually, however, this is wrong.

MR. PASVOLSKY added that the French feel that the Russians are really perturbed about self-defense. They say that the Russians are worried not about the possibility of collective measures taken against them in case the Security Council fails but collective action on the basis of previous agreements. MR. PASVOLSKY stated that he gave an explanation of the Monroe Doctrine and the right of collective measures in defense. MR. SOBOLEV replied that he would have to talk fur-

[1] See Five-Power discussion of chapter VIII, section B, new paragraph 12, at the fifth meeting, May 16, 3 p. m., p. 758.

ther with his chiefs. They've gone one step, and now admit that the right to take collective measures in self-defense is covered in the Dumbarton Oaks Proposals by inference, but they are still afraid of previous agreements.

MR. PASVOLSKY expressed the view that at the meeting on the next day the American position should be that this is a matter requiring action, and that it would be desirable to go forward with this proposal as a working basis for discussion, while continuing consultations on the question.

MR. DUNN commented that a day is only useful when it is put to use. SENATOR VANDENBERG rejoined that a day in the Senate is more important than a day in the State Department.

### ABSENCE OF MR. MOLOTOV

MR. DULLES commented that it is not a question of personal embarrassment, but a question of how the Conference is going to function in the absence of Mr. Molotov. This same situation arose at Dumbarton Oaks, he averred, and prevented final agreement on this question. MR. DULLES took the position that it should be made clear at an early stage that we do not intend to repeat the Dumbarton Oaks experience. [THE SECRETARY added a vigorous "No!" at this point.] [2] Continuing, MR. DULLES said that it would seem to be in order to allow these matters to go ahead and to be discussed in the Committee tomorrow.

THE CHAIRMAN expressed entire agreement with the statement made by Mr. Dulles.

MR. DUNN remarked that he was also in agreement but that he did not think that an attempt should be made to decide today what is to be done tomorrow.

### ATTITUDE OF ARGENTINE DELEGATION

THE CHAIRMAN said that no embarrassment will be raised by the Argentine Delegation regarding the vacancy of rapporteur in the Commission.[3] MR. WARREN added that the Argentine Delegation will not raise the issue. Mr. Rockefeller, he said, had had a very satisfactory conference with them, and they will not risk any embarrassment with the Russians on this question.

DEAN GILDERSLEEVE inquired whether the Committee of Five had taken up the question of the ILO.

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[2] Brackets appear in the original.

[3] The position of rapporteur for Commission IV was vacant; in a circular airgram to diplomatic representatives in the American Republics, May 21, 10:35 a. m. (500.CC/5–2145), the Acting Secretary of State reported: "The Argentine delegation has agreed not to make any attempt to obtain for itself the vacant rapporteurship of commissions. This will relieve us from the embarrassment which would be caused if the Argentine issue should be raised again at the conference."

## Decisions Reached by Committee of Five

Mr. Pasvolsky reported on a number of decisions which had been reached in the Committee of Five.[4]

*Committee I/1*

In Committee I/1 it was decided that the question of the observance of treaties would be handled in the Preamble. The Soviet representative would support it, but would wish it reworded.

There was opposition to the enumeration of human rights, including the obligation to maintain international free communication.

Mr. Pasvolsky stated that he had informed the others that if any enumeration is to be made the United States would support the inclusion of freedom of communication if there were heavy pressure for it. The British are prepared to oppose this issue.

With respect to the guarantee of territorial integrity it was agreed to use the Australian amendment, although some rewording is desired by the Soviet Delegation.

It was also agreed that any reference to nonintervention would be opposed.

*Committee I/2*

With respect to Committee I/2 it was agreed to support the expulsion proposals as they now stand, that is, the Dumbarton Oaks text. Senator Vandenberg commented on this to the effect that this would be true except with respect to persistent offenders. Mr. Pasvolsky stated that the others want the expulsion and suspension provisions left in.

On matters affecting the Secretariat it was decided to stand on the Dumbarton Oaks text as amended by the Big Four, with a number of changes. There had been a long discussion on several problems in connection with this subject. The changes agreed upon were the following: (1) The re-eligibility of the Deputy-Secretaries General. It was agreed that this had been an oversight. (2) An increase in the number of Deputy-Secretaries General from four to five. The Russians, Mr. Pasvolsky explained, had agreed to this change this morning. The question had also been raised as to whether the Deputy-Secretaries General should be elected, as the Secretary General, or appointed by the latter. The British had supported appointment by the Secretary-General, but the Russians were opposed to this. A tentative compromise was that the Deputies would be assigned special functions and would be appointed by the Secretary General and approved by the Security Council or the General Assembly, according to their function. The French and British were opposed to this,

[4] For a guide to proposed amendments, according to the Committees (referred to herein) considering them, see Doc. 288, G/38, May 14, UNCIO Documents, vol. 3, p. 639. Record of meetings of the Committee of Five (Five-Power Deputies) not printed.

however, and the situation remained in *status quo*. (3) Where "Deputy" is mentioned in the text it should read "Deputy-Secretary General". MR. ARMSTRONG pointed to the possibility that the Secretary General might be a Soviet citizen and would appoint all Soviet deputies.

MR. BLOOM expressed the view that the deputies must be appointed by the Organization.

MR. PASVOLSKY stated that in his view the deputies should be appointed but whether by the Assembly alone or by the Security Council or the Assembly, according to function, would be a matter for consideration. For the moment, he said, the United States was standing on the present procedure.

Committee I/2 also had before it the proposal to empower the Secretary General to bring matters to the attention of the General Assembly. It was agreed in the Committee of Five that this would be opposed, and that the stand would be on the Dumbarton Oaks text.

With respect to the question of periodic conferences to review and revise the Charter the agreed stand would be on the Dumbarton Oaks proposals with the Big Four amendments.

The proposal of a two-thirds majority for the ratification of amendments would be opposed with a recommendation that the stand be firmly on the Dumbarton Oaks text.

*Committee II/1*

A number of decisions were also reached affecting the matters under Committee II/1. With respect to the suspension of voting rights as a penalty of non-payment of contribution it was decided in the Committee of Five not to offer opposition. The American position would be to abstain from voting and from taking a public position.

On the matter of the participation of women in the general international organization the recommendation of the Committee of Five was that the governments should be left free to act. The position of the American Delegation, however, is to oppose any proposal which had application beyond the Secretariat or the members of the commissions. This would involve opposition to the Brazilian, Dominican Republic, and Mexican joint proposal.[5] It was agreed that Mr. Kotschnig and Mr. Tomlinson would be requested to draft a formula which would embrace non-discriminatory rather than equal treatment, and which would cover the limited position taken by the American Delegation.

REPRESENTATIVE EATON read the formulation of the Drafting Committee: "The Organization shall place no restriction on the partici-

[5] Doc. 2, G/25, May 5, UNCIO Documents, vol. 3, pp. 602, 603. For amendment proposed by the Sponsoring Governments, chapter V, paragraph 4, see Doc. 2, G/29, May 5, *ibid.*, p. 627.

pation of men and women on an equal basis in its principal organs and subsidiary agencies".

DEAN GILDERSLEEVE stated that she had thought that the provision would apply only to the Secretariat.

MR. PASVOLSKY stated that the Delegations had agreed at the meeting this morning that this provision would apply to the staff of the organization but not to the delegations, for that is the business of governments and not of the organization.

REPRESENTATIVE BLOOM reported that the question had come up in his Committee at the afternoon's meeting [6] and that the Chairman had ruled that he would declare it out of order but would allow speeches to be made on it. MR. BLOOM stated that he had made a motion to adjourn, but the Chairman of the Committee stated that he will continue the debate on the question tomorrow.

DEAN GILDERSLEEVE commented that in her view the American Delegation should hold by the stand taken at the morning meeting. She would not like to see the provision apply beyond the Secretariat.

MR. HICKERSON agreed, stating that there is no right to go beyond that since the organization cannot tell governments how to compose their delegations.

MR. PASVOLSKY stated that another question taken up in the Committee of Five affecting Committee II/1 related to the Australian amendment, which described in detail the method of preparing the budget for the organization.[7] The Committee of Five, he said, recommended that on this issue the governments be left with freedom of action.

On the question of voting procedure in the General Assembly, it was decided that there should be no change; voting procedure in the Security Council should be settled in Committee III/1, and in the Assembly in Committee II/1. It was recommended that the stand would be on the Dumbarton Oaks proposals, and Mr. Pasvolsky considered this quite sound.

### NOMINATION AND ELECTION OF JUDGES

MR. BLOOM raised a question about the nomination and election of judges on the Court.

MR. HACKWORTH reported that at the morning's meeting the nomination of judges under the present system had been approved,[8] but that then the question of election of judges had arisen. A proposal had been advanced by Uruguay that judges be elected by the Assembly alone. This had been supported by the entire Latin bloc except Haiti. The Big Five stood by the American position that the election should

[6] Doc. 415, II/1/18, May 18, UNCIO Documents, vol. 8, p. 353.
[7] Doc. 2, G/14(1), May 5 (11th amendment), *ibid.*, vol. 3, p. 545.
[8] Doc. 418, IV/1/32, May 18, *ibid.*, vol. 13, p. 180.

be by the Assembly and the Council as now provided. The vote, he said, promised to be pretty equally divided. While the vote to put the election in the Assembly may fail, the vote to put it in the Council and the Assembly may also fail. It was suggested that Mr. Rockefeller and Mr. Warren should talk to the Latin American representatives. MR. HACKWORTH further pointed out that a strong bloc could control the election of judges if this election were placed in the Assembly. The American position is, he said, that the Council should have a part in the election of these judges. For, if the Council has no part in this election it cannot control the matter. The situation, he said, is rather difficult, and the British and Russians realize that there is a good chance of losing out on our position with respect to participation by the Council.

REPRESENTATIVE BLOOM stated that the General Assembly should elect the judges on terms laid down by the Statute.

MR. HACKWORTH, however, urged that this should not be left to the Assembly alone. The Statute, he pointed out, provides that the election should be by majority vote.

SENATOR CONNALLY inquired of Mr. Hackworth whether it would be possible for his Commission to hold an open session on Saturday, and MR. HACKWORTH replied that it would be possible to meet and report progress.

*Committee II/2*

With respect to matters in Committee II/2, several decisions had been reached in the Committee of Five.

It was decided that all misunderstandings with respect to the new Five Power proposal in paragraph 1, Section B, Chapter V [9] are now resolved, and it was agreed in the Committee of Five that it will be supported by the Big Five.

The explanation of the Soviet representative had been that the language was new and was too broad. The Soviet had voted no, and the British had voted yes, but after discussion the conclusion was reached that there had been a misunderstanding.

SENATOR VANDENBERG inquired whether this means that the situation now is where it was originally and that this continues to be a joint proposal, and MR. PASVOLSKY replied that it continues to be a joint proposal.

On the subject of suspension of members, MR. PASVOLSKY pointed out that the decision in the Delegation had been to ask the Committee of Five for a recommendation. The recommendation of the Committee of Five is to oppose any amendment which would place this power in the hands of the Assembly. Suspension would be provided

[9] For text of redraft proposed by the four Sponsoring Governments and France, see Doc. 354, II/2/15, May 16, UNCIO Documents, vol. 9, p. 43.

for only in those cases where the Security Council is taking action against a nation on grounds of a threat to peace and security. Thus, it would be quite proper to let the Security Council take action. The proposal on restoration of suspended members is to be opposed.

MR. PASVOLSKY pointed out that there had been some small amendments relating to paragraph 8, but that the Delegation had decided to stand by the Dumbarton Oaks text. In this it was supported by the Committee of Five, which recommended that the minor amendments on paragraph 8 would be opposed and that the position would be to stand by the Dumbarton Oaks text.

It was also agreed to recommend that amendments which would make withdrawal possible were to be opposed strenuously.

REPRESENTATIVE BLOOM inquired whether in the case of restoration of members after the non-payment of dues it would be necessary to wait for the Assembly to meet or would there be automatic restoration.

MR. PASVOLSKY explained that the amendments proposed provided that the right of a member to vote may be suspended pending payment of dues, and that there might be restoration on payment.

*Committee II/3*

MR. PASVOLSKY also reported on decisions made with respect to matters coming under Committee II/3.

The British, he said, had wanted freedom of action with respect to the inclusion of the ILO. The other three countries were opposed to this, and so was the United States. The Committee of Five decided upon freedom of action with respect to specific mention of the ILO, but the United States position will be continued opposition to this.

The question of the specific mention of health had already been settled by acceptance.

With respect to the inclusion of the word "educational" there was a split. The Chinese had been for this, while the decision of the United States Delegation was against it, and also against reference to "intellectual cooperation". The Russians, he said, were prepared to withdraw their original opposition to the inclusion of "educational". The Committee of Five decided upon freedom of action with respect to this issue in accordance with the United States recommendation.

DEAN GILDERSLEEVE pointed out that the United States consultants had been strongly in favor of including "educational" during the morning and inquired whether the Delegation was ready to reconsider the possibility of changing its position on this matter.

SENATOR VANDENBERG stated that he was willing to leave it to Dean Gildersleeve. DEAN GILDERSLEEVE indicated her willingness to go forward with "cultural" as previously decided upon in the Delegation, unless it is felt that because of the very urgent recommendation of the consultants of this morning the Delegation would wish to recon-

sider the question of the inclusion of "educational". DEAN GILDERSLEEVE observed further that it was her understanding that a bill had been introduced in the House for the International Office of Education,[10] and that Representatives Bloom and Eaton had supported this bill.

COMMANDER STASSEN suggested that the situation might be clarified by a saving clause as in the case of domestic jurisdiction, in order to make sure that there is no interference involved.

JEWISH REPRESENTATIVES

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THE RIGHT TO WORK

MR. PASVOLSKY stated that the Soviet Delegation had proposed as one of the basic human rights, the right to work. This had been taken out on the ground that there should be no enumeration. The Ukrainian Delegation, however, upon arriving had made the same proposal and it is now before the Conference. In the Committee of Five the Soviet representative had been prepared to oppose it but would reserve his position if any other enumeration should be made.

FULL EMPLOYMENT

With respect to the question of higher standards of living the Committee of Five had already voted to support "full employment" although the Soviet Delegation is alone in full agreement on this issue.

THE AUSTRALIAN PLEDGE

MR. STINEBOWER inquired as to what the decision had been with respect to the Australian pledge.[11]

MR. PASVOLSKY replied that no position had been taken on this, but that the United States should oppose it.

MR. STINEBOWER asked what would be the line of opposition, and SENATOR CONNALLY stated that it is not a proper jurisdictional matter. MR. PASVOLSKY added that it is not international behavior but domestic behavior, and SENATOR VANDENBERG stated that it squarely collides with the whole structure of the Organization.

COMPOSITION OF THE ECONOMIC AND SOCIAL COUNCIL

MR. PASVOLSKY noted that there had been several proposals affecting the composition of the Economic and Social Council.[12] The decision of the Delegation had been to stand on the Dumbarton Oaks text.

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[10] For documentation on the establishment of United Nations Educational, Scientific, and Cultural Organization (UNESCO), see pp. 1510 ff.

[11] For text of new paragraphs proposed for addition at the end of section (A), chapter IX, see Doc. 2, G/14(1), May 5, UNCIO Documents, vol. 3, pp. 546–547.

[12] For index to proposed amendments to chapter IX, section B, see Doc. 288, G/38, May 14, *ibid.*, p. 693.

The Committee of Five left complete freedom of action to the governments on these proposals except on the question of the size of the Council, which would stand at 18 members. If smaller countries want to press some of these matters it is up to them. Freedom of action had been decided upon because of the French position. There was agreement that the Egyptian proposal of a membership of 24 and the Philippine proposal that all nations should be represented should be opposed.

### Conferences

With respect to the recommendation of the United States advisers relating to conferences with non-governmental organizations [13] it was reported that the Committee of Five had recommended support for the Canadian proposal. Mr. Pasvolsky expressed the belief that the support of the Five Powers would not go beyond that arrangement.

Commander Stassen urged that an effort should be made to include the word "conferences".

Mr. Pasvolsky, however, stated that he did not think that they would accept "conferences" nor that the United States should press for it, since conferences are an inter-governmental matter.

Mr. Sandifer pointed out that this would give the Economic and Social Council authority to arrange conferences on its own.

Mr. Pasvolsky stated that if it was the wish of the Delegation he would try once more to get approval for a more extended language.

Commander Stassen suggested that he might try again and inform the Committee that the World Trade Union Conference was in favor of it.

Senator Connally inquired whether this meant rejection of the recommendation of the advisers, and Mr. Pasvolsky replied that it was only a question of language.

Commander Stassen moved approval of the recommendation of the advisers with respect to sentence 1 of paragraph 1 for negotiation with the Committee of Five and this was agreed upon.

### Functions of the Council

With respect to the functions of the Council, the Committee of Five did not like the word "instigate" in the French proposal, and the French agreed to consult their government on the matter.

### Trusteeship

Commander Stassen reported briefly on the situation in Committee II/4 on Trusteeship. The issue had been raised in the Committee, he said, regarding the addition of the word "independence"

[13] Recommendations of the United States advisers based on proposals of United States consultants, May 17 (U.S. Gen. 131), not printed.

in the political objectives.[14] The Chinese and the Russians had been for this addition and the British and French were against it. An attempt was being made by the latter to jockey the United States into the position of opposing "independence" as a goal. The situation, he said, was being kept in hand, and the Delegation would be informed on developments.

It was announced that the Delegation would meet on the following morning at 9:00 o'clock.

The meeting was adjourned at 8:45 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 45

*Minutes of the Forty-Fifth Meeting of the United States Delegation, Held at San Francisco, Friday, May 18, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (30) present at meeting.]

The meeting was called to order by the Secretary at 9:00 a. m.

COMMITTEE IV/2—LEGAL PROBLEMS—RECOMMENDATIONS TO UNITED STATES DELEGATION

MR. HACKWORTH presented to the Delegation the paper entitled Recommendations to United States Delegation on Basic Issues, Committee IV/2, Legal Problems, US Gen 122, May 16, 1945.[15] At the suggestion of the Secretary, MR. HACKWORTH read through the recommendations, the Delegates speaking only when there was some

[14] See Doc. 404, II/4/17, May 18, UNCIO Documents, vol. 10, p. 452. A pencilled, unsigned, marginal note on a mimeographed copy of Doc. 404 stated:

"Omitted is much of the very important speech by Stassen against inclusion of independence because it was not possible to secure 5 power agreement. Said ind. not so necessary, that emphasis [should be] on interdependence, compared empires to U.S. federal system, said U.S. understood such moves.

"This speech was a reversal of all previous U.S. policy—FDR, Hull views—caused great disconcertment in U.S. delegation, position altered later only with great trouble. This blunder partly responsible for lack of mention of independence in the Declaration (Art. 73)."

A summary of Commander Stassen's statement in the United States delegation's record of the May 17 meeting (US II/4, Doc. 6, May 17, 1945) follows:

"Commander Stassen stated that the United States would vote against the Chinese amendment since it exceeded the possible area of agreement among the five powers on this subject, and since, in any case, there would be no limitation on the extent to which self-government could be developed under the existing wording. The national policy of the United States on this subject, he noted, was exemplified in our policy toward the Philippines. But hope for the success of this Conference depended on the combined support of the five powers who have contributed most to the war and a maximum number of other powers. For this reason extreme efforts are made to find maximum areas of agreement. Governor Stassen added that the word of the future is the interdependence of states and peoples and pointed to the example of the forty-eight states of the United States, whose strength is based not on their complete independence as separate entities, but on their unity and interdependence."

[15] Not printed.

question regarding the recommendation. In this way the following decisions were reached by the Delegates:

*a.* (1) The formulation of Subcommittee IV/2/A on privileges and immunities for the Organization [16] should be supported by the United States.

(2) The recommendation of Subcommittee IV/2/A that the Assembly be authorized to recommend definition of details of privileges and immunities should be supported by the United States.

(3) The United States delegation should take the position that no provision concerning juridical personality of the Organization should be included in the Charter.

*b.* The United States should support the provision for registration and publication of treaties limited to such treaties and agreements made subsequent to the effective date of the Charter. The representatives of the United States should be authorized to agree to either of the following alternative legal consequences of non-registration: (*a*) that no unregistered treaty or agreement shall be binding, or (*b*) that it shall be disregarded by any organ of the Organization.

In connection with the question whether the Charter should provide that members agree that obligations *inter se* which are inconsistent with the Charter are abrogated, MR. DULLES suggested that it can be assumed that the Charter itself by its very existence would prevail over inconsistent obligations. He questioned the usefulness of the following statement under the recommendations:

*c.* The United States should support the position that the Charter contain only a statement of the principle that the Charter shall prevail over inconsistent obligations between members.

MR. BOWMAN suggested that it might be stated that the Organization will reconcile treaties under the Charter. MR. DUNN felt it was enough to say that the rules of the Charter would prevail. SENATOR CONNALLY suggested that the Charter would provide authority to the Council to reconcile treaties with it. MR. SANDIFER suggested that the last sentence as quoted above be omitted. MR. DULLES urged that only the brief statement be retained "that the United States support the position that the Charter contain only a statement of the principle that the Charter shall prevail over inconsistent obligations between members". MR. PASVOLSKY suggested that members themselves would not release themselves from inconsistent obligations. The very existence of the Charter would constitute a release if the proper provision was included. MR. HACKWORTH agreed that probably it would be best to use only the one sentence. Mr. Hackworth then continued with the discussion of paragraphs *d*, *e*, and *f*. The Delegation agreed to the following recommendations:

*d.* The representative of the United States on Committee IV/2 should approve the principle that the Charter provide for the initia-

[16] Doc. 412, IV/2/A/2(1), May 18, UNCIO Documents, vol. 13, p. 778

tion of studies and the making of recommendations with a view to the development of international law, but should take the position that this is governed by the joint proposal for amendment to Chapter V, Section B, paragraph 6, now before Committee II/2.[17]

*e.* The United States representative on Committee IV/2 should take the position that the question of the Charter providing for the reconsideration of treaties and the criteria for such reconsideration is one for consideration and decision by Committee II/2 and has already been dealt with there by the United States amendment to Chapter V, Section B, paragraph 6.

*f.* The United States should leave the initiative to other nations in initiating arrangements for the taking over by the Organization of certain functions, facilities, properties, archives, et cetera of the League of Nations, but should collaborate in devising appropriate legal measures of accomplishing these ends agreed upon by other appropriate committees. It is considered probable that the method proposed will be the appointment by the Conference of a commission of the United Nations to negotiate with a comparable commission of the League.

MR. PASVOLSKY then returned to a discussion of paragraph *c*. MR. DULLES objected to putting in a provision requiring states to secure release from inconsistent obligations or obligating them not to enter into inconsistent obligations. Such a provision, he explained, implied that treaties inconsistent with the Charter persisted, whereas in his view the Charter should be considered to have prevailed over any inconsistent obligations. MR. PASVOLSKY indicated that Article 20 of the League Covenant had some particularly good language on this question. MR. STASSEN agreed with MR. DULLES that there would be only a tendency to stir up trouble if a special reference was made to the obligation of states to secure release from inconsistent obligations. MR. DULLES agreed that this would be the only effective provision on this matter.

THE SECRETARY asked for any further comments. SENATOR CONNALLY indicated his agreement with Mr. Dulles' suggestion to adopt only the first sentence of the recommendation.

MR. PASVOLSKY stated that the questions just dealt with would be considered in the Subcommittee of Five.

### INDEPENDENCE A GOAL OF THE TRUSTEESHIP SYSTEM

MR. STASSEN noted that in considering the working paper on trusteeship one crucial issue had arisen. China and the Soviet Union wished to introduce the word "independence" as an objective of the trusteeship system. We, on the other hand, with the French and the British, favored the phrase "progressive development toward self-government". Our position was, he said, that there was no limit to

[17] Questions of political cooperation and of adjustment of situations likely to impair the general welfare; for plan of work of the Committee, see Doc. 443, II/2/19, May 19, UNCIO Documents, vol. 9, p. 60.

self-government. It might lead to independence. The word "independence" however suggested full national independence and was a provocative word. Our position, he explained, was based on the feeling that we should not go beyond the area of agreement that was possible among the four powers. REPRESENTATIVE BLOOM noted that Mr. Stassen's speech to the Committee[18] the previous day was one of the best he had ever heard and thought it should be distributed to the members of the Delegation. MR. STASSEN pointed out that from our point of view the phrase "progressive development toward self-government" covers independence. If one goes beyond that phrase there was danger that we would be interpreted as butting in on colonial affairs. This would mean that we were going beyond what we were supposed to do at San Francisco.

MR. NOTTER indicated that he would like to make a statement on this question, although he recognized that it did not lie within his special field. The British and Russians, he felt, would be in an excellent position to take advantage of our opposition to the term "independence". This position would be very unpopular in the Far East. To take any position short of independence would simply not satisfy the colonial peoples. If we maintained the present position we would be spearheading for the British, Dutch, and Belgian colonial empires.

MR. TAUSSIG stated that he would like to read a brief memorandum that he had prepared on this matter. MR. TAUSSIG then read as follows:

"The issue of independence as an ultimate aim for dependent peoples in the statement of objectives of the trustee system has been raised by the Chinese and the Russians who press their point with vigor. The opposition has been offered by the British and the French. The United States position, at the moment, leans toward the British and French views.

"This issue can have serious implications for the future relations between this country and the Far East in particular and with the world's dependent peoples in general. I raise the question as to whether it would not be better in this instance for the United States to support the Russian and Chinese position. This would be so for the following reasons:

"(1) Independence as a goal for all peoples who aspire to and are capable of it has been the traditional and sacred policy of this Government. It has been exemplified in our policy in the Philippines, and it has been reiterated on numerous occasions by President Roosevelt and former Secretary of State Cordell Hull.

"(2) An excellent opportunity is afforded to make a profitable gesture on behalf of the peoples of the Orient as well as those in Africa and the Caribbean.

[18] Doc. 404, II/4/17, May 18, UNCIO Documents, vol. 10, p. 452; the working paper was taken up paragraph by paragraph with Commander Stassen assuming chief responsibility for explanation of the paragraphs (US II/4 Doc. 6, May 17, not printed).

"(3) The Russians especially and the Chinese will be able to capitalize on their stand for 'independence' against the opposition of the non-Asiatic peoples of the West unless we take a strong position".

MR. STASSEN pointed out that his response to this position was to point to the Philippine Islands as a concrete example of our policy. While it was unfortunate to oppose Russia on this matter, we also did not wish to find ourselves committed to breaking up the British empire. MR. STASSEN said he felt that our position was relatively clear in that we went right on to say after the reference to self-government that we were also to advance the rights and the standard of living of dependent peoples.

MR. STASSEN added that the word "inter-dependence" rather than "independence" was the word of the future and he felt that the concept of progressive development toward self-government was as far as one could go in the direction of independence. He added that, if we sided with the Chinese and the Russians on this issue, there probably would be no trusteeship system since the British will never accept that position. MR. ROCKEFELLER asked what policy we were going to follow towards Puerto Rico. He thought that in deciding that practical issue we could best get at the essence of the matter. REPRESENTATIVE BLOOM questioned whether there was any sound analogy in the situation of Puerto Rico and trusteeship areas. He pointed out that we had bought and paid for Puerto Rico and that they were asking not for independence but for statehood.

THE SECRETARY indicated that he did not believe that there was any question where we stood as a nation. The amendments that we had supported on human rights and on equal rights and the self-determination of peoples were directly related to the peoples of dependent areas. He believed that we could stand on the statement made by Mr. Stassen.

MR. TAUSSIG said he would like to raise one further point. He said he had discussed this whole question with Mr. Roosevelt and Mr. Hull. As late as March 15 [19] Mr. Roosevelt, when presented with the question whether he would "settle for self-government", had said that he would settle for nothing less than the objective of independence. MR. TAUSSIG explained that in talks with the President it was clear that he felt that the word "independence" rather than progressive self-government would alone satisfy the Oriental people. To deny the objective of independence, he felt, would sow the seeds of the next world war. The President had felt that we should take the leadership and indicate to the Oriental peoples that we do not back the imperial role of the handful of non-Asiatics. MR. TAUSSIG pointed out that Mr. Hull had

[19] See memorandum of conversation, March 15, p. 121.

never receded from the word "independence" as an objective of the trusteeship system. MR. STASSEN asked whether it was our intention to give complete independence to Hawaii. MR. TAUSSIG said he was under the impression that we would have adequate protection under the trusteeship system for our strategic areas, but that on this question the opinion of the military should be heard.

MR. STASSEN noted that China and Russia will do a good deal of construing of whatever we say, and that we should not put in words that can be used adversely in future propaganda. Independence, he felt, was a concept developed out of the past era of nationalism. It suggested, and looked in the direction of, isolationism. We should be more interested in inter-dependence than in independence and for this reason it might be fortunate to avoid the term "independence". MR. PASVOLSKY pointed out that a formula had been worked out earlier in connection with the statement of principles on trusteeship under which peoples would become self-governing either on the basis of independence or on the basis of a voluntary association with another state or group of states.

MR. HICKERSON suggested that it might be possible to state independence as the goal with the qualifying statement "when peoples are ready for it or deserve it". MR. DULLES said he tended to agree with Mr. Stassen that the concept of independence might not assist in the establishment of future peace. Just as in the last war when there was criticism of those who set up many independent states in Europe, we would be subject to the same type of criticism. It would be progress if we could speak of self-government integrated within an overall framework. MR. DULLES added that the church groups with which he was associated were satisfied in all their statements with self-government or autonomy as objectives of the trusteeship system and had never insisted on independence. MR. DULLES said he would be satisfied with the formula presented by Mr. Stassen.

THE SECRETARY asked Mr. Bowman for his views. MR. BOWMAN stated that he thought we were face to face with a real problem, basically it was the problem of Russia promising to do one thing and doing another. The marginal peoples surrounding Russia are a fertile ground for the sowing of seeds of independence. Russia, he felt, was trying to substitute what she wanted in the areas now dominated by the Netherlands and Britain. Russia now faced one of her greatest opportunities. When perhaps the inevitable struggle came between Russia and ourselves the question would be who are our friends. Would we have as our friends those whom we had weakened in the struggle or those whom we had strengthened? Would we have the support of Great Britain if we had undermined her position? MR. TAUSSIG said he could not accept Mr. Bowman's conclusion that by abandoning the objective of independence we would strengthen our

hand. He believed we would play directly into Russian propaganda, and would in fact reinforce their hand, particularly in the Far East. MR. BOWMAN stated that in order not to play directly into anybody's hand we were establishing the system of trusteeship.

MR. STASSEN pointed out that he was still trying to negotiate the position adopted as early as April 26 [20] when this country favored the statement "to promote the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government in forms appropriate to the varying circumstances of each territory". MR. STASSEN asked whether it was now the intention of the Delegates to change their position.

MR. PASVOLSKY pointed out that this was an extremely crucial issue and that there were important arguments to be made on both sides. He thought that too much emphasis on independence as the sole goal was bad. On the other hand, emphasis on independence was in our tradition. Earlier, in order to meet this dilemma, we had suggested a double formula by which a dependent territory might develop either in the direction of independence or in the direction of voluntary association with another state or group of states. This formula still seemed useful, and MR. PASVOLSKY wondered whether Mr. Stassen had brought it to the attention of the British. MR. STASSEN said he had tried out the formula informally and that the British had opposed it.

REPRESENTATIVE BLOOM commented that the way the argument went the previous day the Soviet Union seemed to want something more than was suggested in Mr. Pasvolsky's formula. MR. ROCKEFELLER noted that the backward peoples faced a basic conflict. If they achieved independence, the assistance, which they needed from the larger states to advance their economic and social status, would collapse. He thought that this conflict was handled as satisfactorily as it could be in Mr. Stassen's formula. MR. NOTTER pointed out that there was no fundamental difference in objective between those who favored self-government and those who favored independence, since self-government implied the possibility of independence. The difference was in the approach, and he felt that in opposing independence we were putting ourselves in a position to be played for suckers.

MR. PASVOLSKY thought we could dress up the formula read by Mr. Stassen with more emphasis on voluntary association and with greater emphasis on independence as an ultimate goal. THE SECRETARY urged that an effort be made in the direction suggested by Mr. Pasvolsky and wondered whether it would not be possible to include the word "independence" in the formula to be adopted. MR. TAUSSIG indicated that in the last analysis he thought the dependent peoples would prefer their integrity under the United States to the proclamation of Russia

[20] See draft United States proposal on arrangements for international trusteeship, April 26, p. 459.

that it favored their independence. REPRESENTATIVE EATON felt that the basic problem was who was going to be masters of the world. He said he did not want to vote in this Delegation in any way that would put Russia in control of the world. It was as he saw it a struggle as to whose ideals were going to dominate. MR. STASSEN stated that there was plenty of room for both the ideals of this country and of Russia if they competed on a proper basis.

MR. SANDIFER questioned whether it was not primarily a matter of tactics at this point should we put ourselves in the position of actively opposing the goal of independence?

MR. STASSEN asked whether the Delegation still supported the statement they had agreed to on April 26. DEAN GILDERSLEEVE replied in the affirmative. SENATOR CONNALLY thought it was entirely satisfactory. He was afraid that, if the word "independence" was put in, there would be a good deal of stirring up of a desire for independence and the orderly procedure in the direction of self-government would be interrupted. SENATOR VANDENBERG and REPRESENTATIVE EATON indicated that they favored the formula as stated by Mr. Stassen.

MR. BOWMAN indicated that he thought Mr. Sandifer's question as to the soundness of our strategy was an important one. MR. STEVENSON agreed that we were getting into hot water when headlines appeared in the paper to the effect that the "United States Fight Pledge on Colony Liberty". MR. STASSEN noted that following the headlines in the *New York Times* quoted by Mr. Stevenson there was also the statement "Promise to promote self-government inherently means independence". MR. STASSEN added that he had stated on the record at a recent press conference that self-government in our view included independence. THE SECRETARY added that this question had been already to some extent clarified. He thought it was crystal clear that self-government meant independence for those who had earned it and indicated the ability to use it. MR. PASVOLSKY pointed out that we should get the British themselves to make the same interpretation. He wondered whether it would not be possible to get the British to agree that self-government in some cases would mean independence—independence for those who had proven their capacities to assume the responsibilities of independence. MR. PASVOLSKY stated that he felt it was too bad not to get the word in somehow although he could see the difficulties. He thought the next step would be to talk to the British on a possible interpretation along the lines he had suggested, and perhaps make a public statement.

It was then generally agreed that the best approach for the time being would be to maintain our position stated in the draft of April 26, as quoted above, assuming that implied in this position was the goal of independence for those who had gained the capacities to as-

sume its responsibilities, and that we would seek to obtain a similar interpretation by the British.

### Reference to Education

Dean Gildersleeve stated that, in view of the proposal by the consultants in agriculture, education, and labor to include in the Charter reference to education, she felt we should either urge the inclusion of the reference to education in the Charter or explain to them why we were not pushing the matter. Dean Gildersleeve added that, if she were sure that the inclusion of this reference would not imperil the final ratification of the Charter, she would favor it. The Secretary wondered whether it would be possible to include the word "education" in connection with the reference for encouraging education in each country. He thought there must be some wording whereby we could get around the objection to that word. Senator Vandenberg said he had two objections to the use of the word "education": In the first place, it would be a damaging symbol that would be picked up in the Senate debate. Secondly, he was not at all impressed by hearing that millions of people were in favor of the inclusion of "education" in the Charter. He had heard that kind of argument before. He pointed out, however, that the use of the word was less important than the way it was used. The Secretary thought that, if the word was mentioned in the right place and in the right way, it would not cause embarrassment. He indicated that he would like to include the word if possible.

Senator Connally pointed out that one difficulty was that education had never been a federal matter. If provision was made in the Charter to "promote education" we would be confronted in the Senate with the argument that we were making education an international matter. He did not believe, however, if it was properly stated, that reference to education would prevent the ratification of the Charter.

The Secretary suggested that the question be analyzed and that, if agreeable, Dr. Bowman, in cooperation with Dean Gildersleeve and such members of the staff as he wished to call upon, should prepare a draft statement. Dean Gildersleeve indicated that the present situation was that paragraph 1 had been adopted without the word "education" in it. Mr. Bowman thought that we should not dodge the issue presented by the consultants. He thought we had a good example of what we had in mind in the Office of Education which did a very useful job collecting statistics on educational matters. Dean Gildersleeve indicated that that is what they had in mind for the international organization—the exchange of information and help on matters of education when requested. Senator Connally indicated that the exchange of educational materials was of course a very

important function. MR. PASVOLSKY added that the exchange of educational experience was also very useful.

REPRESENTATIVE BLOOM felt that, if the word "education" was included in the Charter, there was a very real danger of a fight in the Senate. He reminded the Delegates of the difficulties over reference to education in the UNRRA agreement.

THE SECRETARY asked that Mr. Bowman prepare a draft statement, as he had suggested earlier, which would include the word "education" in Chapter IX and could be brought to the Delegation in the form of a recommendation at the evening meeting.

The meeting was adjourned at 11:15 a. m.

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RSC Lot 60–D 224, Box 96: US Cr. Min. 46

*Minutes of the Forty-Sixth Meeting of the United States Delegation. Held at San Francisco, Friday, May 18, 1945, 6 p. m.*

[Informal Notes]

[Here follows list of names of persons (34) present at meeting.]

In the absence of the Secretary, Senator Connally took the Chair and opened the meeting at 6:10 p. m.

CONSIDERATION OF ISSUES PENDING BEFORE COMMITTEE III/3

On the basis of US Gen 123,[21] MR. HICKERSON presented the pending issues before Committee III/3.

With respect to the Canadian proposal,[22] under which member states not on the Council would be admitted as *ad hoc* voting members of the Council when use of their forces is under consideration, it was pointed out by MR. HICKERSON that Canada and the other middle powers feel very strongly that they should have a voice in decisions involving the employment of their forces. SENATOR CONNALLY and MR. EATON questioned the practicability of the Canadian proposal in view of the large number of states which could claim representation in the Security Council in any particular situation. SENATOR CONNALLY said that the conditions under which the forces of nonmembers of the Council would be employed could be set forth to the satisfaction of these countries in the special military agreements.

COMMANDER STASSEN, however, felt that in order to get satisfactory military agreements, it might be necessary to make concessions of the kind which Canada suggests, and MR. HICKERSON agreed that something must be done to assure the small nations on this point. MR. DULLES agreed that it was important to help these countries over

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[21] Not printed.

[22] Doc. 2, G/14(*t*), May 6, UNCIO Documents, vol. 3, pp. 590–591; for texts of additional amendments proposed with respect to chapter VIII B, and XII, see Doc. 289, III/3/11, May 13, *ibid.*, vol. 12, pp. 603 ff.

this difficulty, suggesting that something akin to the principle of "no taxation without representation" was involved. MR. ARMSTRONG felt that with respect to the question of facilities it was undesirable to make any concession, but that the supply of forces was another matter.

MR. HICKERSON pointed out that, in accordance with an agreement in the subcommittee of Five, a Subcommittee of III/3 had been established for the purpose of examining this question. He suggested that the Delegation should wait on the results of explorations now being made into the question before taking a final position. The Delegation agreed to this conclusion.

With regard to the Netherlands proposal to transfer paragraphs 1 and 2 of VIII B to VIII A, SENATOR VANDENBERG expressed agreement with the purpose of the Netherlands Government, but thought that the Yalta formula precluded our giving support to it. There was general agreement that acceptance of the Netherlands proposal would necessitate a change in the Yalta agreement, and the Delegation decided, therefore, to oppose the amendment.

With respect to the amendments proposed by, Czechoslovakia, the Philippine Delegation, and Bolivia for the inclusion of a definition of aggression in the Charter, SENATOR CONNALLY told the Delegation that he had already spoken against them in the Committee and expressed the hope that the Delegation would back him up. This position was readily agreed to on the ground that it was impossible to include all possible situations in any definition. It was agreed also to oppose any attempt to name certain acts as aggressive even though such a list were not to be represented as all inclusive.

With respect to the proposal of Australia and Bolivia that the Council be obliged to impose terms of settlement under VIII B, SENATOR VANDENBERG said that it had always been his understanding that the Council cannot impose a settlement and that he would be unable to agree to any such provision. SENATOR CONNALLY expressed complete agreement with this point of view, and said that he did not want to create a world czar. MR. NOTTER said that it was the clear intent of VIII B to stop breaches of the peace, not to impose a settlement. COMMANDER STASSEN felt that the present language does not imply that the Council has the power of imposition. He was opposed to changing the present text for fear that the Council would be reduced to complete impotence. It was agreed, therefore, to stand on the present text.

While agreeing with the general objective of the Norwegian amendment to VIII B which would constitute an additional guarantee against "appeasement", the Delegation took the view that this point was already adequately covered by the Purposes and Principles chapters and that the Norwegian amendment should be opposed.

The United States position with respect to the Australian amendment which would make the domestic jurisdiction exception apply to actions of the Council under VIII B was discussed and it was agreed to oppose it.

The Australian and New Zealand amendments which would provide that the Security Council might be party to the military agreements were discussed at some length. In support of the present text, MR. HACKWORTH said that to make the Security Council party to the military agreements would make it, in effect, a superstate. This argument did not appear to SENATOR VANDENBERG and SENATOR CONNALLY to outweigh the practical difficulties involved in the making of the agreements if the Security Council were to be excluded. COMMANDER STASSEN thought that the superstate argument was not a serious one. The Military advisers expressed the view that the making of the agreements with the Security Council would greatly facilitate solution of a very difficult problem. MR. ARMSTRONG and MR. DULLES were of the opinion that to conclude the agreements on a multilateral basis would be difficult and impracticable, and thought that the United States Delegation should support the Australian and New Zealand amendments. MR. SANDIFER and MR. NOTTER suggested that a decision be deferred until the Secretary and other absent members were present, and pointed out that any change of the present text of VIII B 5 would have to be cleared in the Committee of Five. It was agreed to defer further consideration of this matter.

With respect to the French proposal that specific reference be made in VIII B 5 to the right of passage, it was pointed out that the question had already been raised in the Committee of Five, where it was explained that the present language already includes this right. It was thought that the French might withdraw their amendment, but, in any case, it was agreed by the Delegation that specific reference to the right of passage was unnecessary.

It was agreed that the French amendment to VIII B 6, which would broaden the national contingents immediately available to include all arms, should be opposed. In this connection, MR. HICKERSON called attention to the view of United States military advisers that an international army was impracticable.

It was agreed to oppose the Chilean amendment which would make optional rather than obligatory the contribution by members of the Organization of arms, facilities or assistance for the maintenance of international peace and security.

It was agreed to oppose the Chilean, French, and Philippine Delegation amendments which, in varying ways, would enlarge the Military Staff Committee by including member states which undertake to place forces at the disposal of the Security Council. It was thought that the Dumbarton Oaks provision was correct in principle, and that

the discretion of the Military Staff Committee should not be infringed upon.

It was agreed to oppose the South African amendment which would require guilty states to pay the cost of enforcement. In response to MR. HICKERSON's observation that the South Africans took this amendment very seriously, SENATOR VANDENBERG said he had assumed that it was generally understood that all costs were to be charged to us.

It was agreed that the interim arrangements now provided for in Chapter XII should be retained in the Charter, and that the Mexican proposal for placing them in a separate protocol should be opposed.

It was readily agreed that France should be included along with the signatories of the Moscow Declaration in paragraph 1 of Chapter XII. It was decided that the United States should raise the question in the Committee of Five in order that the way in which the four sponsoring powers would support the proposal in Committee III/3 might be determined.

The Venezuelan proposal for an interim agreement on the supply of forces was viewed as impracticable, and it was agreed to oppose any amendment to this effect.

PROPOSAL ON REFERENCE TO "EDUCATION" IN THE CHARTER

On behalf of the subcommittee on education appointed at the morning meeting, DR. BOWMAN presented to the Delegation a proposal (U.S. Gen. 137 [23]) by virtue of which he thought it might be possible for the Delegation to approve a specific reference to education in the Charter. The proposal was agreed to by the Delegation. The following change in IX, A, 1 of the draft already adopted in Committee II/3 [24] is involved:

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

*a.* higher standards of living, full employment, and conditions of economic and social progress and development;

*b.* solutions of international economic, social, ~~cultural,~~ health, and related problems ~~and~~

*c.* cultural and educational cooperation, and

*d.* universal respect for, and observance of, human rights and ~~for~~ fundamental freedoms for all, without distinction as to race, language, religion, or sex. [Committee II/3 substitute] [25]

DR. BOWMAN pointed out that the advantage of this redraft was that "cultural—problems" were not subject to "solutions" by the Organization, but that merely "cooperation" in this field was to be "promoted".

[23] Not printed.
[24] Doc. 381, II/3/16, May 17, UNCIO Documents, vol. 10, p. 39.
[25] Brackets appear in the original.

This, he thought, eliminated all suggestion that doctrinal matters would come within the purview of the Organization.

SENATORS CONNALLY and VANDENBERG were entirely satisfied with the redraft, and general satisfaction was expressed that it had been possible to meet the desire of the Consultants to have a specific reference in the Charter to education.

The meeting was adjourned at 10:30 a. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 47

*Minutes of the Forty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, May 19, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (31) present and announcements by the Secretary.]

CONSIDERATION OF THE BASIC ISSUES ARISING IN COMMITTEE II/3

The discussion of the Delegation was based on Document US Gen 143, May 19, 1945, entitled "Basic Issues—Committee II/3 (Continued)". The discussion commenced with Item 7, all sections of which were approved with little debate except 7 (*c*) and 7 (*g*). Item 7 (*h*) had been approved at the last meeting of the Delegates.

Item 7 (*c*) raised the question of the Economic and Social Council making recommendations to members of the Organization. The original Dumbarton Oaks Proposals and the Four Power Amendment had left it unspecified as to whom the recommendations were to be addressed. The Drafting Committee had voted to leave the amendment as it stood. CONGRESSMAN BLOOM thought that it should specify to whom the recommendations were to be made. MR. PASVOLSKY stated that the question had come up in the Subcommittee of Five and the British were opposed to recommendations to individual governments. SENATOR VANDENBERG indicated his opposition. The question was then raised as to whether this could not be left to the rules of procedure. MR. PASVOLSKY thought that it could, while CONGRESSMAN BLOOM thought that this might be dangerous. SENATOR VANDENBERG indicated that he had no objection to recommendations being sent to all members but objected to having them sent to individual members. MR. STINEBOWER thought that the amendment as it stood now might be subject to different interpretations. MR. NOTTER suggested that recommendations might be made to the General Assembly, to all members, and to specialized agencies. The suggestion that it be left unspecified as to whom the Council's recommendations might be addressed was approved.

MR. PASVOLSKY explained in connection with Item 7 (*g*) that the Council can recommend to the Assembly the calling of conferences

but that the Assembly alone can call conferences. This would be true of technical conferences as well as general ones unless the Assembly authorized the Council to take specific action. This position was approved.

Item 8 was concerned with an amendment substituting, in the sentence providing for the composition of Commissions, for the word "experts" the phrase "persons competent in their respective fields". MR. PASVOLSKY suggested that the whole sentence be dropped. THE SECRETARY, SENATOR VANDENBERG, and CONGRESSMAN BLOOM favored its inclusion. MR. PASVOLSKY indicated that the United Kingdom did not wish the sentence included. It was decided that there would be further conversations with the United Kingdom and the sentence would be included if the United Kingdom could be persuaded to accept it, otherwise it would be dropped.

Item 9 related to the substitution by the Subcommittee of Five of the word "world-wide" for the word "general" after the word "agencies" in paragraph 2 of Section D. SENATOR CONNALLY expressed disapproval of the phrase and it was decided to have the matter taken up again in the Subcommittee of Five.

The recommendation not to change the title of the Council was approved.

Item 11, which was concerned with the proposal of the Consultants that an Interim Secretariat be created, was passed over to be considered in the discussion of another item on the agenda with reference to a Preparatory Commission.

Attention was then directed to Item 1 and there was an extended discussion which revolved around (1) the arrangement of ideas in the paragraph, (2) the inclusion of "full employment", and (3) the tactics to be followed in effecting the desired changes. MR. DULLES and SENATOR VANDENBERG were opposed to the word "promote" in the Preamble although MR. DULLES thought it was all right in connection with subparagraph (*b*). SENATOR CONNALLY thought that its use was all right. SENATOR VANDENBERG stated that we were concerned with the fundamental ideological conflict with Communism, with which CONGRESSMAN EATON agreed. MR. STASSEN suggested that rather than using the word "promote" we should indicate that we were concerned with the solution of international problems relating to subparagraph (*a*). MR. PASVOLSKY suggested subparagraphs (*a*) and (*b*) be combined and MR. STINEBOWER suggested that subparagraph (*a*) should be inserted in the Preamble. MR. ROCKEFELLER suggested the substitution of "maximum employment" for "full employment". THE SECRETARY asked Mr. Stevenson whether he thought the phrase "full employment" met the approval of the Consultants. MR. STEVENSON thought that it would, and THE SECRETARY said that he was impressed with Mr. Stevenson's views.

DEAN GILDERSLEEVE inquired how the matter was to be handled and MR. PASVOLSKY explained that the first action was taken in the Committee and then went to the Coordination Committee. MR. STASSEN, returning to the phrase "full employment", expressed the view that it would prejudice passage in the Senate. MR. PASVOLSKY joined in this, saying that the retention of the phrase would get us into trouble and that the Secretary of Labor did not favor the use of the phrase. MR. STINEBOWER explained how the phrase had been put into the report of the Committee by almost unanimous action. MR. WARING favored Mr. Stinebower's suggestion that subparagraph (*a*) be inserted in the Preamble. MR. DULLES agreed with this. THE SECRETARY suggested that the matter be referred back to the Committee and DEAN GILDERSLEEVE thought it should go back to the Drafting Committee. MR. BOWMAN wished to be certain that the phrase with respect to educational cooperation should not be lost, and DEAN GILDERSLEVE assured him that it would not.

MR. STINEBOWER suggested that any further negotiations on "full employment" would have to take place at a high level. MR. STASSEN said that getting final approval of the Charter was the important thing. MR. ROCKEFELLER suggested that the basic issue was one of ideologies. SENATOR VANDENBERG said that when one subscribes to full employment, it may be full employment at low levels and at low wages and that its insertion anywhere was bad. SENATOR CONNALLY objected to the phrase "full employment" and didn't see any difference between this and high and stable levels of employment. He would rather not have either. MR. DUNN said that it could not be included. MR. PASVOLSKY informed the Delegates that in the Subcommittee of Five meeting the British were opposed to full employment, the Chinese were in favor of it, and the French were indifferent. SENATOR VANDENBERG indicated that he preferred the formula "high and stable levels of employment" and that the idea of full employment could not be sold to the American people. THE SECRETARY suggested that the matter be referred back to the Drafting Committee. SENATOR CONNALLY stated that he was opposed to overloading the Charter with all these economic and social matters which were unattainable dream stuff. SENATOR VANDENBERG concurred.

It was finally decided that the use of the word "promote" was acceptable if subparagraph (*a*) was moved to the Preamble, and that the phrase "full employment" should be opposed in any part of the paragraph.

Items 2, 3, 4 and 5 were approved with little discussion.

On Item 6 relating to the provision on the Council of members of major economic importance, DR. PASVOLSKY reported that the Subcommittee of Five was opposed to all amendments but would accept freedom of action on this particular suggestion. It was concluded

that the United States would not actively support an amendment but would not oppose it.

(The Economic and Social Advisers and Experts then left the meeting.)

### Ad Hoc Voting Membership on the Council

Mr. Pasvolsky indicated that there was an acute question on which the Delegation should express its opinion: "should member states not on the Security Council be admitted individually as *ad hoc* voting members of the Council when use of their forces or facilities provided under agreements envisaged in Paragraph 5, is under consideration?" Mr. Pasvolsky stated that the Soviet Union was awaiting our position on this matter and that he had reserved our position in the Subcommittee of Five in order to have the matter considered by our Military Advisers. He called on the Military Advisers to express their views. Mr. Gates stated that he had just seen the draft for the first time. General Embick said he had seen the draft the evening before and was in a position to express an opinion.

Mr. Hickerson then introduced the following draft which had been prepared by Mr. Jebb as a compromise British draft. He indicated that he had himself made certain modifications in the draft indicated by underlining and crossing out so that it would be more acceptable to us. The draft read: "When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to supply armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to ~~sit as a Member~~ participate in the decisions of the Security Council ~~when that body is considering the question of~~ concerning the supply of armed forces by such Member." Mr. Hickerson pointed out that the Canadian amendment had been up for some time and that all the middle sized powers were for it. He pointed out that we would probably make the same kind of demand if we were in their position. Mr. Hickerson noted that this draft he had just introduced followed paragraph 7, Chapter VIII, B.

Mr. Pasvolsky explained that the British would not accept the Canadian proposal as it stood in its original form but would accept this proposal he thought. The original Canadian proposal was more radical providing that all countries that furnished forces should come into the Council as members when their forces were being used, with the voting procedure of the Council changed so that decisions would be by two-thirds of the membership of the total Council. We have rejected this proposal but the British consider it very important to give the Canadians some satisfaction so that they can get their Parliament to accept the Charter.

Under our proposal, MR. PASVOLSKY explained, states would be admitted to the Council, if their forces were to be used, only after the decision to use force has been taken by the Council of eleven, and only one by one, so that at no time would the Council consist of more than twelve. The proposal would meet the demand of Canada that its forces should not be used without the opportunity to vote in the Council on their use. The Canadians he said, believe that without some such provision they cannot get the Charter through the Parliament.

SENATOR VANDENBERG questioned how we could resist this proposal. MR. PASVOLSKY said its one limitation was that it would slow down procedure somewhat. THE SECRETARY asked whether states contributing facilities would come under this provision. MR. HICKERSON stated that on this point we would not yield.

MR. GATES asked whether there would ever be more than twelve members under this arrangement. THE SECRETARY replied that there would never be more than twelve. MR. GATES indicated that this was a fair request and that he could hardly blame the Canadians for bringing the matter up. He thought that this might somewhat slow up the machinery in an emergency but that perhaps this could be taken care of. MR. STASSEN, in leaving the meeting, stated that the proposal presented by Mr. Hickerson was satisfactory to him. GENERAL EMBICK thought that in practice such a provision would have little effect upon the work of the Security Council. The one time at which there might be some difficulty would be when an attack occurred without warning.

### MENTION OF ACT OF CHAPULTEPEC

GENERAL EMBICK said he was worried about the fact that there was a rumor around that the Soviet Union was going to propose that the use of the words "Act of Chapultepec" should be reinserted in the Proposals. The British he felt in striking out the "Act of Chapultepec" and in insisting on the word "collective" were making an effort to commit us in the Eastern Mediterranean. He thought we should make an effort to ourselves introduce reference to the "Act of Chapultepec" and make it clear to the British that they depend on our support. THE SECRETARY remarked that the most serious objection to introducing any reference to the "Act of Chapultepec" was that the Arabs would then wish to introduce reference to the Arab bloc.[26] MR. ROCKEFELLER pointed out that, if the word "collective" was removed and the "Act of Chapultepec" substituted, the Arabs and the British would feel that they had not gotten anything to

[26] For text of the Pact of the League of Arab States, signed in Cairo, March 22, 1945, see Doc. 72, III/4/1, May 4, UNCIO Documents, vol. 12, p. 745.

satisfy their demands. GENERAL EMBICK repeated that he felt it was time to tell the British that they depended on us. THE SECRETARY was confident that the draft as at present worded would get by.

AD HOC VOTING MEMBERSHIP ON THE COUNCIL—CONTINUED

The members of the Delegation then approved in principle the draft presented by MR. HICKERSON. MR. PASVOLSKY said he would discuss the matter in the Subcommittee of Five and would bring back any revisions they might propose.

DEFINITION OF AGGRESSION

MR. PASVOLSKY reported that the Soviet Union, the United Kingdom, France, and the United States continue to be opposed to any definition of aggression in the text of the Charter. However, China has reserved its position and indicated that it wished to support the definition of aggression. He stated that agreement was then reached that each state would have freedom of action. He pointed out that the Soviet Union was now the most adamant against the definition of aggression and used all the arguments that we had previously used. MR. HICKERSON commented that this question was now under debate [27] and that there was considerable pressure to spell out acts of aggression. What it came down to, he said, was that some states wanted the Council to take action automatically in the event that certain actions took place so that there would not even be a vote. MR. HICKERSON interpreted this line of argument as a direct attack on the veto system. SENATOR CONNALLY indicated that we could not support any proposals that action by the Council should be taken automatically. MR. PASVOLSKY and SENATOR VANDENBERG urged that this line of argument must be opposed. MR. HICKERSON believed that it would be possible to successfully defeat efforts to define aggression.

AGREEMENTS FOR THE SUPPLY OF FORCES AND FACILITIES

MR. PASVOLSKY introduced the question for discussion: "Should the military agreements be concluded between members or groups of members and the Security Council, instead of among the members?"

MR. PASVOLSKY pointed out that the original proposal that agreements should be concluded among the members was based on the belief that none of the great powers would pledge themselves to contribute a particular amount of forces until they knew what other states were going to pledge. It was understood, he said, that once these agreements had been negotiated among the member states they would be approved by the Security Council. Moreover, we were proposing

[27] For discussion at the May 18 meeting of Committee III/3, see Doc. 442, III/3/20, May 19, UNCIO Documents, vol. 12, p. 341.

that the Council initiate the motion for such agreements. He concluded that the chief argument for joint negotiation is that we would know before we ourselves pledge a contribution what was being pledged by others.

SENATOR VANDENBERG expressed the view that a contract directly with the Security Council might have some advantages. MR. PASVOLSKY suggested that the provision for negotiating the agreements under the auspices and on the initiative of the Security Council would appear to meet the situation. The probable procedure would be that the Security Council, with the advice of the Military Staff Committee, would prepare a plan as to what they thought would be satisfactory. This would then be discussed by the members and agreements would be reached, it being desirable to have as nearly as possible a single instrument. The instrument, however, would become effective for each country as ratified by each country. MR. ARMSTRONG asked whether we would be bound to make contributions before others had pledged their forces. THE SECRETARY pointed out that such fundamental issues as had been raised by Mr. Armstrong should be discussed in a paper on this question which should be prepared for discussion on Monday in consultation with the Military Advisers. SENATOR VANDENBERG thought this was a most crucial problem that would probably arouse longer debate in the Senate than any other issue. He believed that the question would be raised in this connection as to the power of the American delegate to commit us to the use of force.

SENATOR VANDENBERG said the one difficulty he saw with the provision that the agreement should be among the members was that no qualification could then be placed upon the power of the Security Council with respect to the conditions under which it could call upon the forces pledged. MR. DULLES suggested the phrase simply "concluded by them". SENATOR VANDENBERG indicated that this would of course only postpone the argument. MR. DULLES remarked that this wording would have the advantage of making it possible to follow either course as circumstances indicated.

### EXCEPTION FOR ACTION AGAINST ENEMY STATES

MR. PASVOLSKY stated that the question had been raised in the four-power discussion [28] whether the treaties of mutual assistance would disappear when the powers of the Security Council were extended to cover action against enemy states. The French, he added, were particularly concerned about this question. MR. PASVOLSKY noted that the Soviet representatives thought the treaties would disappear. The

[28] Minutes of fifth Four-Power meeting, May 4, 6:30 p. m., p. 603.

British held that the treaties would continue; that, if armed attack occurred, the treaties would come into force under the new paragraph 12 of Section B, Chapter VIII. MR. PASVOLSKY added that our interpretation, which he had explained to the meeting, was that treaties not inconsistent with the provisions of Section C would continue to exist when the Security Council took over the functions with respect to enemy states, if the parties so desired. In our view the matter would be up to the parties as long as the treaties were consistent with the Charter.

SENATOR VANDENBERG pointed out that no transfer of power to the Organization in dealing with enemy states would take place without the consent of the major states. MR. PASVOLSKY added that the treaties would acquire a different character when some of the functions were assumed by the Council. SENATOR VANDENBERG indicated that the control as to the time of transfer would remain within the hands of the states themselves.

### RIGHT OF ENEMY STATES TO APPEAL TO THE COUNCIL

MR. PASVOLSKY said that in the discussions of the Subcommittee of Five the question was whether, as long as paragraph 2, Chapter XII, prevailed, enemy states would have the right of appeal to the Security Council. Greece believed that they had no such right.

SENATOR VANDENBERG asked what decision had been reached as to the list of enemy states. MR. PASVOLSKY replied that France, Russia, and Great Britain, in the Subcommittee of Five, had made it clear that the enemy states included Germany, Italy, Finland, Rumania, Bulgaria, Hungary, Japan, and Thailand. MR. PASVOLSKY noted that Austria was not included on this list since it never declared war on the United Nations. All the other countries had declared war on the United Nations. He suggested that the exception was a very important one.

MR. ROCKEFELLER wondered whether it would be possible to limit the list of enemy states to Germany and Japan only. MR. DULLES believed this would be impossible to accomplish. MR. DUNN indicated that the phrase "enemy states" was included in Chapter XII, paragraph 2, and MR. PASVOLSKY noted that the question of limiting the enemy states to Germany and Japan only had never been raised. MR. DUNN thought it would be impossible to make such a limitation. Enemy states, he said, meant states that had declared war on the United Nations. He acknowledged that the question with respect to the present problem was how large a block of states was going to be outside the purview of the Organization.

SENATOR VANDENBERG asked how Italy could get into the Organization. MR. DUNN stated that Italy would presumably be eligible for

membership after the final peace. SENATOR VANDENBERG pointed out that Russia had a veto by which Italy might forever be prevented from becoming a member. MR. DUNN thought that Italy could be taken out of the classification of enemy states by an international convention and then enter into the United Nations. MR. PASVOLSKY pointed out that, as enemy states were admitted to the Organization, it would probably be necessary to have special arrangements negotiated among the victorious powers to remove the disability under paragraph 2, Chapter XII; since, if this disability remained, there would be no sovereign equality.

MR. JOHNSON noted that in Committee III/2 Mr. Stassen had taken the position that enemy states did not have the right to appeal to the Council.[29] We were, therefore, on record on this matter.

MR. PASVOLSKY thought this question should be discussed with the Subcommittee of Five and MR. DUNN agreed it was in large part a matter of interpretation.

### DRAFT PROPOSAL FOR PREPARATORY COMMISSION

The Delegation had before it Draft Proposal for Preparatory Commission, US Gen 139.[30] MR. SANDIFER said that this memorandum had been considered in the Secretariat and that the plan was to have the proposal discussed in this Delegation. If approved in a preliminary way, it would then go to the Subcommittee of Five and to the Executive Committee.

### NEUTRALITY

MR. NOTTER stated that, in answer to the French proposal that an explicit provision should be included that the principles of neutrality would be incompatible with the Charter,[31] he had urged that (*a*) such a provision was unnecessary since the fact was already clear, and (*b*) a discussion of this matter would precipitate the committee into a discussion of the seat of the Organization. This position was upheld by SENATOR VANDENBERG and generally by the other members of the Delegation.

The meeting was adjourned by the Secretary at 11 : 00 a. m.

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[29] During the discussion in Committee III/2, May 14 (Doc. 321, III/2/9, May 15, UNCIO Documents, vol. 12, p. 24), the Greek delegate asked the opinion of the Committee whether an enemy state, under paragraph 2, could bring a dispute to the attention of the General Assembly or the Security Council. Mr. Stassen held that chapter XII, paragraph 2, excluded such an appeal (US III/2, Doc. 4, not printed).

[30] Not printed; for text of preliminary draft prepared by the Secretariat as a possible basis for discussion, see Doc. 902, EX/23, June 11, 1945, *ibid.*, vol. 5, p. 514.

[31] Doc. 2, G/7(*o*), pt. 2, March 21, *ibid.*, vol. 3, p. 383.

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*Minutes of the Sixth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 19, 1945* [32]

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (12); United Kingdom (4); Soviet Union (5); China (4); and France (3).]

The meeting was called to consider the reply of the Soviet Union to revisions proposed by the other four governments on the paragraphs dealing with regional arrangements in relation to the general organization (new paragraph 12 of Chapter VIII, Section B, dated May 15; addition to Chapter VIII, Section A, paragraph 3, dated May 15; and an additional clause to Chapter VIII, Section C, dated May 15 [33]).

MR. STETTINIUS called upon Mr. Gromyko to make a statement.

MR. GROMYKO said that his government agreed to accept the three proposals on condition that certain minor amendments be accepted. He then read a substitute for the first sentence of the new paragraph 12 of Chapter VIII, Section B, as follows:

"Nothing in this Charter impairs the inherent right of self-defense, either individual or collective, if prior to taking the necessary measures for the maintenance of international peace and security by the Security Council an armed attack against a member state occurs."

He also said that the Soviet Government would propose an additional explanatory sentence to paragraph 1, Section C, Chapter VIII, as follows:

"This paragraph by no means prejudices paragraphs 1 and 2 of Section A of this Chapter which fully preserve their power."

At the request of MR. STETTINIUS, MR. GROMYKO explained the purport of these proposed changes. He said that if the Security Council did not maintain peace and security, the countries would have the inherent right, individually and collectively, to take measures of self-defense up to the time the necessary measures by the Security Council [were] being taken.

MR. DULLES asked whether if the Security Council called on a state to sever diplomatic relations, would the right of self-defense be justified?

MR. GROMYKO said that these measures would be taken only after the Council had failed.

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[32] Mr. Stettinius indicated in his *Diary*, for the twenty-fifth day, May 19, that the meeting of the Big Five, 3–3 : 20 p. m., had been called on short notice as soon as he learned from Mr. Gromyko that the latter had received his instructions from Moscow.

[33] Minutes of the meeting of the United States delegation, May 15, 9 a. m., p. 719.

MR. DULLES observed that the word "necessary" was used twice in Mr. Gromyko's explanation, although it was not in his proposed text and MR. GROMYKO replied that though it is not used in the text, the word "necessary" was meant.

MR. STETTINIUS observed that the addition of this word or a similar word like "adequate" would clarify the statement. He said that it would be necessary for the other delegations present to study the full meaning of the Soviet proposal and that this should be done first of all by the Subcommittee of Five, which would report to the full group on Sunday, May 20, at six o'clock in his apartment.

This was agreed to by all present, and the meeting adjourned.

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*Minutes of the Forty-Eighth Meeting (Executive Session), of the United States Delegation, Held at San Francisco, Sunday, May 20, 1945, 12 Noon*

[Informal Notes]

[Here follows list of names of persons (27) present at meeting.]

The Secretary opened the meeting at 12 : 00 noon.

[Here follow comments on distribution of draft revision of Chapter VIII, C to Military Advisers.]

DISCUSSION OF REGIONAL DRAFTS

The members had before them a copy of the Russian draft of Chapter VIII, Section B, New Paragraph 12, reading as follows:

"Chapter VIII, Section B, New Paragraph 12. Nothing in this Charter impairs the inherent right of self-defense, either individual or collective, ~~in the event that the Security Council does not maintain international peace and security and~~ if prior to undertaking the measures for the maintenance of international peace and security by the Security Council an armed attack against a member state occurs. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

Also before the Delegation was the May 15, 1945, draft of Chapter VIII, Section C:

"1. Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The member states comprising such agencies or entering into such arrangements should make every effort to achieve

peaceful settlement of local disputes through such agencies or arrangements before referring them to the Security Council. The Security Council should encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council."

THE SECRETARY remarked that to start off the discussion he would report that Mr. Gates and General Embick had called him with respect to the new proposal by the Soviet Union and had stated that they preferred the original United States language but that they did not feel the Soviet changes were very serious. GENERAL EMBICK added that the military preferred a reference to "adequate" or "effective" before "measures" instead of the use of the word "measures" alone. MR. KANE said Mr. Gates was not as happy about the Russian wording as he had been about our previous wording, particularly because the double negative did not seem to him as clear. He asked the Secretary if he could make a brief statement on Mr. Gates' position, and THE SECRETARY said he would welcome it.

MR. KANE stated Mr. Gates felt that there was no fundamental difference remaining on policies and objectives and that the question was now one of putting a policy into words. He said that Mr. Gates had approached the matter from the point of view of Chapter VIII as a whole. Section A, he said, dealt with pacific settlement and in Section A, paragraph 3 the regional agencies and arrangements were specifically related to the process of peaceful settlement. Section B dealt with the use of force and regional arrangements were associated with this function under the provisions of the New Paragraph 12, particularly in connection with the word "collective". Section C he said did not deal with functions but with agencies—regional agreements. In the last sentence of paragraph 1, Section C, MR. GATES felt there was some danger, with the addition of the phrase "the development of peaceful" that regional arrangements might be so specifically associated with procedures of peaceful settlement that they would be interpreted to have been disassociated from the function of enforcement. Looking at the whole draft then, Mr. Gates had felt that the tendency had been to increasingly associate regional arrangements with pacific settlement and to disassociate them from forceful settlement.

MR. KANE explained that our policy was to associate regional arrangements with defense measures which might be necessary in the event of armed attack. In this event no authorization by the Security Council was needed. In other cases moreover our policy was to use regional arrangements as the normal means of enforcement. A tendency then to disassociate regional arrangements from enforcement functions makes crucially important the language under discussion.

To put the matter differently, he said, unless it was necessary to add these words, there was some real danger in adopting them. If the phrase "adequate measures" was used, however, he felt the Secretary of the Navy would go along and feel that the document did the trick. A question still remained, however, as to the wisdom of adopting either the Soviet or the American language at this point and MR. KANE suggested that it might be best to use for opening sentence of paragraph 12 simply "Nothing in this Charter impairs the inherent right of self defense, either individual or collective." THE SECRETARY asked if General Embick had anything to add to Mr. Kane's statement. GENERAL EMBICK replied in the negative, except to say that he had always thought that the normal method by which enforcement action would be taken was by regional arrangements.

SENATOR VANDENBERG wondered why the addition of the phrase "the development of peaceful" did not actually strengthen Section C. He thought that when regional facilities were emphasized and identified in this way Chapultepec and the entire regional mechanism was strengthened. He said he was unable to see how the change under Section C diluted emphasis on regional arrangements, and he thought it was good to emphasize the role of regional arrangements in peaceful settlement. MR. KANE said the question was whether by adding this phrase in the last sentence of Section C we were placing any limitation on regional arrangements not elsewhere explicitly stated. ADMIRAL HEPBURN pointed out that Mr. Kane had correctly stated the issue. He thought, however, that it was quite clear that Section C, paragraph 1 dealt only with pacific settlement, while paragraph 2 dealt with enforcement. He noted that the four words in dispute were in paragraph 1 and, therefore, had no direct relationship to the role of regional agencies in enforcement.

MR. DULLES expressed the view that the added phrase did not affect paragraph 2 or place any further limitations on enforcement action by regional organizations. ADMIRAL HEPBURN said he tended to agree with Mr. Dulles that paragraph 12 of Section B was quite explicit on the matter. GENERAL EMBICK felt, however, that the addition of the words in Section C de-emphasized the role of regional arrangements in enforcement action.

THE SECRETARY called on Mr. Pasvolsky to state the results of the consultations with the Subcommittee of Five on this question. MR. PASVOLSKY stated that the policy he had followed in that Committee was to find out exactly what we all wanted to say in paragraph 12 and then to put the matter into a draft. First, however, he said he would like to go back to Dumbarton Oaks to give a bit of explanation. He pointed out that it had been clear to all who participated at Dumbarton Oaks that regional arrangements would be used for pacific settlement as one of the means of pacific settlement which a state could

resort to by choice. He explained that at one time there had been in Section A a specific reference to regional arrangements. Moreover, he said, it had been perfectly clear at Dumbarton Oaks that paragraph 1 of Section C applies only to pacific settlement. There had been a clear understanding that paragraph 1 referred to peaceful settlement under regional arrangements, and paragraph 2 to enforcement procedures. Whereas the word "peaceful" was omitted in the early part of paragraph 1, it was omitted only because it was understood. He said that there never had been any doubt on this.

MR. PASVOLSKY stated that in the meeting with the six Latin American foreign ministers,[34] the suggestion had been made that the word "support" be used in paragraph 1 of Section C. This, he said, he had proposed in the Subcommittee of Five. He was asked there what the Latin American foreign ministers wanted as they had told him they wanted to emphasize the fact that regional arrangements would be used by states in the settlement of disputes normally before resort to the Security Council. At the meeting of the five this intention had been thought satisfactory. MR. PASVOLSKY added that the South Americans themselves had found the word "encourage" too weak and that in order to strengthen the sentence and make more definite what we meant he had suggested the phrase "the development of peaceful". When this had been shown to the South Americans, Mr. Parra-Pérez had expressed satisfaction with it. Others had expressed the view that it was exactly what they wanted and liked it even better than the word "support".

As far as enforcement action by regional organizations goes, MR. PASVOLSKY stated this was covered in two places. It was covered in Section C regional arrangements where it is provided that the Security Council where appropriate may utilize regional agencies for enforcement action. There would be two conditions—regional agencies would have to show they were capable of being used and the case would have to be suitable for regional enforcement action. The possibility existed that the Security Council might want to give prior authority to a particular regional agency to take enforcement action, but this was left to the discretion of the Security Council.

MR. PASVOLSKY added that the proposals also provided that all or some states might be called upon to participate in enforcement action. Under this provision, a flexible system was provided which conformed to our basic position. Forces could be sent into action only with the approval of the Security Council. Unless we voted for the action, forces would not be sent out.

In the light of our study of the Soviet proposal, MR. PASVOLSKY added, we reached the conclusion that this is what the Soviet Union

[34] See summary notes on first informal consultative meeting, May 14, 2: 30 p. m., p. 712.

is trying to say. MR. PASVOLSKY then read a brief statement along the following lines: "In the event that armed attack occurs against a member state, nothing impairs the exercise of the inherent right of self-defense, either individual or collective, during the period elapsing between the attack and the time the Security Council takes adequate measures to restore international peace and security." ADMIRAL HEPBURN stated that Mr. Pasvolsky was right in his interpretation. If we want to handle enforcement action in this hemisphere ourselves, we have power to stop other action by the Security Council.

MR. PASVOLSKY stated that in the light of general agreement that this statement expressed what we were trying to get at, a draft was prepared which he asked to have circulated. The draft read as follows:

"Alternative 'A'
Chapter VIII, Section B
New Paragraph 12

Nothing in this Charter impairs the inherent right of self-defense, either individual or collective, if an armed attack occurs against a member state before the Security Council has taken adequate measures to maintain international peace and security. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

May 19, 1945"

SENATOR CONNALLY said he thought this statement was a good one, but indicated he would prefer the phrase "until such time as the Security Council has taken adequate measures." He added that he understood that the right of self-defense continued until the Security Council took adequate measures. MR. PASVOLSKY agreed that the right continued until this point. SENATOR CONNALLY added that in his view the exercise of the right of self-defense should not be limited until the Security Council took effective action. SENATOR VANDENBERG expressed whole-hearted agreement with this position.

DEAN GILDERSLEEVE indicated that the draft of Alternative A, May 19, 1945, contained an ambiguity in that the word "measures" at the beginning of the second sentence might refer to measures by the Council or measures in self-defense.

MR. PASVOLSKY suggested that one might add the words "exercise of" before the phrase in the first sentence "inherent right of self-defense". MR. DULLES urged that the sentence be left as it stood since we should say clearly that nothing impaired the right itself. MR. STASSEN agreed that any reference to the exercise of the right in that first sentence would by inference suggest that we were impairing the right itself.

SENATOR VANDENBERG urged that Senator Connally's suggestion be adopted to substitute the word "until" for "before". THE SECRETARY agreed that this was a great improvement. MR. PASVOLSKY suggested that a comma after the words "member state" be added. General agreement was expressed with these two modifications.

MR. HACKWORTH expressed the view that the present draft greatly qualified the right of self-defense by limiting it to the occasion of an armed attack. MR. STASSEN stated that this was intentional and sound. We did not want exercised the right of self-defense before an armed attack had occurred.

MR. PASVOLSKY pointed out that in the Subcommittee of Five there had been some question whether the phrase "maintain international peace and security" was satisfactory. It was felt that since an attack involved a breach of the peace that the reference should be to "maintain or restore international peace and security."

THE SECRETARY asked Mr. Pasvolsky what procedure would be followed in having these changes adopted. MR. PASVOLSKY stated that he was meeting at 5:00 o'clock with the Subcommittee of Five and would talk these questions over and report at 6:00 o'clock to the Meeting of the Five. THE SECRETARY asked whether Mr. Pasvolsky thought the changes being suggested would be acceptable. MR. PASVOLSKY remarked that he had every reason to believe they would be acceptable, although he did not like to commit himself prior to the discussions. THE SECRETARY asked whether after the 6:00 o'clock meeting it would probably be necessary to wait five days for a reply from the Soviet Union. MR. PASVOLSKY thought that the Soviet representative would accept the paragraph today. He thought they had authority to close the issue and said he would be willing to so bet. SENATOR VANDENBERG stated that he would move anyway the next day at noon and that that was final.[35] MR. DULLES suggested that Mr. Pasvolsky's proposal be adopted to use the phrase "adequate measures to maintain or restore international peace and security." This was generally agreed to.

SENATOR CONNALLY suggested that the addition might be made in the first sentence of the words "or its exercise" after the word "self-defense". He thought it might be wise to thus double the concept in the first sentence. ADMIRAL HEPBURN thought this was implicit. MR. HACKWORTH indicated that there was something to the suggestion. MR. STASSEN questioned whether, in view of the fact that we had been working on this draft for so long, it was now wise to monkey with the wording unless it was absolutely necessary. SEN-

[35] Senator Vandenberg presented the Five-Power formula to the Subcommittee of Committee III/4 on May 21; Australia, France, and Czechoslovakia urged acceptance of the proposals, but Egypt asked for 24 hours' delay; minutes not printed (US III/4/A Doc. 9, May 21).

ATOR CONNALLY indicated that he did not insist. MR. DULLES thought that with the word "exercise" in the second sentence the matter was quite clear. He added, however, that to take care of Dean Gildersleeve's point it would be well to add the phrase "of self-defense" following the word "right". MR. PASVOLSKY suggested the word "action" in place of the word "measures" at the beginning of the second sentence. This was generally agreed to. MR. PASVOLSKY then pointed out that the word "action" in the last sentence toward the end of the sentence would then have to be changed to "measures". MR. DULLES indicated his preference for the phrasing "measures taken in the exercise of this right of self-defense. . . ." This was then generally agreed to and the earlier decision was overridden.

THE SECRETARY asked whether members of the Delegation would care to give their views. MR. ARMSTRONG indicated that he had nothing to add; he thought only that the changes suggested made our position even clearer. MR. BOWMAN said, "okay" and MR. DUNN replied "fine" to the question of the Secretary. SENATOR CONNALLY stated that his approval was predicated on Mr. Pasvolsky getting the changes that had been suggested. THE SECRETARY then read the draft as revised with members of the Delegation supplementing the changes that he had made on his own draft. It read as follows:

"Nothing in this Charter impairs the inherent right of self-defense, either individual or collective, if an armed attack occurs against a member state, until the Security Council has taken adequate measures to maintain or restore international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

THE SECRETARY asked Mr. Rockefeller whether this draft would be acceptable to the Latin Americans. MR. ROCKEFELLER reported that he had already had an informal discussion with them this morning, although he did not give them any drafts and that he thought that they would go along with the proposal since the change was not one of substance.

Mr. KANE stated that the new draft "looked good". GENERAL EMBICK indicated that it was "fine". He added that in the light of Mr. Pasvolsky's statement that Section C paragraph 1 was definitely limited to peaceful settlement, he could now say that there had been some misunderstanding on the part of the War and Navy Departments as to the scope of those two paragraphs and that he felt that the matter was cleared up. MR. EATON asked whether it followed from this draft that our forces would not be used in Europe unless we wished.

THE SECRETARY replied that this was basic and that under the proposals our forces would not be used without the consent of the United States. We would have a veto on their use.

THE SECRETARY asked whether all the members of the Delegation would be willing to give Mr. Pasvolsky authority to go forward and negotiate this agreement. DEAN GILDERSLEEVE said she was "satisfied". MR. BLOOM indicated that it was "okay". THE SECRETARY replied that the decision was unanimous as always, or rather as usual. MR. STASSEN said that it looked 100% good to him.

THE SECRETARY said he did not want the draft shown to the Latin American foreign ministers for the present but that arrangements should be made promptly to discuss the question with them. MR. PASVOLSKY pointed out that in the end it was quite possible that the regional arrangements provisions would be in an article by themselves but that of course this remained to be decided and negotiated.

### PROCEDURE FOR DEALING WITH REGIONAL DRAFTS

SENATOR VANDENBERG asked what procedure would now be followed in committees to handle these drafts. MR. JOHNSON said it was our understanding that all three drafts would be discussed and voted on in Committee III/4, which would then report to Commission III and for their information only would report the matter to Committees 2 and 3 of Commission III. MR. JOHNSON said it had been recommended in a previous draft to the Delegates, a draft which had not been discussed, however, that Senator Vandenberg's committee [37] should handle the whole problem. SENATOR VANDENBERG indicated that this procedure satisfied him completely. THE SECRETARY asked Mr. Sandifer for his views. MR. SANDIFER thought Mr. Johnson's proposal was good and the procedure was then generally agreed to.

### DISCUSSION OF ADDITIONAL PARAGRAPH PROPOSED BY SOVIET UNION IN CHAPTER VIII, SECTION C

MR. PASVOLSKY stated that a brief discussion was necessary on the new sentence proposed by the Soviet Union for addition to paragraph 1 of Chapter VIII, Section C. This paragraph read, "This paragraph by no means prejudices paragraphs 1 and 2, Section A of this Chapter, which fully preserve their power." MR. PASVOLSKY proposed that a revision of this sentence be used which he thought would be more satisfactory. This revision was before the members in a draft entitled "Additional sentence to paragraph 1 of Section C, Chapter VIII, May 19, 1945." The draft read "This paragraph in no way impairs the application of paragraphs 1 and 2 of Section A of this Chapter". MR. PASVOLSKY explained that the Soviet representatives had felt it was important to put in this paragraph in order to safe-

[37] Committee III/4.

guard the right of the Security Council to investigate disputes as defined in Section A, paragraph 1, and to safeguard the right of states to bring cases before the Assembly and the Council. SENATOR VANDENBERG said he could see no objection to this. MR. PASVOLSKY said it simply safeguarded the right of appeal to the World Organization as well as to regional organizations.

MR. ROCKEFELLER indicated that a similar amendment had been offered by the Latin Americans [38] and that Mr. Pasvolsky had objected to that amendment at that time. MR. PASVOLSKY remarked that the other amendment had involved a substantive change which contrasted with the present one offered by the Soviet Union. He added, however, that he did not like the addition particularly and did not think it was necessary. He thought he would try to talk the Soviet Union out of it. MR. STASSEN pointed out that in fact the addition did no harm. MR. ROCKEFELLER said the one difficulty with it was that the Latins might insist on re-introducing their proposal if this one was accepted. THE SECRETARY indicated that the Delegation's recommendation was then to have the paragraph eliminated if possible in the course of the meeting at 5 : 00 o'clock.

### VOTING PROCEDURE IN THE SECURITY COUNCIL

SENATOR CONNALLY stated that in Committee III/3 strong opposition was being expressed to the Yalta Agreement on voting and that the going was tough.[39] So far, he said, most of the discussion had been on what was meant by the Yalta Agreement on voting. He then called on Mr. Johnson to report on the work of the Subcommittee that had been set up to deal with this problem. MR. JOHNSON indicated that things had developed rather favorably. Mr. Blaisdell had been selected head of the Subcommittee.[40] A series of questions had been prepared on which the four powers were being asked to concert their reply. This procedure, he said, gave us time to get agreement on our interpretation, the next committee meeting being on Tuesday.[41] He thought the matter had worked out quite well for our interests. THE SECRETARY suggested that we should realize that if there was any departure from the Yalta Agreement, the Soviet Union would probably not sign the Charter.

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[38] See summary notes on informal consultative meeting with certain Latin American Ambassadors, May 14, p. 712. For pertinent excerpts from draft amendments and comments submitted by Latin American delegations, see Doc. 269, III/4/5, May 14, UNCIO Documents, vol. 12, pp. 765 ff. and 835–837.

[39] See Doc. 417, III/1/19, May 18, *ibid.*, vol. 11, p. 305; reference is made apparently to Committee III/1, which considered chapter VI, section C, on the question of voting procedure in the Security Council.

[40] Subcommittee B of Committee III/1 first met on May 19, 3 : 30 p. m., in response to a resolution adopted by Committee III/1 the previous day (Doc. 459, III/1/22, May 21, *ibid.*, p. 336), its terms of reference being in effect to attempt to clarify the meaning of the Yalta voting formula (Doc. 481, III/1/B/1, May 22, *ibid.*, p. 817).

[41] Doc. 531, III/1/26, May 23, *ibid.*, p. 364.

SENATOR CONNALLY pointed out that Sir Alexander Cadogan had interpreted the Yalta Agreement to the effect that the veto power does not apply to paragraphs 1 and 3 of Section A.[42] Our advisers felt, however, that the veto power does apply to these paragraphs. It was important, therefore, to achieve some harmony of interpretation on this matter. SENATOR CONNALLY stressed that this was a very vital problem and went to the heart of the whole Organization and we couldn't lose on the question of voting in the Security Council. MR. STASSEN pointed out that in adding functions to Section A, in fact, the Yalta Agreement had been altered. Moreover, he thought that if the major powers could agree on the interpretation made by Sir Alexander Cadogan, the Chapter would not be as bad as it now was and the small countries would be greatly cheered. The important problem, he stated, was to get agreement by the major powers on an interpretation of the Yalta Agreement. MR. WARREN stated that in an informal poll of the committee, it now looked as though there were 32 against 8 with Canada, New Zealand, and Australia leading the opposition. He pointed out that we were in a tough situation. THE SECRETARY said that our political officers would have to get to work. MR. JOHNSON thought that the situation was very fortunate at the moment since the four powers had to concert their views on the questions before the Subcommittee. He added that he thought that we would be in a better position on the voting if a decision could be postponed until after the Canadians had received satisfaction by the amendment under Section B, Chapter VIII.

MR. ROCKEFELLER stated that he had had two meetings with the Latin Americans on this problem. They were perfectly satisfied with the veto power on the Security Council, he said, so far as it affected the regional situation. However, the Latin Americans felt that the United States would be losing its moral position if the veto power remained, since we could be prevented from taking any action in Europe. The Latin Americans, he said, did not see how we could accept the veto power. MR. PASVOLSKY indicated that he would like to meet with the Latin Americans on this question and that he thought the statement that we were losing our moral authority by accepting the veto power was bunk. He felt we were too much preoccupied with the veto problem. We should approach the problem from the point of view of what the Organization could do and what it was supposed to do. If its recommendations were to be worth anything, they required the backing of the five major powers, together with the support of some of the non-permanent members. The recommendations of the Assembly could be of another type, he said. If we are going to handle this problem properly, we must keep our eyes on the

[42] WD 3, May 17, UNCIO Documents, p. 323.

effectiveness of the Security Council. This approach, MR. PASVOLSKY felt, needed to be made with the Latin Americans.

MR. PASVOLSKY added that one way of bargaining with the South Americans, to give them some satisfaction, would be to put the reference to treaty obligations in the chapter on Principles instead of the Preamble.

MR. STASSEN indicated that he would be absolutely against any deal by which we would further weaken the charter in order to prevent a weakness being removed from the charter. He felt that if Sir Alexander Cadogan's interpretation could be agreed upon, it would be a great step forward and would considerably lessen resentment against the Four Powers. THE SECRETARY questioned whether it would not mean backing out on the Yalta Agreement if we proposed Sir Alexander Cadogan's interpretation to the Soviet Union. MR. DUNN replied that there was no reason why we could not discuss this question with the Soviet Union and see what their interpretation was and sound out whether this matter could be considered procedural.

ELECTION OF JUDGES

MR. HACKWORTH indicated that a problem had arisen as to whether the vote for the election of judges could be construed to be a procedural one. After brief discussion it was agreed that this matter should be considered at the meeting of the Delegation the next morning.

In closing the meeting at 1:10, the Secretary announced that any persons present could return that evening to the 6:00 o'clock meeting, so that members of the Delegation could keep up-to-date on this problem.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 7

*Minutes of the Seventh Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, Sunday, May 20, 1945, 6 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (21) ; United Kingdom (4) ; Soviet Union (4) ; China (4) ; and France (5).]

The meeting was called to consider the report of the Subcommittee of Five on the Soviet proposals regarding the three drafts on regional arrangements in relation to the general organization.

MR. STETTINIUS then called on Mr. Pasvolsky to read the new draft from the Subcommittee of Five, and MR. PASVOLSKY read the following text:

"Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a member

state, until the Security Council has taken the measures necessary to maintain (or restore) international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

MR. STETTINIUS asked whether all were agreed on this text and everyone agreed up to the words "or restore" in the fifth line, in regard to which MR. GROMYKO made reservation.

After a period of time was taken out for the five delegations to discuss the new draft, MR. STETTINIUS reported that the United States Delegation would accept the elimination of the words "or restore" although it was quite willing to have the words retained.

LORD HALIFAX said that he felt that the word "restore" should be retained, that is that the right of self-defense should continue during the period of restoration as well as up to the point where the Security Council was taking action to restore the peace.

MR. GROMYKO thought that the word "maintain" encompassed the concept of "restore" and that the latter was in effect unnecessary, but Lord Halifax objected to this interpretation, stating that you can't maintain what isn't there.

MR. DEJEAN said he agreed with Lord Halifax and that if only one word was used, it should be the word "restore".

LORD HALIFAX said that it would be more logical to retain the word "restore" but that he would not split the delegation in order to retain it.

MR. SOONG said that the Chinese Delegation preferred to retain the word "restore".

MR. STETTINIUS then asked if Mr. Gromyko could accept the word "restore" and the latter said he thought not.

LORD HALIFAX then proposed that the five delegations accept the word "maintain" now, so that the Committee could go forward, at the same time asking Mr. Gromyko to see if his government would be able to accept the addition of the word "restore".

MR. STETTINIUS summarized the discussion by saying that all would agree to adopt the word "maintain".

MR. GROMYKO asked if Lord Halifax would, in this case, insist on the word "restore" later on.

LORD HALIFAX said that his idea was, first, that the text should go to the Committee tomorrow, omitting the word "restore", and, second, that the Soviet Government should be informed that three out of the five had agreed that the word "restore" might usefully be included, and, third, that if the Soviet Government did not agree to its inclusion, he would not press the issue to a split in the delegation.

The Committee then turned to the additional sentence to paragraph 1, Chapter VIII, Section C, and MR. STETTINIUS called on Mr. Pasvolsky to explain the results of the Subcommittee's study of this additional sentence.

MR. PASVOLSKY then read a revised form of the Soviet proposal, as follows:

"This paragraph in no way impairs the application of paragraphs 1 and 2 of Section A of this Chapter."

MR. GROMYKO then said that since regional agencies and arrangements could deal with peaceful settlement, the Soviet Delegation wanted the Security Council able to retain its right to act in this field also, that is, it should retain its right to make investigations, as in paragraph 1, and to inform the Security Council, as in paragraph 2.

MR. VANDENBERG asked whether this right would not exist without the proposed Soviet additional sentence, and MR. GROMYKO said yes, it would, that the sentence was suggested only to avoid a misunderstanding. He added that the Security Council should have the right to investigate a situation, even if regional agencies were acting.

MR. CONNALLY and LORD HALIFAX both agreed that the sentence added nothing and took nothing away, and therefore it was in the form of a clarification and could be accepted.

Everyone agreed to accept the addition.

M. DEJEAN thought it would be necessary to get a clarification of the other text regarding the five power amendments on special pacts. He had received certain instructions on this, and would distribute them immediately.

MR. STETTINIUS said the Subcommittee of Five would examine these and report later.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Amer Rep Min 3

*Record of Third Informal Consultative Meeting With Ambassadors of Certain American Republics, Held at San Francisco, May 20, 1945, 9 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (18); and certain Latin American Ambassadors (names not listed).]

MR. STETTINIUS presented to the Ambassadors three drafts which he said were being submitted to the Regional Committee the following day. These drafts were as follows:

[Here follow the proposed texts of chapter VIII, section A, paragraph 3, May 20; chapter VIII, section B, new paragraph 12, May 20; and chapter VIII, section C, paragraph 1, May 20, identical with texts

printed in UNCIO Documents, vol. 12, pp. 679, 680, and 684–685 (Doc. 576, III/4/9, May 25).]

MR. STETTINIUS expressed the hope that these drafts, representing agreement after prolonged consultations, would be acceptable to the Latin American Ambassadors. He pointed out that they protected the interests of the General Organization, while at the same time fully safeguarding and utilizing regional agencies or arrangements such as the Pan American System.

The Latin American Ambassadors expressed enthusiastic support for these drafts and indicated their appreciation of the efforts made by the United States Delegation in reaching these agreements. No dissent from the drafts was expressed.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 49

*Minutes of the Forty-Ninth Meeting of the United States Delegation, Held at San Francisco, Monday, May 21, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (33) present at meeting, and announcements (5) by the Secretary.]

VOTING PROCEDURE IN THE SECURITY COUNCIL

THE SECRETARY asked Mr. Hiss to give to the Delegation his interpretation of the agreement reached at Yalta. MR. HISS stated that he doubted he could add much to what was already known, but that he would say a word as to how the question had come up and as to what had happened. In December, he said, a proposal had been sent to Stalin and Churchill [43] recommending a compromise for solving the voting difficulty practically identical with the one finally agreed to. Accompanying this recommendation was a statement of why we thought it would be a reasonable compromise. Up to that time, he said, the argument had been over the question whether there should be a veto on every question or whether there should be a veto on every question except when a state was involved in a dispute. Mr. Churchill, he added, had been inclining towards the Russian position of okaying a veto on every matter. The basis of the compromise was to provide that, when a state with a permanent seat on the Security Council was involved in a dispute, it should not have a veto on the pacific settlement of that dispute.

MR. HISS added that, before going to Yalta and after sending the draft in December, we had concluded that there was one drafting defect in our earlier recommendation where we had included a general exception from the veto power for paragraph 2 [*1*], Section C, Chap-

[43] See telegram 2784, December 5, 1944, to Moscow, *Conferences at Malta and Yalta*, p. 58.

ter VIII. In rethinking the matter we had decided to include an exception only for the second sentence of paragraph 1, Section C, Chapter VIII.[44] Then at Yalta Mr. Stettinius was asked by the President to make a statement on our voting compromise.[45] The statement by the Secretary, MR. HISS said, saved the day. The Russians were somewhat confused since Stalin was speaking from the text originally sent him rather than from the revised text so that at this first session on voting no conclusive discussion took place. At the next plenary session, however, Stalin had said he would accept the compromise and Churchill said he also would accept it.[46]

THE SECRETARY said he wanted Mr. Hiss to bring out particularly the question as to whether a state had a veto on the pacific settlement of a dispute to which it was not a party. MR. HISS commented that in meeting the proposal that there should be a veto on all matters, we had been able to cut out one slice, so that the veto power would not apply to states involved in disputes under the provisions for peaceful settlement. In all other respects, he said, the veto power remained unimpaired.

SENATOR CONNALLY asked whether the veto power applied under Section A of Chapter VIII. MR. HISS replied that, except where a state was a party to a dispute, the veto power applied. SENATOR CONNALLY asked whether Mr. Hiss agreed with Sir Alexander Cadogan's interpretation that the veto power did not apply under paragraphs 1 and 3 of Section A. MR. HISS said he had not known of this interpretation. SENATOR CONNALLY reported that we were really in quite a fix in Committee III/1 where a definite attack was being made on the veto power in connection with the settlement of disputes.[47] MR. NOTTER agreed with Mr. Hiss that the Yalta agreement implied a veto beginning with paragraph 1—the stage of investigation. MR. HISS stated that, if any country thought it had a case, it could raise the matter with the Security Council and presumably the Council could take jurisdiction of the case. Moreover, in the course of discussion it would be quite normal for the Council to go into the facts of the case and there would be considerable freedom for the Council to fix its own rules and determine what came within the procedural vote. A thorough investigation, however, would probably come within the veto. MR. BLOOM said that the vote might well be taken after an investigation had taken place. MR. HISS thought that the veto would apply unless matters were construed to be procedural, and he em-

[44] See letter of January 14 from the Acting Counselor of the British Embassy (Wright) to Mr. Pasvolsky, *Conferences at Malta and Yalta*, p. 77; for Mr. Pasvolsky's reply dated January 17, see *ante*, p. 22.

[45] See *Conferences at Malta and Yalta*, pp. 661 and 682–686.

[46] *Ibid.*, pp. 712–713.

[47] See Doc. 486, III/1/24, May 22, UNCIO Documents, vol. 11, p. 347.

phasized that the Council would have some freedom in making its own rules.

MR. NOTTER said the question then arose as to what vote was necessary to determine procedural matters. It was clear only that matters under Section D, Chapter VI would be procedural. On these a vote of any seven would be satisfactory. SENATOR VANDENBERG asked how it was possible to find out what came within the procedural category. MR. NOTTER replied we must settle the matter here. SENATOR CONNALLY asked why investigation was not a procedural matter. MR. DULLES replied that the decision to go ahead on an investigation was a very important substantive matter.

THE SECRETARY suggested that we should await our decision until we had the interpretation of the Subcommittee of Five. MR. PASVOLSKY reported that the other four powers were unanimous that paragraph 1 dealt with substantive matters and that the procedural vote did not apply there. The British, he said, had made it clear that Sir Alexander Cadogan was out of line on this matter.[48] It was interesting that the Chinese were proving the most vociferous on behalf of the veto on investigations as a result of their experience with the Lytton Commission.[49] SENATOR CONNALLY indicated that we were in a very serious situation on this whole question. MR. PASVOLSKY remarked that the Big Five had agreed to isolate the questions that might be considered to fall under the procedural vote. There were nine decisions of the Council outside of Chapter VIII which had to be examined from this point of view, two of which had already been examined. It had been agreed that the convocation of the Assembly should be by procedural vote and that the constitutional convention should be called by a procedural vote as already provided. Other decisions to be discussed dealt with the election of judges, the election of the Secretary-General, the admission of new members, the suspension of the rights of membership, expulsion, request by the Council for the help of the Assembly, and trusteeship matters.

THE SECRETARY felt that this question must be brought to a close as soon as possible since he would have to spend a day very soon in Washington and he would like to feel that this voting question was well along. MR. DUNN stated that the Subcommittee was now drawing up a list of questions which we would then have before us. SENATOR CONNALLY agreed that the matter should be expedited, but he

[48] The United States delegation was informed by Senator Connally at its executive session, May 20, noon, of Sir Alexander Cadogan's interpretation of the formula; see p. 822.

[49] The Earl of Lytton, Edward Robert Bulwer, British member and chairman, League of Nations Commission of Inquiry concerning Manchuria. For text of "Lytton Report", see League of Nations, *Appeal by the Chinese Government, Report of the Commission of Enquiry* (Geneva, October 1, 1932); for documentation on this subject, see indexes, *Foreign Relations*, 1931, vol. III, and *ibid.*, 1932, vols. III and IV.

wanted the Secretary to know that we were really up against the buzz saw.

### Relations of Economic and Social Council With Non-Governmental Organizations

Dean Gildersleeve asked for an opportunity to present a number of questions pending before a subcommittee meeting that morning at 9:45. Mr. Stinebower and Mr. Mulliken then joined the meeting.

Mr. Stinebower presented a compromise draft worked out in Subcommittee II/3/A. He pointed out that we had made an effort to get as much of the consultant's draft [50] into the proposal as possible, but that the Soviet Union had spent two hours of discussion adamantly opposing putting so much emphasis on national non-governmental organizations. A draft had been worked out, however, which was now generally approved by the Soviets, which read as follows:

"The Economic and Social Council shall be authorized to make suitable arrangements for consultation with non-governmental organizations, international and where appropriate national, which are concerned with matters within the competence of the Council."

Mr. Rockefeller explained that there might be some reaction if we opposed the consultants on this matter. They were particularly interested in getting away from narrow pressure groups and emphasizing national groups. Mr. Dulles questioned whether the draft suggested by Mr. Stinebower would be disapproved by the consultants. Mr. Stinebower thought we were in a rather vulnerable spot. The Russians had said that we had emphasized that we could not envision the Economic and Social Council going over the heads of governments and interfering in local domestic affairs. However, we were providing that national associations, private ones, would work directly with the Economic and Social Council. They felt we were somewhat inconsistent.

The Secretary expressed the view that the draft would give the consultants about what they wanted. Mr. Mulliken and Mr. Dickey agreed. Mr. Dickey pointed out that the present draft would not rule out the International Chamber of Commerce in which they were particularly interested. He thought the consultants would accept the proposal and he would undertake to present it to them in its best light. General agreement was then reached that the text as proposed by Mr. Stinebower was acceptable.

### Calling of Conference by the Economic and Social Council

Mr. Stinebower noted that the Soviet Union objected to the Economic and Social Council being empowered to call conferences and

[50] Draft entitled "Committee II/3, Economic and Social Cooperation: Recommendations of the U.S. Advisers Based on Proposals of U.S. Consultants" (U.S. Gen. 131), not printed.

favored a provision by which it would recommend the calling of a conference. As a working basis the following draft had been prepared reading as follows:

"If circumstances of an international economic, social, cultural, health or other related character which, in the opinion of the Economic and Social Council, require a conference of all or any members of the Organization, the Economic and Social Council may recommend that such conference be called in accordance with the rules of procedure determined by the General Assembly."

MR. PASVOLSKY thought this was perfectly satisfactory and the members of the Delegation in general expressed approval of the draft as revised.

MR. STINEBOWER explained that things had gone well in Committee II/3/*a* for the position taken by the United States, except that we had been voted down on the proposal that "receive" should be substituted for "obtain".

### FULL EMPLOYMENT AS AN OBJECTIVE OF THE ORGANIZATION

DEAN GILDERSLEEVE pointed out that the question of the use of the term "full employment" was still pending. THE SECRETARY pointed out that a complete statement on the matter had appeared that morning in the papers and that he just could not see how the material could get out. He asked Mr. Stevenson if he could shed any light on the matter. MR. STEVENSON stated that, in so far as the interpretations in the morning papers suggested that the use of the term "full employment" suggested that the world organization might interfere in internal affairs, this had been obtained from conversations with our own representatives. He said that nothing had been stated by his men concerning procedural matters and he added that he had denied that the United States was opposed to full employment.

DEAN GILDERSLEEVE indicated that she wished the view of the Delegation on the strategy she should adopt in securing reconsideration of this question. She pointed out that she now planned to try to have the first paragraph referred back to the subcommittee for revision on the grounds (1) that a proposal for the addition of the word "educational" had come up and that this matter should be given further consideration, and (2) that, as worded, the matter of promotion of full employment might be interpreted to mean interference in the domestic affairs of states, so that the wording of this provision needs clarification.

THE SECRETARY expressed approval of this procedure. MR. STASSEN also indicated his agreement and the Delegation in general gave their consent.

THE SECRETARY asked what our actual position was on the use of the words "full employment". MR. DUNN indicated that we had

decided to try for the term "high and stable levels of employment", but that, if this was not possible, we hoped to have the phrase "full employment" stated as an aim rather than as a function of the Organization. THE SECRETARY wondered whether it would not be wise to issue a statement concerning our position on this matter in view of the press statements of the morning. He felt that we could not be against "full employment". MR. STEVENSON agreed that we could not afford to be put in that position—on the side of the devil. The words "full employment" had become an American idiom, a way of stating a fundamental aspiration, and he felt it would be too bad to be caught on the wrong side on this matter. SENATOR CONNALLY asked if it were of sufficient importance to vigorously oppose "full employment". MR. STASSEN replied that he did not think so. MR. BOWMAN suggested that we stand on "full employment" and explain that we mean by full employment "high and stable levels of employment".

MR. STASSEN thought that we had agreed that the real problem was the context in which the phrase was used and not the phrase itself. If it could be used as an aim of the Organization rather than appearing after the word "promote", he thought there was really little fundamental objection to it. DEAN GILDERSLEEVE agreed that the problem was not to get the word out so much as to rearrange its position. MR. STASSEN agreed that the rearrangement of language was the primary task in order to make the draft acceptable to the Senate. MR. SANDIFER indicated that this was in fact the directive agreed to at a previous meeting.

NEWSREEL PICTURES OF THE DELEGATION

THE SECRETARY announced that, in view of the fact that it did not prove possible to get the President's speech on the radio, the Delegation should proceed to the roof to have newsreel pictures taken. THE SECRETARY then reviewed a brief statement [51] prepared for use in the newsreel.

The meeting was adjourned at 10:05 a. m.

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500.CC/5–2145 : Circular airgram

*The Acting Secretary of State to Diplomatic Representatives in the American Republics*

WASHINGTON, May 21, 1945—10:40 a. m.

For the Ambassador. The following account of the regional arrangements issue at UNCIO is for your background information.

[51] For a statement of May 21 by the Secretary on the directive of the Steering Committee to review progress of the Conference, see Department of State *Bulletin*, May 27, 1945, p. 949; see also Doc. 499, ST/11, May 22, UNCIO Documents, vol. 5, p. 237.

The question of the relation of regional arrangements to the international organization has passed through two phases at the San Francisco Conference.

In the first phase it was raised by the Russians, with the strong support of the French and the tacit support of the British, in relation to the bilateral pacts negotiated among European states and directed against enemy states in the present war. The original Soviet amendment to Chapter VIII, Section C, of the Dumbarton Oaks proposals stated: "No coercive action may be taken under regional arrangements without the authorization of the Security Council, excepting measures which are provided for in the regional agreements and directed against a renewal of a policy of aggression on the part of the aggressor-states in this war."

To this amendment the United States presented a counterproposal to which the Soviets after considerable debate finally agreed. That counterproposal read as follows: "No enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council with the exception of measures against enemy states in this war provided for pursuant to Chapter XII, Paragraph 2, or, in regional arrangements directed against renewal of aggressive policy on the part of such states, until such time as the organization may, by consent of the governments concerned, be charged with the responsibility for preventing further aggression by a state now at war with the United Nations."

The United States delegation, while not favoring exceptions of this sort to the authority of the Security Council over regional arrangements, nevertheless felt justified in yielding in this instance to the very positive and intransigent stand taken on this point by the Soviets and other interested delegations, since our counter-proposal had definitely tied the exception into the transitional arrangements envisaged in Chapter XII of the Dumbarton Oaks proposals. This accomplished two objects: First, it made perfectly clear that the exception was definitely of a transitional character and would be eliminated as soon as the organization had demonstrated its strength; and second, it limited the exception directly to the treatment of enemy states in the present war, which the United States itself has always held must be a matter to be dealt with by the principal victor powers and not by the international organization. The unanimity of the Big Four on this particular amendment was therefore achieved on May 5, though the French are still not completely satisfied and would have preferred to eliminate the implied time limit on the application of the exception.

An indirect result of the presentation of this four-power amendment was unfortunately to open the second phase of the problem of regional arrangements at the conference by giving a considerable

number of the Latin American delegations the impression that European regional arrangements were being removed from the control of the Security Council whereas the much older and better-established regional system of the Western Hemisphere would be subjected to the domination of that Council. They were particularly fearful that, in view of the veto power exercised by each of the permanent members of the Council, a non-American state would be able to prevent enforcement action of any kind under the Act of Chapultepec. Their chief concern of course, though this was not always avowed, was that the Soviet Union might through this means interfere in the internal concerns of the Western Hemisphere and might even go so far as to prevent hemispheric action against an aggressive American state which had fallen under Communist control or influence. Some of the Latin American statesmen became so agitated over this issue that they threatened to withdraw from the conference if their wishes were not met by the adoption of an amendment which would completely exempt enforcement action under the act of Chapultepec from control by the Security Council. The majority, however, while viewing the issue largely from the regional rather than, from the world point of view, nevertheless indicated the willingness to compromise if some substantial step were taken to meet their views.

The United States delegation found itself faced by most difficult alternatives. On the one hand it soon became clear that nearly all of the good neighbors were so aroused over this issue that, if continental harmony and the influence of the United States in the Hemisphere were to be maintained, some concession must be made. On the other hand it was just as clearly recognized that a substantial concession of this sort might render largely inoperative the structure of world organization which was being so painfully erected. It was abundantly clear from informal conversations that the non-American states would not consent to an exception which exempted American regional arrangements from central control while subjecting similar arrangements in other regions to that control. It was also clear that a general exception which made it possible for armed force to be exercised anywhere by any group of states without reference to the Security Council would destroy the international organization as an effective instrument and divide the world into regional spheres of influence.

Various compromises were discussed. The Australians and the French suggested that it might be possible to authorize enforcement action under regional arrangements if the Security Council in a particular case did not find itself able to agree upon effective action on its own account. Others proposed that the veto power be relinquished in the case of the approval by the Council of Regional Enforcement Action. Objections, however, were raised to both of these proposi-

tions and the American delegation finally came to the conclusion that the best solution lay in an explicit statement in the charter of that inherent right of individual or collective self-defense which the majority of the delegation had always felt weakened the force of the Latin American apprehensions. The United States delegation therefore devised the following compromise proposal which was to be inserted as a new paragraph 12 at the end of Chapter VIII, Section B.

"Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense. The right to take such measures for self-defense against armed attack shall also apply to understandings or arrangements like those embodied in the Act of Chapultepec, under which all members of a group of states agree to consider an attack against any one of them as an attack against all of them. The taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

When this proposal, however, was placed before the other members of the Big Five, the British reacted very unfavorably, expressing the view that it went too far in yielding to the proponents of regionalism and it would undermine in a dangerous fashion the strength of the international organization. They, therefore, proposed an alternative text which was satisfactory to the American delegation. The text read as follows:

"Nothing in this charter impairs the inherent right of self-defense, either individual or collective, in the event that the Security Council has failed to maintain international peace and security and an armed attack against a member state has occurred. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not be in any way affect the authority and responsibility of the Security Council under this charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

In accepting this British draft for a new paragraph at the end of Chapter VIII, Section B, the U.S. delegation also originally intended that there should be inserted in paragraph 1, Chapter VIII, Section C after the words "nothing in the charter should preclude the existence of regional arrangements or agencies" the words "or collective arrangements like that contemplated by the Act of Chapultepec." It was felt that the explicit mention of the Act of Chapultepec would be a gesture which would be appreciated by the Latin Americans and that it would furthermore serve as a concrete example of the type of beneficent regional arrangement which we had in mind. Though the British reluctantly agreed to the mention of the Act of Chapul-

tepec, the American delegation soon found that the mention of this act in the charter might well lead to strong efforts to mention such other regional arrangements as the Arab League and it was therefore decided to drop the amendment to Chapter VIII, Section C, though it was understood that if this were done the US Senate might adopt a clarifying resolution of reservation on this score.

On May 14 the British draft of the new paragraph 12, Chapter VIII, Section B, together with a US revision of this draft, essentially the same in substance though somewhat different in phrasing, was taken up with the chiefs of the principal Latin American delegations. The general sense of these drafts appeared to be acceptable to the Latin American representatives. They also agreed to the omission of mention in Chapter VIII, Section C, of the Act of Chapultepec. In exchange, however, they asked for three concessions, two minor matters of wording in the Charter and one matter of substance lying outside the scope of the chapter. Matters of wording were (1) the insertion in Chapter VIII, Section A, paragraph 3, where the means of peaceful settlement are enumerated, of a reference to "resort to regional agencies or arrangements" and (2) the strengthening of the last sentence of Chapter VIII, Section C, paragraph 1, by the substitution of the word "support" for the word "encourage" in the provision that the Security Council should encourage settlement of local disputes through regional arrangements.

In addition to these two verbal concessions the Latin American representatives desired some concrete and tangible assurance, which they could present to their governments and people upon their return from San Francisco, that the US Government intends to abide by and to implement the Act of Chapultepec. One suggestion was that the US delegation, possibly in association with the Latin American delegations, might adopt a resolution stating that in their opinion the reference to collective measures of self-defense referred to in Chapter VIII, Section B, paragraph 12, of the charter included those contemplated under inter-American system and specifically the Act of Chapultepec and that this resolution might be included in the report of the delegation to the US Senate and might be embodied in an interpretive reservation to be adopted by the Senate at the time it ratifies the charter. Another suggestion was that President Truman might announce before the close of the San Francisco Conference that there will be held in Washington in September or October a conference of American Foreign Ministers to negotiate a treaty to implement the Act of Chapultepec.

At its meeting of May 15 the US delegation agreed that both of the proposals described in the previous paragraph would be objectionable in that they would appear to cast doubt upon our confidence in the international organization just at the moment, that of its presentation

to the Senate, when it is most important that the support of the world organization by the US Government be most explicit and firm. It was agreed at the same time, however, that the Latin-American Governments are entitled to some further assurance that we intend to proceed with the implementation of the Act of Chapultepec as a long-range policy of this government. It was, therefore, agreed, after the President had been consulted by telephone and had approved, that the Latin-American delegations should be told privately by the Secretary, as Secretary of State rather than as Chairman of the US delegation, that it is the intention of the US Government to call a meeting of American foreign ministers in Washington in the fall [52] to negotiate a treaty to implement the Act of Chapultepec.

A further meeting with the chiefs of the principal Latin American delegations was held in the afternoon of May 15. The draft of Chapter VIII, Section B, paragraph 12 discussed at this meeting differed slightly from that previously presented in that, in order to eliminate the implication that the Security Council might "fail" to maintain peace and security, the first sentence of the paragraph had been revised to read as follows:

"Nothing in this charter impairs the inherent right of self-defense, either individual or collective, in the event that the Security Council does not maintain international peace and security and that armed attack against a member state occurs."

The Latin American representatives were at the same time informed of our willingness to make two minor verbal changes referred to above and of the proposal for the calling of an Inter-American Conference. Their reception of this program in its totality was excellent and, while they will still wish to consult a little among themselves, it is now safe to say that this issue at the Conference has been resolved insofar as the Latin Americans are concerned. They asked whether they might immediately convey to their governments the information in regard to the Inter-American Conference and were told that they might do so if it were done privately without any public announcement.

This step having been successfully accomplished, the program was immediately laid before the representatives of the other members of the Big Five. The reaction of the representatives of Great Britain, France and China seemed on the whole to be favorable to the program. The Russian reaction has not yet been forthcoming. The matter, therefore, rests at this point.

Such satisfactory progress having been made, it is hoped that it will be possible to submit the proposed amendments to the charter to the appropriate technical committee of the Conference within the

[52] See vol. IX, section entitled "Proposed Inter-American Conference for the Maintenance of Peace and Security in the Continent."

next day or two. There would appear to be no reason to believe that, unless serious Russian opposition emerges, the program substantially as it is described in the preceeding paragraphs should not be successfully carried out.

GREW

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 50

*Minutes of the Fiftieth Meeting of the United States Delegation (A), Held at San Francisco, Tuesday, May 22, 1945, 9:05 a. m.*

[Informal Notes]

[Here follows list of names of persons (29) present at meeting.]

THE SECRETARY called the meeting to order at 9:05 a. m. and invited members of the Delegation to take up any emergency rush items.

CHAPTER IX, A, 1

DEAN GILDERSLEEVE pointed out that there had been difficulty over the use of the phrase "full employment" which had been advocated by a number of Delegations in Committee II/3 and to which the Delegation had hitherto objected. The Chairman of that Committee had ruled that a vote would be taken today [53] and that if the Delegation wished to indicate a positive position it would be necessary to present specific amendments. She pointed out that up to this time the Delegation had not presented any amendments concerning the promotion of full employment, and she felt that we should present a suitable phrasing of this paragraph to cope with the situation. She pointed out that it was unlikely that the Committee would accept any draft of this paragraph without a reference to full employment. She believed it would be possible to obtain approval of the Committee for the insertion of a clause on cultural and educational cooperation. She stated that the principal advisers had prepared two alternative drafts including both a reference to full employment and to cultural and educational cooperation. She observed that if the Delegation continued to object to any reference to full employment, it would be necessary to present specific reasons against the insertion of such a phrase in the Charter.

MR. STINEBOWER stated that the problem was one of tactics. He then presented two alternative drafts for paragraph 1 of Chapter IX, Section A. With respect to the insertion of the phrase "full employment" he observed that we would be in a better position to have it included in a manner satisfactory to the Delegation rather than to be beaten on opposing any reference to it in the Charter. MR. STINE-

[53] Doc. 532, II/3/23, May 22, UNCIO Documents, vol. 10, p. 57.

BOWER then called attention to the pertinent sections of the alternatives presented, which are as follows:

*Alternative I*

With a view to the creation of conditions of stability and well-being and the attainment of higher standards of living, high and stable levels of employment (full employment), and conditions of economic and social progress and development, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the Organization shall promote:

*a.* ~~higher standards of living, full employment and conditions of economic and social progress and development;~~

*b. a.* solutions of international economic, social, ~~cultural,~~ health and other related problems; ~~and~~ *b. cultural and educational cooperation; and*

*c.* universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, religion or sex.

*Alternative II*

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

*a.* solutions of international economic, social, cultural, health and other related problems, including higher standards of living, high and stable levels of employment (full employment), and conditions of economic and social progress and development;

*b.* cultural and educational cooperation; and

*c.* universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, religion or sex.

DEAN GILDERSLEEVE stated that she would prefer to separate the question of full employment from that of cultural and educational cooperation and present them separately. MR. SANDIFER suggested that it would be possible to ask for a separate vote on each of these points.

MR. PASVOLSKY stated that he preferred Alternative II because the emphasis was on the words "solutions of international economic, social, etc." which was not so clearly set forth in Alternative I. He suggested that the words "which relate to" be inserted after the word "including" in line 3 of sub-paragraph a of Alternative II. He thought that in this form the proper emphasis would be maintained on the international aspects of these questions. MR. DULLES agreed with the proposal of Mr. Pasvolsky but thought that Alternative I was a clearer draft. MR. PASVOLSKY pointed out that the problem was not to promote higher standards of living per se but the solution of international

economic problems. In submitting this revised text of Alternative II to the Delegation, THE SECRETARY expressed approval of Mr. Pasvolsky's proposals. SENATOR CONNALLY thought that reference to full employment in this context was satisfactory. SENATOR VANDENBERG thought it was lousy. MR. DULLES wondered whether the principle of non-intervention in domestic affairs was affected by this text. MR. PASVOLSKY pointed out that under the amendments proposed in Committee II/3 the clause on domestic jurisdiction might nullify the meaning of the proposal, but under the wording as now accepted by the Delegation the clause on domestic jurisdiction would not affect it.

MR. STINEBOWER then raised the question of the draft proposed by Committee II/3 concerning the clause "all members pledge themselves to take separate and joint action to achieve the purposes etc." and inquired whether the Delegation considered that the pledge goes too far. SENATOR CONNALLY thought that the phrase "take action" went too far. MR. DUNN considered that if this were restricted to the international field it would not affect the clause on domestic jurisdiction. SENATOR CONNALLY wondered how it was possible to separate action in the international field which would not affect domestic questions. MR. ROCKEFELLER agreed with Senator Connally's observation. SENATOR VANDENBERG asked what an International WPA [54] was. DEAN GILDERSLEEVE thought that the change was not serious and that our Delegation would be unpopular if we opposed the changes which had been proposed.

MR. PASVOLSKY thought that a statement "to cooperate with each other and with the Organization" was the only one that made sense and that the phrase "take separate and joint action" should not be approved. THE SECRETARY supported this view and the Delegation agreed that the phrase "to take separate and joint action" should be deleted and the phrase "cooperate with each other and with the Organization" should be retained.

### RETURN OF MR. GATES

THE SECRETARY welcomed the presence of Mr. Gates and stated that there had been a long series of meetings on the regional question and that the matter had been disposed of satisfactorily. MR. GATES stated that the Admirals had been satisfied with the text which had been agreed to.[55] THE SECRETARY stated that he wished to apologize to the representatives of the Army and Navy for the failure of the administrative units of the Delegation to send them the documents which they should have had. He said that an investigation had already been

[54] Works Progress Administration.

[55] For text of statement by the Secretary of State on proposals submitted to the Regional Committee, released to the press at San Francisco on May 20, see Department of State *Bulletin*, May 27, 1945, p. 949; see also Doc. 533, III/4/A/9, May 23, UNCIO Documents, vol. 12, p. 848.

undertaken and that the matter would be straightened out so that no such mistakes would occur again.

### Secretary's Absence

The Secretary reported that he had talked with President Truman who had asked him to come to Washington for consultation. The Secretary stated that he would leave today and that he expected to return on Thursday or Friday. He called upon Senator Connally to preside in his absence and in the event that Senator Connally was unable to be present he wished Senator Vandenberg to preside.

### Advisory Committee of Jurists

Mr. Pasvolsky reported that the Coordination Committee had agreed to the establishment of an Advisory Committee of Jurists consisting of representatives of the U.S., U.K., Soviet Russia, China, France and one Latin American country.[56] He stated that it had been agreed that Dr. Tello of Mexico would be selected to represent the Latin American countries on this Committee. He pointed out that the composition of the Committee was one which represented the five official languages of the Conference. He stated that each representative of the Coordination Committee had been asked to obtain the approval of his Delegation on the composition of this Committee and recommended that the proposal of the Committee be approved. He proposed that Mr. Hackworth be appointed from the Delegation to serve as the representative of the United States. The Delegation approved this recommendation.

### Discussion on Statute of the Court

Senator Connally reported that people all over the country were turning the heat on with regard to the question of whether to establish a new Court or retain the old Court. He expressed his hope that it would be possible to keep the old Court. Commander Stassen stated that neither Manley Hudson [56a] or others who favored the retention of the old Court had given any indication of how it would be possible to keep out neutrals if a new court were not established. Senator Connally stated that some of the people he had talked with said that it could be done. Commander Stassen said that he would like to see the formula. Senator Connally wondered why it wasn't possible to have the same framework but exclude the neutrals. The Secretary stated that the revised Statute was based on the old Court and that the only reason for a new Court was to get rid of the

[56] Green H. Hackworth (United States, chairman), Sir William Malkin (United Kingdom), S. A. Golunsky (Soviet Union), Hsu Mo (China), Jules Basdevant (France), and Alfonso García Robles (Mexico), members of the Committee, were present at its first meeting on May 29, 3:15 p. m. (WD 54, CO/25, May 30, UNCIO Documents, vol. 17, p. 388).

[56a] American jurist; Judge, Permanent Court of International Justice.

seventeen members of the old Court who were not members of the United Nations.

MR. HACKWORTH stated that the judges of the Court would be elected by the General Assembly and the Security Council. SENATOR VANDENBERG inquired whether the vote of the Security Council on this question would require the concurrence of its permanent members. MR. HACKWORTH replied that they had been drafting the Statute in such a way as to get away from the veto power of the permanent members.

SENATOR CONNALLY observed that we had shed both blood and sweat and still the Latin American countries continued to vote against us all the time, especially on the question of voting in the Security Council. MR. HACKWORTH stated that the Latin American countries wished to eliminate the Security Council from the election of judges to the Court but that they had agreed to a proposal under which the Council would participate in the election of judges by a majority vote without the concurrence of the permanent members. SENATOR CONNALLY thought that that would be satisfactory.

SENATOR VANDENBERG referred to the position of the American Bar Association and pointed out that it had recommended the retention of the old Court. SENATOR CONNALLY pointed out that many treaties had been concluded conferring jurisdiction on the old Court and that these might be affected if the old Court were abandoned in favor of a new one. MR. HACKWORTH stated that Article 37 of the Statute would provide for the Court to assume jurisdiction whenever treaties between parties conferred jurisdiction on it. SENATOR CONNALLY pointed out that that provision only affected the signatories of the Statute.

MR. HACKWORTH called attention to the activity of Manley Hudson in behalf of retaining the old Court. MR. DULLES observed that if the old Court were retained Manley Hudson might be able to collect five years back pay. MR. HACKWORTH stated that the position of the American Bar Association, which favored the retention of the old Court was largely the work of Manley Hudson who engineered the resolution on this subject. SENATOR CONNALLY said that Bill Ransom [57] was also active in supporting the old Court, to which MR. HACKWORTH added that Judge Ransom was working closely with Manley Hudson.

MR. DULLES said that he had heard that Mr. Jessup had a formula for retaining the old Court without admitting non-members of the United Nations and wondered whether it could be made available.

COMMANDER STASSEN stated that the first batch of wires urging retention of the old Court were now being superseded by a second

[57] William L. Ransom, Associate Consultant to the United States delegation, representing the American Bar Association.

batch of telegrams suggesting that the arrangement for the new Court was satisfactory. MR. HACKWORTH reported that Mr. Fahy favored the creation of a new Court. MR. HACKWORTH pointed out that there were fewer difficulties in the creation of a new Court under a new Statute than in retaining the old Court. He thought after all that we should set up a Court by strictly legal means. MR. DUNN observed that it was politically impossible to maintain the membership of neutrals on the Court. He favored the creation of a new Court.

MR. PASVOLSKY thought that the election of judges by a simple majority of the Security Council would not work. He thought that it would be necessary to have the concurrence of the permanent members of the Council in their election. MR. HACKWORTH reported that all the representatives of the Sponsoring powers had agreed to a simple majority. MR. PASVOLSKY stated that this question would arise in the Coordination Committee and that he would take the matter up in the Subcommittee of Five. MR. HACKWORTH recommended that the present system of the election of judges be followed, that is, by the Assembly and Council upon a simple majority vote.

MR. HACKWORTH stated that the Subcommittee of IV/1 had voted 7 to 3 in favor of a new Court,[58] but that Britain and France voted for the old Court. He observed that the feeling of the Delegation on this question remained unchanged.

### CLOSING DATE OF THE CONFERENCE

THE SECRETARY announced that the Steering Committee had approved a program looking toward the termination of the Conference on June 2.[59] He stated that this was only an aim but that it now looked as if it would be possible to wind up during the first week of June. MR. PASVOLSKY thought that it would be difficult to close the Conference before June 9. SENATOR CONNALLY reported that Committee III/3 had more work to do than it could get done and that they were not getting anywhere. REPRESENTATIVE EATON remarked on the slow progress being made in Committee I/2 and asked the Delegation to consider its position concerning withdrawal. THE SECRETARY asked Representative Eaton to save this matter for an executive session of the Delegation at the close of the meeting.

SENATOR CONNALLY stated that we were up against a buzz saw on the Yalta voting formula and that unless MR. ROCKEFELLER could gather up four or five Latinos we would get the hide licked off of us. He suggested that they be told if they didn't go along with us on this there will be no Charter. THE SECRETARY thought that after the regional matter had been settled things would go very smoothly with

[58] Doc. 477, IV/1/A/1, May 22, UNCIO Documents, vol. 13, p. 527.
[59] Doc. 499, ST/11, May 22, and Doc. 468, ST/9, May 20, *ibid.*, vol. 5, pp. 237 and 226, respectively.

our Latin friends. SENATOR VANDENBERG said that the Australians were the ones that were throwing monkey wrenches into the works.

MR. ROCKEFELLER said that two attacks had been leveled at the Latin Americans. One was that they voted as a bloc and the other was that we didn't want them to move in as a bloc. Looking at it in another way, he said that anytime we wanted something we asked them to come along with us. He observed that he himself had been under attack for having created a bloc. THE SECRETARY said that we had sweat blood to satisfy the Latin Americans on a number of things and thought that now we could appeal to them for cooperation and backing on the amendments of the Sponsoring Governments to the Dumbarton Oaks Proposals.

REPRESENTATIVE BLOOM observed that there must be something the matter with Committee II/1 because there had been no fights. COMMANDER STASSEN reported that there had been no "bloc" difficulties in Committee III/2. He thought the real difficulty was the basic issue on voting and that we couldn't run a steam roller over that issue. He thought that we should find our [*out*] whether any adjustments can be made and that if we find out for certain that we can not make any adjustments then we shall have to appeal to our Latin friends. SENATOR CONNALLY observed that our bloc was a road bloc. MR. ROCKEFELLER thought we should express ourselves quite definitely on anything we feel we must insist upon. He stated that the only issue handled thus far was on the size of the Security Council in which the Latin Americans had gone down the line with us. He thought that if the Latin Americans have taken an independent position it was because we have not asked them for their help.

### VOTING PROCEDURE IN THE SECURITY COUNCIL

COMMANDER STASSEN suggested that there should be consultation among the Big Five on the question of voting. SENATOR CONNALLY pointed out that there was a Subcommittee which was working on the meaning of the text but that agreement had not been reached. MR. BLAISDELL said that the Subcommittee of Five had not considered the questionnaire concerning the interpretation of the Yalta formula,[60] which was just distributed this morning. MR. DUNN thought it was premature to get the Subcommittee of Five together before each Delegation had had an opportunity to study the questionnaire. MR. BLAISDELL expressed the opinion that no vote would be taken on this question today or tomorrow and suggested that it might not be taken before Friday. MR. PASVOLSKY thought that the Delegation should be given at least two days to prepare a reply and that voting on the question might be held up until Friday. He thought we should stall

[60] U.S. Gen. 156, not printed; for questionnaire on exercise of veto in Security Council, see Doc. 855, III/1/B/2(*a*), June 8, UNCIO Documents, vol. 11, p. 699.

on this matter. MR. ROCKEFELLER observed that this was a matter of principle on which we might get support from our Latin friends. COMMANDER STASSEN suggested that no pressure be put on until the interpretation is clear. MR. ROCKEFELLER thought that if an interpretation was agreed to by the Sponsoring Governments but not inserted in the Charter it would make it easier for the Russians and more acceptable to other delegations. MR. DULLES remarked that we probably would not get Gromyko to agree on any change and that we know now where we will come out. MR. NOTTER thought that the little states might drive to a vote on which they could overwhelm us. MR. ROCKEFELLER stated that in his talk with the Latin Americans he had discussed only basic issues and on the basis of logic rather than on the basis of pressure. THE SECRETARY observed that we hadn't swung our weight around on this question yet. MR. DUNN observed that there had never been any conference in history when there had been such freedom and latitude in the discussions.

### WORKING PAPER ON TRUSTEESHIP

COMMANDER STASSEN presented the proposed working paper for the Chapter on Dependent Territories and Arrangements for International Trusteeship (draft of May 21, 1945)[61] and called attention to the changes which had been made in the earlier draft. He pointed out that Section A of the paper had been left without change. He called attention to the additional proposal in Section B, 2 (*b*) reading as follows: "or independence as may be appropriate to the particular circumstances of each territory and its people, and as may be provided in each trusteeship arrangement". He felt confident that this formula together with the new sub-paragraph *c* concerning respect for human rights would be agreed to by the Five Powers if it were approved by the Delegation. He also called attention to the suggestion which had been made in Section B, 2 (*d*) to add the phrase "and their nationals" to clarify the meaning of this paragraph on equal treatment in social, economic, and commercial matters for all members of the United Nations. SENATOR CONNALLY thought that this additional phrase should be omitted while MR. DULLES thought it was desirable to have such a clause inserted. MR. PASVOLSKY thought that the League treaties took care of nationals and that it wouldn't hurt to insert the clause in the Chapter on Trusteeship. MR. DULLES observed that while member states would have equal rights, there was a danger that without the addition of this clause there might be discrimination against nationals of member states.

COMMANDER STASSEN pointed out that the phrase in paragraph 4 "including the mandatory power" was to make clear that action

[61] Not printed.

could not be taken without the consent of the mandatory power. MR. HACKWORTH observed that under the mandates system only the League could change the terms of a mandate. In reply to a question whether the mandatory power had a veto, COMMANDER STASSEN replied in the negative. MR. HACKWORTH stated that under the mandate treaties no change in the terms of the mandate could be made without the consent of the League and the United States. COMMANDER STASSEN said that under this provision the terms of the mandates could not be changed without the consent of the mandatory power. MR. GERIG stated that the question of the transfer of a mandate was, however, a contested point under the League. COMMANDER STASSEN replied that, as a practical matter, it would not be possible to transfer a mandate without the consent of the mandatory power.

COMMANDER STASSEN stated that the addition to paragraph 5 "made under paragraph 6 below" was inserted to make it perfectly clear that the agreements to be concluded subsequently would control.

In connection with the addition to paragraph 7 "without prejudice to any special agreement made under Chapter VIII, Section B, paragraph 5", COMMANDER STASSEN stated that this had been made because the Soviets feared that the provision as it stood might affect the forces and facilities to be supplied the Security Council.

COMMANDER STASSEN explained the additions made to paragraph 11 concerning the composition of a Trusteeship Council and said that this took care of the Soviet request for a seat on the Council. MR. NOTTER inquired whether any members of the Trusteeship Council would have a veto to which COMMANDER STASSEN replied in the negative. MR. GERIG pointed out that there was no reference to the majority which would be required for decisions of the Trusteeship Council. MR. PASVOLSKY expressed the view that a two-thirds majority would be safer than a simple majority in order to protect the administering powers. If there were only a simple majority the administering powers would be in a minority. COMMANDER STASSEN stated that he would raise this question and seek to get agreement on a two-thirds majority. MR. GATES thought that the whole document was quite satisfactory and believed that the two-thirds majority vote was acceptable. COMMANDER STASSEN suggested that the word "shall" be substituted for the word "may" in the last sentence of paragraph 11.

COMMANDER STASSEN pointed out that the addition to paragraph 13 "on the political, economic, and social advancement of the inhabitants of the territory" had been suggested by the British and had consequently been incorporated in this draft. THE SECRETARY, after noting that the Delegation agreed to this revised document, extended congratulations to Commander Stassen. COMMANDER STASSEN in return commended Mr. Gerig and Mr. Bloom and stated that it hadn't been

a one man job but that it was the result of agreement and hard work on the part of a number of persons.

PREPARATORY COMMISSION

MR. SANDIFER reviewed the draft proposal on a Preparatory Commission [62] which he stated had been reviewed by Mr. Hiss and Mr. Darlington and that their suggestions had been incorporated in the present draft. He stated that the purpose of the Preparatory Commission was to expedite preparations for the first sessions of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council, and that its work would consist of the preparation of agendas for these bodies and documents pertaining thereto. He called attention to the blanks in paragraphs 6 and 7 concerning the seat of the Preparatory Commission and the government which would be entrusted with the responsibilty of calling the first session of the Commission. He said that Washington or London had been suggested as suitable locations for the work of the Commission.

THE SECRETARY then asked Mr. Sandifer to express his view on the seat of the Commission. MR. SANDIFER suggested that London might be considered because the United States had had most of the conferences and preparatory commissions in this country, and London had had practically nothing. He thought we could expect the British to make a strong case for London. THE SECRETARY suggested that if the Delegation were agreed on London we take the initiative in proposing it and get credit for it. MR. PASVOLSKY suggested that the Secretary discuss this matter with the President.[63]

THE SECRETARY expressed his favorable reaction to the proposal for the Preparatory Commission. MR. SANDIFER stated that he thought it was desirable to have preliminary approval by the Delegation so that it could be sent to the Subcommittee of Five.

In connection with the functions of the Preparatory Commission a brief discussion took place concerning the status of narcotics control. SENATOR VANDENBERG wished to be assured that it was taken care of. SENATOR CONNALLY stated that there would be authority in the Charter to take over the activities which were under the League and that Chapter IX provided ample powers for the Organization to assume jurisdiction over the control of narcotics.

In connection with paragraph 7 of the Proposals, the suggestion was made that the sponsoring governments be entrusted with the re-

[62] Not printed.

[63] Telegram 4075, May 23, 5 p. m., to London, transmitted the following personal message from Secretary Stettinius to Foreign Minister Eden: "On my suggestion President Truman has today endorsed proposal which I shall advance in San Francisco that the Preparatory Commission of the United Nations should meet to carry on after San Francisco until the first meeting of the Assembly, and should meet in London." (500 CC/5-2345)

sponsibility of calling the first session of the Commission. THE SECRETARY thought that this question might be put up to the Executive Committee. MR. PASVOLSKY thought that one government might issue the invitations after consultation among the Sponsoring Governments concerning the date for convening the Commission.

LOCATION IN CHARTER OF PROVISION ON RESPECT FOR TREATIES

MR. ROCKEFELLER inquired whether it had been decided where the provision on respect for treaties would be placed in the Charter. MR. PASVOLSKY replied that the Committee of Five had agreed to put this provision in the Preamble. He understood, however, that the Latin American countries objected to placing it there and wanted it in the body of the Charter, and saw no objection to reopening the question. He understood that the Latin Americans wanted to insert a provision in Chapter V similar to that in the Chapter on the Security Council, to the effect that the Assembly shall act in accordance with the purposes and principles of the Organization. This proposal was supported by Chile, Colombia, and Peru. MR. ROCKEFELLER stated that the Latin Americans are anxious to have a provision on respect for treaties in the body of the Charter because they fear the possible reopening of discussion on treaties settling their boundary disputes.[64] While Europeans would be satisfied with a reference to this matter in the Preamble, the Latin Americans would not.

The meeting was adjourned into an executive session.

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 50 (Exec.)

*Minutes of the Fiftieth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Tuesday, May 22, 1945, 10: 50 a. m.*

[Informal Notes]

[Here follows list of names of persons (29) present at meeting.]

WITHDRAWAL

THE SECRETARY stated that the discussions of the Delegation on the question of withdrawal were being held in Executive Session because of the great importance in preventing any information getting out on this subject.

REPRESENTATIVE EATON briefly reviewed the devolopments in Committee I/2 concerning the question of withdrawal. He reported that the Uruguayan, Brazilian, and Ecuadoran Delegations were presenting their case for a provision which would prohibit withdrawal from the Organization. He recalled that at an earlier meeting of this

[64] For discussion of the question of treaties in Committee IV/2 on May 21, see Doc. 492, IV/2/23, May 22, UNCIO Documents, vol. 13, p. 612; also, Doc. 507, II/2/22, May 23, *ibid.*, vol. 9, p. 70.

Committee when a drafting subcommittee had recommended that silence in the Charter be interpreted to mean that the right of withdrawal did not exist, he had reserved the position of the United States.[65] When the subject was re-opened for discussion at the meeting of Committee I/2 last night[66] he had read the following statement:

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

He stated that as things were developing now it would appear from the standpoint of the public that there was one way to get into the Organization and three ways to get out. He stated that personally he was not in favor either of withdrawal or expulsion. He expressed the fear that if a withdrawal clause were inserted in the Charter, it would greatly weaken the entire Organization.

COMMANDER STASSEN, before leaving the meeting, expressed his agreement with the position taken by Representative Eaton, and urged that the Charter be silent with regard to withdrawal.

MR. ARMSTRONG expressed the view that it might be too late to maintain the position that the Charter should be silent on withdrawal. He reported that the issue before the Committee was whether or not a provision on withdrawal should be included in the Charter. If no provision on this subject were inserted in the Charter then it would be necessary to agree upon an interpretative statement on the meaning of the silence of the Charter. MR. DULLES concurred in the view that the Charter should be silent and thought that an interpretative statement was necessary. MR. HACKWORTH suggested that no provision on withdrawal be made in the Charter, and pointed out that the right of withdrawal would exist, in any event, without specific provision. In his view, it was impossible to put a country in a straight jacket and keep it within the Organization against its will.

REPRESENTATIVE BLOOM stated that he believed that the provisions on suspension and expulsion should be maintained but that the Charter should remain silent on withdrawal. He added that if it was impossible to maintain this position then it might be necessary to put in a clause on the procedure for withdrawal as a counter measure

[65] Doc. 314, I/2/17, May 15, UNCIO Documents, vol. 7, p. 37 (also, US I/2 Doc. 6, not printed).

[66] Doc. 501, I/2/30, May 23, *ibid.*, p. 73 (US I/2 Doc. 9, not printed).

to those who were using the interpretation that silence in the Charter meant that there was no right of withdrawal. MR. ARMSTRONG repeated that the issue was whether or not we favored any mention of withdrawal in the Charter and if not how the silence of the Charter on this question should be interpreted.

MR. PASVOLSKY stated that our position was that we did not want to mention withdrawal and suggested that we might get the Uruguayan, Brazilian and Ecuadoran Delegations to withdraw their amendments concerning the prohibition of withdrawal.

REPRESENTATIVE BLOOM observed that if the amendments proposed for the prohibition of withdrawal were likely to receive strong support, it would be necessary to introduce another amendment which would provide for voluntary withdrawal.

THE SECRETARY concluded the discussion by observing that the position of the Delegation had already been stated by Representative Eaton. He thought that the less said on this subject the better. He requested Mr. Dulles to attend the meeting of the Subcommittee which was to discuss this question.

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RSC Lot 60–D 224, Box 96 : US Cr. Min. 51

*Minutes of the Fifty-First Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 23, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (35) present at meeting.]

In the absence of the Secretary, SENATOR CONNALLY called the meeting to order at 9 : 00 a. m. He called upon Mr. Byington to report on the substance of a communication he had received from Washington earlier in the morning, concerning a press statement by Secretary Stettinius.

THE SECRETARY'S STATEMENT

SECRETARY STETTINIUS revealed to the press that President Truman had agreed to come to San Francisco in order to address the final plenary session of the Conference. The Secretary had been unable to name an exact date but indicated that the final session would probably be held early in June. In off-the-record remarks, the Secretary indicated that he hoped that the open Commission Sessions would be held next week. On the record, he expressed his satisfaction over the results of meetings thus far.

WITHDRAWAL PROVISION

The delegation was referred to the document US Gen 160.[67] MR. DULLES reported that the Subcommittee concerned with the question

[67] Progress report, May 21 and 22, not printed.

of the right of states to withdraw from the Organization had expressed the opinion that the absence of a specific withdrawal clause would have the effect of making withdrawal impossible.[68] Representative Eaton had indicated in a statement the day before that the United States did not agree with this position. The text of Representative Eaton's statement follows:

[Here follows text of statement substantially the same as that read in the fiftieth meeting (Executive Session) of the delegation, May 22, *supra.*]

MR. DULLES announced that the Belgian Delegate, Mr. Rolin, had abandoned the previous position of his government that there had to be explicit provisions concerning withdrawal. Mr. Rolin had recommended that the proposal concerning prohibition of withdrawal be withdrawn and that silence on the question be construed as indicating that any nation had the right to withdraw if the Organization failed in its obligations. Mr. Rolin's statement was thought by the Delegation to constitute an almost complete acceptance of the position of the United States on the subject. It read as follows:

[Here follows text of statement identical with document 528, I/2/33, May 23, UNCIO Documents, volume 7, page 87.]

MR. PASVOLSKY pointed out that Representative Eaton's statement had been entirely in accord with the agreement reached among the Big Five and MR. DULLES added that in the Subcommittee the British had agreed to the position taken by Mr. Rolin, while the Soviet representative had not expressed any opinion. SENATOR CONNALLY said that the defeat of a no-withdrawal provision was to our advantage. MR. ARMSTRONG remarked that Mr. Rolin was in the unusual situation of having created a crisis and solving it himself. MR. RAYNOR stated that the Secretary had remarked on the question of withdrawal in Washington earlier in the morning.

MR. DUNN indicated that the President supported the Delegation's position of hoping that the veto power should be made inapplicable to parts of Section A of Chapter VIII.

### FULL EMPLOYMENT

DEAN GILDERSLEEVE reported to the Delegation that she had run into a difficult situation in the previous night's meeting of Committee II/3.[69] In that session she had presented a revised draft on the first paragraph of Chapter IX, Section A, reopening the question of full employment and also the inclusion of the word "educational." The Subcommittee had consented to reconsider these problems and voted unanimously to accept the word "educational." There had been, however, a strong sentiment in opposition to the United States draft con-

[68] Doc. 529, I/2/33, May 23, UNCIO Documents, vol. 7, p. 86.
[69] Doc. 532, II/3/23, May 22, *ibid.*, vol. 10, p. 57.

cerning full employment, on the grounds that it was unnecessarily weak. The consensus of opinion had been that the wording as it stood before the United States proposal did not constitute a threat to the internal security of any state because of the safeguards incorporated in the "domestic jurisdiction" clause in Chapter II. In view of the opposition which had developed, both the British and Canadian representatives had advised Dean Gildersleeve to withdraw the proposal of this government. The meeting had been adjourned without reaching a decision although the Chairman indicated that a vote would be taken at the next meeting. After the meeting, Prime Minister Fraser of New Zealand had indicated to Dean Gildersleeve that a phraseology on the order of "through international collaboration" might possibly prove acceptable to the Committee. REPRESENTATIVE BLOOM asked Dean Gildersleeve whether she thought some such phraseology could be pushed through and the reply was that DEAN GILDERSLEEVE was uncertain although MR. FRASER seemed to think that the phraseology might be accepted.

MR. DULLES commented that the President had endorsed the U.S. position on full employment and was in favor of retaining the words in the Charter. DEAN GILDERSLEEVE indicated that she herself favored phraseology involving "collaboration" because the Australian representative on the Committee had cited the Atlantic Charter and had proposed collaboration on the provisions of that document. COMMANDER STASSEN said that this combination of part of the Atlantic Charter with "international collaboration to promote" was just as bad as the original wording. The mere fact of the existence of a world organization indicates collaboration and it would be redundant to make specific mention of collaboration in the Charter for such an organization. DEAN GILDERSLEEVE indicated that any attempt to change the existing phrase would probably be defeated 48 to 1. MR. PASVOLSKY recalled that the French had at one time proposed a draft which used phraseology on the order of "act in the direction of promoting." Support for Dean Gildersleeve's opinion that any proposed change in the wording would be defeated was evidenced by Mr. Waring who declared that there would be very strong opposition to any such move.

MR. DULLES asked whether the majority decision seemed to be to have the United Nations Organization operate directly in the promotion of full employment. MR. WARING replied that this was not the case at all. What was desired, he declared, was the strong wording as the Committee had adopted it.

COMMANDER STASSEN said that the U.S. should try to get the Five Powers in line. They had been, he declared, breaking an agreement and the Committee of Five should be brought into operation on this point. He declared that we could not afford to allow the other mem-

bers of the Committee of Five to "raise the devil with us." We had not embarrassed them on questions such as freedom of information. MR. PASVOLSKY pointed out, however, that it was not only the other four powers which were in opposition, to which COMMANDER STASSEN replied that agreement among the Big Five was essential. DEAN GILDERSLEEVE voiced the opinion that even with Big Five agreement it would still be impossible to alter the decision of the Committee which seemed very strongly to favor the original wording. DEAN GILDERSLEEVE, in reply to a question from Mr. Pasvolsky, declared that the Chinese had voiced no opinion. DEAN GILDERSLEEVE repeated that Mr. Fraser had seemed to agree on the adoption of "through international collaboration." The latter had made clear that New Zealand would not want to foster interference in the domestic affairs of the member states but this problem was adequately covered, he thought, by the new wording adopted in Chapter II.

MR. HACKWORTH proposed that a specific condition be established in the clause on full employment making its provisions subject to the provision of the "domestic jurisdiction" clause in Chapter II. MR. DULLES opposed this on the grounds that it would be dangerous because all provisions of the Charter are subject to the exception established in the "domestic jurisdiction" clause. To make a specific reference to this clause in connection with any single provision in the document would be to weaken the entire document. COMMANDER STASSEN expressed the opinion that it did not make sense to establish an exception for matters of domestic jurisdiction and to support elsewhere in the Charter a provision making possible interference in domestic affairs. DEAN GILDERSLEEVE remarked that none of the representatives seemed to support interference by the Organization in the domestic affairs of any of the member states.

REPRESENTATIVE BLOOM asked why Mr. Hackworth's suggestion that specific reference be made to the "domestic jurisdiction" clause could not be adopted. MR. DULLES replied that such a reference would weaken the entire document and asked why it was necessary to make it specifically applicable in this instance. REPRESENTATIVE BLOOM indicated that it was possible that the safeguards incorporated in Chapter II might not be interpreted strongly enough as applying universally throughout the document, with the exception of course of Section B, Chapter VIII. In view of the fact that doubts might arise on this question REPRESENTATIVE BLOOM thought that its application in this connection might be made explicit. REPRESENTATIVE BLOOM said he was not a lawyer.

REPRESENTATIVE BLOOM proposed that Dean Gildersleeve try every possible means to push through a wording that would be acceptable to the U.S. Delegation. MR. HACKWORTH suggested that if it were impossible to achieve an acceptable wording in the clause itself then at

least we should make certain that the Rapporteur got the position of the United States in the final record. In this way we could protect our own internal affairs. REPRESENTATIVE BLOOM supported this idea and suggested that Dean Gildersleeve be prepared with a written report to submit to the Rapporteur. MR. WARING also indicated his support for this strategy. It was, he declared, the "happiest solution" because it would involve the least tampering with the existing phraseology. "The Organization shall promote," he declared, was interpreted as meaning collaboration and nothing more and Chapter II was accepted by the majority of the states represented in the Committee as providing an adequate safeguard against intervention. Therefore, the states on the Committee were supporting strong language and were insisting upon it. A statement of the United States position in the record of the proceedings, however, would probably be acceptable.

REPRESENTATIVE BLOOM proposed that a statement be prepared in advance and that Dean Gildersleeve ask for unanimous consent to include it in the record.

MR. DULLES proposed as a wording acceptable to the United States: "The Organization shall, by means of international collaboration, promote . . ." But DEAN GILDERSLEEVE reiterated that the other nations would not want to accept any such change in wording. MR. FRASER had received hearty applause when he spoke on human rights and the Delegates wanted strong language in this clause. SENATOR VANDENBERG interpolated that such a position was ridiculous. How, he asked, would it be possible to get Communists and capitalists to collaborate to promote full employment? COMMANDER STASSEN declared that unless the interpretation of this clause were made clear in the Charter there would be many hours of oratory in the Senate.

MR. DULLES indicated that submission on this point might result in pressure for the direct promotion of the fundamental freedoms as well. DEAN GILDERSLEEVE said that the opposition had asked why the United States did not oppose that provision as well. The consensus of opinion among the Delegates was that the United States was opposed to the direct promotion of fundamental freedoms.

MR. PASVOLSKY pointed out that this discussion would raise the question of the composition of the Economic and Social Council. When that question had been discussed at Dumbarton Oaks it was understood that the Council would be only a facilitating agency. MR. STINEBOWER indicated that this question had been settled in principle in the Committee and in the drafting Committee but the problem still was not solved because it was the Organization as a whole which was to be responsible for the promotion of full employment, not the Economic and Social Council alone.

MR. WARING expressed the opinion that there could be little doubt concerning the efficacy of the safeguards relating to domestic affairs.

Chapter II related to international affairs as does everything that follows. Therefore, the United States has nothing to fear in this regard. However, he favored including a statement of our position in the record.

MR. DULLES pointed out that the opening paragraph of the Section under consideration presupposed that the conditions mentioned were necessary for the maintenance of peaceful relations. If this was so, was it not possible that full employment could become a matter of international concern and therefore be no longer subject to the "domestic jurisdiction" clause? MR. HACKWORTH indicated that he himself did not subscribe to the theory that employment could become an international issue. MR. SANDIFER asked whether there was any likelihood that the full employment clause would be so construed and the consensus of opinion of the Delegation seemed to be that it would not.

MR. HACKWORTH suggested that the word "recommend" be used. MR. STINEBOWER pointed out that throughout the proposal for an Economic and Social Council there was no provision for implementation of the powers of the Organization beyond the authority to make studies and reports and to make recommendations. Nowhere was there any provision for more extensive implementation. This, he declared, was the ridiculous part of the Australian proposals. "Attitudes were crystallizing around shibboleths." An empty victory would result.

DEAN GILDERSLEEVE indicated that she would attempt to push through Mr. Dulles' wording. If that proved impossible, she would try to have Mr. Hackworth's statement referring to the "domestic jurisdiction" clause written into the record. She was of the opinion that it would be impossible to get anything else through. MR. PASVOLSKY suggested that an attempt be made to include "in the attainment of", to which DEAN GILDERSLEEVE replied that that would be impossible. MR. PASVOLSKY stated that the question would probably get back eventually to the Steering Committee. MR. DULLES was asked by Senator Connally whether he thought Chapter II would apply throughout the Charter. MR. DULLES replied that if two provisions of a document of this nature were inconsistent, as a general rule, in interpreting an attempt was made to give meaning to each. In this case, that would mean dilution of the safeguards of the "domestic jurisdiction" clause. This could be done very easily by accepting the interpretation that full employment is essential to world peace and thus no longer a matter of domestic concern alone. SENATOR CONNALLY disagreed. In his view the fact that the document had an international orientation throughout, in addition to the safeguard provided in Chapter II, was sufficient to overpower all other considerations. SENATOR VANDENBERG expressed the fear that if he were to

support this proposition it might "come back at him." Sidney Hillman and Henry Wallace,[71] he declared, could use this clause to promote their own economic theories. SENATOR CONNALLY ventured the opinion that too much emphasis had been given in the Charter to economic and social considerations anyhow. The Senate would probably ask if a word [*world*] WPB [72] or WPA [72a] would next be established. MR. DULLES indicated that the Negro problem in the South might cause some Southern Senators to oppose this provision. DEAN GILDERSLEEVE remarked that she had stressed the need, in the Committee, for care in view of the necessity of ensuring Senate ratification of the Charter. She had emphasized that there was "no difference in fundamental aims" among the various parties to the discussion. SENATOR CONNALLY declared that in his view full employment was like the Golden Rule, toward which one could aspire but which one could never attain. SENATOR VANDENBERG declared that if the question arose in the Senate he would refer the Senators to this statement by Senator Connally.

SENATOR CONNALLY maintained that domestic jurisdiction would not be impaired by this clause and expressed confidence that it would be possible to satisfy the Senate in this regard. Senator Vandenberg, he declared, was agile enough to meet any objections raised in the Senate. SENATOR CONNALLY declared that the Organization would have only powers of recommendation on the question of full employment. In addition, the domestic jurisdiction clause would close the gate to international intervention with the exception of Chapter VIII, Section B.

DR. BOWMAN thought that our vulnerability lay in the first two lines. An opponent of the proposal would probably accept the validity of Chapter II paragraph 7. However, the legal position established here was not consistent with the general truth established at the same time that full employment was necessary for world peace. This inconsistency, he declared would provide grounds for political attack. SENATOR CONNALLY replied that there would undoubtedly be attacks of this nature in any event but MR. ROCKEFELLER declared that he was concerned over the possibility of propaganda arising over this inconsistency during times of unemployment which he was certain could not be avoided. DEAN GILDERSLEEVE said that she understood that the Organization would work toward this goal and she ventured the opinion that international collaboration could help in advancing toward the attainment of this objective. SENATOR VANDENBERG asked whether anyone had cited specific examples of the type of collabora-

[71] Henry A. Wallace, Secretary of Commerce.

[72] Possibly a garbled reference to the PWA (Public Works Administration) instead of the WPB (War Production Board).

[72a] Works Progress Administration.

tion envisaged and DEAN GILDERSLEEVE replied that the improvement of economic conditions by means of international conferences would probably fall in this category. SENATOR VANDENBERG maintained that full employment meant collectivism or a paraphrase of it and that it never had been otherwise. DEAN GILDERSLEEVE maintained, however, that full employment actually meant higher employment.

REPRESENTATIVE BLOOM inquired whether the two lines under dispute specifically meant that full employment was not a domestic matter. DR. BOWMAN replied that there was no specific implication but that if the objectives of full employment were not fulfilled opponents of the scheme could point to the undermining of the Charter inasmuch as peace was declared to depend on full employment. REPRESENTATIVE BLOOM thought that opponents of world organization could always point to some such flaw, imaginary or otherwise. MR. DULLES made the point again that the phraseology supported by the opposition on the Committee could be interpreted in such a way that the attainment of full employment would become an international affair. SENATOR VANDENBERG urged that the citizens of this country be asked whether they would have to believe in full employment in order to support the Charter. MR. WARING declared that full employment was a goal towards which we were striving. We would be trying international collaboration in order to attain this goal. Furthermore, the Organization would have only recommendatory powers.

SENATOR VANDENBERG expressed the opinion that thus far the Delegation had overlooked a fundamental cleavage in the United States public opinion. There were, he declared, those who believed in "full employment," synonymous with Communism and collectivism, and, on the other hand, there were those who believed in "high and stable levels of employment," synonymous with free enterprise. If this clause were adopted as it stood, SENATOR VANDENBERG declared, he and his friends would be asked to subscribe to something which they abhorred. However, SENATOR VANDENBERG hastened to assure Dean Gildersleeve that she was in no way responsible for his dilemma but had been forced into an impossible position.

DEAN GILDERSLEEVE declared that it was impossible to attain acceptance for yesterday's proposed wording and therefore she would attempt to push the new wording suggested by Mr. Dulles. If this were unsuitable, she would attempt to incorporate in the record of the proceedings the position of the U. S. Delegation as formulated by Mr. Hackworth.

SENATOR CONNALLY said that in facing the Senate he would adopt a different approach than Senator Vandenberg. He would point out that we were undertaking to establish an agency which was in effect a laboratory to explore the possibilities and to make recommendations.

MR. PASVOLSKY added that the recommendations would be made not only to the United States but to other nations as well. SENATOR CONNALLY added further that the United States would be able to reject these recommendations. This, he declared, would be his tentative position. Senator Vandenberg reserved his reply.

### OBJECTIVES OF THE GENERAL ASSEMBLY

MR. PASVOLSKY asked if he might take up a question which was not on the agenda. There had arisen a question, brought about by inadequate punctuation, relating to paragraph 6 of Section B of Chapter V. There had been an attempt in the Committee, he declared, to interpret this paragraph as including two objectives, for the attainment of which the General Assembly should initiate studies and make recommendations, both intended "to assist in the realization of human rights and basic freedoms for all . . ." He inquired of the Delegation what its interpretation of this paragraph was and the Delegation was unanimously agreed that there were in reality three objectives, including the realization of human rights and basic freedoms for all.

### REPORT ON THE COMMITTEE OF FIVE

MR. PASVOLSKY reported that the question of the relation of the French treaty to the security functions of the Organization was due to come up in Committee today. The French had asked Mr. Pasvolsky to make a proposal in Chapter VIII Section C, paragraph 2, safeguarding their treaty rights.[74] The French wanted to cut paragraph 2 starting with the words "until such time" and Mr. Pasvolsky had countered with the proposal that "by consent of" be changed to "by request of." SENATOR CONNALLY suggested that this would constitute a blanket exemption of the French treaty from the provisions of Chapter VIII but MR. PASVOLSKY said that the French treaty would be exempted anyhow under the existing phraseology. According to the French, he declared, it was not a matter of legal obligation at all. MR. ARMSTRONG ventured that if we were to give in on this issue it would be interpreted as being a concession to the Russians as well as to the French. MR. PASVOLSKY pointed out that the Russians had been advising the French and, in fact, putting pressure on them to drop the exception. SENATOR VANDENBERG remarked that this was the only problem facing his committee, and if a change were made the Committee would probably have to wait for an interminable

[74] For French draft amendment of May 6, see Doc. 2, G/7(*o*)(2), UNCIO Documents, vol. 3, p. 392. An attempt was made in the May 21 and 23 meetings of the Five Power Deputies to draft a new text combining the French proposal with that of the Sponsoring Powers (U.S. Gen. 167, not printed). For amendment proposed by the four Sponsoring Governments, see UNCIO Documents, vol. 3, p. 688.

Moscow "confab." MR. PASVOLSKY indicated, however, that the Russians might accept the proposed phraseology.

SENATOR VANDENBERG remarked that the use of the word "request" had been his idea and MR. PASVOLSKY congratulated him upon his contribution to Mr. Molotov. MR. PASVOLSKY continued that it was the Russian position that the new Chapter XII made possible the elimination of this provision in Chapter VIII. MR. ARMSTRONG and MR. DULLES both indicated a preference for leaving this limitation in on the grounds that bilateral treaties were here differentiated from collective self defense. MR. PASVOLSKY observed that there was a lot to be said for retaining the existing phraseology because the last part of the paragraph provided a link between regional arrangements and the United Nations.

SENATOR VANDENBERG indicated that he would go along with any decisions of the Committee of Five because he considered that this paragraph had been rendered relatively inconsequential by the adoption of Chapter XII. SENATOR CONNALLY remarked that the only advantage of retaining this clause would be that it establishes clearly the responsibility of the Organization. MR. DULLES pointed out that this type of thing was described as a regional arrangement and would be subject to the restrictions of Chapter VIII, Section C paragraph 2. It was not collective defense. MR. PASVOLSKY stated that where the Organization operates, no freedom of action would be retained by the individual states but where the Organization did not operate the states would have the right of initiative. This question, MR. PASVOLSKY said, had not yet been discussed by the Committee of Five. Perhaps the phraseology "by consent or on request" would prove acceptable to this body. MR. DULLES asked whether the word "and" might not also be adopted and MR. PASVOLSKY said that was another possibility. "By consent or on request" would, he declared, be acceptable to the United States. SENATOR CONNALLY said he could see no difference between the two phrases except that "request" placed the initiative more squarely upon the individual state. MR. ARMSTRONG pointed out that pressure by the Organization would be facilitated if a state was required only to "consent."

MR. PASVOLSKY emphasized that there had been no commitment and asked the Delegation to allow him to explore the various possibilities. SENATOR VANDENBERG declared that his chief interest lay in winding up the job of the Committee and making the final report to the Commission. MR. PASVOLSKY asked what his position would be if the French pressed for "request" or "request and consent." SENATOR VANDENBERG said he favored accepting any formula agreed upon by the Five Powers and the Delegation agreed unanimously to follow this course.

### Voting

Mr. Pasvolsky declared that no action had been taken on the question of voting arrangements and that therefore he had nothing to report. Mr. Rockefeller asked whether the Secretary was taking this question up with the President in Washington and Mr. Pasvolsky replied that that was the case.

### Respect for Treaties in Section on Principles

Mr. Pasvolsky asked how strongly the Delegation felt about the question of including a reference to respect for treaties in the section on Principles. The Five Powers he declared had agreed not to object to the inclusion of such a reference in the Preamble but, Mr. Pasvolsky emphasized, they were agreed that it could appear in the Preamble *only* since it was a matter for states and not the Organization. The Preamble, he pointed out, established only the obligation of states. Mr. Dulles agreed that it would be dangerous to include any such provision in the Chapter on Principles. Mr. Pasvolsky observed that the Latin American states had been pressing for the inclusion of some reference to the sanctity of treaties among the Principles. They also favored the inclusion of a statement in Chapter V, Section B, paragraphs 1 and 6 that the General Assembly should be governed by the purposes and principles of the Organization established in Chapters I and II. Senator Connally urged that this was an issue that could not be ignored but at the same time could not be stressed because too strong a statement would take the heart out of the Organization. Mr. Rockefeller stated that he had had a conversation with the Chilean Minister of Foreign Affairs who declared that it was not Chile's intention to affect the Vandenberg amendment. The French would not care whether the provision appeared in the Preamble or in the Principles. Mr. Sandifer pointed out that a provision appearing in the Preamble would have no legal standing. Mr. Pasvolsky stated that the French had worked out language to be introduced in the Preamble. Mr. Hackworth declared that, in the past, Inter-American meetings had always attempted to promote respect for treaties. Here, however, there was provision for getting rid of treaties which were inconsistent with the aims of the Organization. Senator Vandenberg urged that "disrespect" for treaties was not involved if the treaties themselves were inconsistent with the objectives of the United Nations.

### Palestine

At this point in the meeting Mr. Gerig announced that he and Representative Bloom would have to leave to attend another meeting and asked whether the Committee could consider for a moment a political question which had arisen. The Arab League, he declared,

had been active by supporting a specific reference to Palestine and their proposition would have a direct effect on the Trusteeship draft Chapter. COMMANDER STASSEN was to have a meeting with the representatives of the Arab League at 12:30 and desired the advice of the Committee. MR. GERIG pointed out that the Trusteeship proposal makes arrangements for machinery but provides that specific arrangements concerning individual territories would be made in the future, possibly at the Peace Conference. The Arab League was insisting that there be specific provision in the Charter that no change be made in the present mandated status of Palestine.[75] If this proposal were to be accepted changes in the status of other mandated territories would be made difficult. The Arabs, he declared, had gone so far as to suggest that it would be impossible for them to sign the entire Charter unless their conditions were met. MR. DULLES asked whether he understood correctly that the Arab League wanted the Charter to refer specifically to the territory of Palestine and MR. GERIG replied that this was correct. It would be to the disadvantage of the Arabs, he declared, if room were left for revision of the existing *status quo* because of their fear that greater rights might be granted to the Jewish population in Palestine. MR. DULLES declared that there were other groups also which wanted statehood for Palestine.

REPRESENTATIVE BLOOM expressed the opinion that specific mention of Palestine and freezing its status would have a bad effect on the rest of the Trusteeship Chapter inasmuch as there is no mention of any specific territory elsewhere in the document. This, he declared, would be true even if he were in favor of the substantive proposal of the Arabs. For these reasons, Representative Bloom favored adopting a hands-off policy. DEAN GILDERSLEEVE proposed that no mention be made in the Charter of any specific territories and the Committee was in complete agreement.

At this point (10:10 a. m.) Representative Bloom and Mr. Gerig and Mr. Crawford [76] left the meeting.

### RESPECT FOR TREATIES IN SECTION ON PRINCIPLES

MR. PASVOLSKY suggested that the Committee return to its consideration of the question of respect for treaties. DEAN GILDERSLEEVE declared that this fell under the scope of her Committee but MR. PASVOLSKY declared that this was primarily Mr. Rockefeller's headache. The latter expressed the view that it was to the interest of the United States to avoid opening up existing treaties for revision because of the numerous border disputes which would arise in Latin America. MR. SANDIFER declared that the Charter was based on the

[75] Doc. 552, II/4/23, May 24, UNCIO Documents, vol. 10, p. 477.
[76] Boyd Crawford, assistant to the Congressional members of the delegation.

faithful observance of obligation, the implication being that no specific reference to the sanctity of treaties was necessary. SENATOR CONNALLY asked why inclusion of some phraseology in the Preamble wouldn't satisfy the Latin Americans and DEAN GILDERSLEEVE commented that there must be an acceptable phraseology. MR. DULLES inquired as to the status of the Japanese-Russian agreement.[77] Would the United States favor respect for this obligation as well?

MR. PASVOLSKY replied that he had convinced the French that it would be dangerous to place any reference to respect for treaties in the Chapter on Principles. All possibilities had been examined and the French had agreed to withdraw their amendment and had indicated support for locating that provision in the Preamble. The Preamble, MR. SANDIFER declared, would not be binding but it merely would be a statement of the aspiration of the Organization. MR. ROCKEFELLER indicated support for this position but also suggested that the two insertions concerning the General Assembly's respect for the principles and purposes of the Organization, proposed by the Latin Americans, be accepted. These insertions, he said, would not jeopardize the document in any way but MR. PASVOLSKY declared that this request was not reasonable with respect to the document itself, although such an action might perhaps be justifiable with consideration for the internal situation of the various Latin American countries. It had been proposed that provision be made in paragraph 6 of Chapter V that the Assembly be governed by the principles established in Chapters I and II. MR. PASVOLSKY asked why this provision had been included in the Chapter on the Security Council and not in the chapter on the General Assembly. The reason, he declared, was that the Council was a small body and should not act arbitrarily. The Assembly, however, would be fully expected to act in accordance with its *own* principles. It would be completely redundant, he maintained, to include such a reference. The position taken by Mr. Rockefeller apparently was, he declared, that revision of treaties would be acceptable for Europe but not for the Western Hemisphere.

MR. ROCKEFELLER said that the Latin American countries were prepared to accept Senator Vandenberg's resolution. However, we must take adequate account of their internal situation. SENATOR CONNALLY indicated that he thought the Latin American countries ought to be content with the inclusion of some phraseology protecting treaties in the Preamble.

The meeting was adjourned at 10:15 without any decision being reached on this question.

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[77] Neutrality pact between the Soviet Union and Japan, signed at Moscow April 13, 1941, Department of State *Bulletin*, April 29, 1945, p. 812; see also *Foreign Relations*, Japan, 1931–1941, vol. II, p. 186.

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*Minutes of the Fifty-Second Meeting of the United States Delegation, Held at San Francisco, Thursday, May 24, 1945, 9:05 a. m.*

[Informal Notes]

[Here follows list of names of persons (35) present at meeting.]

In the absence of the Secretary,[78] Senator Connally called the meeting to order at 9 : 05 a. m.

CONCLUSION OF MILITARY AGREEMENTS

THE CHAIRMAN called on Mr. Hickerson to present to the Delegation the first matter on the agenda. The members of the Delegation were presented with a document entitled Recommendations on Basic Issues, U. S. Gen. 147,[79] and were referred to the section on the work of Committee III/3 concerning agreements for the provision of forces to the Organization. The question at issue involved the wording of paragraph 5, Section B, Chapter VIII. MR. HICKERSON stated that it had been proposed to substitute the words "by them" for the original wording "among themselves". This new wording would make possible conclusion of agreements among any of a number of possible parties, such as the Security Council on the one hand and the member states on the other, or the member states themselves. SENATOR CONNALLY asked who would determine the parties to any agreement, and MR. HICKERSON thought that this function would be performed by the Security Council. SENATOR VANDENBERG indicated that he had no objection to the proposed change, but SENATOR CONNALLY declared that he was afraid that confusion might result from the two possible situations. He himself, he said, would prefer to see the agreements consummated with the Security Council as a party, and he asked MR. GATES to give the opinion of the military representatives on this subject. The latter said that he did not have a strong opinion on the subject but he agreed with Senator Connally that the Security Council should be a party to all military agreements. At this point MR. HICKERSON pointed out that Admiral Train had drafted a paper sometime previously proposing wording that would make possible Security Council participation in all military agreements. The wording under consideration would provide for such a possibility. COMMANDER STASSEN said that he, too, would support the change.

MR. PASVOLSKY urged that it would be impossible to get agreement on one alternative or the other, and that the most that could be hoped for would be a flexible solution making possible either alternative. There had already been agreement to grant to the Security

[78] The Secretary of State was in Washington for consultations with President Truman.

[79] Not printed. For proposed amendments concerning chapter VIII, B, 5, see UNCIO Documents, vol. 12, pp. 608–609 and 639–640.

Council the right to participate in the conclusion of military agreements. Furthermore the existing wording might possibly be interpreted to imply that unanimity among the members would be required for Security Council action.

MR. HICKERSON pointed out that at this afternoon's meeting [80] Senator Connally would have to vote on the Australian Amendment but that this proposal might dispose of the Australian draft. MR. PASVOLSKY asked whether the Delegates would authorize him to accept the new wording and the Delegates unanimously agreed to this course of action.

### REGISTRATION OF MILITARY AGREEMENTS

THE CHAIRMAN called on Mr. Hackworth to present to the Delegates the next question to be considered. MR. HACKWORTH stated that the Russians had raised the point, in connection with the Chapter on the Registration and Publication of Treaties, (U.S. Gen. 169 [81]) as to whether military agreements should not be exempted from the requirement that treaties should be registered with the Secretariat of the Organization. Their proposed wording was incorporated in paragraph 4 in the draft of subcommittee IV/2/A,[82] as follows: "The preceding provisions shall not apply to agreements entered into for the execution of Chapter VIII, Section B, paragraphs 5 and 6 of the present Charter if the Assembly on the recommendation of the Security Council so decides".

SENATOR VANDENBERG remarked that the existence of such a provision would open the way for secret agreements in the future and MR. HACKWORTH agreed that such a policy would be contrary to what we stand for. SENATOR VANDENBERG declared that if this clause were accepted we might just as well tear up the entire Charter. MR. HACKWORTH declared that he had suggested as an alternative that military agreements be subject to the jurisdiction of the Security Council whereas all others should fall under the General Assembly. REPRESENTATIVE EATON asked Mr. Hackworth whether he thought the Russians would accept this compromise proposal. MR. HACKWORTH replied that he did not know but that he had spoken to MR. FAHY about it and the latter also agreed that it was an acceptable solution. MR. HACKWORTH went on to say that there was a possibility that the Committee would become deadlocked on paragraph 4 of this chapter.

MR. PASVOLSKY wanted to know why a military agreement should be kept secret, and REPRESENTATIVE EATON replied that the Bible said that it was impossible to yoke an ass and an ox side by side. MR. ARMSTRONG remarked that the potential utilization of its strength

[80] Doc. 577, III/3/28, May 25, UNCIO Documents, vol. 12, p. 360.
[81] Not printed.
[82] Text of four-paragraph provisions is in summary record of eighth meeting of Subcommittee A of Commission IV/2, May 24, 10:47 a. m., not printed.

was the principal reliance of the Organization. Therefore, the agreements concerning the use of force should be made public.

MR. DUNN asked who had proposed this change and MR. HACKWORTH replied that it was the Russians who were supporting the new provision. MR. ARMSTRONG declared that he was in favor of adhering to the Dumbarton Oaks proposals. MR. NOTTER commented that the arguments on both sides were strong and that a compromise might be in order. He suggested that phraseology such as "the conditions under which the proceeding provisions shall apply to military agreements shall be determined at the discretion of the Organization". COMMANDER STASSEN urged that it would be impossible to adhere to the amendment because of the disillusioning effect it would have on public opinion throughout the world. MR. SANDIFER stated that agreement on the first three paragraphs had already been reached in the subcommittee.

SENATOR CONNALLY voiced the opinion that this provision would leave the decision as to application of the provisions on registration up to the Security Council, but Mr. Hackworth declared that the ultimate decision would be made by the General Assembly upon the recommendation of the Security Council. This provision would not be necessary at all, he declared, if complete jurisdiction remained in the hands of the Assembly.

MR. ARMSTRONG urged that the Dumbarton Oaks proposals could not be changed without the approval of the Four Powers, but MR. DULLES pointed out that no provision had been made for the registration of treaties in the Dumbarton Oaks documents. MR. NOTTER added, however, that at Dumbarton Oaks agreement had been reached with the Chinese but that the matter had been left for some other nation to propose and no language had been drafted. MR. PASVOLSKY emphasized that there should be no unregistered treaties whatsoever.

COMMANDER STASSEN moved that the Delegation resist paragraph 4 of this draft and there was unanimous agreement. However, MR. HACKWORTH pointed out that the 10:30 meeting might reach an impasse unless a compromise proposal were made. When he was informed by Mr. Hackworth that there had been no support for the Russian proposal, SENATOR VANDENBERG spoke up in favor of voting the Russians down on this issue. SENATOR CONNALLY, however, asked for MR. HACKWORTH'S views on the subject and the latter suggested as a possible compromise that provision be made for the Council to regulate the registration of military agreements. MR. GATES was asked to speak for the military members of the Delegation, and he declared that in his view this was not an important military issue. Secrecy, he declared, was not at issue here at all, but he said it would make sense to have control over military agreements vested in the Security Council.

PROPOSED CHANGE IN SPONSORING GOVERNMENTS' AMENDMENTS TO CHAPTER VIII, SECTION C, PARAGRAPH 2

MR. PASVOLSKY reported that the French had found it difficult to accept the last three lines of Chapter VIII, Section C, Paragraph 2, and had proposed a new sentence to follow the word "states" (U.S. Gen. 167 [83]). The proposed wording was: "The authorization of the Security Council shall be necessary for such measures from the moment when the request of the Government's parties to the arrangements referred to above, the Organization is charged with the responsibility for preventing further aggression by a state enemy of the United Nations in this war."

COMMANDER STASSEN expressed a belief that the language of this proposal was bad and urged that we should not touch this paragraph at all because it would re-open the question of regionalism, common defense, and the like. MR. PASVOLSKY asked Commander Stassen what reasons he had to support his belief and THE COMMANDER replied that the original wording had been hammered out with great difficulty and represented a large area of agreement. Furthermore, he declared, there was no reason for making the amendment. MR. NOTTER seemed to think there might be an advantage to the new wording because it specifically referred to the responsibility of the Organization to prevent aggression by immediate steps, whereas the original wording implied only a remote consent. COMMANDER STASSEN thought that the modification starting with the word "when" counteracted this new wording. SENATOR VANDENBERG ventured that the French were trying to escape being "pressured into" something and thought that "request" was the important word. MR. JOHNSON added that under the old wording bilateral amendments would become ineffective when the Organization started effective operation, but the new wording would maintain the bilateral amendments even after the effective operation of the Organization. COMMANDER STASSEN indicated that unless Chapter VIII, Section C, Paragraph 2 were to be changed, these regional arrangements must be brought under Chapter XII. He was, he declared, opposed to any change.

MR. PASVOLSKY indicated that the Russians had not yet made their position clear on this issue, but that we would possibly know later in the day what the Russian attitude would be. SENATOR VANDENBERG declared that this was the only problem remaining before his Committee on regional problems, and that he would favor going along with the Russians. COMMANDER STASSEN restated his position that we must stand pat on the present wording. MR. PASVOLSKY stated that the Russians had indicated some concern over the word "request".

[83] Not printed.

This was, he declared, a redraft of the British wording and the United Kingdom had indicated support for the new wording.

COMMANDER STASSEN reminded the Delegation that this was the place where we would give free action in Europe. The pressure for such freedom in action had been held down in the Big Five discussions and he thought that we should stand by the previous decision. MR. PASVOLSKY declared that the introduction of the French amendment had re-established freedom of action in the negotiations and that now we would have to wait to see what the Committee was going to do on this question. However, COMMANDER STASSEN declared emphatically that this was not the case, and that the United States must insist that the Big Four stand together on this issue.

MR. PASVOLSKY voiced the opinion that the new wording starting with "the authorization . . ." was stronger than the original "until such time . . .". MR. DULLES said that the new wording would keep regional agreements alive, and MR. PASVOLSKY declared that the original phraseology could also be interpreted in such a way as to keep these pacts in existence. MR. PASVOLSKY declared that the only difference in substance was the use of the word "request" instead of the word "consent". COMMANDER STASSEN pointed out that "enforcement" had also been added to the previous sentence. MR. PASVOLSKY replied that the Security Council could deal only with matters pertaining to enforcement anyhow, and stated that he could perceive no objection to using the word. COMMANDER STASSEN asked why changes should be made if the meaning was all right in the first place, and MR. PASVOLSKY pointed out that political considerations at home had prompted the French amendment. COMMANDER STASSEN declared, however, that the United States had not ventured to reopen all the Four Power amendments. *All* the nations, he declared, had an equal interest in this despite the political necessity underlying the French insistence upon a new wording. The new wording carries the complication of opening up a greater area of freedom of action, and the United States, he said, must stand firm against this.

SENATOR VANDENBERG asked whether the French demand could be met by changing the word "consent" to "request". MR. PASVOLSKY declared that this was a possibility, and SENATOR VANDENBERG remarked that there could be little difference to us which word was adopted. MR. ARMSTRONG objected, however, and declared that the two were not the same because the incidence of the initiative might effect the result. COMMANDER STASSEN asked that the Delegation remember the background of this question. The Four Powers, he declared, had accepted our solution of this difficult problem and to reopen the question would have a bad effect. MR. PASVOLSKY, however, pointed out that the French had never accepted our solution, and MR. DUNN corroborated this by declaring that Paul-Boncour had

served notice that the French were reserving their position on this question. MR. DUNN expressed the opinion that if it proved to be necessary to change "consent" to "request" we should do so because the only change would be in the psychological approach. This wording would be important, he said, to any French Government. SENATOR CONNALLY pointed out that the change in wording would merely change the initiative. MR. ARMSTRONG thought, however, this new wording would preclude the Assembly from discussing matters pertaining to enforcement, but MR. PASVOLSKY was of the opinion that the new wording would affect only the taking of the final decision. MR. DUNN reiterated that this was an important point politically to the French Delegation. REPRESENTATIVE BLOOM asked whether he was right in his impression that "consent" and "request" were practically the same and both SENATOR CONNALLY and MR. DUNN agreed that was correct. SENATOR VANDENBERG then added that in the final analysis the signatory power would have the final word under either phraseology. MR. DUNN said that he would oppose making a big change in this paragraph, but was in favor of the substitution of "consent" for "request".

SENATOR CONNALLY asked what was the opinion of the Delegation on giving Mr. Pasvolsky authority, if necessary, to support the change under discussion. DEAN GILDERSLEEVE voted in favor of this procedure with misgivings. SENATOR VANDENBERG and REPRESENTATIVE EATON likewise voted affirmatively. COMMANDER STASSEN dissented emphatically and declared that this change could be made only with the approval of President Truman. It was closely tied in, he declared, with the entire question of freedom of action.

SENATOR CONNALLY asked whether it was true that France had not participated in the discussion of this question and COMMANDER STASSEN declared that separate consultations had been held with them. Mr. Molotov, he declared, had refused to agree to the wording until he had a chance to discuss the solution with the French representatives.[85] CONGRESSMAN BLOOM suggested that we defer the question and see if Mr. Pasvolsky could not do better. If necessary, he said, he would go along with the change against his better judgment.

MR. PASVOLSKY then requested authorization to inform the Committee that the United States did not consent to the change and supported referring the matter to the Chairman of the Delegations of the Five Powers. The Committee agreed to this although SENATOR VANDENBERG declared that he did not like the decision. REPRESENTATIVE EATON concurred in SENATOR VANDENBERG's sentiments. The latter wanted to know why a major issue should be made of this question and declared that it was too deep for him. France, he said, had a

[85] See minutes of the first Five-Power informal consultative meeting, May 7, 3 p. m., p. 628.

final say in either event. SENATOR CONNALLY pointed out that we had no assurance that the French would accept the proposed revision, but MR. PASVOLSKY pointed out that the French had proposed it themselves a few days previously and that the British also seemed to favor this wording. MR. PASVOLSKY remarked, however, that Senator Vandenberg's Committee, would be forced to remain in session, and the SENATOR declared that this was not too important. However, he thought that it would be a healthy step if one committee did finish its work. REPRESENTATIVE BLOOM declared that his committee would probably finish shortly, and SENATOR VANDENBERG remarked that he meant an important committee!

SENATOR VANDENBERG declared that he could not see any point in sending Mr. Pasvolsky back without power to negotiate. He should be authorized to stand pat on the existing wording, and if necessary give up "request". MR. NOTTER declared that France had a veto now, and as a result had no less initiative than under the new wording. SENATOR CONNALLY announced that the Delegation unanimously agreed that Mr. Pasvolsky should return to the Committee to do the best he could. If he could not get assurance for the existing wording, he should be empowered to try to get Five Power agreement on a substitute. SENATOR VANDENBERG said that the decision was only semi-unanimous and asked that the motion be repeated. When a vote was finally taken the decision was upheld 4 to 1 with SENATOR VANDENBERG dissenting on the grounds that the issue was not important enough to be taken to the Heads of the Delegations.

### PROPOSAL BY URUGUAY ON CHAPTER XI

MR. SANDIFER presented document U.S. Gen. 147 [86] to the Delegation. The question before the Delegation was whether, under the rules of procedure setting May 4 as the deadline for amendments, a Uruguayan amendment to Chapter XI [87] should be accepted. This amendment, he declared, would be submitted to Committee I/2. MR. SANDIFER did not think there could be any objection to accepting the Uruguayan amendment. MR. PASVOLSKY proposed that we should permit introduction of the amendment, but at the same time inform the Uruguayan Representative that the United States would oppose the substance of the amendment. SENATOR CONNALLY asked why there should be a rule on this question of introducing amendments if it were not upheld, and MR. SANDIFER declared that there had been so many exceptions already that the Uruguayan proposal could be excluded

[86] U.S. Gen. 147, not printed (recommendations on basic issues, Committee III/3, agreements for the provision of forces, facilities, and assistance).

[87] Text of proposed Uruguayan amendment, not printed. For statement by the delegate of Uruguay on the subject, see Doc. 648, I/2/46, May 28, when the discussion of chapter XI was begun in Committee I/2 (UNCIO Documents, vol. 7, p. 145).

only on arbitrary grounds. REPRESENTATIVE BLOOM asked how we could possibly refuse to accept the amendment if a precedent had already been set.

MR. PASVOLSKY repeated that we should tell Uruguay now that we would oppose their provision. It would be possible under this proposal, after ten years to amend the Charter to obligate the United States to commit all its resources without our consent. COMMANDER STASSEN put this suggestion in the form of a formal proposition and MR. SANDIFER amended it to have Representative Eaton tell the Uruguayan Representative our position. There was unanimous agreement that this procedure should be followed.

### BROADER QUESTION OF AMENDMENTS

MR. DULLES voiced the opinion that the Delegation should give serious consideration to the entire question of the amendment provisions. He thought that the existing provision should be liberalized. MR. DULLES pointed out that veto power over amendments was granted to the five major powers including France and China which had, he declared, hazardous future status. Liberal elements would attack China's right to veto amendments in perpetuity. SENATOR CONNALLY agreed with this position.

At this point REPRESENTATIVE BLOOM asked whether we could not permit the introduction, but not discussion, of the Uruguayan amendment in view of the fact that unless some sort of restraint were shown, it would be possible to introduce amendments any time, even until the last days of the Conference.

MR. ROCKEFELLER urged that our position could be strengthened if we were to make a statement along the lines of Mr. Dulles' suggestion. The opposition, he declared, had a strong point with respect to the veto power of the Big Five, and he was afraid there would be a blowup if a position were not taken. MR. DULLES said that he could understand that amendments would have to have the approval of the strong nations, but to give them veto rights in perpetuity would be a mistake, he thought, and would open us to attack by liberal elements. SENATOR CONNALLY asked whether the Delegation favored reopening the question and SENATOR VANDENBERG wondered whether the Yalta decision was involved. MR. PASVOLSKY replied that something more important even than that was at stake. If the amended provisions were to be liberalized, an amendment could be obligatory on the United States without our consent. MR. DUNN added that this would be true unless there were assurances that the acceptance of an obligation was to be made dependent upon ratification by the state involved. REPRESENTATIVE EATON pointed out that the Charter would have to be referred to the Senate, and the chief arguments in our favor would be the fact that the Charter represented only a beginning

in the direction of an Organization capable of establishing and demanding world peace. However, this argument would be effective only if there were adequate provision for amendment.

However, there was general agreement that the United States would not be willing to enter an Organization that could make changes obligatory upon us without our consent. MR. PASVOLSKY then pointed out that since this was the case we could hardly deny the right of veto to the other big powers, and added that we had already accepted France and China, as well as the United Kingdom and the Soviet Union, as our equals.

MR. DULLES suggested that consideration be given the possibility of demoting a state from its position as a permanent member of the Security Council by a three-fourths vote of the Assembly, and perhaps a vote of three or four permanent members of the Security Council. MR. PASVOLSKY remarked that such a procedure could be used against us, and MR. DULLES replied that if such a situation were to occur, he would be satisfied. It seemed incredible to him that the United States could ever be in a position where the other member states of the Organization would want to demote the United States from its status as a permanent member; however, it was not so incredible with respect to France and China.

COMMANDER STASSEN was in agreement with Mr. Dulles concerning the matter and with his analysis of the situation as well. However, he was of the belief that practical considerations made it impossible to take up the question at this time. Russia, he pointed out, had been thrown out of the League of Nations, and the United States had never been a member. He thought that the best procedure would be to make changes at such times in the future as they might become necessary. If a state having veto power refused to accept an amendment demoting its status, the Organization could go ahead without its consent and in effect form a new Organization. MR. DULLES declared that the Organization could always be scrapped anyway. COMMANDER STASSEN reiterated that we could not open up this question now. REPRESENTATIVE BLOOM agreed with Commander Stassen that this was not the time.

### THE DOMESTIC JURISDICTION

DEAN GILDERSLEEVE declared that this was a very important discussion and very interesting, but that she had to leave for a meeting shortly and had a problem to take up with the Delegation. Yesterday afternoon, she declared, she and Mr. Notter had run across opposition in subcommittee I/1/A, to the additional paragraph concerning "domestic jurisdiction" (Chapter II, paragraph 7). MR. DULLES suggested that one of the Senators should appear at the meeting because of his greater authority on the position of the Senate on this matter.

MR. DUNN suggested that Senator Connally attend the meeting at 10:30,[88] and SENATOR CONNALLY replied that he might go. SENATOR CONNALLY asked whether Dean Gildersleeve thought that the delegations opposing the "domestic jurisdiction" clause favored empowering the Organization to interfere in the domestic affairs of the member states. DEAN GILDERSLEEVE replied that this was not the case, and MR. DULLES remarked that we were faced with a situation where some of the other delegations wanted the "domestic jurisdiction" clause to apply only to the Security Council and not to the powers of the Economic and Social Council.

SENATOR CONNALLY pointed out that the Australian Delegation was "insane" concerning the "domestic jurisdiction" clause[89] and strongly favored the safeguards embodied therein. MR. NOTTER urged that the Delegation should send its big guns to the meeting, because the decision of the United States on this question would possibly be determining. REPRESENTATIVE BLOOM moved that Senator Connally be requested to go, and the Chairman (SENATOR CONNALLY) added that he might attend the meeting.

## FULL EMPLOYMENT

DEAN GILDERSLEEVE reported that she was going to a meeting of Committee II/3. She declared that she intended to follow the instructions of the Delegates formulated at the previous day's meeting and withdraw the United States amendment[90] if it should prove necessary. In this event, she would have inserted in the formal record of the proceedings a statement of the United States position on the applicability of the "domestic jurisdiction" clause to the section on full employment.

## EXPULSION AND SUSPENSION

REPRESENTATIVE EATON asked Mr. Notter to report on the meeting of Committee I/2/C.[91] MR. NOTTER stated that the United States had been defeated on the question of retaining provision for expulsion in the Charter. The vote had been 6 to 5 with the Russians making a strong defense for retaining the provision. The British and Chinese had not spoken on the matter. MR. NOTTER further declared that he had won on the question of suspending states, not merely privileges, in

[88] Summary report of eighth meeting of Subcommittee I/1/A, attended by Senator Connally, Mr. Dulles, Mr. Notter, and Mr. Savage for the United States delegation, May 24, 10:30 a. m., not printed (US I/1/A Doc. 8).

[89] For a memorandum on the Australian attitude on this subject, see Doc. 969, I/1/39, June 14, UNCIO Documents, vol. 6, p. 436.

[90] For text of proposed redraft of chapter IX, section A.1 by the United States delegation, see WD 17, II/3/22, May 22, *ibid.*, vol. 10, p. 74.

[91] Record of third meeting of Subcommittee C of Committee I/2, May 23, 5:30 p. m., not printed; for report of the rapporteur to Committee I/2 on meetings of the Special Subcommittee, May 22 and 23, see Doc. 550, I/2/37, May 24, *ibid.*, vol. 7, p. 99.

the event that a member state should not fulfill its obligations under the Charter. He had taken this action on the hypothesis that the Subcommittee would not be overruled in full Committee on the question of expulsion. MR. NOTTER declared that we would undoubtedly be outvoted in the Committee on the question of expulsion. Therefore, the question before the Delegation was whether Representative Eaton should be authorized to accede to a modification on the provisions on suspension which would permit the Organization to suspend members for strong and consistent violation of its obligations. The position of the United States has always been that suspension was stronger than expulsion anyhow. MR. NOTTER declared that we would support the Russians on expulsion as we were committed to doing so, but would undoubtedly be defeated.

MR. NOTTER declared that it had been made clear that the previous action of the Subcommittee on the question of suspension has not prejudiced the right of the United States with respect to expulsion. The United States was now free to reopen the question of suspension as a result of the Subcommittee's decision on expulsion.

MR. PASVOLSKY urged that this discussion should make clear that the Delegation must consider the possible alternatives as well as proposals formally made. None of the Delegates, he declared, had ever known how to react when an alternative solution had been proposed. He had talked with other members of the Committee of Five regarding the procedure in situations of this nature. MR. PASVOLSKY suggested that in the future we should consult with the representatives of the other four powers before making substitute proposals. Then we could ask them to do the same. MR. BLOOM pointed out, however, that representatives of the other powers did not know enough to be able to act on the spot on proposals made suddenly, and MR. NOTTER added that they were never able to take positions under these conditions. MR. HICKERSON asked whether some arrangements could be made in the Committee of Five, and MR. PASVOLSKY declared that something could be done if the Delegation would promise not to make alternative proposals without first making them available to the other four Delegations.

At this point Dean Gildersleeve left the meeting.

MR. HICKERSON pointed out that there was a situation which had arisen recently when Sir Alexander Cadogan had made a proposal regarding Chapter VIII without consulting other members of the Committee of Five first. Mr. Cadogan had been forced to withdraw his proposal, but the Latin American Countries had reacted very violently.

MR. PASVOLSKY declared that it must be made clear to the Latin American Countries that Section A of Chapter VIII was not impaired in any way by the "domestic jurisdiction" clause.

MR. NOTTER asked what course of action Representative Eaton wanted to take. Should he fight for expulsion, or attempt to doctor up the provision for suspension? MR. DULLES asked why we should fight for expulsion if we were not really in favor of it. MR. PASVOLSKY urged that we favor the expulsion provision, but if we are outvoted, we should withdraw. MR. NOTTER suggested that if we are outvoted, we should get together with other members of the Five Powers and admit that we are fighting for a lost cause and accept the alternative, suspension. MR. DULLES thought that no cause was defeated if the Big Five wanted it. We should point out, he stated, that we did not think it was important enough to make a real issue.

MR. SANDIFER urged that we must set a definite position on suspension because we could not propose a change without the prior consent of the Big Five. REPRESENTATIVE BLOOM agreed that we would have to fortify the suspension agreement, but MR. SANDIFER said this was not necessarily so. MR. NOTTER maintained that the course of the negotiations had indicated that this was the only possible course. MR. PASVOLSKY proposed that Mr. Notter be authorized to negotiate on suspension on the spot if the occasion demanded, and the Delegates agreed unanimously.

VOTING

THE CHAIRMAN asked Mr. Pasvolsky whether there had been consultations on the Yalta formula on voting in the meeting of the Five. MR. PASVOLSKY declared that conferences were in progress and that he would have a report for the Chairman sometime in the afternoon.

MR. DULLES suggested that "procedural" matters not be defined too minutely now in order that their interpretation might be liberalized in the future. The situation should not be frozen, he said, by answering the questionnaires. DR. BOWMAN remarked that was a practical question. He would like to see action based on the general questions involved rather than on a specific questionnaire, but he was of the opinion that we probably could not avoid the preparation of specific replies.

Mr. Dulles left the meeting at 10:15 a. m.

[Here follows discussion of a request by Lord Halifax for a meeting to discuss the relation of the Organization to the I.L.O.]

. . . The meeting was adjourned at 10:20 a. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 53

*Minutes of the Fifty-Third Meeting of the United States Delegation, Held at San Francisco, Friday, May 25, 1945, 9:05 a. m.*

[Informal Notes]

[Here follows list of names of persons (36) present at meeting.]

It was announced that the Secretary had returned from Washington

and would join the Delegation later. In his absence SENATOR CONNALLY called the meeting to order at 9:05 a. m.

YALTA VOTING FORMULA

THE CHAIRMAN announced that Mr. Pasvolsky had requested an executive session to consider a proposed 4-Power statement interpreting the Yalta voting formula. However, MR. PASVOLSKY indicated that it would not be necessary to ask anyone to leave the meeting, and SENATOR CONNALLY declared that all members present would be permitted to remain but that the meeting should be considered an executive session nonetheless.

MR. PASVOLSKY reported that it would be necessary for the Delegation to consider this draft statement for possible presentation by the Big Four. At this point, Miss Fosdick distributed the draft statement of May 25, 1945 to the members of the Delegation.[92]

SENATOR CONNALLY inquired whether the Delegation had ever taken a position on the voting arrangements. [At this time, 9:08 a. m., Secretary Stettinius and Senator Vandenberg arrived amid general applause.] [93]

MR. PASVOLSKY replied to Senator Connally's question, that the delegation had decided to stand on the Yalta agreement.

SECRETARY STETTINIUS announced that he would not take the chair because he would have to leave shortly to make a phone call to Washington. He indicated that he would report to the Delegation on his conversations in Washington with the President and Mr. Hull. He asked who was scheduled to attend the Big Five meeting and MR. RAYNOR replied that Senators Connally and Vandenberg, Commander Stassen, Dean Gildersleeve and some of the advisers would attend the meeting. THE SECRETARY asked what the subject for discussion was to be and MR. DUNN replied that the British wanted to discuss the relation of various international organizations to the world organization with specific reference to the place of the I.L.O. in the world picture. SENATOR CONNALLY remarked that he had had a telegram on this subject from Senator Elbert Thomas.

MR. PASVOLSKY suggested that Mr. Sandifer read through the proposed Big Four statement and asked that comments be reserved until the end. MR. SANDIFER read the document, paragraph by paragraph, and upon his conclusion SENATOR VANDENBERG remarked that the document was "the ablest possible defense for an indefensible" situation, and REPRESENTATIVE EATON agreed that Mr. Pasvolsky had done a fine job. MR. PASVOLSKY replied that it had been a joint undertaking. The British had written part of the document. The French had asked that this be a 4-Power document since they were

[92] Not printed.
[93] Brackets appear in the original.

embarrassed at having to reverse their decision, but MR. PASVOLSKY declared the French would support this statement. The Committee had worked until one o'clock this morning, with Mr. Armstrong and Dr. Bowman present, as well as other people from time to time, including Gladwyn Jebb of the British Delegation.

COMMANDER STASSEN remarked that in order to maintain consistency with this document it would be logical to withdraw the exception established concerning the power of parties to a dispute to veto Section A. MR. DULLES agreed and said this was especially true in view of the phraseology appearing in the last sentence on Page 2 where it was declared that "it would be absurd for some dispute—not only affecting the peace and security of the world in general, but also of direct interest to one of the five members having primary responsibility for the maintenance of peace and security—to be dealt with without regard to, or even over the objection of, that member." If this were true, he asked, why should a permanent member, party to a dispute, not have a veto over Section A as well as Section B? COMMANDER STASSEN remarked that this exception to the veto power of the permanent members of the Security Council had been the chief interest of President Roosevelt and that the phraseology in this statement was a ridiculous contradiction.

SECRETARY STETTINIUS asked Mr. Pasvolsky whether he had reported to the Delegation on his talk with Ambassador Gromyko which Mr. Pasvolsky was to have had shortly after the Secretary left for Washington. MR. PASVOLSKY replied that this paper represented the view of the Russian Delegation. SECRETARY STETTINIUS asked whether Mr. Pasvolsky thought that the Russians would support this paper and COMMANDER STASSEN interjected that the Russians undoubtedly would support it "enthusiastically".

MR. PASVOLSKY conceded that Mr. Dulles' point was a good one but MR. PASVOLSKY did not think there was an inconsistency involved. Obviously, he said, a power involved in a dispute should not be allowed to vote on questions involving the initial stages of the Organization's handling of the matter. If a state is not involved in a dispute initially the problem is whether it could accept a situation where it might be involved in the dispute against its consent.

COMMANDER STASSEN pointed out that this statement involved the position that Sections A and B of Chapter VIII were inseparable, whereas the President had succeeded at Yalta in separating the two parts of the Chapter. MR. DULLES agreed with Commander Stassen that this draft had the effect of reuniting the two sections. COMMANDER STASSEN went on to point out that the draft said in effect that the Organization should never take action on a dispute unless the states members were willing eventually to use force. This was not necessarily so because it would be possible for all the states concerned

to recommend unanimously that a dispute be settled by judicial means but he declared it would be impossible to guarantee unanimity all the way through the various stages leading up to the use of force. This he declared was a brilliantly conceived statement but it served only to emphasize the impossibility of the United States' position in defending the Yalta voting arrangements.

SENATOR CONNALLY asked what course of action the United States could take—would it be possible to change the Yalta agreement? MR. PASVOLSKY replied that the United States could take any position it desired. COMMANDER STASSEN suggested that we attempt to accept the position taken by Sir Alexander Cadogan that peaceful settlement be made a procedural matter. SENATOR CONNALLY declared that the United States Delegation had not been in unanimous agreement as to the advisability of this course. MR. DULLES inquired whether the Delegation wanted the United States to be placed in the position of having to use force without having adequate opportunity to examine the possibilities and make its own choice. MR. DULLES thought that this was a bad paper because it was an attempt to justify logically something which was logically indefensible. He went on to suggest that any statement made should emphasize the chronological sequence whereby unanimity had been required under the League of Nations and progress had been made in the Charter of the proposed organization although perfection had not yet been reached. MR. DULLES was strongly opposed to any attempt to justify the existing formula logically in this draft statement. He said even the initiation of an investigation by the Organization would seem to obligate all the parties to go all the way to the end process, the use of force. SENATOR VANDENBERG remarked that it was like the person who would not go to a doctor unless he was ready for the undertaker.

COMMANDER STASSEN maintained that there was great benefit to be derived from getting at all the facts in a situation. It was necessary, he said, to get the facts out first, after which each nation could decide for itself whether it wanted to take further action. At this point, MR. PASVOLSKY pointed out that through inadvertence a phrase had been left out of the sentence referred to by Mr. Dulles previously. After the last word of the sentence as it appeared, should be added: "unless it is itself a party to a dispute." SENATOR VANDENBERG declared that although this met part of Mr. Dulles' objection it did not improve the logic of the entire statement.

SENATOR CONNALLY declared that emphasis should be laid on the fact that this provision for unanimity among the great powers in the imposition of force went beyond the requirements of the League of Nations for complete unanimity. MR. DULLES remarked that there was no reason to consider the Organization from the hypothesis that the permanent members were going to exercise their veto power arbi-

trarily. MR. DULLES observed that it would be morally indefensible for any state in a minority of one to block investigation of a dispute by the United Nations. He did not think this was likely to occur but he said we must not give a state good grounds for blocking an investigation. MR. DULLES was of the opinion that the proposed statement would do exactly that for the implication was there that the moment the members of the Organization voted to investigate a situation they would accept a moral obligation to follow the matter through and fight. MR. DULLES said we should attempt to disassociate peaceful procedures for handling a dispute from the use of force. We should, he thought, establish a moral obligation on the part of the members of the Organization to get at the facts in any situation likely to lead to dispute. SENATOR CONNALLY remarked that in all probability unless a very unusual situation arose no state would take on itself the responsibility for blocking investigation by the Organization. MR. DULLES agreed that this was true unless the statement under consideration were to be adopted. SENATOR CONNALLY declared that he was on the Committee dealing with this problem and wanted to reflect the calm decision of the Delegation. REPRESENTATIVE BLOOM declared that he wanted additional information from Mr. Pasvolsky on the points that Mr. Dulles had made and SENATOR CONNALLY asked Mr. Pasvolsky to elaborate.

MR. PASVOLSKY stated that he could imagine a situation where a permanent member of the Security Council might, for legitimate reasons of its own, want to block an investigation by the Organization. MR. PASVOLSKY could also imagine a ten to one vote against that power. Imagine the position of that power, he asked the Delegation. The pressure not to use the veto power lightly, he thought, would be increased by the proposition under consideration. Moral pressure—the isolation of a great power unless it was prepared to make adequate explanation for its position—was thought by MR. PASVOLSKY to be the most effective force in the hands of the Organization. This, he declared, was not an original argument but was first presented by a distinguished South American diplomat. MR. PASVOLSKY went on to say that the Delegation must also consider the possibility of the Security Council being forced into action against the desires of the permanent members of the Council by a group of smaller states whose responsibilities would not be nearly so large as the responsibilities of the permanent members. There was, he declared, one integrated function of maintaining peace, despite the fact that this could be carried out by a series of steps each seeming innocuous in itself. Each step, he declared, could be brushed aside by the interested powers until the procedure had advanced beyond the stage where it involved no responsibility to use force. Furthermore, MR. PASVOLSKY declared, a

distinction must be drawn between states parties to a dispute, and those not parties. A party to a dispute he declared must accept a different position from all other states, even if the world as a whole was not ready for coercive action. Such a state should be prepared to face the moral opprobrium of the world as a whole. However, if not a party to a dispute a state should not be forced to face this pressure and should be free to make its decisions according to its interests.

MR. EATON asked what the situation would be if two great powers became parties to a dispute since neither would be able to vote on the action of the Organization. MR. PASVOLSKY replied that one of the fundamental premises of the Organization was that the great powers would have to remain in substantial agreement if the Organization were not to break down completely. SENATOR VANDENBERG asked how a state having a permanent seat could be exposed to the moral conscience of the world? MR. PASVOLSKY replied that a state which was in the wrong could not prevent a vote from being taken. In such a case a statistical vote could be as important as a formal motion. The purpose of a vote he declared was not so much to expose a state to the moral pressure of the world, which could be accomplished in other ways, but rather to determine whether the states members of the Organization were willing to accept their responsibilities. This was the basis on which the entire Organization had been founded. If some of the attention which had been devoted to the question of voting arrangements had been devoted to other aspects of the question the situation might have been different. As it was, MR. PASVOLSKY declared, we were lost in an argument which was not as important as those considerations which had not received so much attention. This statement he declared attempted to bring into the open some of the relationships involved and presented both sides of the question.

MR. ROCKEFELLER remarked that he was interested in what Mr. Pasvolsky had said and he thought that Mr. Pasvolsky got down to a rather basic question. The essence of the Organization was force he said but the experience of recent years had proved that military force is only one phase in a dispute. If we intend to maintain peace and security we cannot place our reliance on military force. Aggression could occur by means of penetration in various forms. These matters he thought could be best dealt with by investigation and peaceful settlement in various forms. This he thought was an unsound paper and MR. ROCKEFELLER added that in his opinion the President had made a brilliant distinction at Yalta in separating peaceful methods of settlement from the use of force.

MR. PASVOLSKY indicated that he wanted to say a few words in defense of President Roosevelt. The President he declared had taken the view at Yalta that a party to a dispute should not vote on matters

covered by Section A of Chapter VIII. He realized that it would have been logical to prevent parties to a dispute from voting on any matters connected with the dispute. However, President Roosevelt had been forced to draw this distinction between Sections A and B because he was aware that no country would have accepted any greater restriction on the right to vote on parties to disputes. The United States, MR. PASVOLSKY said, would not have accepted a greater restriction but, he went on, the President had it clear in his mind that the only point at issue was whether a party to a dispute should have a vote only in Section B or throughout the Chapter. It was a question of accepting the lesser of two evils. President Roosevelt however had never been in doubt as to the connection between the two sections of the Chapter. MR. PASVOLSKY remarked that the Chinese representative had been greatly impressed by the way Commander Stassen had shown the continuity between the two sections. The procedure started in Section A, he said, could be stopped anywhere along the line but only at the risk of the Organization not carrying out its obligation. If we are going to build an organization different from the League of Nations we must understand the implications of each stage in the settlement of disputes. The distinction between the two sections was made only because it was possible to get the various parties concerned to agree on that solution.

COMMANDER STASSEN urged that arbitrary action by any permanent member would be harmful whether an organization were established or not. He did not think that arbitrary action should be justified in the Four-Power statement. A party to a dispute he declared must face the moral pressure of the world. A permanent member cannot avoid facing the moral force of humanity because of the restriction placed on the exercise of the veto power by parties to a dispute but one state could prevent other nations from undergoing the pressure of world public opinion. COMMANDER STASSEN made a plea that no state be exempted from this pressure.

MR. NOTTER remarked that the discussion thus far had considered the problem as a whole but this was not the negotiating problem. The opposition he declared had been attacking veto power over Section A. The draft statement he thought had a fundamental weakness which showed up in Paragraph 5. In this paragraph, he said, the Council was injected into a dispute and a chain of circumstances was declared to follow. MR. NOTTER thought the Security Council would already be involved and the chain of circumstances would follow only when the stage of investigation was reached. The Council is injected into a dispute when it hears the complaint of any party. It is only after an investigation has been conducted that the Security Council makes its first decision. The Organization would merely be establishing the facts of the situation up to and including the stage of investigation.

SENATOR VANDENBERG asked whether Mr. Pasvolsky was proceeding on the theory that it would be impossible to get a change in the Yalta formula. MR. PASVOLSKY said the Big Four powers were supporting Yalta on the basis outlined in the draft before the Delegation. He pointed out that China, the only country which had benefited by the use of the power of investigation under the League, was of the opinion that investigation was one of the most potent weapons the new Organization might have. MR. PASVOLSKY declared that he was forced to give great weight to their position. Furthermore, he declared, the Yalta formula was not being altered, it was merely being interpreted. The chief question was to determine which matters could be called procedural. MR. ARMSTRONG declared it was a question of getting half a loaf or no bread.

MR. ROCKEFELLER asked whether it was not true that the British had given an interpretation which the Delegation thought it might be able to accept. China and France he thought had eased themselves out and had apologized for having to support the formula as it existed. MR. DUNN questioned this and MR. BLAISDELL remarked that Ambassador Koo did not speak directly on the point and had supported the existing formula without any specific reference to Section A. SENATOR CONNALLY remarked that it had been obvious that some of Sir Alexander Cadogan's associates did not agree with the position he had taken. Cadogan had agreed that under Section A, Paragraph 1, the veto would apply when it came to any definite action by the Organization. MR. BLAISDELL remarked that the crux of the situation lay in this paragraph. Did the Organization incur a duty or did it have discretion to investigate any dispute? If the Organization incurred a duty there was no need for a vote. However, SENATOR CONNALLY expressed the view that the use of the word "empowered" implied discretion on the part of the Security Council.

At this point MR. DUNN suggested that the situation might be clarified if the order of paragraphs were to be changed to establish a clear order of procedure. Under his rearrangement paragraph 2 of the original Dumbarton Oaks Proposals would come first with the addition of the words "for consideration and discussion". The original paragraph 3 would follow. This paragraph provided that the parties to a dispute could choose the means of settlement. Greater obligation would be implied in the Four-Power amendment establishing a new paragraph 1 which according to Mr. Dunn's plan would follow after the old paragraph 3. The new paragraph 1 empowered the Security Council to make recommendations to the parties to a dispute upon their request. The original paragraph 1 of the Dumbarton Oaks Proposals would be next because it implied still greater obligation inasmuch as it empowered the Security Council to investi-

gate any dispute or any situation which might lead to international friction. A political decision would be necessary only at this point. MR. DUNN urged that his proposal would not require any change in the proposals agreed upon among the four powers at Dumbarton Oaks but by rearranging the order of the paragraphs it would permit voluntary discussion of disputes without the imposition of any obligation. MR. WILCOX remarked that in this new order everything up through paragraph 3 of the Dumbarton Oaks Proposals would be exempted from the veto provision.

MR. DUNN remarked that the phrase "call upon" in paragraph 3 was not of sufficient importance to merit unanimity. SENATOR CONNALLY declared that the chief importance of paragraph 3 was the assumption of an obligation by the parties to any dispute. He observed that the adoption of the British amendment as it stands would meet the point at issue. MR. DUNN however stated that paragraph 3 had already been adopted by the Big Four and suggested that it be placed in the third position under his rearrangement.

At this point MR. BLOOM stated that he would soon have to attend the meeting of Committee II/1 and he wondered whether the Delegation would care to interrupt this discussion to give him instructions. However it was agreed that it might be more profitable to continue on the question of voting and THE CHAIRMAN asked if MR. PASVOLSKY would develop the issues more fully. He declared that in a meeting he had had with Mr. Pasvolsky the previous evening the latter had justified the Yalta agreement on the grounds that it was favorable to the United States. The right of veto, MR. PASVOLSKY had pointed out, was equally applicable to the United States. COMMANDER STASSEN replied that this was a logical argument not to have a Security Council at all. The argument was contradictory to the aims of the Organization. According to this position the Organization must not touch a dispute at all because its members might become involved in enforcement proceedings. The basis of the Organization, COMMANDER STASSEN thought, was that if you assumed jurisdiction over a dispute in its early stages it could best be handled without the use of force. The motto was "let the facts be known". The lack of publicity for the facts and actual conditions during the Hitler regime had made possible his successful aggrandizement. COMMANDER STASSEN urged that since the agreement could not be justified the Delegation should go on record as stating that what we had achieved was as far as we were able to go. He urged that the United States not forfeit its moral situation in the eyes of the world and he added that he did not think the American public favored the maintenance of the unanimity rule with respect to Section A. In fact he thought the 90% of our public was opposed to this position. REPRESENTATIVE EATON said the same attitude would apply to investigation because it would make possible

a situation where the use of force might be necessary. He declared that the alimentary canal was the only part of our citizenship that worked.

MR. PASVOLSKY suggested that since this was largely a military question the military representatives ought to express their views. SENATOR VANDENBERG did not agree that this was essentially a military question; he thought that the Organization had been founded on the belief that the use of force was only a small part of procedures for the settlement of disputes. This paper he thought destroyed that concept. REPRESENTATIVE BLOOM agreed but thought that the military members of the committee should express their opinions anyhow. ADMIRAL HEPBURN stressed two points:

(1) it would be impossible to undertake enforcement action against a big power; and
(2) the security provisions were based on military action. If the Security Council is to be effective trust must be placed in the integrity of its members.

For these reasons he thought that the Yalta agreement was satisfactory as it stood and he would not favor trying to impose a provision for unanimity with respect to Section A.

GENERAL EMBICK declared that the existing power situation was such that a dispute among the Big Four would cause the Organization to break up. He thought the decision on the question of unanimity was a political matter and SENATOR VANDENBERG agreed with him heartily. COMMANDER STASSEN asked if he was correct in summing up the military position to be that we must maintain the veto with respect to matters involving force and that anything beyond this was a matter for political decision.

MR. ROCKEFELLER said that he thought Mr. Dunn had touched on an interesting point in his discussion. In cases where non-military penetration was serious enough to give rise to trouble the individual parties might hesitate to place the question before the Security Council if they were not certain of the action the Council would take. SENATOR CONNALLY said he did not see how the Security Council could decline to investigate. He thought that we must trust the discretion of the Council and must adopt the approach that unless the four or five big powers maintain unanimity the Organization would blow up. ADMIRAL HEPBURN declared that he wanted to emphasize that theory. If a dispute were laid before the Security Council and that body were earnest in its desire to maintain peace, no rule of unanimity could block the settlement of the dispute without the use of force.

MR. DULLES declared that in his view any paper agreed upon by the Four Powers ought to be of such a nature as to make it more difficult for states to exercise a veto acting in self-interest. The line

should be, he said, that it was impossible, in the existing state of the world, to advance beyond the position that had been achieved but he thought we should assure the small states that they had nothing to fear and to explain that it was not to be expected that the exercise of a veto would be the normal procedure. This paper, he reiterated, defends an indefensible system and justified the veto because the initiation of action might lead to war. MR. DULLES was of the opinion that it was to our interest to make it morally difficult for any nation to veto action in the earlier stages of the machinery established. SENATOR CONNALLY asked whether it would not be possible to insert a paragraph in the document expressing the belief that the use of the veto power would not be frequent.

MR. ARMSTRONG asked Mr. Dulles whether he would care to comment on Mr. Dunn's suggestion for a rearrangement of the order of the paragraphs. MR. DULLES replied that the rearrangement suggested would be beneficial because it would bring into clearer relief the steps that could be taken. He pointed out that if the veto power were to apply to paragraph 1 of Section A, the psychological effect would be such as to cause people to expect the veto power to apply throughout the Section.

COMMANDER STASSEN remarked that discussion of a dispute would certainly be permitted without the opportunity of veto. He asked whether this would include listening to the arguments of a party which made a complaint and MR. PASVOLSKY replied that all such matters would come under the category of procedural questions. One of the members of the Delegation remarked that the general impression was that this was not true and urged that Mr. Dunn's suggestions be accepted in order to clarify the situation. MR. PASVOLSKY remarked that this end might be accomplished by putting all questions not subject to the unanimity rule in a procedural section. COMMANDER STASSEN asked whether the action of the Security Council in calling on parties to settle disputes would be considered a procedural matter. MR. PASVOLSKY voiced the opinion that this was a debatable question and that there was a good argument for exempting it from the unanimity requirement.

MR. DUNN remarked that this sentence in paragraph 3 of the Dumbarton Oaks Proposals had been the only Russian contribution to the Security section of the document. MR. PASVOLSKY declared that the committee of Five was in the process of attempting to define "procedure". COMMANDER STASSEN urged that the sentence empowering the Security Council to call upon parties to settle their disputes did not involve the merits of any situation but merely focused the attention of the world. It should therefore be procedural and should occupy an early position in the rearranged version suggestion by Mr. Dunn.

COMMANDER STASSEN urged that the emphasis of the Delegation on the word "investigate" be dropped in view of the fact that this word seemed to raise doubts in the minds of some of the other governments. In the trusteeship Committee there had been a great deal of opposition to the use of this word. Nobody appeared to favor it except the United States. To the Russians he said it appeared to imply "liquidation".

SENATOR CONNALLY asked whether the other members of the Big Four took the position that a decision by the Security Council to "investigate" a dispute was an assumption of jurisdiction. MR. PASVOLSKY replied that since this was definitely a political step the answer was Yes. It involved a problem of choosing the appropriate time. The investigation of a dispute too early in its development might aggravate the situation. This was, he declared, an important decision.

MR. HACKWORTH remarked that whether or not we could get the other parties to change their minds we were parties to several treaties, one with a good many of the Latin-American countries signed in 1923,[94] and another with Great Britain concerning Canada signed in 1929,[95] which provided for investigation and for the establishment of commissions for that purpose. MR. HACKWORTH wanted to know whether the voting arrangements provided for in the Charter would interfere with the Inter-American agreements. He assumed not. He wondered, however, whether the Council could step in on a regional dispute. MR. HACKWORTH also pointed out that we had permanent commissions in our domestic life for the purpose of investigation disputes as they arose. This all pointed, he declared, to the fact that we must bear in mind that the traditional policy of the United States has been to shed the light of day upon disputes. If we should have to submit to the position that any state can block an investigation should the United States make a statement to the effect that it favored, or at least was not opposed to, the right of the Organization to investigate any dispute? MR. HACKWORTH agreed with other members of the committee that the American people would be disappointed if a provision were adopted which would allow any state to block investigation by the Organization and he voiced the opinion that thought should

[94] For convention between the United States and Central American Republics for the establishment of international commissions of inquiry, signed at Washington February 7, 1923, see *Foreign Relations*, 1923, vol. I, p. 321; for treaty between the United States and other American Republics to avoid or prevent conflicts between the American States, signed at Santiago, May 3, 1923, see *ibid.*, p. 308.

[95] Reference is apparently to a treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909; for text, see *Foreign Relations*, 1910, p. 532.

be given to the possibility of making some sort of statement establishing the United States' position.

MR. PASVOLSKY announced that there was soon to be a meeting of a sub-committee of the Big Five and he asked what his instructions were. COMMANDER STASSEN declared that the paper as presented was not acceptable to him. MR. PASVOLSKY asked what he was to do. SENATOR CONNALLY asked whether it would be possible to change the word "empowered" in paragraph 1 of Section A and COMMANDER STASSEN remarked that the use of the word "authorized" had been under consideration because "empowered" was too big a word for this situation. SENATOR CONNALLY asked whether paragraph 1 did not constitute a moral obligation to investigate each case of dispute.

MR. DULLES said that he favored Mr. Dunn's proposed rearrangement of the paragraphs in order to meet Mr. Hackworth's objection. COMMANDER STASSEN suggested that the advisers to the Delegation prepare a statement of the proposed interpretation of the United States on the Yalta voting formula and also a draft of the new order of Section A as proposed by Mr. Dunn, for the purpose of negotiating with the other powers. REPRESENTATIVE EATON asked how the Delegation wanted to instruct Mr. Pasvolsky. Was it opposed to the statement, he asked? DEAN GILDERSLEEVE declared that the Delegation was opposed in its present form. SENATOR CONNALLY seconded Commander Stassen's motion for a draft of Mr. Dunn's proposed rearrangement. MR. PASVOLSKY asked whether the Delegation wished the section on investigation to be exempted from the exception to the unanimity clause. COMMANDER STASSEN replied that he did not favor this and would support the adoption of any language in place of investigation.

MR. HICKERSON suggested the use of the phraseology on the order of "authorized to make a formal investigation". MR. JOHNSON urged something like "the Security Council shall discuss and consider any situation likely to endanger the peace and shall have authority to investigate . . ."

MR. DULLES proposed "power independently to investigate the facts . . ."

COMMANDER STASSEN proposed that the advisers decide on this question and prepare suitable language and rearrangement order.

MR. ARMSTRONG suggested that it would be preferable to rearrange the existing provisions rather than change the wording and COMMANDER STASSEN agreed but insisted that "investigate" be replaced.

REPRESENTATIVE EATON declared that as a member of Congress he strongly favored the deletion of the word "investigate" because that was supposed to be a Congressional monopoly.

SENATOR CONNALLY remarked that the only course available to Mr. Pasvolsky was to stall for time.

### Full Employment

Dean Gildersleeve reported that in the meeting of Committee II/3 the previous day [97] she had withdrawn the United States amendment on full employment and had proposed entering in the formal record a statement of the United States' position to the effect that this Government understood that the "domestic jurisdiction" clause was applicable to the section dealing with full employment. This proposal had been accepted unanimously by the Committee and had been roundly applauded.

### Australian Amendment

Dean Gildersleeve reported that the wording of the Australian amendment to Chapter IX, Section A, paragraph 1 was still before Committee II/3 (see document US Gen 174 [98]). The Australian amendment read as follows:

"All members pledge themselves to take separate and joint action and to cooperate with the Organization and with each other to achieve these purposes."

Dean Gildersleeve expressed the opinion that the other members of the Committee would not be inclined to accept the United States' objection because of the action of this Government in holding up consideration of paragraph 1. Senator Connally indicated that he favored the Australian amendment. Commander Stassen praised Dean Gildersleeve for her work in the Committee and declared that Dean Gildersleeve had been put in a difficult situation by the numerous demands of the various members of the Committee. Commander Stassen declared that he was opposed to a pledge of this nature at this juncture and asked whether this wording was originally proposed as an Australian amendment or whether it had been added during the discussion in the Committee. Dean Gildersleeve replied that the amendment had been submitted originally. She herself preferred phraseology such as, "all members undertake to cooperate with each other and with the Organization to achieve these purposes."

Commander Stassen voiced the opinion that this Committee should be "set back on its heels" because of the extreme position it had been taking. Dean Gildersleeve remarked that it was frightening to observe what the members of the Committee expected in the way of results. What actually would have to take years, she said, the Committee seemed to think would be accomplished in months. The Greeks, for example, seemed to feel that their internal reconstruction could be accomplished with the aid of the Organization in a very short time.

[97] Doc. 567, II/3/27, May 25, UNCIO Documents, vol. 10, p. 83.

[98] Recommendations on Basic Issues, Committee II/3 (US Gen 174), not printed.

She said this development was alarming and would be difficult to hold in check.

### Relation of I.L.O. to Organization

Dean Gildersleeve indicated that the British had evidenced a desire to discuss the relation of the I.L.O. to the world organization at the Big Five meeting later in the day. Dean Gildersleeve said that she would attend that meeting. She reported that there were indications that the French wanted to have a statement read into the record of Committee II/3 going on record as favoring future educational cooperation and supporting a possible conference on this subject.[99] The Secretariat had ruled that such a statement would be in order. In view of this fact, Dean Gildersleeve asked whether the United States could not make a statement of a similar nature on the subject of opium control. Senator Vandenberg agreed heartily with this suggestion. Dean Gildersleeve asked further whether the United States could not in this way state its support for future incorporation of the International Labor Organization into the World organization. Mr. Dulles remarked if we were to initiate a policy of making statements of this nature, the committees would be inundated by a flood of such proposals. One of the members asked whether these statements would be made in plenary session and the reply was that the French declaration would be made in the Committee and our statement on opium as well. It was remarked that introduction of such measures in the plenary sessions could be controlled very easily. Commander Stassen remarked that the Chinese and Canadians had evidenced interest in a statement on opium. Mr. Dulles suggested that our statement indicate that the word "health" could be interpreted as including opium control.

### Juridical Question

Mr. Hackworth asked if he could have the attention of the committee to consider a question which had arisen the previous day. The Egyptian Delegate, chairman of Committee IV/2,[1] had indicated that the Charter should not include a provision to eliminate treaties inconsistent with it but that a statement should be made that the Charter overrides all inconsistent obligations and obligating the parties to the Charter not to enter into such agreements in the future.[2] He supported this proposal by indicating that he thought it would have important moral consequences and cited the fact that Article XX of the Covenant of the League of Nations[3] had included such a provision.

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[99] Doc. 579, II/3/28, May 25, UNCIO Documents, vol. 10, p. 94.

[1] Abdel Hamid Pasha Badawi.

[2] Doc. 2, G/7(*q*) (1) May 5, UNCIO Documents, vol. 3, p. 463. Record of meeting of Subcommittee A of Commission IV, Committee 2, May 24, 10: 47 a. m., not printed.

[3] In this connection, see WD 165, IV/2/A/6, June 4, *ibid.*, vol. 13, p. 805.

MR. DULLES asked who would decide whether an obligation was inconsistent with the terms of the Charter and MR. HACKWORTH replied that that was a troublesome question. MR. DULLES asked further whether anyone would have a veto over a treaty concluded. MR. HACKWORTH said that there would eventually have to be a decision made with either the General Assembly, the Security Council, or the World Court, making the final decision. SENATOR CONNALLY said that in his view such a statement would be unnecessary because all states are bound by the terms of the Charter and thus would be unable to adhere to an obligation inconsistent with it. MR. HACKWORTH indicated that he was in agreement and maintained the view that the statement would not improve the situation at all. However, he remarked once again that the Egyptian Delegate had emphasized the moral value of such a declaration.

SENATOR CONNALLY asked if there was any support for this position of the Egyptian Delegate and MR. HACKWORTH replied that he did not know. COMMANDER STASSEN cautioned that careful study should be given to the Egyptian amendments because of the sudden intrusion into the limelight of the Arab League. At the previous night's trusteeship Committee meeting [4] for example, he said, representatives of the Arab League had introduced a number of amendments to the draft chapter "in the name of confusion" but there was really no confusion at all. It was, COMMANDER STASSEN declared, part of a careful scheme to exclude Jewish immigration into Palestine and to provide for other special Arab situations. DEAN GILDERSLEEVE remarked it would be very wise to get the Arab League "hitched to the United States" rather than to the Soviet Union and SENATOR VANDENBERG remarked that they would have to get a rich uncle. COMMANDER STASSEN indicated that he had been aware of this necessity and that at the trusteeship meeting, after defeating the Arabs on four successive motions, he made a speech declaring that he was not opposed to the substance of the amendments but was opposed only to their consideration at that juncture. COMMANDER STASSEN remarked that all existing rights had been safeguarded and that the United States Delegation had opposed the Zionist proposals as well as the anti-Jewish Arab League amendments. DEAN GILDERSLEEVE commented that she understood that the Russians were reputed to have told the Arab League that they had a formula which would solve the Palestinian problem.

MR. HACKWORTH asked the Delegation what he should say to the Egyptian Delegate, Mr. Pasha [Badawi]. SENATOR CONNALLY indicated opposition to the Egyptian proposals as did COMMANDER STASSEN and REPRESENTATIVE EATON. DEAN GILDERSLEEVE asked whether any

[4] Doc. 580, II/4/24, May 26, UNCIO Documents, vol. 10, p. 485.

definite wording had been proposed and MR. HACKWORTH replied Pasha had suggested the wording of the League Covenant.

DEAN GILDERSLEEVE asked whether there was any objection to that and MR. HACKWORTH replied that it did not appear to be necessary because it would not achieve any worthwhile results. However, MR. HACKWORTH pointed out once more that Mr. Pasha had emphasized the moral value of such a statement. DEAN GILDERSLEEVE agreed that it might have a moral effect but MR. HACKWORTH declared that it would not make any difference.

The meeting was adjourned at 10:40 a. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 8

*Minutes of the Eighth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 25, 1945, 11 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (14); United Kingdom (3); Soviet Union (4); China (4); and France (5); and the International Secretariat (1).]

MR. STETTINIUS said that he brought greetings from Washington to the group. He had been in Washington for two or three days. He confirmed the report that President Truman was planning to come to San Francisco for the closing session of the Conference. He said that a strong sentiment was developing in the country in favor of June 6 as the closing date for the Conference. He did not know whether it would be possible to finish the work of the Conference and to have a good Charter by that date.

SENATOR VANDENBERG suggested that if the oratory could be curtailed in some of the Committees it would help. MR. STETTINIUS inquired whether the new rules of procedure were in effect in the Committees, to which MR. HISS replied that they were in some Committees, but only occasionally in others.

LORD HALIFAX said that there was one danger of which he had been warned, that was the possibility of the questions covered in Subcommittees being reargued in the Committees and the Commissions. He asked whether MR. HISS could call attention of the Commission and Committee Chairmen to this. MR. HISS said that he would do his best.

MR. STETTINIUS said that this meeting had been called at the request of LORD HALIFAX and asked Lord Halifax to lay before the group such matters as he wished to bring up.

LORD HALIFAX said that at the beginning of the meeting his colleagues had circulated a note concerning the International Labor Of-

fice (see copy attached [5]). He said that in this note it was pointed out that the United Kingdom Delegation had put forward two amendments designed (1) formally to bring the ILO into association with the Organization in the Charter and (2) to have the ILO recognized formally in the Charter as one of the principal agencies for pursuing the objectives of Article V of the Atlantic Charter—improved labor standards, economic advancement and social security.

LORD HALIFAX said that the discussions in the Committees [6] had revealed no difference in the approach of desires of the various delegations with respect to the use of the ILO. Difference had been revealed however on its being mentioned in the Charter. In view of this fact the United Kingdom Delegation would not insist on pressing its amendments. It proposed instead that in the draft on the Preparatory Commission, which was being prepared in the Secretariat, instructions might be included in the Commission to make arrangements to bring the ILO into association with the Organization and especially with the Economic and Social Council.

MR. STETTINIUS asked if it would be possible to add to the mention of the ILO in this respect "and other international intergovernmental organizations". LORD HALIFAX said that he would have no objection to this. Inquiry was made by others as to the possibility of including references to other organizations such as Narcotics, Food and Agriculture, et cetera.

AMBASSADOR GROMYKO inquired why particular mention should be made of the ILO with no mention being made of other organizations. He thought it might be better to say simply "intergovernmental organizations" and not to mention the ILO specifically. With respecct to this question of the relations of the Soviet Union with the ILO, it was well known to everyone present that this matter had been considered some time ago by the Soviet Government at the highest level. The Ambassador referred to a letter addressed by Mr. Butler to Mr. Dunn on May 23,[7] a copy of which he said had come to him yesterday. He referred to the two alternatives mentioned in this letter as follows: "(1) that in the paper which the Secretariat are drafting on the subject of the creation and scope of the Preparatory Commision, instruction should be given that negotiations should be entered on for bringing the ILO into association with the Organization. (2) If the former is unacceptable, to endeavor to obtain assurances from Mr. Gromyko that Russia would not object to the ILO being brought into association with the World Organization, and would not object to the Preparatory Commission working out an arrangement for this proposal to be sub-

[5] Attachment not printed.

[6] See Doc. 346, II/3/13, May 16 (and subsequent reports of meetings of Committee II/3), UNCIO Documents, vol. 10, p. 33.

[7] Letter of May 23 from N. M. Butler, Secretary General, British delegation, not printed.

mitted to the Economic and Social Council at its first meeting. This would be achieved by authorizing the Preparatory Commission in general terms to work out arrangements for bringing specialized organizations into relation with the World Organization but without mentioning the ILO by name". THE AMBASSADOR said that he would prefer the second of these alternatives. He would refrain at present from giving any assurance on this matter, but would take it up with his Government. He would give an answer to Lord Halifax as soon as he had received instructions.

MR. BONCOUR said that in view of the important position held by the ILO he thought that it deserved special mention. AMBASSADOR GROMYKO remarked that there were many other important organizations.

LORD HALIFAX said that he recognized the difficulty of the Soviet Ambassador with respect to this matter. He was willing to go as far as possible to meet this difficulty. It would make it easier for Lord Halifax to go along with the omission of any specific mention of the ILO if it were possible for the Soviet Ambassador to give him some reassurance concerning the attitude of his Government towards the association of the ILO with the General Organization.

AMBASSADOR GROMYKO repeated that he could give no assurance on this matter but that he would have to consult his Government.

MR. STETTINIUS asked whether another meeting should be held when Ambassador Gromyko had received a reply from his Government. LORD HALIFAX thought that this would not be necessary if the Ambassador were able to get assurance from his Government of the kind that he hoped the Ambassador would be able to get. AMBASSADOR GROMYKO said that this procedure would be satisfactory to him.

MR. STETTINIUS asked whether any one had any other business to bring before the meeting. AMBASSADOR GROMYKO inquired when the Executive Committee and the Steering Committee would meet. MR. STETTINIUS replied that there were no plans and no items on the agenda for such a meeting. He inquired whether those present thought it would be possible to complete the Conference by June 6. MR. SOBOLEV thought that this might be possible if a "three line whip were used on the Committees".

MR. BONCOUR said that his Government attached great importance to its amendment on Chapter VIII, Section C, Paragraph 2. He hoped that the other powers would find it acceptable. He pointed out that his Government had accepted the regional formula proposed by the United States after consultation with other interested governments. He said that the French amendment applied to the prevention of aggression and that he hoped very much that it would be adopted.

LORD HALIFAX said that he had been advised that a large measure of agreement had been reached in the Committee of Five on this amend-

ment and that it was only a question of minor drafting before final agreement was reached.

MR. PASVOLSKY, in response to a question from Mr. Stettinius said that the Committee had considered this matter and that a draft [8] had been submitted to the Delegations for their consideration. He said it was being studied particularly by the United States Delegation and the Soviet Delegation. MR. STETTINIUS inquired whether the draft was before the Committee of Five and MR. PASVOLSKY replied that it was before the Delegations.

MR. STETTINIUS said that he hoped the Committees would follow the example of this group which had finished its business in twenty-five minutes. MR. BONCOUR asked if Mr. Stettinius would be good enough to ask the Presidents of the Commissions to see that the discussions in the Committees do not take place all over again in the Commissions. MR. STETTINIUS said that he was planning to meet the Presidents of the Commissions promptly and that he would make an appeal that the discussions in the Commissions be kept down to a minimum.

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RSC Lot 60–D 224, Box 96: US Cr Min 54

*Minutes of the Fifty-Fourth Meeting of the United States Delegation, Held at San Francisco, Saturday, May 26, 1945, 9: 03 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (37) present at meeting.]

The Secretary convened the meeting at 9: 03 a. m.

AUSTRALIAN AMENDMENT

THE SECRETARY called on Dean Gildersleeve to present to the Delegation the problem with which she was faced.

DEAN GILDERSLEEVE reported that the Australians had proposed an amendment obligating all the members of the Organization to take separate and joint action to support the principles established in Chapter IX, Section A, paragraph 1. This amendment had been adopted in principle by the full Committee and was now before the Drafting Committee.[9] DEAN GILDERSLEEVE stated that she had reserved the position of the United States and had refrained from voting. Aside from the abstention of the United States, the voting had been unanimous. DEAN GILDERSLEEVE expressed the opinion that the United States would be opposed to the pledge to take separate action. It was ridiculous, she declared, to have to undertake a definite commitment on these matters which we wanted to achieve anyhow. However, the United States would be in a most difficult position if it were to

[8] Draft of May 23, not printed.

[9] Doc. 599, II/3/31, May 26, UNCIO Documents, vol. 10, p. 99.

stand up and oppose this amendment. THE SECRETARY asked why it was that the other powers did not see the fallacy of this provision and DEAN GILDERSLEEVE replied that they had received it enthusiastically.

MR. STINEBOWER observed that in the Subcommittee the Canadians had supported our position, but that in the full Committee, they had been unwilling to come out in opposition to the amendment. SECRETARY STETTINIUS asked what the position of the European countries was and remarked that anyone who applied his mind to this problem could understand the danger involved in the amendment. DEAN GILDERSLEEVE repeated that it would be most difficult for the United States to take a stand opposing the Australian proposal and she also expressed the opinion that if it came to a vote, the United States would be defeated in the Committee.

MR. DULLES asked whether the Australian amendment wasn't out of order. After all, he stated, the Conference was attempting to set up an Organization; why should a proposal pledging the individual nations to take separate action be introduced? DEAN GILDERSLEEVE pointed out that the phraseology was "separate and joint" action. SENATOR CONNALLY ventured the opinion that this was an attempt to compensate for the United States position regarding the application of the "domestic jurisdiction" clause to the provision for full employment. MR. STINEBOWER declared that this amendment appeared in the document, U.S. Gen 174, which had been presented to the Committee on the previous day. The amendment applied to Chapter IX, Section A, paragraph 1. The location of the new paragraph, he declared, had not been determined as yet. The Australian amendment read: "All members pledge themselves to take separate and joint action and to cooperate with the Organization and with each other to achieve these purposes."

REPRESENTATIVE BLOOM observed that, in view of the wording "to achieve these purposes", this provision would probably have to be placed at this point in Chapter IX. MR. STINEBOWER replied, however, that the wording did not rule out its being placed later on in the paragraph. The British, he reported, had proposed an additional amendment eliminating the words, "joint action".

MR. DULLES proposed that Dean Gildersleeve attempt to have this clause ruled out of order because it constituted, in effect, a multilateral agreement—a pledge to take individual action. This, he declared, was not within the scope of the present Conference, nor could it legitimately be included in the United Nations Charter. SECRETARY STETTINIUS remarked that this provision was dangerous, even more so than the "full employment" clause which had been under discussion when he left for Washington. COMMANDER STASSEN remarked that this clause, as it was proposed, would require action on the part of

the International Organization, and MR. DULLES remarked that the Negro question in this country might become the subject of investigation or other action by the Organization. THE SECRETARY asked why the United States was the only nation which objected to this clause, and MR. PASVOLSKY said that there was what amounted to a stampede under way. The smaller powers, he declared, attached themselves to slogans which were presented. The United States received no support from the other large powers; the Russians did not particularly care; the United Kingdom was embarrassed by its domestic situation. This situation, he thought, pointed to the need for greater political liaison outside the Committee meetings. MR. PASVOLSKY had talked with representatives of the various Dominions and the indication was that there would be no support from the British on this question. SECRETARY STETTINIUS asked how the European nations would act on this amendment. MR. DULLES replied that he thought that we would be unable to obtain much support from this quarter because of forthcoming elections in most of these countries which necessitated their supporting what they interpreted to be a liberal position. COMMANDER STASSEN suggested that the solution might be to propose a countermove, embodying wording which would make it clear that each nation was free to have its own system. He cited previous experiences in which such an action had caused the sponsoring nation to drop its amendment. MR. PASVOLSKY suggested that the matter might profitably be referred to the Steering Committee for decision, in view of the obvious difficulty in defeating the measure in Committee. MR. DUNN agreed that this would be the proper course to take. THE SECRETARY, however, thought that the Executive Committee would be a better place to refer the measure, inasmuch as the deliberations of the Steering Committee were public. He also expressed the view that the United States should not raise the issue, if possible. But MR. STINEBOWER remarked that in the Committee, where the question had been raised several times, we were the only nation opposing the amendment. REPRESENTATIVE BLOOM thought that it might be possible to undertake personal conversations with the Australian Delegates. MR. DUNN replied that we would have to state our position flatly and CONGRESSMAN BLOOM said that it would be better to be *flat and win* than to lose while being circumspect. MR. ROCKEFELLER supported Commander Stassen's suggestion of a counterproposal.

COMMANDER STASSEN implemented his proposition by stating that the United States ought to suggest that the United Nations move toward the objectives established in Chapter IX, Section A, paragraph 1, with each member having the right to choose its own system of economy and guaranteeing the greatest possible freedom to each individual, and with each nation cooperating with the Organization.

SENATOR CONNALLY agreed with the point made by Mr. Dulles that the amendment was really out of order, and thought that this was the line we should pursue if the Executive Committee would support it. MR. DULLES reiterated that this amendment was beyond the scope of the Organization. However, CONGRESSMAN BLOOM remarked that the proposals referred to had already been accepted and that this amendment was germane to the task of the Organization. MR. DULLES voiced the opinion, however, that any proposal for separate action on the part of the states members of the Organization was not germane to the work of this Conference. MR. BLOOM replied that the rest of the amendment had already been accepted and was there. MR. DULLES, referring to paragraph 1 of Section A, Chapter IX which stated that "The Organization shall promote. . . ." agreed that a great deal of the amendment had already been accepted but stated that the question was whether the Conference could consider any amendment proposing a multilateral agreement to take individual action.

THE SECRETARY asked whether there was any urgency with respect to time on this question and DEAN GILDERSLEEVE replied the Drafting Committee was to meet in the afternoon, and that the full Committee was scheduled to consider the question in the evening.

MR. STINEBOWER remarked that the Drafting Committee dealing with this question had very limited terms of reference. The full Committee had agreed in principle to this amendment, with the exception of the United States. The Chairman of the Drafting Committee, he stated, would oppose the elimination of this amendment on separate action. COMMANDER STASSEN suggested that if the United States were defeated on this measure, it should reserve its position in order that the question might be referred to the Executive Committee. SECRETARY STETTINIUS indicated that he supported Commander Stassen's suggestion; if necessary, he declared, the matter would be brought up before the Executive Committee. DEAN GILDERSLEEVE warned against the bad publicity which would result if the United States were to take a definite stand opposing this amendment. MR. BLOOM proposed that the United States take its stand on the question of the authority of the Conference to consider the question, and MR. NOTTER agreed that such a position would kill the bad publicity which might result. MR. ARMSTRONG thought that it would be best not to take up this matter in the Executive Committee because that was composed of the heads of the Delegations who were not aware of the implications of the measure.

SECRETARY STETTINIUS agreed that Mr. Armstrong's suggestion was valid and proposed that the matter be first discussed among the interested heads of Delegations in a special meeting to be held in the penthouse. He charged Mr. Rockefeller and Mr. Dunn with se-

lecting the appropriate heads of Delegations. MR. ROCKEFELLER urged that it would be best to consider this question before it got out of the Drafting Committee. SECRETARY STETTINIUS remarked that this was a political question and reiterated that Mr. Dunn and Mr. Rockefeller should get the appropriate Delegation Chairmen together for a meeting. He declared that he was ready to meet with them at any time they decided upon.

NAACP TELEGRAM

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DIFFICULT COMMITTEE SITUATION

MR. NOTTER asked for the attention of the Delegation for several minutes to consider the situation in Committee I/2, which had become "impossible". The previous night the Chairman had insulted Ambassador Gromyko.[11] The Commission had become a scene of confusion and chaos and personal recriminations had ensued. In the past two four-hour meetings, only one vote had been taken in each, and both were invalid. The Chairman of the Committee was Bonilla Lara of Costa Rica. SECRETARY STETTINIUS asked whether Mr. Rockefeller knew this gentleman. MR. NOTTER stated that Ambassador Gromyko had indicated that he was going to make an issue of the poor handling of the Committee. SECRETARY STETTINIUS declared that he would handle the matter. He proposed that the Delegation next discuss the matter of voting procedure.

[Here follows discussion of newspaper stories on the question of voting procedure, apparently based upon leaks to the press relative to discussions within an executive session of the delegation.]

SECRETARY STETTINIUS emphasized that the meeting was an Executive Session and he appealed to all those present to be very careful not to reveal what took place. SENATOR CONNALLY thought that all people present ought to turn in their papers. MR. SANDIFER observed that the room was carefully policed after each meeting.

MR. PASVOLSKY stated that no other Delegation had this paper under consideration. It had been placed before a Subcommittee of the Committee of Five and had been altered there. The redraft had been considered by several members of the United States Delegation the previous evening but the paper now before the Committee was not in the hands of the other Delegations. MR. PASVOLSKY wanted to find out if the Delegation would approve the submission of this paper to the meeting of the Deputies of the Committee of Five at 11 a. m. Fundamentally, it was the paper that had been approved on the previous day with only verbal changes. SECRETARY STET-

[11] For summary report of meeting of May 25, 8:45 p. m., see Doc. 604, I/2/42, May 26, UNCIO Documents, vol. 7, p. 113.

TINIUS asked whether Mr. Pasvolsky thought the Deputies would approve this draft, and MR. PASVOLSKY replied that there might be changes in phraseology, but that he would present the final draft to the Delegation. SECRETARY STETTINIUS asked whether the Delegation would favor this procedure and SENATOR CONNALLY, MR. DUNN, MR. DULLES, MR. HACKWORTH, MR. ARMSTRONG, DR. BOWMAN, and MR. PASVOLSKY announced themselves as being in agreement. SECRETARY STETTINIUS asked that the Delegation read the statement through carefully, but it was suggested that the paper be read aloud and the Secretary instructed Mr. Sandifer to read it.

SECRETARY STETTINIUS urged that the Yalta formula should be upheld. He asked Mr. Dunn whether the present draft covered the suggestion he had made yesterday concerning rearranging the order of the paragraphs in Section A, Chapter VIII. MR. DUNN replied that this would provide an adequate basis for rearranging the paragraphs. The order under his proposal would be paragraph 2, paragraph 3, then the new paragraph 1, all of which involved voluntary action on the part of the member states, to be followed by the old paragraph 1, which provided for investigation and constituted the first major political decision made by the Security Council.

MR. HACKWORTH observed that in considering amendment of the Statute of the Court, Committee IV/1 had agreed that the decision should be taken by an absolute majority which meant six votes instead of seven, as provided for in the Yalta Agreement. MR. HACKWORTH suggested that this matter be taken up in the Coordinating Committee. At this point, Mr. Johnson distributed the paper suggested by Mr. Dunn, entitled Suggested Rearrangement in Charter Language of Chapter VIII, Section A, of the Dumbarton Oaks Proposals As Altered by Four Power Amendments.[12] SENATOR CONNALLY asked whether it was thought that acceptance could be gained for this rearranged wording. He asked whether it changed substantially the wording of the original proposals. MR. DUNN replied that there was no change in meaning. SECRETARY STETTINIUS asked why any change should be made in the wording if it was unnecessary. MR. DUNN remarked that the rearrangement would serve the purpose of relieving the tension existing with respect to the distinction between matters subject to the unanimity rule and those questions which were not subject to it. REPRESENTATIVE BLOOM asked what happened to Mr. Hackworth's question of a few minutes previously and SECRETARY STETTINIUS said that this matter would be straightened out in the Coordinating Committee. REPRESENTATIVE BLOOM asked whether the matter Mr. Hackworth had brought up was subject to change in conformity with motions that already had been passed and MR. PAS-

[12] Not printed.

VOLSKY replied that the Coordinating Committee would iron out any inconsistencies in the Charter.

SENATOR CONNALLY observed that, in his opinion, the wording "which may lead to international friction" appearing in paragraph 1, Section A, Chapter VIII, had the effect of limiting the jurisdiction of the Security Council unless the matter was thought to make possible a dispute. MR. DULLES replied that he thought the phraseology was desirable because it eliminated all except important matters from coming to the attention of the Security Council. He thought it would be undesirable to have trivia being imposed upon the Council. The only change in wording was the result of the change in the order of the paragraphs. MR. DUNN agreed with Mr. Dulles that it was undesirable to have unimportant matters come before the Security Council. SENATOR CONNALLY remarked that unimportant matters would plague the Security Council anyhow, but he withdrew his objection.

MR. PASVOLSKY announced that the Russians had indicated their willingness to accept the new position of the amended paragraph 1, as submitted by the Four Powers. He remarked that paragraph 3 in Mr. Dunn's draft should be paragraph 2, because political action by the Security Council did not start until after the present paragraph 2.

MR. HACKWORTH asked what was implied in the reference to non-members in paragraph 1. MR. PASVOLSKY indicated that this had been a Chinese proposal which the Secretariat had reworded slightly. The Chinese had objected to the change in wording which had resulted in ambiguity. There was a dispute as to whether "non-member" referred to a state not a member of the Organization, which was party to a dispute, or whether it referred to a non-member which brought a question before the Organization. This question, MR. PASVOLSKY declared, must be clarified in the Coordinating Committee. However, that body was not working on the question at present because the proposal had been accepted only in principle and the wording was not definitive as yet.

SENATOR CONNALLY asked whether the Committee concerned with the matter would accept the rearrangement of the paragraphs. COMMANDER STASSEN replied that since the new set-up was more liberal, it would be quite easy to get it through the Committee. It had been difficult to hold this Committee down, he declared. SENATOR CONNALLY emphasized that the rearrangement involved no real change in the document and MR. DUNN agreed and declared that the change was really psychological. SECRETARY STETTINIUS asked whether the Advisers had any comments to make. COMMANDER STASSEN remarked that he did not approve of some thing[s]. MR. DULLES stated that he, too, did not approve of the Four Power Statement in its entirety, but commented that, since this was to be an international rather than a

single power statement, it would be impossible to meet all the objections that might be raised.

COMMANDER STASSEN declared that in the last sentence of paragraph 3, he was of the opinion that the words "any member of" should be deleted so that the phraseology would read "cannot prevent the Council from reminding. . . ." MR. PASVOLSKY replied that it would be impossible to obtain this revision, but COMMANDER STASSEN replied that the United States should at least try. SECRETARY STETTINIUS remarked that, according to the record of the meeting, the United States did try to make this change. MR. PASVOLSKY replied that this wording had one advantage; that under the phraseology as it existed, it would be impossible to cut off any member which wished to raise an issue.

THE SECRETARY asked whether the Delegation would have another chance to see this document after it went through the Committee of Five. MR. PASVOLSKY responded that the Delegation would have to see the document, and added that he was not certain the changes would be accepted by the Committee of Five.

COMMANDER STASSEN declared that he was opposed to paragraph 5 which was, in his view, a reactionary paragraph. He suggested that the first sentence be changed to read "formal investigation". MR. DULLES remarked that Commander Stassen gave the impression of having been in the drafting meeting the previous meeting when all the same points were raised. MR. PASVOLSKY declared that it would be impossible to make a change of that nature because of the opposition of the other members of the Committee of Five. COMMANDER STASSEN urged that a United States position be established. MR. PASVOLSKY asked whether Commander Stassen was in favor of a United States position or a Five Power position and the latter replied that we should start with the United States taking a definite position on the issues involved, and that we should end up with a Big Power stand. SENATOR CONNALLY stated that the only way to face this question was to "hit them in the nose". The small powers favored a liberal interpretation of the Yalta formula. The United States was obliged to adhere to the formula as it existed because of the commitment involved, but we must make a liberal interpretation of the existing phraseology. This paper was a liberal interpretation. COMMANDER STASSEN agreed that this paper was a great improvement over the statement of the previous day.

COMMANDER STASSEN observed that the other powers would probably be opposed to changing this draft because the act of investigation was thought to be a definite action by the Security Council.

COMMANDER STASSEN said that he was opposed to paragraph 10 as it stood. He declared that he did not believe in the Yalta formula, as was stated in paragraph 10, although he remarked that the United

States must accept this formula because of the need for Big Five unanimity. MR. PASVOLSKY asked Commander Stassen to read paragraph 10 in conjunction with paragraph 9. SENATOR CONNALLY urged that the United States must be aggressive in order to put this thing over. COMMANDER STASSEN insisted that the formula must be sold on the basis that it was the best formula that could be obtained. COMMANDER STASSEN cited his position concerning the admission of the two Russian representatives and Argentina to the Conference—he had supported their admittance on the grounds of political necessity although he had not believed that they should be allowed to participate in the Conference. His opposition to this draft was that it established the belief of the sponsoring governments in the Yalta formula. COMMANDER STASSEN thought that a justification should have been made on the grounds of necessity.

MR. DULLES observed once more that all the points raised by Commander Stassen had been discussed the previous evening. The question was, he thought, whether the United States position should be fought out at higher level than Mr. Pasvolsky's Committee.

COMMANDER STASSEN reiterated that there should be a distinct United States position on this question. The statement should declare that it would be impossible to achieve the real objectives of the United States and should indicate clearly that the Yalta formula represented the maximum that could be obtained in the direction in which the United States was going. SECRETARY STETTINIUS asked whether minutes were kept by the Committee of Five, with the implication that the United States position might have been adequately stated in the record of the Committee meetings. COMMANDER STASSEN declared that there had never been an official United States position which had been approved by the Delegation. MR. PASVOLSKY replied, however, that he thought he had understood the United States position, especially with respect to the insertion of the word "formal" as regarding investigation. REPRESENTATIVE BLOOM asked Mr. Pasvolsky where he had obtained that position, and the latter replied that he had inferred it from the proceedings of the Delegation's meeting the previous morning. SENATOR CONNALLY asked what point there was in establishing a United States position if it was going to be necessary to retreat from that stand and accept a compromise. COMMANDER STASSEN pointed out that unless the United States had established a strong position on the Connally and Vandenberg Resolutions,[14] these proposals would not have been incorporated in the Charter. SENATOR CONNALLY replied that the two Resolutions constituted a unique situation,

[14] For the Vandenberg Resolution, introduced July 2, 1943, see *Congressional Record*, vol. 89, pt. 5, p. 6898; for the Connally Resolution, adopted November 5, 1943, see *ibid.*, vol. 89, pt. 7, p. 9222.

in that there had been no previous agreement among the Big Powers. He declared that if we were going to stand by the Yalta Agreement, we should not place any obstructions in its way. COMMANDER STASSEN reiterated that there should be established a United States interpretation of the Yalta formula. SENATOR CONNALLY objected that this would only add to the confusion, but COMMANDER STASSEN replied that the United States interpretation would not be for publication, but only for the Conference records.

SECRETARY STETTINIUS remarked that he thought there had been a paper presented to the Committee of Five stating the United States position. MR. PASVOLSKY replied that there could not possibly have been any such document covering all the points of the Yalta formula. He had thought that he had been given broad powers of negotiation and thought that he had been able to glean indications of the Delegation's position. Now, however, he was willing to hand over the entire question to the Delegation and he was of the opinion that this should be done anyhow. He suggested that at the meeting of the Heads of the Delegations, another attempt should be made to incorporate Commander Stassen's views. He, himself, was satisfied that he had gone as far as it was possible to go. COMMANDER STASSEN declared that he was indeed appreciative of Mr. Pasvolsky's efforts. Mr. Pasvolsky, he thought, had done very well—no one could have done any better—but, COMMANDER STASSEN reiterated, the Delegation had never taken any clear position on this issue. MR. HARTLEY pointed out that both the late President Roosevelt and Mr. Stettinius had issued statements [15] presenting the United States interpretation of the Yalta formula and these statements had been included in the first book of background documents presented to the Delegation. COMMANDER STASSEN declared, however, that these statements did not represent a decision by the Delegation.

THE SECRETARY asked that the Delegation reach a decision on this matter shortly, because both Mr. Rockefeller and Mr. Pasvolsky had urgent matters to present to the Delegation.

SENATOR CONNALLY asked whether it was agreed that Mr. Pasvolsky should go as far as he could and that the question would then be presented at a meeting of the heads of Delegations.

THE SECRETARY reported that he had spoken to Ambassador Gromyko recently and that the latter had been instructed definitely not to depart from the Yalta formula. THE SECRETARY was of the opinion that there was nothing to be accomplished by taking up the matter with Ambassador Gromyko here in San Francisco. He declared that it would be necessary to wire Foreign Commissar Molotov,

[15] Department of State *Bulletin*, March 4, 1945, p. 324, and *ibid.*, March 11, 1945, p. 395.

or to have President Truman send a wire to Premier Stalin. He asked if Mr. Pasvolsky was in agreement.

MR. PASVOLSKY indicated his approval of the Secretary's statement and remarked that the Russians had looked at the statement in order to determine if it fit in with the Dumbarton Oaks Proposals and the Yalta decision, and the Four Power Amendments. Anything that did not conform with these previously achieved agreements had to be submitted to Moscow. MR. PASVOLSKY cited the attempt to insert the word "formal". The Russian position had been that since this word was not in the Dumbarton Oaks Proposals, or the subsequently agreed upon additions thereto, the matter would have to be submitted to Moscow for decision. MR. PASVOLSKY reported that he had attempted to draw a distinction between "formal action" by the Security Council and the mere act of "reminding" the members of their obligations. This matter, it had been thought, would have to go to Moscow for final decision. COMMANDER STASSEN remarked that the matter would probably have to be considered at Moscow anyhow.

REPRESENTATIVE BLOOM urged that the statement include merely interpretation and just give an idea of what was meant by the Yalta Agreement. There would have to be an agreement reached some time, he stated, and the matter should be brought back to the Delegation for its decision as to how the United States interpreted the Yalta formula.

MR. PASVOLSKY remarked that the only question before the Delegation at this time was whether or not it was in agreement with the statement up for consideration.

COMMANDER STASSEN remarked that it had been rumored that the British had declared that the United States would not accept Sir Alexander Cadogan's interpretation of the formula.[16] As a matter of fact, the truth was that the Delegation would have accepted the Cadogan interpretation if Russia had approved. COMMANDER STASSEN pointed out that it was this constant jockeying to place the United States in a reactionary position that we must be on the lookout for and he warned against it. He thought that the United States Delegation ought to approve a definitive statement of the United States position. REPRESENTATIVE BLOOM agreed and declared that it would be better to have no interpretation than that outlined in the Four Power Statement. This statement would foreclose all other arguments which might be presented before the United States Senate. There should be a distinct United States interpretation.

SENATOR CONNALLY declared that we must come to an agreement among the Big Five as to the meaning of this formula. It would be impossible to change the agreement itself. China was opposed to any

[16] Exclusion of application of veto from paragraphs 1 and 3 of chapter VIII, section A.

change, as was Great Britain. SENATOR CONNALLY ventured that the formula would not be changed. He thought that the United States ought to "hit it in the nose" and indicate that we are definitely in favor of Yalta.

SECRETARY STETTINIUS asked what steps should be taken by the Delegation. He wondered whether he was right in supposing that there would be a meeting that morning at which Mr. Pasvolsky could obtain the other reactions of the other Delegations which could be reported by Mr. Pasvolsky to the Delegation in the immediate future. MR. PASVOLSKY suggested that the question be brought up before the Heads of the Five Delegations. After it was considered by the Committee of Five, it could be returned again before the Delegation to see if it was in agreement.

SENATOR CONNALLY thought that the Delegation had lost sight of the purpose of this paper. The object was to quiet the fears of those who expressed opposition to the Yalta formula. This was an argument to justify the ultimate position. COMMANDER STASSEN declared once again that a United States position must be established and MR. DULLES agreed and declared that this position must be established at the present time.

MR. PASVOLSKY asked whether the Delegation had any instructions with respect to the 11 a. m. meeting of the Committee of Five. MR. DULLES said that the existing draft could be "marked up" in a period of ten or fifteen minutes to establish the United States position according to the desires that had been expressed in the meeting thus far. He stated that Commander Stassen had made the same objections as had been raised the previous evening in the drafting session. The objections had been waived the previous evening because Mr. Pasvolsky had declared that it would be impossible to achieve agreement on the phraseologies suggested by those present.

DR. BOWMAN indicated that he was in agreement with Mr. Dulles. If the Delegation was willing to turn over to a small committee the abstraction of those parts of the statement which conformed to the position of the Delegation, to which would be added the official statements made previously, this committee could lay before the Heads of Delegations the draft representing the United States position at the same time as Mr. Pasvolsky would present the results of the meeting of the Committee of Five. MR. PASVOLSKY declared that it would be embarrassing to have to reopen the question and start all over again. He asked whether he would be instructed to reopen the question or to indicate that he favored submitting the matter to the Big Five. DR. BOWMAN declared that the question should be reopened only for the purpose of meeting Commander Stassen's point—that the United States had not established a definite position on the question of voting.

SECRETARY STETTINIUS declared that the United States position was formally on the record as the result of the previous day's meeting. However, he instructed Mr. Dulles, Mr. Dunn, Mr. Pasvolsky, Dr. Bowman, Mr. Armstrong, and Mr. Hackworth to get together for the purpose of assembling a document encompassing the United States position. COMMANDER STASSEN declared that he wanted to make it clear that this was not only a matter of form—of presenting a position for the sake of the record—but it was also a matter of substance. There was, he declared, a portion of the statement under consideration which he could not accept. He was not prepared to accept paragraphs 5 and 10, and there were other paragraphs which he thought should be improved. MR. PASVOLSKY asked how he was to be instructed with respect to paragraphs 5 and 10. What, he asked, did Commander Stassen propose?

SENATOR CONNALLY asked what the Delegation would do with a position once it had been established. REPRESENTATIVE EATON replied that we should probably abandon it. SENATOR CONNALLY declared, once more, that the United States should not take a position which was not in agreement with the other Powers. The Big Five must stand together, he said. COMMANDER STASSEN agreed.

SENATOR CONNALLY declared that it seemed to him that the situation was that the Big Five wanted to stand together, but the United States Delegation seemed to want to take a position different from the others. COMMANDER STASSEN said that we did not want to have in our document anything with which we did not agree. The eventual result, he thought, would be a compromise between the United States position and the present draft.

MR. DULLES expressed the opinion that since the statement, in its existing form, had not been accepted by the Committee of Five, it would not be possible to send Mr. Pasvolsky back to negotiate on it. He thought that the subject had been milked dry at this level. He thought that the rest of the discussion should take place on the level of the Heads of Delegations. Then, the statement could be redrafted and presented to the Delegation for its approval. MR. PASVOLSKY said that this would probably result in the various Delegations taking the statement home, studying it, and then starting all over again. SECRETARY STETTINIUS said that he had assumed that the United States position had been established by the previous discussions. COMMANDER STASSEN said that the position of the Delegation should not be someone's abstraction, but must be the presentation of the Delegation. SENATOR VANDENBERG declared that he favored a paper presenting the views of all the powers. If the United States' views were to be presented, we would have to declare that the whole formula was unacceptable. SENATOR VANDENBERG was of the opinion that he could

not subscribe to anything but would accept it as the best that could be achieved.

COMMANDER STASSEN asked whether Senator Vandenberg agreed to the present paragraph 10, and THE SECRETARY remarked that this paragraph could probably be revised. SENATOR CONNALLY indicated that he thought that Senator Vandenberg agreed with his proposition that, since we were going to vote with the Big Five in the final analysis, nothing of a divergent nature should be presented by the Delegation. SENATOR VANDENBERG said that he was not quite in agreement with this statement. SENATOR VANDENBERG said that he was not prepared to indicate his belief in anything in which he did not actually believe. The United States, he said, had reached a position where it could not have its own way. To accept this fact, he urged, would be the best way to present what we did not believe in.

THE SECRETARY asked Commander Stassen whether he was content to have a discussion at the 11 o'clock meeting of the Committee of Five, and have a meeting of the Big Five in the evening. The members of the Delegation who were interested in the question were free to appear with him to present their views.

MR. PASVOLSKY asked whether Commander Stassen would care to present his ideas as to the appropriate wording of paragraph 10. SECRETARY STETTINIUS asked that this matter be postponed. He wanted to straighten out the situation with respect to the United States position on this question. COMMANDER STASSEN declared that he could never accept paragraphs 5 and 10 and would urge that they be left out. Paragraph 4, he declared, would be much better with the inclusion of the word "formal". SECRETARY STETTINIUS suggested that Mr. Pasvolsky go to the Committee of Five meeting and attend a Delegation meeting after that. There would be a meeting of the Big Five in the evening.

SENATOR CONNALLY declared that there was to be a Committee meeting on the question of voting arrangements. He declared that unless he were instructed, he would vote for the Yalta formula and use his own reasons, plus the Statement as it appeared at that time. SECRETARY STETTINIUS declared that Mr. Pasvolsky would attend the Committee of Five meeting and that there would be a Delegation meeting afterwards—the Big Five meeting to be held in the evening. MR. PASVOLSKY declared that there was need for a Big Five meeting anyhow. THE SECRETARY suggested that the Delegation meet at 3 p. m. in the penthouse, but REPRESENTATIVE BLOOM pointed out that a number of Committee meetings were scheduled for 3:30 p.m. THE SECRETARY asked whether the Delegation would favor a meeting at 2:30 p. m. in the penthouse and there was final agreement on this suggestion.

Then THE SECRETARY asked what time the Big Five meeting should be held. MR. ARMSTRONG urged that no invitations be issued until after the meeting of the Delegation.

THE SECRETARY urged again that the members remember the request for secrecy regarding the deliberations undertaken in this meeting. He requested that the Delegation be able to have a private discussion without the results of that discussion appearing in the newspapers. No background material could be given to the press, he said. MR. STEVENSON asked whether this should apply to the transactions of the entire meeting. At the start of the meeting, he pointed out, the Delegation had discussed Committee meetings of the previous evening and the newspaper people were certain to know of these Committee meetings and would press for information. THE SECRETARY reiterated that there should be no comment whatsoever on anything that had occurred in this meeting. COMMANDER STASSEN stated that if a draft were to leak out, he was going to say that no position had been taken. MR. PASVOLSKY remarked that that was the factual situation—no position had been taken.

### RESPECT FOR TREATIES

MR. ROCKEFELLER asked that the Delegation consider a problem which was going to arise in the 10:30 meeting of his Committee.[17] The question as to whether a provision concerning respect for treaties should be included in the Chapter on Principles or in the Preamble, was going to be voted on at 10:30. MR. PASVOLSKY observed that it had been agreed in the Committee of Five that the words "respect for treaties" should appear in the Preamble. THE SECRETARY asked what difference it would make—if the proposal were to appear in the Preamble, why was there insistence that it should appear in the Principles?

MR. ROCKEFELLER replied that the problem arose because of the legal interpretation that the incorporation of the proposal in the Preamble would not be binding. DEAN GILDERSLEEVE reported that the Latin Americans were pressing for inclusion of this provision in the Chapter on Principles, and THE SECRETARY asked what opposition there was to the acceptance of such a position. MR. DULLES replied that if this provision were included in the Principles, the United States would be bound to respect all treaties. SENATOR VANDENBERG asked whether the United States did not have the intention of respecting all treaties. MR. DULLES asked, in return, whether this country was

[17] Subcommittee I/1/A agreed at its tenth meeting, May 26, 10:30 a. m., without dissent, to the inclusion in the Charter of a statement on "respect for treaties"; the decision whether the statement should be included in the preamble or the body of the Charter was to be taken up at the next meeting (US I/1/A Doc. 10, May 26, not printed).

actually anxious to insure respect for the treaty of Russia with Japan. MR. VANDENBERG replied that our respect for a treaty should continue unless it were changed under the terms of the treaty.

MR. PASVOLSKY stated that the United States could not take an independent position on this matter unless it first consulted with the other members of the Big Five. After considerable debate, the French had agreed to withdraw from their original position and had agreed that the proposals should be incorporated in the Preamble. MR. ROCKEFELLER declared that the proposal had originated with Chile and Colombia,[18] but added that all the South American states seemed to be in favor of it.

MR. NOTTER declared that the two-thirds vote requirement was the cause of our difficulty and that this would need adjustment soon. MR. PASVOLSKY agreed that the South American countries had adopted an obstructionist position—but not on this issue. He declared that there had been disagreement among the Latin American countries on this question in Washington before the Conference started.

MR. ROCKEFELLER asked where the Delegation would stand on a matter which was related, namely, the introduction of wording in Chapter V, to bind the General Assembly to adhere to the principles of the Organization established in Chapters I and II.

MR. PASVOLSKY asked whether these amendments had been definitely proposed as amendments, or whether they were merely in the speculative stage. If they had not been proposed definitely, he was of the opinion that this should be done before consideration be given to them. MR. ROCKEFELLER answered that there was no point in proposing amendments if the United States Delegation was going to oppose them. SECRETARY STETTINIUS asked whether the Delegation would be satisfied with incorporating this proposal in the Preamble, but DEAN GILDERSLEEVE remarked that she did not believe we could hold that position. REPRESENTATIVE BLOOM thought that the only place for this proposal was in the Preamble. SENATOR VANDENBERG remarked that he would favor the incorporation of the proposal in the Principles, but would accept the Preamble. REPRESENTATIVE EATON said that he favored the Preamble, while COMMANDER STASSEN said that either was acceptable to him.

MR. NOTTER expressed the view that the United States was being victimized because of the two-thirds rule, but MR. ROCKEFELLER said that that was not the case because the United States had not taken a position. Once the position of the United States [19] was established,

[18] Doc. 215, I/1/10, May 11, UNCIO Documents, vol. 6, pp. 528 and 536.

[19] U.S. Gen. 216 and 217 on respect for treaties (letter from Mr. Armstrong to the Secretary, and memorandum from Mr. Dulles to the Secretary), neither printed.

MR. ROCKEFELLER was certain that he could handle the South American countries.

MR. ARMSTRONG declared that it would be difficult to tell the United States people that the United States Delegation did not support respect for treaties.

MR. DULLES declared that the proposal was a scheme to nullify Senator Vandenberg's Resolution. This proposal would pervert Senator Vandenberg's proposal—instead of making possible the revision of treaties as they became inconsistent with the objectives of the Organization, it would establish the sanctity of all treaties. MR. ROCKEFELLER indicated that he favored establishing respect for treaties in the Preamble. He asked, however, if it would be acceptable to the Delegation to insert the words concerning the obligation of the General Assembly to adhere to the principles established in Chapters I and II. MR. ARMSTRONG declared that the Vandenberg proposal was, in effect, asking the Latin American countries to give up their territorial integrity; if he were in their position, he said, he would not accept such a proposal. SECRETARY STETTINIUS declared that the Delegation seemed to indicate a preference for inclusion of this proposal in the Preamble. MR. ROCKEFELLER declared that he could handle the situation and observed that if the other words were inserted in the Chapter, it would aid psychologically in insuring acceptance of the Charter by the Legislatures of the South American countries.

MR. PASVOLSKY asked where it was intended to insert these provisions—in paragraph 6 or paragraph 1 of Chapter V. It was, he declared, preposterous for the Assembly to be bound in such a manner and MR. DULLES agreed and declared that the Assembly could only recommend and did not have any greater powers. THE SECRETARY remarked that this provision did not seem to have any real meaning. MR. ROCKEFELLER suggested that if the proposal was not definitely objectionable, it should be adopted if only to assist the South American countries in their domestic situations.

THE SECRETARY asked why, if the proposal did not have any real meaning, the South American countries pressed it. MR. ROCKEFELLER replied that they had just emerged from an era of border disputes and wanted to preserve their gains by a statement that the Organization would respect existing treaties.

SECRETARY STETTINIUS suggested that Mr. Rockefeller discuss this question with the Delegation's Advisers and prepare a recommendation to be presented at the 2:30 p. m. meeting in the penthouse.

### FRENCH TREATY QUESTION

MR. PASVOLSKY reported that this matter was the only question outstanding before Senator Vandenberg's Committee.[20] The sug-

[20] Committee III/4 (Regional Arrangements).

gestion was to include new language in Chapter VIII, Section C, paragraph 2. MR. PASVOLSKY declared that the instructions of the Delegation were not clear. He was of the opinion that the Delegation was in favor of deleting the word "enforcement". MR. PASVOLSKY declared that the French were in favor of using the word "request" instead of "consent"; they wanted to go home and say that they had proposed a change in the wording of this Chapter which had been accepted. THE SECRETARY asked Mr. Pasvolsky what his opinion was and the latter indicated that he would accept it. MR. DUNN also supported the change. DR. BOWMAN asked what support the French had. MR. PASVOLSKY declared that the British, who had been the authors of the original phraseology, had indicated a willingness to accept a new terminology as being superior. MR. ARMSTRONG declared that he favored "by consent", as originally agreed upon, and MR. DULLES agreed, declaring that it would be dangerous for the Big Four to open up possibility of further change in this provision. He said he would favor the change if it was certain that this would be the last one proposed, but MR. DULLES was fearful that if reopening of the clause were permitted, Russia might try to "weasel out". The Russians were of the opinion that the United States had the advantage of this situation, in view of the regional set-up, and MR. DULLES was in agreement with the Russian position on that point. This pointed to the possibility that the Russians might be using the French as an opening wedge to reopen the whole paragraph.

REPRESENTATIVE BLOOM asked whether it would be possible to use both words "consent" and "request". MR. DULLES declared that the main question at issue was whether or not the paragraph should be reopened and REPRESENTATIVE BLOOM agreed to his contention. MR. PASVOLSKY remarked, however, that the only suggestion received from the USSR was to drop the whole clause. SECRETARY STETTINIUS remarked that this would seem to indicate that it would be a mistake to reopen the question. MR. PASVOLSKY declared that the French were of the opinion that they could return with the wording "by request", and he went on to say that the French had behaved admirably throughout the Conference. SECRETARY STETTINIUS was of the opinion that the United States had been better to them than they had been to us, and MR. DUNN remarked that the Secretary had been better to the French than he had expected. COMMANDER STASSEN declared that the Delegation ought to stand by the Four Power agreement. To open up the paragraph would be unfortunate, he thought.

REPRESENTATIVE BLOOM asked whether the Delegation was willing to agree even to this one change. He thought it was a question of

yes or no, Black or White. THE SECRETARY declared that the sentiment of the Delegation seemed to be that no change should be made.

MR. PASVOLSKY declared, however, that he thought that the matter ought to go before the Big Five. The French had brought the matter up and there had been no recommendation from the Subcommittee in which three states had favored the proposal, one nation had opposed it, and one was undecided. It would be difficult to get the French to withdraw their proposal. Perhaps the matter could best be discussed outside the Committee.

MR. DUNN was of the opinion that no procedure would work. No French Government could stand, he declared, unless it was certain that the existing treaty structure would be preserved. This was essentially a domestic political situation. The French had to feel that they had a guarantee against the Germans in addition to the guarantee provided by the United Nations Organization. The French, he declared, would not change their position and MR. DUNN could see no reason for the United States pressing the matter.

THE SECRETARY asked whether the other three members of the Big Four would vote with us on this question. MR. PASVOLSKY replied that we would undoubtedly have to vote the French down on the matter. THE SECRETARY asked what reason we could offer, and COMMANDER STASSEN said that we could argue that by accepting the amendment the paragraph would be opened up to future change. MR. DUNN added, as a possible further argument, that the United States was of the opinion that the French were adequately protected by the existing provision. MR. PASVOLSKY declared that he thought the Delegation was making a mistake. The French proposal would not weaken the document and the French argument was that the result would be the same no matter what the phraseology was. MR. DUNN said that he would like to have it arranged so that the United States was not the only nation opposing the French.

THE SECRETARY asked whether the Russians had taken any position on this question and MR. PASVOLSKY expressed the opinion that the USSR would go along with us. MR. DUNN declared that the other nations were waiting for the United States to reconsider and MR. ARMSTRONG observed that the change would be advantageous to the USSR. THE SECRETARY suggested that the United States would have to stall on this issue but SENATOR VANDENBERG pointed out that there could not be much more stalling.

MR. PASVOLSKY suggested that the matter be taken up in the Big Five meeting and THE SECRETARY agreed that that would be the best solution.

The meeting was adjourned at 11:03 a. m.

RSC Lot 60–D 224, Box 96: U.S. Cr Min 55 (Exec)

*Minutes of the Fifty-Fifth Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Saturday, May 26, 1945, 2:30 p. m.*

[Informal Notes]

[Here follows list of persons (27) present at meeting.]

THE SECRETARY convened the meeting at 2:30 p. m. and called on Mr. Pasvolsky to present the statement prepared at the morning meeting of the Deputies of Five.

VOTING PROCEDURE

MR. PASVOLSKY presented to the Delegation the proposed statement of May 26, 1945.[21] He read for the Delegation the various changes that had been made. The first one occurred in paragraph 1 where the words "the fact" were dropped out and "responsibility" was substituted for "responsibilities". The second sentence was changed by dropping out the words "the provisions of" and by substituting "will have to make decisions" for "will be confronted with the need of making decisions". This last substitution was also made in the third sentence. In the third line from the end of the paragraph as it stood originally, the words "involved in" were deleted and "under" was substituted. The original second paragraph of the first numbered section was added to the first paragraph with the result that there was only one paragraph in the section. The next to the last sentence in the section was revised to read: "The Security Council will also be charged with many other functions".

The second section of the draft was revised as follows: The words "for example" were inserted at the beginning of the paragraph, and the words "and under several other provisions of the Charter" were dropped at the end of the sentence. Everything that followed the semi-colon at the top of page 2 was deleted and a new sentence: "It is likely that several other important decisions of the Council will also be governed by a procedural vote" was inserted.

The second sentence of the third paragraph was revised to read: "Nor can parties to such disputes be prevented by these means from being heard by the Council". In paragraph 4, the words "with respect" were deleted from the last sentence. MR. PASVOLSKY reported that there had been strong objection from all the other members of the Committee to omitting paragraph 5, as had been suggested by Commander Stassen at the morning's meeting of the Delegation. All he had been able to do was to cut out the last sentence, and to add in the next to the last sentence "or to call upon parties to a dispute to fulfill their obligations under the Charter".

[21] Not printed.

Paragraph 6 had been changed to give a more accurate statement of the voting requirements under the League of Nations.

Paragraph 7 had been changed at the request of the Chinese, who had asked that the second sentence be revised to read: "Under this system, non-permanent members of the Security Council individually would have no 'veto' ". The Chinese revision went on in the following sentence as follows: "As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Covenant always had". MR. PASVOLSKY indicated that no substantial change was involved here.

MR. PASVOLSKY added that the addition in paragraph 8 had also been proposed by the Chinese and was merely a verbose expression of the original phraseology. The change, in paragraph 9 had also been the result of Chinese insistence. "Concurred" was substituted for "approved", and "in respect of non-procedural decisions" had been inserted in the last sentence. The Chinese had also proposed that "at least two" be substituted for "some" in the last sentence.

MR. PASVOLSKY declared that he had attempted to delete paragraph 10. At first the British had agreed to this, but then had reversed their position. The French and the Chinese had indicated that they favored strengthening the paragraph. It would, MR. PASVOLSKY thought, be possible to accept a new wording which he thought met Commander Stassen's objections raised during the morning meeting. The British and the Chinese, he declared, had accepted for their Delegations. The French were not parties to the statement. At the meeting MR. PASVOLSKY said he had made it clear that the declaration would not emerge from a meeting of the Deputies to the Heads of Delegations, but would have to be presented by a Big Five statement.

During the course of the meeting a question had arisen on the question of making specific answers to the questionnaire [22] which had been prepared by the sub-Committee. THE SECRETARY asked what was the source of this questionnaire. MR. PASVOLSKY replied that the demand for a questionnaire had arisen out of a badly considered remark of the Russian Delegation.[23] The Russians had reversed their position and were now willing to present only the broad statement under consideration. It had been, MR. PASVOLSKY thought, a device to postpone discussion of the voting formula. However, the British were unwilling to refuse to answer the questions in as much as they felt themselves to be committed to answering the questionnaire specifically. As a result, MR. PASVOLSKY declared, his committee had de-

[22] Draft replies to questions, not printed (US Doc. Und. 44); see Doc. 855, III/1/B/2(*a*), June 8, UNCIO Documents, vol. 11, p. 699.

[23] Doc. 459, III/1/22, May 21, *ibid.*, p. 332.

cided that the British should draft a summary of answers. Some of the questions, it had been decided, would not be answered and there would be presented, in each case, a reason for that decision. The others, however, should be answered in the British draft. The draft, he declared, would become a joint statement. The Committee was to meet again at four o'clock and at that time both the answers to the questionnaire and the Four-Power statement would be considered. Both papers would eventually go to the Heads of Delegations. That meeting, he declared, could not be held at six o'clock as had been hoped, because of the fact that Lord Halifax was giving a reception. He urged that this meeting be held later in the evening because the British were anxious to clear up this question today. His Committee, he declared, could go no further. The matter was now up to the Heads of the Delegations.

THE SECRETARY asked if there were any questions on the new draft statement. COMMANDER STASSEN asked if Mr. Pasvolsky could acquaint the Delegation with the background underlying the decision to drop the provision concerning the power of the Council to call a special session of the General Assembly. MR. PASVOLSKY replied that this question had not yet come up before the Conference. There were nine questions altogether, which had been postponed, and the Soviet Delegation wanted them all to be considered at one time. MR. PASVOLSKY voiced the opinion that if the recent decisions of Chapter VI of Section B were adhered to there would be no need for any further statement.

REPRESENTATIVE BLOOM asked if this statement were to be accepted what would be its power—would it, he wanted to know, bind the United States for all times? SECRETARY STETTINIUS replied that that was the case. REPRESENTATIVE BLOOM replied that this was merely a Four-Power statement. There could still be a majority vote over-riding them. What, he wanted to know, was the strength of this document? MR. PASVOLSKY replied that presumably the statement would be incorporated in the report of the Committee dealing with the question, and would serve to indicate the interpretation of the Committee. However, the Committee might decide to use the statement in some other way or to adopt some other procedure. However, the immediate objective of this Four-Power statement was to answer the questionnaire presented by the sub-Committee.

REPRESENTATIVE BLOOM adhered to the opinion that the document would only be binding on the Four Powers. The value of the decisions made here, he thought, lay in the fact that the Organization could decide against the Four Powers, despite the fact the United States was rendering a decision which was binding on us. MR. PASVOLSKY said that he imagined the consequences of this paper might be incorporated in the Charter as a definition of procedural matters.

REPRESENTATIVE BLOOM declared that he would like to analyze what the United States had to gain, and what it had to lose by this statement, and that he would like to base his vote on this analysis. MR. PASVOLSKY declared that by this statement the four major powers were taking the position that the Yalta formula ought to be incorporated in the Charter of the proposed Organization. This paper explains our reasons for this decision. It was an attempt to answer the challenge made by some of the other Delegations. It was necessary in the paper to reveal the whole picture. The statement, he said, indicated that the Yalta formula implied certain assumptions which were taken into account here. The statement pointed out the three possible voting arrangements:

(1) Unanimity, as under the League of Nations,
(2) Majority vote, and
(3) A qualified majority which would safeguard the interest of the Big Powers which would have the primary responsibility for enforcing the peace.

As a matter of practical politics, the only alternative to the third alternative, embodied in the Yalta formula, would be alternative (1) a unanimity requirement. This, MR. PASVOLSKY declared, would stymie the Organization.

REPRESENTATIVE EATON asked whether Mr. Pasvolsky was satisfied to accept the Yalta formula, and MR. PASVOLSKY replied that he was "thoroughly satisfied". SENATOR VANDENBERG declared that he would accept Yalta only because he was forced to accept it.

The CHAIRMAN asked whether any of the advisers had any comments to make. DR. BOWMAN said he thought that the issues had been clearly stated in the morning meeting, especially in Senator Connally's remarks. It was important, he said, to distinguish the parliamentary question from the substantive issue. DR. BOWMAN suggested that equal weight be given to the parliamentary situation. We would have to take some action in the matter. It was an insoluble problem, but the decision had been taken for us. We would soon be forced to take a position in the Committee. DR. BOWMAN asked whether a better argument could be made for the other two alternatives. SENATOR VANDENBERG replied that they were not the only alternatives. But DR. BOWMAN observed that the door was locked in that regard. MR. PASVOLSKY agreed with Dr. Bowman that there were only three alternatives possible. One of the members of the Delegation, however, remarked that there were several other combinations.

SENATOR VANDENBERG asked why it was necessary to make the unanimity rule applicable to the investigatory functions of the Security Council. MR. PASVOLSKY replied that this had been answered

by the three other sponsoring nations and France. SENATOR VANDENBERG remarked that we were not free to do as we wished.

COMMANDER STASSEN declared that he had given this question considerable study after this morning's meeting, and he had prepared a memorandum entitled Suggested Changes to Yalta Voting Formula Interpretation, draft of May 26, 1945,[24] which he presented for distribution among the members of the Delegation. He was of the opinion that a great deal of progress had been made between yesterday and today. His greatest difficulty lay, COMMANDER STASSEN declared, in accepting those parts of the statement which were argumentative rather than interpretative. COMMANDER STASSEN indicated that he was largely satisfied with the changes that had been made since this morning. We had lost ground on some issues which remained unsettled, but he was of the opinion that it was best to leave these questions open if we were going to lose anyhow.

COMMANDER STASSEN regretted that paragraph 3 of the new draft was not as good as Under-Secretary Grew's statement some time ago.[25] MR. PASVOLSKY thought that there was not very much difference, and declared that the change had been made on British insistence that the new wording was clearer. MR. PASVOLSKY asked whether Commander Stassen would accept "having a hearing".

COMMANDER STASSEN said he thought that paragraph 5 was an argument rather than an interpretation and he was unable to follow it very well. He also suggested a better wording for paragraph 8 as follows: "It must be assumed that neither the permanent members nor the non-permanent members will use their voting or veto power willfully or arbitrarily to obstruct the operation of the Council".

The reason given for this proposed change appeared in Commander Stassen's memorandum. It was that the goodwill of the great powers should be recognized as being essential to the future peace and security of the world, even if an Organization is established.

COMMANDER STASSEN also thought the first sentence of paragraph 9 was too sweeping, and suggested, in his memorandum, that the words "in so serious a matter as a dispute which threatens international peace and security" be added at the end of the first sentence. MR. PASVOLSKY commented that it might be worthwhile to have this new wording added, and SECRETARY STETTINIUS added that he thought it could be done.

COMMANDER STASSEN declared that he could not agree with paragraph 10 and proposed that consideration should be given to the wording of his draft. MR. PASVOLSKY asked whether Commander Stassen would be satisfied by beginning the paragraph with the words

[24] Memorandum not printed.
[25] Department of State *Bulletin*, March 25, 1945, p. 479.

"The sponsoring governments agree . . .", and COMMANDER STASSEN indicated that he would but he also urged that the word "most" be removed.

MR. NOTTER commented that the United States must be careful of making possible the accusation that the Big Powers were delivering an ultimatum to the rest of the participating governments. MR. PASVOLSKY, however, thought that this would be necessary. There seemed to be no other way out. However, he did think that the word "most" could be deleted from paragraph 10. COMMANDER STASSEN explained that he was opposed to any attempt to justify the provisions of the Yalta Agreement. He said it was possible for him to agree to something he did not believe in, but he would not say he did believe in it. MR. PASVOLSKY remarked that "agree" was a poor word because it implied that there had been disagreement. He wondered if Commander Stassen would accept instead "propose", and COMMANDER STASSEN indicated that that was acceptable to him.

MR. ARMSTRONG wondered whether it would be best to attempt to complete the discussion in Mr. Pasvolsky's Committee, or whether it should be taken up for consideration by the Big Five. To attempt the latter course, he said, might mean starting from the beginning. MR. ARMSTRONG was of the opinion that the United States had lost some overnight and might lose more if the question were reopened. He did not voice any opinion one way or the other and declared it was a matter of judgment.

MR. DULLES remarked that Commander Stassen had suggested an important approach. The Yalta formula forced the Delegation to face two questions. One was the question of interpretation. The second was that of possible change in the existing agreement. The statement under consideration, he declared, had been precipitated by a request for interpretation. It did not ask for a justification of the substance of the Yalta proposal. This statement implied substantial agreement on the meaning of the Yalta formula. Apparently, however, there was disagreement on how the formula could be defended. MR. DULLES wondered why an attempt should be made to present a joint defense. He was of the opinion that it was no matter for a joint defense, especially since some of the members of the Delegation did not believe in the Yalta formula. He suggested that the statement under consideration be confined to a presentation of the meaning of the Yalta formula as it was understood by the four powers. He thought that the defense of the formula could be made elsewhere, perhaps on the floor of the Conference. It would be difficult, he thought, to get agreement on the merits of the formula.

COMMANDER STASSEN declared that the statement was acceptable to him up to and including paragraph 4. After that point, however, it

became difficult for him to accept the presentation. He declared that he wanted a statement on which he could agree sentence by sentence.

THE CHAIRMAN asked how Mr. Dulles would amend the statement. The latter declared that he could not present an amendment extemporaneously, but he thought that he would cut out about one-third of the document. He asked for Mr. Pasvolsky's opinion on this and pointed out that it was only when an attempt was made to justify the Yalta Agreement that the Delegation would get into hot water. MR. PASVOLSKY declared that the British approach on this question was represented in a paper which had erroneously been attributed to the United States. The proposed statement, he declared, was justified by the position of the major powers, whereby it would be their responsibility to provide the forces to be used by the Organization. The other approach would be to insist that the Yalta formula represents the most that could be obtainable. But he did not think that the other members of the Big Five would accept a mere interpretation. It had been a victory, he thought, in view of the United States position to get the other powers to agree that they would not impose their will on the other delegations at the Conference. He pointed out that there was a special responsibility attaching to the United States because it was President Roosevelt who had originally proposed the Yalta formula.[27] He asked whether the Delegation was of the opinion that this government could refuse to present a justification for the Yalta Agreement in view of its position as the chief sponsor. COMMANDER STASSEN declared that any written defense must be big enough to leave room for all the different views. MR. PASVOLSKY agreed and pointed out that the statement would have been greatly different if it had been drafted by any one of the other Five Powers.

MR. ROCKEFELLER pointed out that the position of the small powers had been expressed to him by the Brazilian delegate, Señor Velloso, who had taken the position that President Roosevelt's commitment would be supported by Brazil if the United States Delegation indicated its backing. MR. ROCKEFELLER was of the opinion that it was impossible to justify the application of a unanimity rule to procedures for peaceful settlement, and that the Four Powers would gain far more respect if they presented a completely honest statement. SECRETARY STETTINIUS asked whether the Latin Americans would unanimously support Yalta. MR. ROCKEFELLER replied that he thought he could get all the votes of the Latin American states . . .

MR. HACKWORTH remarked that it was not an unusual procedure to adopt statements of protocol interpreting conventions. He did not, however, know whether it would be convincing merely to interpret

[27] *Conferences at Malta and Yalta*, pp. 58 and 661.

the Yalta formula and stop at that. It was, he declared, a matter of approach, and he had no definite opinion on the matter.

SENATOR CONNALLY, who was in the Chair during the Secretary's absence to make a phone call, asked whether there was any further comment. MR. BLAISDELL said that he would like to raise a question at the appropriate time concerning the procedure to be adopted for dealing with this matter in the Committee and sub-Committee.

SENATOR VANDENBERG observed that Mr. Rockefeller had touched the heart and core of the problem. He wondered why, in reciting the facts affecting the Delegation's decision, there had been omitted the chief reason, the fact that the agreement had been made by the late President Roosevelt. It had been an agreement made by the Four Powers unanimously, and could be only changed unanimously. This was the major fact he declared, the controlling issue. In the last analysis, Senator Vandenberg's answer to any question on the Yalta formula would be just that. He agreed with Mr. Rockefeller that an appeal to the Latin American countries on the basis of candor would be more effective than any other approach. SENATOR CONNALLY pointed out, however, that this was to be a joint statement and that other interested parties might not be in agreement with this reasoning. MR. PASVOLSKY remarked that there was probably not full agreement on this even in the Delegation and was of the opinion that the reason cited was not the only one.

At this point SECRETARY STETTINIUS returned and told the Delegation that he had a ray of sunshine to offer. He had just been informed in his phone call to Washington that the House of Representatives had passed the Trade Agreements Act.[28]

SENATOR VANDENBERG suggested a sentence be inserted in the statement along the lines of his last remarks. This statement, he said, should stress the commitment involved in the Four Power Agreement at Yalta.

SECRETARY STETTINIUS declared that he should like the Delegation to clarify one question. It had been suggested to him, he said, that one last appeal for the sake of the record be made either to Foreign Commissar Molotov or to Premier Stalin. He was of the opinion that the Delegation was committed to the existing formula. Furthermore, he remarked that any appeal to Moscow might well endanger the progress of the entire Conference.

At this point MR. PASVOLSKY remarked that he would like to meet the point raised by Senator Vandenberg and Commander Stassen by presenting a revised wording of paragraph 10. The new wording

[28] For statement by the Acting Secretary of State on the vote on the trade agreements program in the House of Representatives, see Department of State *Bulletin*, May 27, 1945, p. 955.

was: "For all these reasons, the four sponsoring governments agree to the Yalta formula and have presented it to the Conference as essential if an international program is to be created through which all peace-loving nations can most effectively discharge their common responsibilities for the maintenance of international peace and security." This proposed draft was received very favorably by the Delegation. COMMANDER STASSEN asked whether Mr. Pasvolsky thought it would be possible to gain acceptance to further modification of the proposal for paragraph 9 and MR. PASVOLSKY replied in the affirmative.

THE SECRETARY declared that he wanted an answer to his question concerning referral of the voting power provision to Moscow. MR. DULLES, MR. PASVOLSKY and SENATOR CONNALLY agreed that the matter should not be referred. COMMANDER STASSEN declared that if the voting procedure were the only question involved he would favor doing something strong. However, under the existing circumstances he declared that he would leave it to the Secretary's decision. THE SECRETARY remarked that the President had left the entire matter in the hands of the Delegation. SENATOR CONNALLY asked whether Secretary Stettinius thought that Stalin would not interpret the referral of the question to him as an attempt to evade the commitment undertaken at Yalta. SECRETARY STETTINIUS indicated that he had been informed by both Molotov and Ambassador Gromyko that they looked on the Yalta formula as a definite agreement on the part of our deceased President. Any attempt to alter the existing formula, he said, would be looked upon as a breach of faith. MR. PASVOLSKY agreed with this observation.

SENATOR VANDENBERG remarked that a Venezuelan asked how long the Four Powers would be bound by the commitment made at Yalta. THE SECRETARY replied that once the Organization is launched, all such commitments come to an end. REPRESENTATIVE EATON declared that he would vote for the agreement because of the fact that it had been arrived at in "solemn conclave and by solemn agreement". SECRETARY STETTINIUS pointed out that the President had not rushed into this formula. It had been developed gradually from August until it was agreed upon in January. THE PRESIDENT understood the question thoroughly and thought out the formula himself. The existing formula was a preferred American position in President Roosevelt's mind. He had finally succeeded in convincing Prime Minister Churchill and Premier Stalin. Churchill had almost agreed with the Russian desire for a complete veto. Roosevelt had won a great victory in winning over the British to the United States position. MR. DULLES declared that Ambassador Gromyko had observed that the Yalta formula could not be touched. It was already a com-

promise on the part of the Russians and they would not compromise any further. SENATOR CONNALLY declared that considerable work had been done on the question of voting in the Department of State and THE SECRETARY remarked that Cordell Hull had discussed the matter with Senator Connally and other members of the Senate. MR. NOTTER observed that agreement on this formula alone had made possible the present Conference. THE SECRETARY agreed that the Conference could not have been held without this agreement and went on to say that there was nothing to be gained by submitting the question to a higher level. REPRESENTATIVE EATON remarked that it had already been on the highest level. SECRETARY STETTINIUS agreed and declared that he had been considering the question on the highest level for the past few days and reiterated that the President had left the matter in the hands of the Delegation. SENATOR CONNALLY voiced the view that the Delegation could not recede on this matter except with national dishonor. THE SECRETARY then formally moved the question and it was unanimously agreed that the question should not be presented on a higher level. GENERAL FAIRCHILD agreed with what had been said. The formula now under discussion, he declared, had been recommended by the military authorities prior to the Dumbarton Oaks Conversations.

SENATOR CONNALLY declared that the formula would work for the United States as well as for any other nation. The biggest difficulty faced during the fight for the League of Nations, he pointed out, was the fact that a nation could be committed, without its approval. This formula, he said, was not altogether against the interest of this country. It gave the United States some discretion in the decisions of the Organization. MR. JOHNSON suggested that a statement incorporating the points made by the Secretary and General Fairchild could profitably be released to the press. . . . MR. STETTINIUS asked Mr. Yost whether he could give an indication as to how the European countries would be expected to vote. MR. YOST replied that he thought they would line up rather well and MR. BLAISDELL said that Norway, Czechoslovakia and Yugoslavia had indicated their support. MR. PASVOLSKY added that the Ukraine would undoubtedly favor the Yalta formula. THE SECRETARY asked what the situation was with respect to Belgium and Holland and MR. DULLES voiced the opinion that Belgium would vote with the Big Four.

COMMANDER STASSEN returned to the draft statement. He thought that the middle sentence of paragraph 4 should be deleted. If this were impossible he suggested that the word "usually" be inserted. He also favored deleting paragraph 5, and if this proved to be impossible, suggested the insertion of the words "may be" instead of "would be"

in the third sentence. SECRETARY STETTINIUS asked whether Mr. Pasvolsky would go back to his Committee and suggest these changes and the latter replied that he thought any further consideration of paragraph 5 was closed. If it were brought up again he thought that the other powers would retreat along other lines. He was, however, willing to reopen paragraphs 9 and 10. SECRETARY STETTINIUS remarked that if Mr. Pasvolsky would put through the suggested change in paragraph 10 it would ease the situation. MR. PASVOLSKY declared that he thought he could get the changes in paragraphs 9 and 10 accepted if he were able to promise that the United States would accept the revised draft.

MR. DULLES remarked that he had spoken with Prime Minister Fraser and that the latter had seemed discouraged because of the recent amendments which, he declared, relieved the Security Council of the obligation to take further steps after ordering an investigation. If this were true, MR. DULLES said there would be good grounds for deleting paragraph 6 because of its lack of finality. MR. PASVOLSKY voiced the opinion that Mr. Fraser's interpretation had been incorrect. The trouble was that the British and the Dominions had been introducing a number of changes without understanding the full implications.

SENATOR CONNALLY asked if Commander Stassen would accept paragraph 5 if paragraphs 9 and 10 were amended. COMMANDER STASSEN reiterated that the word "usually" should be inserted in paragraph 4. MR. PASVOLSKY remarked that he thought that objection was covered by the alternative possibilities included in this sentence. SENATOR VANDENBERG remarked that the chain may begin but does not always have to finish. MR. DULLES remarked that the undertaking of an investigation might not always lead to force but that, on the other hand, it sometimes might. COMMANDER STASSEN reiterated his desire to have "may" substituted for "would" in paragraph 5. If paragraphs 9 and 10 were straightened out he declared he would leave it to Mr. Pasvolsky's ability as a negotiator to work on paragraphs 4 and 5. DEAN GILDERSLEEVE indicated that she was very strongly in favor of Mr. Pasvolsky's last version of paragraph 10.

### FRENCH AMENDMENTS

GENERAL FAIRCHILD replied that the French had been trying to push through amendments to paragraphs 5, 6 and 9 of Chapter VIII, Section B.[29] These amendments would come up for discussion in Monday's meeting of Committee III/3.[30] The military advisers of the Five Powers had wanted discussions with the idea of establishing

[29] Doc. 2, G/7(o), March 21, UNCIO Documents, vol. 3, pp. 386–387.
[30] Doc. 649, III/3/34, May 28, *ibid.*, vol. 12, p. 391.

a united position. It seemed important to get agreement on this issue because if the Five Powers were to argue in Committee about the Military Staff Committee it might make people wonder whether that body could function effectively. The United States had succeeded in knocking out one amendment to paragraph 9 and might possibly succeed in having the French withdraw the other amendment to that paragraph. However, the French were adamant in their insistence on amending paragraphs 5 and 6. He thought that the matter should be taken up in Mr. Pasvolsky's Committee. THE SECRETARY indicated that it seemed appropriate to him for Mr. Pasvolsky to take it up at a meeting of the Committee of Five. MR. PASVOLSKY asked whether it was necessary for him to have all the headaches and expressed the opinion that this would be very closely tied by the French to their other amendment. MR. PASVOLSKY suggested that Mr. Dulles hold a conversation with the French in order to attempt to have them withdraw their amendments.

SENATOR CONNALLY asked whether the military representatives of the United States were opposed to these amendments. GENERAL FAIRCHILD replied that the amendments seemed to be inadvisable politically. In the view of the Military, reference to the right of passage, for example, seemed undesirable because no one could tell what the future requirements might be. SECRETARY STETTINIUS said that it seemed to be wise to have Mr. Dulles take the question up with the French and the Delegation agreed with this course of action.

EXPULSION AND QUESTION OF DEPUTY SECRETARIES-GENERAL

MR. NOTTER declared that he was faced with a similar problem with respect to the two questions of expulsion and provision for five Deputy Secretaries-General. The problem he faced here arose out of the fact that the United States would probably be out-voted on both of these matters. The problem specifically was whether or not he should attempt to line up the necessary votes or whether the Delegation should accept the free decision of the Committee. MR. NOTTER declared that on the question of the five Deputy Secretaries-General he would recommend accepting the vote as it might occur. He also favored this procedure for the expulsion provision, despite the fact that the Russians seemed to feel very strongly about it.

At this point SENATOR VANDENBERG asked what the situation was on the French treaty question. MR. PASVOLSKY replied that this matter would be discussed at the meeting of the Big Five that evening. He had been told that if the matter were not settled by midnight the French would be in trouble with their government. SECRETARY STETTINIUS suggested that the meeting be held at nine o'clock and the Delegation agreed to this proposal.

MR. NOTTER asked again what the Delegation's view was on the two questions he had proposed a few minutes previously. He declared that the United States would be voted down on the question of the five Deputy Secretaries-General. The small powers apparently did not want to give the Big Five this control over the Organization. MR. NOTTER inquired whether he should try to line up the votes necessary to carry the proposal, or whether he should merely try to discharge this government's obligation by voting for the measure. MR. PASVOLSKY remarked that the British appeared to be wavering and seemed to want to duck out. Apparently they had changed their minds and favored selection of the Deputies by the Secretary General. MR. PASVOLSKY was not in complete agreement with this position because he thought the various bodies of the Organization should pass on appointments. MR. NOTTER recommended that the United States vote for this provision, but go no further. THE SECRETARY remarked that there was not much time to line up the necessary votes anyhow. The Delegation agreed that this course of action should be followed.

MR. NOTTER replied that the same problem existed with respect to the expulsion provision and added that Ambassador Gromyko himself had appeared at the meeting recently.[31] MR. PASVOLSKY declared that he thought the provision should be maintained. It was, he declared, in the original Dumbarton Oaks Proposals. REPRESENTATIVE EATON observed that in that case only a one-third vote was necessary. MR. NOTTER, however, declared that this was hard to get because of the opposition of the Latin American countries. SECRETARY STETTINIUS suggested that Mr. Notter present a note to Mr. Rockefeller, outlining the existing alignment of powers on this question and stated that he assumed the Delegation would want everything possible attempted in order to keep the provision in the document.

### SCOPE OF GENERAL ASSEMBLY

SENATOR VANDENBERG declared that the Australians had introduced a proposal that would empower the General Assembly to inquire into any "sphere of international relations".[32] It had been brought up as a matter of principle in the Committee and an affirmative answer had been impossible to avoid. In the drafting Committee the Australian representative had demanded a change of phraseology supporting this principle and had threatened to take the matter to the floor of a plenary session if it were not included. SENATOR VANDENBERG declared that

[31] Ambassador Gromyko accompanied the Soviet representative (Zarapkin) to the thirteenth meeting of Committee I/2, May 25, 8:45 p. m. (Doc. 604, I/2/42, May 26, UNCIO Documents, vol. 7, p. 113).

[32] Doc. 2, G/14(1), May 5, *ibid.*, vol. 3, p. 544; Doc. 176, II/2/7(1), May 9, *ibid.*, vol. 9, p. 265. Memorandum entitled "The American Position on the Right of the General Assembly to Discuss Any Matter Within the Sphere of International Relations" (U.S. Gen. 267), not printed.

the Committee was stymied. MR. PASVOLSKY indicated that he thought the existing phraseology should be maintained. MR. GERIG remarked that the other states considered the existing wording to constitute a limitation on the powers of the Assembly. The question was, MR. GERIG thought, whether the United States should allow itself to go down to defeat with the Russians or not. MR. PASVOLSKY thought that the question could be taken through other channels if the need arose. MR. PASVOLSKY explained that it was Dr. Evatt's intention to inject the World Organization into the internal affairs of the member states. This, he declared, was not conjecture, but had been told to him face to face by representatives of Australia and New Zealand on several occasions. The full employment argument, he said, was based on the theory that if a nation did not maintain full employment it would upset world peace. MR. PASVOLSKY indicated that he thought this was the most dangerous theory with which the United States had ever been diplomatically confronted. This Delegation should not be stampeded into accepting a vague phraseology in this connection. This was especially important, in view of the orientation of the Australian and New Zealand Delegations.

MR. DULLES agreed with Mr. Pasvolsky and declared that a number of nations seemed to think that the United States had been the cause of the war because of its failure to maintain a sound economic structure. MR. FRASER had indicated that the greatest thing accomplished in the Conference was the pledge of each nation to undertake to guarantee full employment. MR. PASVOLSKY remarked that the next step would probably be to have the Assembly pass a convention obligating each nation to maintain full employment and giving the Assembly full power to investigate. MR. PASVOLSKY urged that the United States stand against the suggested change and expressed the opinion that it would be possible to organize the vote.

MR. DULLES remarked that this was much the same situation that had arisen with respect to the French treaty situation which had arisen at the Delegation's meeting that morning. If once the door were opened to a change, no matter what it was, in the existing wording, it was possible for "everything to come in". SENATOR VANDENBERG asked how the Delegation would instruct him. He would be out-voted he declared, and would probably muster only five votes unless somebody "runs the convention". MR. PASVOLSKY remarked that the Delegation had not used that sort of tactics enough. SECRETARY STETTINIUS indicated that as soon as the voting arrangements were satisfactorily settled there would be less difficulty in future deliberations. DEAN GILDERSLEEVE said that she was in agreement with the sentiment expressed thus far, but wondered what action should be taken if the United States were to be voted down. COMMANDER STASSEN sug-

gested that the United States representative reserve the position of this Delegation in order that the matter might be taken up in the Executive Committee.

STATEMENT TO THE PRESS

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*Trusteeship*

COMMANDER STASSEN reported to the Committee on the Trusteeship question. Committee II/4 had taken considerable action [33] but had not been able to settle the questions of independence, composition of the Trusteeship Council, and powers of inspection, visits and petition because no word had been received from Moscow on these matters. The Five Powers had agreed on these questions in their discussions [34] but no confirmation had been received from the Russians and the Committee had been waiting since Tuesday. The Russians had proposed considering the other matters in Committee and reserving the question of independence until confirmation arrived, but Commander Stassen had opposed this move.

COMMANDER STASSEN declared that the Iraquis had pressed for some reference to Article 22, paragraph 4 of the League Covenant [35] and had given as an excuse the need to satisfy the Iraquis population. Paragraph 4 of Article 22 dealt with the A Mandates. The Egyptian representative had also expressed a desire to incorporate something to which he could point in the Chapter on Trusteeship.[36] COMMANDER STASSEN wanted to know whether the Delegation favored working out language that would suit these people. THE SECRETARY inquired whether there would be any harm in taking such an action and COMMANDER STASSEN replied that the question of Palestine was involved. SECRETARY STETTINIUS said that the Palestine question was dangerous. A combination of Palestine and the Arab League was dynamite ready to explode. COMMANDER STASSEN suggested that Secretary Stettinius talk the situation over with Mr. Alling and work out a policy.

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[33] For text of working paper as approved and amended in full Committee through May 24, see WD 33, II/4/A/1, May 25, UNCIO Documents, vol. 10, p. 701.

[34] Record of Five-Power meetings on trusteeship not printed; at the meeting of May 23, the Chairman, Commander Stassen, pointed out that Mr. Sobolev was not in position to make a definite agreement on any part of the Exploratory Working Paper on Trusteeship, but that it was apparent that the group was on the verge of agreement on all parts of the document (PCT Minutes 6).

[35] Article 22, paragraph 4, reads as follows: "4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

For text of Iraqui proposal, see Doc. 877, II/4/35, June 9, UNCIO Documents, vol. 10, p. 515.

[36] Doc. 552, II/4/23, May 24, and Doc. 580, II/4/24, May 26, *ibid.*, pp. 477 and 486, respectively.

There had been some Australian amendments [37] proposing an obligation to report on the part of states with responsibility for the administration of dependent territories but these did not affect the United States. COMMANDER STASSEN declared that once the Russians came through that the Committee would finish its work in one meeting.

FRENCH TREATY

SENATOR VANDENBERG asked what the situation was with respect to the French treaty question and Mr. Pasvolsky replied that conversations were in progress. COMMANDER STASSEN advised that no change be allowed in this provision and THE SECRETARY remarked that we might have to vote the French down.

The meeting was adjourned at 4:20 p. m.

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RSC Lot 60–D 224. Box 99 : UNCIO Cons Five Min 9

*Minutes of the Ninth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, Saturday, May 26, 1945, 9:15 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (15); United Kingdom (4); Soviet Union (4); and China (4).]

MR. STETTINIUS opened the meeting and stated that attempts to reach Monsieur Boncour and the members of his staff to tell them of this meeting had been unsuccessful. He noted that, since the topic of discussion was the statement on voting procedure by the Big Four, the presence of the French was not required, although of course they had been invited.

MR. STETTINIUS stated that the purpose of the meeting was to consider the report of the Subcommittee of Five on its discussions on the voting problem. He called on Mr. Pasvolsky to outline what had taken place on this question in the meetings of the Subcommittee of Five.

MR. PASVOLSKY presented proposed texts which members of the Subcommittee had agreed should be laid before the heads of the delegations for their consideration (Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, May 26, 1945; Draft Replies to the Questions, May 26, 1945; copies attached).[38] MR. PASVOLSKY stated that the proposed statement was the result of strenuous work in the Subcommittee and had come through a number of drafting revisions. MR. STETTINIUS

[37] Doc. 2, G/14(1), May 5, UNCIO Documents, vol. 3, p. 548; Doc. 575, 11/4/12 (*a*), May 25, *ibid.*, vol. 10, p. 695.

[38] None printed.

suggested that Mr. Pasvolsky explain the specific changes made in the draft at the afternoon meeting of the Subcommittee. MR. PASVOLSKY replied that only a few changes had been made following the consultations in the respective delegations.

MR. STETTINIUS asked whether this statement represented the unanimous recommendation of the representatives of the Five Powers. MR. SOBOLEV indicated that the statement was recommended by the representatives of the Four Powers only and that France was not associating herself with the statement. MR. STETTINIUS said he would like to determine whether the Subcommittee was unanimous in recommending this statement to this meeting. MR. JEBB replied in the affirmative, indicating that the statement was of course subject to the approval of the heads of the delegations.

AMBASSADOR GROMYKO said he had received a [*the*?] statement just that afternoon, and that his first impression of it was favorable. However, he felt that he should be frank and say that he would have to study it further.

MR. STETTINIUS said that the statement appeared adequate to the United States Delegation. Dr. Soong said this was also the position of the Chinese Delegation.

MR. STETTINIUS noted that when the consultations among the Four Powers were completed it would be important to submit the statement as promptly as possible to Committee III/1. SENATOR CONNALLY suggested that the statement should go first to the Subcommittee. He thought it would form a basis for the discussion in the Subcommittee and might be useful in the preparation by the Subcommittee of answers to the questions on voting.

MR. STETTINIUS asked whether the proposed statement would take the place of the answers to the questionnaire on the exercise of the veto in the Security Council (copy attached [39]). SENATOR CONNALLY replied in the affirmative, indicating that the proposed statement would be submitted to the Subcommittee with the statement that it constituted our answer to the questionnaire.

MR. PASVOLSKY said that the Subcommittee had tried its hand at tentatively answering the questions included in the questionnaire, and that a great deal of difficulty had been encountered in the attempt to answer specific questions. He recommended that we present the proposed statement and stand on that. He felt that this statement was adequate, and that specific answers did not need to be given to the questions. MR. STETTINIUS asked what countries would be offended if the course of action recommended by Mr. Pasvolsky was taken. SIR ALEXANDER CADOGAN questioned whether any countries

[39] Not printed.

would be offended, but he thought that there would be a request for elucidation of our position on the specific questions. AMBASSADOR GROMYKO asked whether the answers were not already included in the statement.

SIR ALEXANDER CADOGAN then referred to paragraph 3, page 2 of the proposed statement, reading the first sentence as follows: "Since the Council has the right by a procedural vote to decide its own rules of procedure, it follows that no individual member of the Council can alone prevent a consideration and discussion by the Council of a dispute or situation brought to its attention". SIR ALEXANDER pointed out that the reason given in this sentence that no one power could stop the Council from considering and discussing a dispute brought before it was that the Council had the right by a procedural vote to decide its own rules of procedure. He pointed out, however, that the question as to the character of the vote required in deciding whether a matter was procedural or not had been left open with no answer suggested to question 19. With this question left unanswered by the Committee, the whole matter was left up-in-the-air. He suggested that a state might bring a matter to the Council's attention. The Council would then be faced with the question whether or not it would consider the matter. One power on the Council might say that this question was a procedural one, another might say that this was not a procedural one. A decision would have to be made. When put to the vote, if the rule applied that the great powers retained a veto in determining what constituted a procedural question, then it would not be true that no member of the Council could prevent consideration and discussion by the Council of a dispute. Sir Alexander stated that the proposals in paragraph 3 would be true only if the decision on whether matters were procedural or not was taken by a vote of 7 out of 11. He felt this was the crucial point, and that it was on this question of the right of the Council to consider and discuss disputes or situations, without a single state being able to prevent it, that the smaller states would continue to put up their fight.

MR. DULLES remarked that what Sir Alexander had said with respect to paragraph 3 did not fully fit the case.

SIR ALEXANDER replied that it would fit the case if a major power had a veto over what constituted a procedural matter. MR. DULLES felt that Sir Alexander's statement would not be true if it was agreed that the Security Council had a right to determine its rules of procedure by a procedural vote.

MR. PASVOLSKY said that the intention was to state clearly in the Charter that a decision with respect to discussion and consideration of a dispute by the Security Council under paragraph 3 would take place by a procedural vote under paragraph 2 of the voting formula.

MR. JEBB indicated that, if this was stated clearly in the Charter, then the matter would be satisfactorily taken care of.

MR. PASVOLSKY said that it would have to be stated in the Charter. An indication would be given that the procedural vote governs this part of the Council's procedure. The problem would still remain, however, of indicating a procedural vote for a number of other items. He indicated that there were approximately nine other functions of the Council derived from Chapter VI, Chapter VIII, and the Four-Power amendments on which a decision would have to be made as to the character of the vote. Some of these would presumably be by a procedural vote, others by a qualified vote. Those decisions to be taken by a procedural vote that we can decide upon at this time would be stated in the Charter and we would have to provide also in the Charter the method for deciding how other questions would be settled that would arise in the course of the life of the Organization.

SIR ALEXANDER CADOGAN stated that he thought it would be satisfactory if it was perfectly clear from the Charter what vote was required in the decision to consider or discuss a dispute. He was sure the question would be asked whether paragraph 3 as now drafted meant that the decision to discuss and consider a dispute would be taken by a vote of seven out of eleven. If that was definitely stated then he would be satisfied.

MR. PASVOLSKY indicated that that is what we had said, and added that the point where the non-procedural vote begins was quite clearly established.

SIR ALEXANDER CADOGAN suggested that one way of handling the matter, which however would involve a change in the Dumbarton Oaks Proposals, would be to revise slightly the language of Chapter VIII, Section A, paragraph 1. That paragraph could begin "The Security Council shall consider or discuss . . ." and then nothing more need be said.

MR. SOBOLEV indicated that we could now foresee that some questions were clearly procedural and could give affirmative answers to them in response to the questionnaire. When we answer the question of the right of the Council to consider or discuss a dispute we would give a definite answer. We must, however, foresee certain questions, certain types of decisions, with respect to which we cannot now define the vote. Therefore, some provision must be made for the vote which the Council would take in deciding the preliminary question as to whether a matter required a procedural or a substantive vote. This was the problem of question 19, which in the document before the committee (Draft Replies to the Questions, May 26, 1945) was left blank. We should, he said, make a statement in answer to this question that left no doubt but that this question was one of substance

and that it required a vote of seven members, including the concurring votes of the permanent members.

SIR ALEXANDER CADOGAN commented that the first sentence of paragraph 3 of the statement of May 26, 1945, was then untrue. MR. SOBOLEV indicated that the vote on consideration or discussion of a dispute could be decided now.

SIR ALEXANDER CADOGAN asked what would happen if a state said that this matter was not a procedural question. By its veto it could prevent consideration of a dispute from the very outset.

MR. PASVOLSKY asked Mr. Sobolev if he did not agree with him that it was perfectly clear the procedure that we were following. There would be one group of questions which would be settled by a procedural vote and these would be specified in the Charter. Also specified in the Charter would be those questions requiring a non-procedural vote. In the third category would be the unforeseen questions. With respect to the question whether the Council could consider and discuss a dispute, our interpretation would be written into the Charter and we would not leave this matter to the future.

SIR ALEXANDER CADOGAN said it was simply a matter of knowing what we were trying to say in paragraph 3. If we agreed that the discussion and consideration of a dispute should not be subject to the veto power, then we should not complicate the statement by reference to the right of the Council to "decide its own rules of procedure". By changing three words in the Dumbarton Oaks text as he had suggested earlier the matter would be clear and all abstruse argument could be avoided.

MR. STETTINIUS indicated that we do mean that discussion of a dispute is not subject to the veto power. This, he said, was clear from the discussions at Dumbarton Oaks and at Yalta. It was always held that any matter could be discussed by the Security Council. SIR ALEXANDER CADOGAN agreed that, while the permanent members retained the right of veto on enforcement action, it was understood that they could not shut the door on discussion.

AMBASSADOR GROMYKO said that there were two very important questions that remained to be answered. The first was whether the decision of the Council relating to the question of discussing such and such a matter brought to its attention by a state or group of states would be adopted by a vote of seven, including the five permanent members, or by a procedural vote. He said the Soviet Delegation was thinking over and studying this whole question. The second problem was whether the Council would act by a procedural vote or a substantive vote in deciding whether a question brought before it was of a procedural character. His answer to that, he said, was that the Soviet Delegation believed that such a decision should be made by a vote of seven, including the five permanent members.

MR. STETTINIUS commented that it looked as though the Subcommittee of Five had after all not reached complete agreement.

MR. PASVOLSKY indicated that as far as paragraph 3 of the statement went it was clear that the question of the consideration and discussion of a dispute would be settled by a procedural vote. The real decisions of the Council started after discussion had begun, or took place during the discussion, and these decisions of course would require a qualified majority. MR. PASVOLSKY said he would like to see his understanding of the matter either confirmed or not.

AMBASSADOR HALIFAX said that his mind was less versed in these matters than Sir Alexander's. One point, however, was clear to him, that it would be difficult to make progress until the question was settled whether or not it was agreed that the Security Council should have the right of considering or discussing a matter by an unqualified majority vote. He indicated that this matter was apparently perfectly clear to Mr. Pasvolsky, but was not equally clear to his Soviet colleagues. AMBASSADOR HALIFAX said he had not been at Yalta but that his understanding was that the Security Council could not be debarred from considering a dispute. He thought that, if this group was divided on this question, we were going to be in for some trouble.

AMBASSADOR GROMYKO stated that at Dumbarton Oaks it had been agreed that the Council could discuss all matters, but that the character of the vote had not been discussed. At Yalta, when the categories of procedural and qualified votes were established, no listing was prepared of matters requiring a procedural vote or requiring a qualified vote. The decision, he said, had been entirely of a general character, that the Security Council could discuss all matters brought to its attention.

MR. STETTINIUS asked whether it had not been agreed that no country would have a veto on discussion. AMBASSADOR GROMYKO replied that the question of a veto had not been discussed in this connection. AMBASSADOR HALIFAX noted that, if the Yalta formula said that no party had a right to block discussion of a dispute, it would seem to follow that one could not block the discussion of a dispute to which one was not a party. MR. STETTINIUS agreed that that was the interpretation of the United States Delegation also.

MR. DULLES states that he did not think the circumstances warranted such a serious and grave view of the situation. What we want, he said, flows from the text of the Dumbarton Oaks Proposals. There was no doubt about it, and in his view there was no need to alter either the Dumbarton Oaks Proposals or the Yalta agreement. He did not think it was necessary to go into all the abstruse questions raised in this questionnaire and quoted the saying: "A fool can ask more questions than ten wise men can answer". If all these questions were

discussed, he said we would be here way beyond the date on which it was scheduled that the President would join us.

MR. DULLES explained that the Dumbarton Oaks Proposals provide that a state may bring any dispute to the Council. The Council would have to listen to it. There would be no way of stopping discussion. Perhaps the wording raised the question unnecessarily, but, since any state had the right to bring a matter before the Council, there was no legal way in which the Council could be stopped from discussing it or hearing observations on it. He thought the matter was a perfectly simple one and that the essential point was the right of states to present their views to the Council. After a dispute was talked over, of course, any decision to investigate it or to call upon the parties would require a qualified majority. SENATOR VANDENBERG questioned whether any vote was needed on the question of discussing or considering any dispute. MR. STETTINIUS commented that Mr. Dulles' statement had been most clarifying.

SIR ALEXANDER CADOGAN said he did not mean to cause any trouble but he was sure that others would raise this matter. He said it seemed to have been assumed that a decision was necessary for discussion to take place in the Council. There was some danger that, unless this matter was clarified, we would be accused of gross deception. From his point of view there was no intellectual difficulty involved, only a practical one.

MR. JEBB suggested that a slight alteration in Section A would really take care of the question. It could be provided that "The Security Council shall consider . . ."

MR. STETTINIUS asked whether this would affect the Yalta formula and MR. JEBB replied in the negative. MR. STASSEN indicated that the matter boiled down to the fact that a procedural vote was needed to get a question onto the Council's agenda. MR. PASVOLSKY said that this was all that paragraph 3 in the statement provided. He thought that paragraph 3 was perfectly clear and meant simply that no action would be taken by a qualified vote to prevent discussion of a question brought before the Council. This, he said, would be indicated in the Charter. At the next step in the chain of events, when a decision was taken, the qualified vote would begin to operate. MR. PASVOLSKY urged that we air this matter out at the present time.

SIR ALEXANDER CADOGAN asked whether the Soviet Delegation accepted paragraph 3.

AMBASSADOR GROMYKO remarked that he did not understand what it meant. He would prefer personally and from a drafting point of view that the sentence begin with the words: "No individual member of the Council can alone prevent a consideration and discussion . . ." He said, however, he would have to refrain from taking any final posi-

tion on this question, and would have to ask that time be given to him to study it.

MR. JEBB commented that some fool had already put the question and that the joker question was number 19 (Memorandum on Questionnaire on Exercise of Veto in Security Council, UNCIO, May 22, 1945 [42]). That question was: "In case a decision has to be taken as to whether a certain point is a procedural matter, is that preliminary question to be considered in itself as a procedural matter or is the veto applicable to such preliminary question?" Mr. Jebb said that he had replied that the veto was not applicable, whereas the Soviet Government had said the veto was applicable.

MR. STETTINIUS asked whether Ambassador Halifax would like to discuss this matter further with his Delegation. AMBASSADOR HALIFAX replied that he would like a further opportunity to consider it and particularly the statement made by Mr. Dulles. He thought it might be possible to redraft paragraph 3. MR. STETTINIUS felt that a decision must be reached by Monday and suggested that the group meet again the following afternoon. AMBASSADOR GROMYKO suggested that he might not have anything to say on this question before Tuesday. AMBASSADOR HALIFAX suggested that the Subcommittee meet the following day and that this group provisionally agree to meet at 9:30 in the evening.

AMBASSADOR GROMYKO indicated that the question was now properly before the heads of the delegations. There had been no disagreement in the Subcommittee, but now it was up to this group to discuss the question thoroughly.

AMBASSADOR HALIFAX stated that this group had had particular difficulty with paragraph 3 and that it might be well to see whether this paragraph could not be clarified by some redrafting. We could then discuss the work of the Subcommittee on this paragraph. DR. SOONG suggested a Monday morning meeting for this group with prior discussion in the Subcommittee. MR. STETTINIUS said he would like to appeal to the members of the group to reach a decision on this question. SENATOR CONNALLY agreed that it was of the highest importance to reach a decision or otherwise we could expect an uprising and a rebellion of the smaller states.

SENATOR VANDENBERG urged that a meeting be held promptly to settle the question of the French amendment to paragraph 2, Section C, Chapter VIII. MR. STETTINIUS agreed that this question should be brought up and that another meeting should be held promptly.

AMBASSADOR HALIFAX suggested that Mr. Dulles had presented a most coherent argument, and that, if the Subcommittee could meet and clarify paragraph 3, it might be possible to reach agreement in

[42] Doc. 855, III/1/B/2(*o*), June 8, UNCIO Documents, vol. 11, p. 707.

this group. SENATOR CONNALLY indicated that paragraph 3 could be redrafted to make it perfectly clear that a state can present its case and be heard. MR. STASSEN agreed that paragraph 3 could be greatly clarified. MR. PASVOLSKY suggested that the sentence might very well begin: "No individual member of the Council can alone prevent . . ." He wondered whether we could not agree on this formula now.

AMBASSADOR GROMYKO replied that it would be difficult since he did not understand the meaning of the first lines in paragraph 3.

AMBASSADOR HALIFAX indicated that he had been impressed by Mr. Dulles' argument and he wondered whether paragraph 3 might not be revised to bring in the point made by Mr. Dulles. It might read: "Since any state may bring any dispute to the attention of the Security Council, it follows that no individual member can alone prevent a consideration and discussion by the Council of a dispute or situation brought to its attention." He thought something along this line would serve our purpose.

MR. PASVOLSKY thought the meaning of paragraph 3 was clear as it stood. He questioned whether it was necessary to take the matter up with the Subcommittee again and thought agreement could be reached upon a draft now.

SIR ALEXANDER CADOGAN suggested that the Subcommittee consider making the draft clearer. MR. PASVOLSKY commented that the simple statement could be made that: "It is our understanding of the voting formula that no individual state can prevent a matter from being brought before the Security Council and that no individual state can prevent consideration and discussion of that matter."

MR. STETTINIUS suggested that the Subcommittee could meet on this problem and that this group could reconvene during the afternoon or evening.

MR. SOBOLEV asked what answer was going to be given to question 19. SIR ALEXANDER CADOGAN replied that this question could wait since it was not so urgent.

MR. PASVOLSKY thought that the two questions should be separated. On the one hand, we needed to clarify our minds as to the functions to be specified in the Charter that would require a procedural vote. There would still, however, be question 19 to which an answer would have to be given. AMBASSADOR GROMYKO asked when an answer would be forthcoming to this question. SIR ALEXANDER CADOGAN did not think the two questions were bound together. AMBASSADOR GROMYKO asked when it would be possible to reach agreement on question 19.

MR. PASVOLSKY replied that the American Delegation had not yet considered this problem and that he felt it was not as serious a question as it would be if it was not possible to specify in the Charter the questions requiring a procedural vote. The Subcommittee had talked

about this question but was not yet prepared to report on it. In the course of these discussions it had been pointed out that the League of Nations had never really answered this question. MR. PASVOLSKY suggested that it would be possible for the Subcommittee to meet at eleven o'clock the next day. MR. STETTINIUS suggested that the heads of the delegations could then meet in the evening.

MR. STETTINIUS asked whether any statement could be made to the press on this matter. AMBASSADOR GROMYKO replied that he wished to study the question of paragraph 3 but that he had already said he was ready to talk on question 19. AMBASSADOR HALIFAX thought there would be a bad effect if the discussions were in any way made public property. MR. STETTINIUS felt, however, that the delay was causing considerable confusion and that some statement would have to be made soon. MR. DUNN commented that it was more important to have agreement on this question and that we would have to take the time that was necessary to get agreement. He did not think we should set any particular time for a statement, but should see what the Subcommittee could accomplish and then decide the next step. MR. STETTINIUS agreed that no time would be set, but he did feel that something should be said to the press over the weekend to avoid harmful speculation. MR. SOBOLEV thought it was best to say nothing. MR. STETTINIUS thought it was better to say something in order to avoid confusion. AMBASSADOR GROMYKO said that a statement could be made that we were discussing these questions, but he did not feel that anything should be said on the substance of the questions. MR. STETTINIUS said it was essential that he be authorized to say something after this meeting.

AMBASSADOR HALIFAX suggested that the Chairman should say that we had met and had a full discussion and that there was a large measure of agreement. Other points were still under discussion, and this discussion would be continued. THE AMBASSADOR said that, if this brief statement satisfied the press, the press was very easily satisfied.

MR. STETTINIUS suggested that at the next meeting the members should be prepared to discuss the French treaty amendment.

The meeting was adjourned by the Chairman at 10:30 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 56

*Minutes of the Fifty-Sixth Meeting of the United States Delegation, Held at San Francisco, Monday, May 28, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (36) present at meeting.]

The Secretary convened the meeting at 9:00 a. m.

## Secretary's Radio Statement [44]

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## Voting Procedure in Security Council

The Secretary asked Mr. Pasvolsky to report to the Delegation on the progress made in the Committee of Deputies to the Heads of Delegations. Mr. Pasvolsky presented three documents for the consideration of the Delegation. They were:

1. The May 27, 1945 draft of a new paragraph 3 to be incorporated in the Four-Power statement.
2. The May 27[*26?*], 1945 draft of a new section to be added to the statement setting forth the view of the sponsoring governments that the Charter itself should "contain an indication of the application of the voting procedures to the various functions of the Council specified in the Charter."
3. A sample of the type of clarification which should be included in the Charter itself entitled To Insert Somewhere In The Charter Proper Language To Express The Following Idea.

Mr. Pasvolsky turned first to the new paragraph 3, which reads as follows:

"3. It is clear from paragraph 2 of Section A of Chapter VIII that any state may bring to the attention of the Security Council any dispute, or any situation, which may lead to international friction or give rise to a dispute. The Council can discuss and consider any such dispute or situation and, in deciding whether or not to discuss a particular dispute or situation, the Council should obviously operate by a procedural vote which does not require unanimity of the permanent members. It follows that no individual member of the Council can prevent a consideration and discussion by the Council of such dispute or situation. Nor can parties to such a dispute be prevented in this manner from receiving a hearing before the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes."

Mr. Pasvolsky was of the opinion that the new paragraph was a great deal clearer than the original which had caused the British difficulty as to exactly which matters were to be considered by a procedural vote. The Secretary asked whether Mr. Pasvolsky would present to the Delegation a picture as to exactly what the entire situation was at that time. Mr. Pasvolsky declared that at the meeting of his Committee on the previous day there had been no doubt as to the interpretation that should be given to the Yalta formula. There had

[44] Text of radio address by Mr. Stettinius to be delivered Monday, May 28, at 7:30 p. m., PWT, at the Fairmont Hotel, was transmitted to the Department in telegram 4, May 28, not printed; for printed text of the address, see Department of State *Bulletin*, June 3, 1945, p. 1007.

been no vagueness in the meeting on Sunday. The entire draft had been approved in principle although final word had not arrived from the Chairman of the Russian Delegation which was still studying the matter. However, the Russian representative on Mr. Pasvolsky's Committee, Mr. Sobolev, had left no doubt in the minds of the other members as to his support for the draft.

. . . . . .

MR. PASVOLSKY reported that the Committee had discussed a second point in its meeting on Sunday, namely the practical effect of the declaration under consideration. There had been raised again the problem of whether or not the effects of this statement should be embodied in the Charter itself. The decision of the Committee had been that the implications of the statement should be incorporated in the Charter. The second paper that Mr. Pasvolsky had presented to the Delegation was the result of this decision. This paper was intended to constitute a second part of the Four-Power statement and read as follows:

"In the light of the considerations set forth in Part I of this statement, the answers to the questions submitted by the Subcommittee should be clear, with the exception of Question 19. The answer to that question is as follows:

1. In the opinion of the Delegations of sponsoring governments, the Charter itself should contain an indication of the application of the voting procedures to the various functions of the Council specified in the Charter.

2. In this case, it will be unlikely that there will arise in the future any questions of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should however, such a question arise, it must obviously be settled by a vote of seven members of the Security Council, including the concurring votes of the permanent members."

Part II of the statement was intended to supply the answers to some of the questions which were not covered in the broad statement of interpretation. Among these was question 19 of the questionnaire: "In case a decision has to be taken as to whether a certain point is a procedural matter, is that preliminary question to be considered in itself a procedural matter, or is the veto applicable to such preliminary questions?" The answer to this question, MR. PASVOLSKY said, is provided in Part II.

MR. PASVOLSKY turned next to the third paper he had placed before the Delegation and reported that this was a British suggestion for insertion in the Charter. It read as follows:

"If a dispute or situation is brought before the Security Council under the terms of paragraph 2 of Section A of Chapter VIII, the question whether the Security Council shall consider and discuss that dispute or situation shall be settled by a procedural vote."

THE SECRETARY asked whether the Delegation would agree to accept these three papers. SENATOR CONNALLY declared that he had one question to ask concerning the new paragraph 3 of the draft Four-Power statement. He wondered what was the significance of the second sentence concerning the necessity to operate by procedural vote when the Council intended to "discuss and consider any such dispute or situation." SENATOR CONNALLY was of the opinion that this was an automatic procedure and could not understand why there was a provision in this sentence concerning the Council's not discussing a particular dispute or situation. MR. PASVOLSKY replied that the point of that sentence was that the Security Council could not be prevented from taking this action by the veto of any one power. Such action could, of course, be blocked by the votes of any six powers. He further declared that any action which was mandatory upon the Council could effectively be stymied by the intrusion of the time element. The decision referred to in the sentence under consideration was whether or not to discuss a particular dispute at any one time. SENATOR CONNALLY expressed the opinion that too much emphasis on procedural matters was confusing anyhow. SENATOR VANDENBERG agreed and declared that he could not see the difference between this paragraph and the third document submitted to the Delegation. MR. PASVOLSKY explained that the latter paper was a sample of language actually to be included in the Charter.

COMMANDER STASSEN declared that he thought an excellent solution had been reached. The Four-Power statement provided a clear interpretation of the formula, and he was in agreement with the decision to outline the effects of the statement in the Charter itself. SENATOR CONNALLY said that it was also his impression that the Five Powers had agreed to this in their meeting on the previous day. MR. PASVOLSKY replied that they had agreed to recommend this to the Heads of their Delegations and that that was what he was doing. THE SECRETARY declared that he was greatly impressed with the work that had been accomplished. MR. DULLES observed, however, that the words: "should be clear" in the first sentence of the draft Part II of the Four-Power statement should be changed to "are clear."

MR. KANE asked how this interpretation would affect the voting arrangements under paragraph 8 of the Chapter on Trusteeship. This paragraph provided for the unanimous vote of the permanent members of the Security Council on certain issues concerning trusteeship. He asked how these two parts of the Charter would tie together. THE SECRETARY replied that the voting procedure on trusteeship was spelled out separately and was really an independent and separate question. MR. KANE declared that despite the unique characteristics this was, nevertheless, a voting matter. SENATOR CON-

NALLY stated that it was his opinion that the unanimity rule would apply in the Trusteeship Chapter and MR. PASVOLSKY replied that there could be no question on that. SECRETARY STETTINIUS was in agreement.

SENATOR CONNALLY declared that he expected to run into difficulty in future negotiations because Ambassador Gromyko wanted an answer to Question 19 before his Delegation would agree on any interpretation of the entire Yalta formula. MR. PASVOLSKY remarked that this matter would probably require reference to Moscow. THE SECRETARY inquired if the matter had not already been referred to Premier Stalin. MR. PASVOLSKY said that he was not sure of that and observed that the definition of procedural matters had not yet been referred to Moscow. Question 19, he said, would be easy to answer once procedural matters had been properly defined. There were other questions which had not been answered, among them the procedure on electing a Secretary General and choosing the Judges of the Permanent Court. The whole matter, he thought, would take several more days before a final solution could be achieved.

MR. PASVOLSKY reported that the Chinese had indicated a desire to delete the final sentence of the new paragraph 3. SENATOR VANDENBERG remarked that it was "a funny sentence." THE SECRETARY asked MR. PASVOLSKY what his recommendation was, and the latter declared that he had wanted to have adopted some wording of the order of "cannot prevent the Council from reminding"; the other powers, however, had insisted on the insertion of the words "any member of" which was not so acceptable to this Government. THE SECRETARY asked what MR. PASVOLSKY would recommend, and he replied that he favored dropping the entire sentence. THE DELEGATION agreed unanimously that the last sentence should be omitted.

SENATOR CONNALLY expressed the hope that the action taken by the Delegation would not in any way weaken the attitude that had been taken with respect to the various phases of discussion up to the investigatory phase.

MR. HACKWORTH raised an objection to the insertion proposed by the British. Including this memorandum by itself, he thought, would serve to weaken the entire memorandum designed to answer the questions prepared by the Subcommittee of the Committee on Security. MR. HACKWORTH asserted that he would favor leaving the memorandum as it was without any effort to insert this paragraph in the Charter—unless further insertions were made. MR. PASVOLSKY explained that this paragraph was only a sample of the insertions that would have to be made in order to carry out in the Charter the implications of the Four-Power statement. The Charter would finally include, he said, a statement of which matters were procedural

and would also outline those on which decisions would be taken by a qualified majority. He said that the importance of having a specific delineation of procedural matters in the Charter itself lay not so much in the clarification of the unanimity rule as in the fact that such a distinction would eliminate the possibility of the Organization being stymied. If there were specific language on procedural matters in the Charter, the Big Five would be unable to force non-procedural matters into the sphere of procedural matters.

COMMANDER STASSEN asked if he were right in his understanding that the idea was so far as possible to spell out procedural matters now. In the future a concurring vote by the permanent members would be necessary to transfer any matter from a procedural to a non-procedural vote, or vice-versa.

THE SECRETARY asked the Delegation to take a position on the acceptance of the draft as presented by Mr. Pasvolsky. SENATOR CONNALLY declared that he accepted the paper To Insert Somewhere In The Charter Language To Express The Following Idea as being a sample of the type of insertion which would be made to fulfill the implications of the Four-Power statement. MR. PASVOLSKY added that this single paragraph grew out of the decision taken by the Big Five in the draft Part II of the Four-Power statement.

MR. PASVOLSKY asked whether the rearrangement of the paragraphs of Chapter VIII, Section A, proposed by Mr. Dunn at an earlier meeting, was precluded by the recent decisions. MR. PASVOLSKY said that nothing was precluded by these new papers and that they involved merely a specification of procedural matters. MR. ROCKEFELLER asked whether there would be any change from the position taken by Mr. Dulles that paragraphs 2 and 3 should be considered procedural matters. MR. PASVOLSKY replied that this would not deny Mr. Dulles' suggestion. MR. DUNN clarified the situation by declaring that in his opinion the power of the Security Council outlined in paragraph 3 to "call upon the parties" would not have any great significance. His rearrangement would present a clear picture of full discussion involving only voluntary obligation to settle disputes. MR. ROCKEFELLER asked whether the recent decisions precluded settlement by the member states themselves, and MR. DUNN replied that such a solution was not precluded.

MR. ROCKEFELLER objected to the use of the word "obviously" in paragraph 2 of the draft Part II of the Four-Power statement. He declared that it would not be so clear to the smaller nations as it would be to the Big Five and therefore would have the connotation of the imposition of the views of the Big Powers. The Delegation agreed to delete the word "obviously."

The Delegation agreed unanimously to accept the entire solution of the voting problems as had been presented by Mr. Pasvolsky. MR. DUNN, however, wanted to point out that, although there was agreement in spirit on the part of the USSR, the actual wording of the draft statement and of the new portions of the Charter would probably have to go to Moscow for approval.

COMMANDER STASSEN asked if he was right in understanding that it would be impossible to get Russian approval of language modifications without instructions coming from Moscow, and MR. DUNN replied that this interpretation was correct. MR. HACKWORTH urged that it be borne in mind that in attempting to incorporate language into the Charter there would be necessary a great deal of negotiation on the exact phraseology. He thought that for this reason the Four-Power statement should be attached to the Charter, more or less as a protocol. MR. PASVOLSKY declared that the British would not accept this solution.

### FRENCH AMENDMENT ON NEUTRALITY

THE SECRETARY announced that Mr. Pasvolsky had a report to make on other problems soon to arise, but he expressed the hope that it would not be necessary to consider them at this time. MR. PASVOLSKY, however, insisted that he had several important matters to discuss, the first being the proposed French amendment concerning neutrality.[45] The French, he declared, were thinking about proposing an amendment to the effect that neutrality was inconsistent with the responsibilities incurred in the Charter. However, in conversation with the French, he had convinced them that the proposed amendment was not a very good idea. The French had countered with a proposal that they should introduce the amendment in the Committee and should be supported by one of the other big powers, whereupon the French would "gracefully withdraw" their amendment. The representative of the other member of the Big Five should agree with the principle underlying the French amendment but should express the view that the situation was adequately covered in the existing provisions in the Charter, and that the French amendment was worded too narrowly.

MR. PASVOLSKY thought that this was a good idea, and the Delegation was unanimously agreed.

### PROCEDURE ON AGREEMENTS FOR SUPPLY OF FORCES

MR. PASVOLSKY reported that the Committee dealing with security questions had considered the problem of making possible the conclusion of agreements for the supply forces to the Security Council,

[45] Doc. 423, I/1/20, May 19, UNCIO Documents, vol. 6, p. 312.

instead of merely among the member states.[46] Specifically, it had been proposed to substitute the words "by them" for "among themselves" in paragraph 5 of Section B, Chapter VIII of the Dumbarton Oaks proposals. The Committee had agreed that these agreements for the supply of forces should be negotiated on the initiative of the Security Council. However, the Chinese had taken the position that the Security Council could not negotiate or be a party to an agreement without specific authorization. Consequently, the Chinese had been unwilling to accept the new words "by them." MR. PASVOLSKY declared that he understood the United States position was to adopt phraseology which would leave the matter open to future decision. He said that he had mentioned in the Committee that the United States would favor conclusion of the agreements by the Security Council.

SENATOR CONNALLY declared that he had always agreed that the Security Council should be a party to agreements for the supply of forces. He pointed out, however, that the objection had been raised that such a policy on the part of the Security Council would give the Organization the appearance of a world super-state. However, SENATOR CONNALLY was of the opinion that the Council's power to use the forces placed at its disposal under the agreements had the same effect in the long run. He thought that the Security Council should make the agreements with the member states in order to eliminate confusion. SENATOR VANDENBERG asked how this question had been treated in the Dumbarton Oaks Proposals, and MR. PASVOLSKY remarked that the matter had been left open.[47] SENATOR CONNALLY reiterated that in his opinion the Council should sign the agreements for support of forces.

MR. HICKERSON remarked that Admiral Rodionov had asked him whether Senator Connally would speak against the Australian amendment to substitute the words "by them" for "among themselves." MR. HICKERSON said that he had replied that the United States could not speak against this proposal but would adhere to its obligation and would vote with Russia.

MR. PASVOLSKY reiterated that the Chinese had held the position that the Council would have no power to be a party to an agreement of any nature unless it was granted specific authority. MR. PASVOLSKY suggested that the matter be referred to the "hard working" jurists. This same question, he said, had come up at Dumbarton Oaks. MR. HACKWORTH declared that there was no doubt in his mind that the Council could be a party to an agreement if the signatory

[46] Doc. 628, III/3/33, May 26, UNCIO Documents, vol. 12, p. 382; Doc. 289, III/3/11, May 13, *ibid.*, p. 608.

[47] See memorandum by Messrs. Gerig and Yost, November 20, 1944, *Foreign Relations*, 1944, vol. I, p. 901.

powers were in favor of this procedure. When asked by REPRESENTATIVE EATON if he thought it would be advisable to vest this power in the Security Council, MR. HACKWORTH replied that this would make for an easier and much better situation. SENATOR VANDENBERG declared that any realist would see that these special agreements for the support of forces were the stumbling block of the Organization. Someone, he said, would have to be charged with the initiation of these agreements. He added that these agreements would have to be approved by the United States Senate, and it would be adding another difficulty to require Senate approval for initiating the agreements. SENATOR CONNALLY voiced the opinion that this function should devolve upon the Security Council, and MR. HACKWORTH remarked that this question should be finally settled "here and now." SENATOR VANDENBERG agreed with Senator Connally.

MR. PASVOLSKY remarked that he had a legal question for the Delegates to consider. If the words "by them" were to be included in the Charter, would that in itself constitute sufficient authority for the Security Council to become a party to the agreements for the support of forces? MR. HACKWORTH declared that the answer to that question was very clear. The League of Nations had been entering into contracts since its inception, and the new Organization would undoubtedly have to do the same. SENATOR CONNALLY asked whether the Charter would not establish the Security Council as an entity, and MR. HACKWORTH replied that that was correct. SENATOR VANDENBERG asked whether Mr. Dulles cared to express his opinion on the legal aspects of this question, and the latter replied that there was no doubt that the Organization would have the authority to make treaties.

MR. HICKERSON asked what position Senator Connally should take in the 10:30 meeting.[48] He pointed out that the Delegation had already decided at the previous meeting [49] that the phraseology should be changed but that it appeared as if the United States was in disagreement with the other members of the Sub-Committee of Five. MR. PASVOLSKY replied that he had never reported to the Delegation that the Sub-Committee of Five had turned down this suggested revision. He had reported, he declared, that the Sub-Committee had not reached a decision. The United States, he said, had been accused of getting out on a limb, and it was essential that the position of this country be made clear. MR. PASVOLSKY suggested that Senator Connally get together with the representatives of the other four major powers on his Committee in order to reach an understanding on this matter in view of the fact that there would be no time before the 10:30

[48] Doc. 649, III/3/34, May 28, UNCIO Documents, vol. 12, p. 391.
[49] Minutes of meeting of United States delegation, May 24, 9:05 a. m., p. 862.

meeting to have a decision by the Committee of Five. MR. HICKERSON declared that he would try to get a postponement on this question.

SENATOR CONNALLY, who was in the chair because the Secretary had had to leave the meeting, asked whether the Delegation wished to express its opinion on the question at issue. SENATOR VANDENBERG proposed a formal motion that the Delegation support phraseology which would permit the Council to be a party to the agreements for the supply of forces to the Organization. The Delegation unanimously accepted this motion. MR. PASVOLSKY emphasized that the wording suggested would leave the matter open and would merely make participation of the Council in these agreements possible.

MR. HICKERSON remarked that he had promised the Russian delegates that the United States would not vote for the Australian amendment. SENATOR CONNALLY declared that he would try to postpone the question, but if he were maneuvered into casting a vote he would vote according to the Delegation's wishes as expressed in their decisions of a few meetings earlier. This, he declared, was a realistic situation. The Security Council had the actual authority to make war and take other important steps. It was foolish, he said, to leave it to the states to take the initiative in supplying forces to the Organization.

MR. PASVOLSKY suggested that Senator Connally try to leave the situation flexible. It was necessary, he declared, to reach an understanding with the other four powers. MR. PASVOLSKY urged that Senator Connally attempt to work out some arrangement at the meeting. MR. HICKERSON observed that the Russians appeared to be in opposition to the Australian amendment while the British favored it. He had not spoken with the Chinese representatives on this matter.

SENATOR CONNALLY declared that he would accept the wording "by them with the approval of the Security Council." MR. PASVOLSKY asked why Senator Connally would not stand on the more advanced position which the Delegation had taken. MR. JOHNSON suggested that, if necessary, the solution might be to delete the words "concluded among themselves," but MR. PASVOLSKY replied that it would be impossible to achieve acceptance for this change. MR. ARMSTRONG asked what was the real reason for the Russian opposition to the Australian amendment, and MR. HICKERSON replied that he was unable to answer that question. SENATOR CONNALLY declared that the opposition was derived from the unwillingness of a number of "little old countries" to supply troops to the Organization. MR. HICKERSON replied, however, that Russia could hardly be called a "little old country." MR. PASVOLSKY reiterated that the Chinese opposition was based on legal grounds, and REPRESENTATIVE EATON interpolated that the opposition of the U.S.S.R. was based on Russian grounds. MR. PAS-

VOLSKY declared that the Russians had suggested the phraseology "by some or all" but MR. PASVOLSKY was of the opinion that this was a very dangerous wording because under it some states could claim exemption from the requirement for the supply of forces.

MR. HICKERSON suggested that the Delegation devote some time to the question of the French amendments to Chapter VIII, Section B, paragraphs 5, 6, and 9. DEAN GILDERSLEEVE declared that she also had some important business to discuss with the Delegation concerning the Australian "pledge" amendment. SENATOR CONNALLY suggested that Dean Gildersleeve speak first in view of her senior position.

### AUSTRALIAN "PLEDGE" AMENDMENT

DEAN GILDERSLEEVE reported that she had objected to the Australian amendment [50] that "all members undertake to cooperate with the Organization and with each other and to take separate action by (political and economic) methods of their own choice for the achievement of these purposes." The Australians had introduced two alternative wordings as follows:

1. "All members pledge themselves to take separate action and to cooperate with the Organization and with each other to achieve these purposes. Insofar as separate action is concerned each member shall be entitled to pursue these purposes by political and economic methods of its own choice."
2. "All members pledge themselves to take action within their own territories by methods of their own choice to achieve these purposes; and, where appropriate, to collaborate with the Organization and with each other in seeking joint measures directed toward their universal realization."

DEAN GILDERSLEEVE reported that she had countered [51] with the following wording:

"All members undertake to cooperate with the Organization and with each other and to take separate action, consistent with their own political and economic institutions, for the achievement of the purposes stated above."

The Canadians had submitted a fifth draft as follows:

"All members undertake to cooperate with the Organization and with each other and to take separate action in accordance with their respective constitutional processes to achieve these purposes."

DEAN GILDERSLEEVE reported that the Russians would probably support the United States draft but that it was fairly certain that the Canadians would not. COMMANDER STASSEN urged that the Canadian wording "constitutional processes" would not include within its scope

[50] Doc. 599, II/3/31, May 26, UNCIO Documents, vol. 10, p. 99.
[51] Summary report of meeting of Committee II/3/A, May 26, 3 p. m., not printed.

the economic institutions of the member states. It was not necessary, he declared, to alter constitutional arrangements in order to change economic institutions. DEAN GILDERSLEEVE declared that the Canadian wording could probably be voted down. COMMANDER STASSEN remarked that it would indeed be interesting to discover whether this Committee was interested in voting down the United States amendment which proposed proceeding according to existing institutions. MR. ROCKEFELLER said that he would be glad to appear at the Drafting Committee meeting in order to assist DEAN GILDERSLEEVE. The latter remarked that she had reserved the position of this Government pending clarification of the issues involved.

MR. DULLES restated the position he had taken at an earlier meeting that this amendment was not within the scope of the Conference. He thought that Dean Gildersleeve should raise in Committee the question of whether the Conference was competent to consider a pledge for individual action. To admit that this amendment was within the scope of the Conference's powers, he thought, would be to open the door to many more similar amendments. SENATOR CONNALLY agreed with this position and DEAN GILDERSLEEVE also declared that she favored Mr. Dulles' position but that she was afraid that the other members of the Committee would not accept this argument. MR. DULLES declared, however, that this was something on which we could not legally be outvoted. As an example, he said that the United States might be outvoted 48 to 1 on a proposal obligating this country to grant lend-lease aid to Europe for a period of ten years but that the United States would not be legally bound because the question was not within the scope of the Conference.

COMMANDER STASSEN was of the opinion that this Government should not oppose this measure without sufficient justification. It was important, he thought, to keep the alternative proposal of the Delegation in the fore so that the press could not twist the intentions of the United States. REPRESENTATIVE BLOOM was of the opinion, however, that the submission of an alternative proposal would not be consistent with Mr. Dulles' proposition. An amendment by the United States would be a tacit admission that the matter was actually within the terms of reference of the Conference. COMMANDER STASSEN declared that what had gone before pointed to a need for political and legal assistance for DEAN GILDERSLEEVE in Committee II/3 and he suggested that Mr. Rockefeller and Mr. Dulles attend the meetings of this body.

DEAN GILDERSLEEVE asked whether the Delegation would want her to have Mr. Stinebower continue to press the United States amendment or whether he should continue to reserve the United States position. She remarked that it would be easier to gain acceptance for the

Canadian amendment involving "constitutional processes." MR. ROCKEFELLER thought that some of the members of the Organization did not have constitutions and thus could not have constitutional processes.

MR. DULLES declared that the wording involved in the Canadian proposal that the member states pledge to act according to their constitutional processes was contrary to what the United States was attempting to avoid in this section. MR. ROCKEFELLER suggested that the two wordings involved in the United States and Canadian amendments be combined. DEAN GILDERSLEEVE asked Mr. Stinebower what the chances were of gaining acceptance for support of a combination. MR. STINEBOWER was of the opinion that the chief opposition for such a proposal would come from the Chairman of the Committee who seemed to think that the wording "institutions" was subject to misinterpretation. MR. STINEBOWER pointed out that "institutions" could mean broad sociological phenomena as in the present discussion and might be limited to organizations such as a "banking institution." Furthermore, the Chairman of the Committee pointed out that institutions changed from time to time. MR. STINEBOWER pointed out that the Australians had proposed a substitute amendment which used the phraseology "by (political and economic) methods of their own choice." MR. PASVOLSKY suggested the wording "where appropriate, take separate action of their own choice." MR. ROCKEFELLER remarked that this would not eliminate the opposition of the Canadians and suggested "consistent with their political and economic institutions and in accordance with their constitutional processes."

COMMANDER STASSEN remarked that the word "pledge" had been eliminated in the United States draft, but MR. STINEBOWER expressed the fear that the substitution of the word "undertake" which appeared in the United States proposal would be voted down in the Committee. MR. ROCKEFELLER asked MR. STINEBOWER to give the Delegation the background of the Australian proposal with specific reference to the attempts of the Australian government to avoid their constitutional processes by treaty commitments. MR. STINEBOWER replied to the Delegation that the Australians had been trying to get the necessary authority to carry through domestic reforms. An international obligation that they could point to would give them the necessary springboard. COMMANDER STASSEN remarked that it boiled down to the fact that the Australians were trying to use the international Charter to force a change in their own country, and COMMANDER STASSEN pointed out that this weapon could be used elsewhere.

MR. DULLES pointed to the wording in the invitation by the four sponsoring governments to the other members of the United Nations to attend the Conference. He pointed out that the invitation stated

that the purpose of the Conference was "to prepare a charter for a general international organization for the maintenance of international peace and security." MR. DULLES asked what a proposal for individual obligations could possibly have to do with the preparation of such a Charter. This amendment, he thought, was outside the competence of the present Conference. DEAN GILDERSLEEVE thought that the meaning of the amendment was that the members undertook to cooperate with the Organization by separate and joint action, and MR. DULLES declared if this were so the amendment would fall within the competency of the Conference. However, MR. STINEBOWER declared that the Chairman of the Drafting Committee II/3/A would move against the United States if he were to press this position. MR. STINEBOWER thought that legally the Chairman would have grounds for objecting to this position of the United States because the amendment had been accepted in principle in the full Committee, and the Drafting Committee had no authority other than to carry out the wishes of the full Committee.

MR. HACKWORTH urged that the Delegation adhere to the line established by Mr. Dulles. He thought it was the safest approach and urged that great pressure would develop if the United States attempted to temporize. This, he thought, was a dangerous proposition. MR. DULLES voiced the opinion that this amendment was tied in with Chapter II. If the United States did not carry out the pledge suggested for inclusion in Chapter IX Section A, pararaph 1, it would forfeit its rights under the Charter. SENATOR CONNALLY asked what course of action MR. DULLES would suggest, and the latter replied he thought Dean Gildersleeve should reserve the position of this government in order that the matter might be taken up in the Steering Committee. MR. STINEBOWER asked whether he should assist in perfecting the language of the amendment or reserve the United States position completely and not formulate any language at all. REPRESENTATIVE BLOOM was of the opinion that it was impossible to take two positions. MR. DULLES said the United States could not consistently make an alternate proposal. DEAN GILDERSLEEVE declared that she had reserved the United States position pending clarification of the issue. Now that the matter was clarified she understood clearly that the Delegation was opposed to the amendment.

MR. DULLES pointed out that ratification of a document containing a clause with provision for the bringing into operation of constitutional processes provided a somewhat similar situation. If the operation of constitutional processes blocked the carrying out of the obligations incurred in the document, the state involved would still have an international obligation with respect to its pledge incurred at the time of ratification.

MR. HICKERSON remarked that in this event the reference to constitutional processes was only a matter of procedure. MR. STINEBOWER urged that no obligations would be broken if a treaty having a clause providing for the operation of constitutional processes failed of ratification by reason of these processes.

COMMANDER STASSEN declared that Australia was trying to do something which the Conference could not do. It was obvious that political and economic assistance was needed in Committee II/3. He stated emphatically that Dean Gildersleeve had been doing an outstanding job in a difficult situation. The Australians had been trying to accomplish something not germane to the Conference.

MR. DUNN declared that he thought the matter should be handled in the Penthouse in a special meeting of the interested parties. MR. ROCKEFELLER declared that he had received instructions from Mr. Tomlinson that this course should not be followed because the matter was being handled in another way. MR. NOTTER declared that Mr. Tomlinson had called on the question of expulsion, and MR. ROCKEFELLER agreed that he had been in error.

MR. STINEBOWER remarked that the Australians had been forced on the defensive by the presentation of the United States draft "consistent with their own political and economic institutions." REPRESENTATIVE BLOOM urged that the Delegation stand on the legal position taken by Mr. Dulles. He thought that Dean Gildersleeve should rise on a point of order. REPRESENTATIVE BLOOM was of the opinion that the United States would not get anywhere by pressing separate proposals. This, he thought, would recognize the legality of the Australian amendment, but COMMANDER STASSEN declared that his proposal was that the United States suggest language which would bring the amendment within the legitimate scope of the Conference. MR. STINEBOWER declared that the only part of this amendment which was acceptable to the United States was the first part ending "and with each other." MR. NOTTER suggested that Mr. Hackworth and Mr. Dunn attend the meeting in order to assist Dean Gildersleeve. Otherwise, he thought the United States was certain to be outvoted.

### FRENCH AMENDMENTS REGARDING MILITARY AGREEMENTS

MR. PASVOLSKY remarked that General Fairchild had something to bring before the Delegation.

GENERAL FAIRCHILD reported that a discussion had been held concerning the French amendments to Paragraphs 5, 6, and 9 of Chapter VIII, Section B. He presented the paper, French Amendments Regarding Military Agreements; U. S. Gen 188,[52] which he declared toned down the original French language. This, he declared, was satisfac-

[52] Not printed.

tory to all the military advisors and would probably be cleared by the U.S.S.R. MR. HICKERSON declared that the French were certain to accept this new wording and that the Russians would also undoubtedly be willing to accept it.

GENERAL FAIRCHILD declared that Admiral Rodionov had asked that the decision on this question be postponed until clearance was obtained by the Russians.

The Delegation agreed unanimously to accept the new wording.

TRUSTEESHIP

COMMANDER STASSEN declared that there was a tense situation with respect to the efforts of the Arab League. The representatives of the Arab League had told him that they thought that the Trusteeship draft must prejudice their interest in some way. Therefore, they were strongly urging the inclusion of Paragraph 4 of Article XXII of the Covenant of the League of Nations. The amendment they proposed read as follows:

"The rights referred to in Paragraph 5 of this Chapter would include the rights indicated in paragraph 4 of Article 22 of the League of Nations Covenant, which specifically states that 'Certain communities ... have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.'"

COMMANDER STASSEN remarked that he was aware that it was not good form to refer to another document, but he favored acceptance of this paragraph if it would satisfy the Arabs. He thought that the new wording would not materially affect the document. REPRESENTATIVE BLOOM strongly opposed the inclusion of this new wording because he said he was afraid of the opposition of the Jewish population of this country who were just biding their time waiting for an opportunity to express their opposition to the Arab policy. The Jews of the United States would charge that the Delegation was giving in to the Arab position. REPRESENTATIVE BLOOM was further afraid that there might be some further implications in paragraph 4 of Article XXII of which the Delegation might not be aware. He reiterated that the Jewish element of this country would be up in arms charging abdication to the Arabs. COMMANDER STASSEN declared that he had successfully beaten down all the amendments proposed by members of the Arab League. He said that he had been assuring the Arabs that the United States was not trying to take anything away from them. REPRESENTATIVE BLOOM declared that he understood the situation but that he knew what the Jewish reaction

would be. COMMANDER STASSEN urged that Representative Bloom present this clause to the Jewish leaders and discuss it with them, but the latter replied that each and every Jew was a leader and that they would raise a big disturbance if this were considered. REPRESENTATIVE BLOOM declared that if a provision should be necessary he would accept it but that he would not favor incorporation of Paragraph 4 of Article XXII in the Trusteeship Chapter unless it were absolutely necessary. REPRESENTATIVE BLOOM pointed to the attacks that had been made on him by the Jewish press, and he declared that he was not attempting to protect any one group but was working for all groups. He thought that the Arab and Jewish questions should be left alone and that they had gotten along all right until agitators moved in.

COMMANDER STASSEN reminded the Delegation that the British had insisted that Committee II/4 must listen to the Iraqui proposal.[53] COMMANDER STASSEN declared that he did not want to antagonize any group but did not want to give the Arabs anything which they did not deserve. REPRESENTATIVE BLOOM declared that the British had their reasons for urging that consideration be given to the Iraqi proposals. He said that he did not want the entire question of Palestine and the Jews and the Arabs imposed upon this Conference.

MR. ROCKEFELLER declared that he wanted to report to the Delegation on a confidential conversation he had had with President Roosevelt after the latter had received Rabbi Stephen Wise. Rabbi Wise and the Arab leaders whom the President had seen during his trip to Yalta [53a] indicated that they were ready to go to war over this situation. The Arabs were insistent that they wanted no change in the immigration policy and had indicated that they were willing to fight to preserve the existing situation. MR. ROCKEFELLER stated that he had mentioned this conversation in order to emphasize the tension that existed with respect to the whole question of Palestine.

COMMANDER STASSEN declared that he wanted to insure that no rights were altered. The Arab leaders had declared that Palestine was "a sick patient" and they were afraid of an "operation." COMMANDER STASSEN had assured them that there would be no "operation." He was of the opinion that the silence of the Jewish elements on this question had caused the Arabs to take the position that if the Jews were satisfied they, the Arabs, should be dissatisfied. REPRESENTATIVE BLOOM declared that he had been a Jew for 75 years and therefore knew what to expect.

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[53] Doc. 580, II/4/24, May 26, UNCIO Documents, vol. 10, pp. 486–87 (Iraqi interest in paragraph B,5).

[53a] On his return from the Conference at Yalta President Roosevelt met at Great Bitter Lake, Egypt, on February 13–14, 1945, with King Farouk of Egypt, Emperor Haile Selassie of Ethiopia, and King Abdul Aziz al-Saud of Saudi Arabia; for documentation, see vol. VIII, pp. 1 ff.

MR. DUNN declared that it had been the intention of the State Department and continued to be the intention to maintain the *status quo*. There was one thing, he thought, that seemed to stick in the mind of the Arabs and that was the phraseology in Paragraph 8 of the Trusteeship draft which left open the way for future agreement in the individual trusteeship arrangements. He thought that it was this exception that worried them. MR. GERIG declared that it did look as if future arrangements might change the *status quo*. COMMANDER STASSEN declared that the subsequent agreements were to be purely voluntary, and MR. DUNN declared that all the states concerned would be parties to them. COMMANDER STASSEN was of the opinion that as a matter of strategy it might be best to assure the Arabs on the basis of national policy rather than on the basis of the international Charter.

REPRESENTATIVE BLOOM referred to the last sentence of the new draft which referred to the wishes of the communities in question. COMMANDER STASSEN declared that this was quoted word for word from the League Covenant. REPRESENTATIVE BLOOM wondered whether these wishes might not be the majority wishes and pointed out that in Palestine the Arabs were in a substantial majority. He declared that according to the Treaty of 1925 [54] no changes could be made in the mandated status of Palestine without the consent of the United States. The British White Paper [55] was illegal according to the terms of the mandate. The Arabs, he declared, were trying to obtain something for their own protection. The Jews in Palestine were in the minority, and with immigration stopped the Arabs were trying to keep them in the same ratio. MR. DUNN agreed that this was the correct interpretation. REPRESENTATIVE BLOOM declared that the Arabs had no right to take this position according to the mandate and the treaty with the United States. He declared that he had been successful in maintaining a friendly relationship with the Arabs and had never fought with them. MR. DUNN was of the opinion that there would be no disturbance from either quarter if both sides were assured that there would be no change in the status. COMMANDER STASSEN was of the opinion that either Mr. Dunn or Secretary Stettinius should meet with the Arabs and give them the necessary assurance. MR. DUNN declared that he had met with some of the Arab leaders at a luncheon a few days earlier and had maintained the position that no change would be made in the *status quo*. Everybody, he said, was satisfied with the existing situation but were demanding

[54] Convention between the United States and Great Britain relating to rights in Palestine, signed at London, December 3, 1924, *Foreign Relations*, 1924, vol. II, p. 212. For text of mandate for Palestine, assigned to the United Kingdom at San Remo, April 25, 1920, and approved by the Council of the League of Nations, July 24, 1922, see *ibid.*, p. 213.

[55] British Cmd. 6019: *Palestine, Statement of Policy*, May 1939.

assurance in the Charter that no changes would be made. REPRESENTATIVE BLOOM declared that he had no strong opinion one way or the other and that he understood everyone's desires.

MR. DUNN suggested that the phraseology of Paragraph 8 of the Trusteeship Chapter should be changed so that the maintenance of the *status quo* would be mandatory and so that the paragraph would not constitute an exception to the general principle laid down. REPRESENTATIVE BLOOM remarked, however, that an exception had already been made in the White Paper. COMMANDER STASSEN declared that if the Delegation were agreed that the special clause should be included in the Charter it might open up questions related to other territories. MR. DUNN declared that he thought the wording should be changed to get away from the exception established. He suggested that it be made mandatory that the trusteeship arrangements maintain the existing situation.

REPRESENTATIVE BLOOM declared that the Arabs were not fools and would construe any phraseology according to their own interests. COMMANDER STASSEN urged once more that if the United States was willing to assure both the Jews and the Arabs that the trusteeship arrangements would insure carrying over the League situation the whole matter could be separated from the Charter. MR. DUNN remarked that this should not be a unilateral affair and that the other interested governments should also sponsor the assurance. REPRESENTATIVE BLOOM was of the opinion that no mention of either the Jews or the Arabs should be included in the Charter. He replied to the suggestion that the matter should be taken up with Jewish leaders by pointing out that there were two opposing factions and that some of the chief leaders had already left San Francisco. No steps could be taken without full agreement. MR. DUNN asked what should be done about the exception established and urged that it would raise objections from both sides. REPRESENTATIVE BLOOM remarked that he was opposed to changing the idea of the mandate and was just trying to keep out of trouble.

COMMANDER STASSEN observed that this was essentially a problem of the political relationship of the United States to the Arabs, and he thought that someone from the State Department should see the Arab groups. MR. DUNN wondered what position the British and Russians would take on this issue, and REPRESENTATIVE BLOOM replied that it was the British who were the important factor. He went on to say that the matter was still open because it had been agreed in the Committee on Trusteeship that the Iraqi representative should be permitted to present his case. COMMANDER STASSEN indicated that he was sure that he would be able to outvote any amendments proposed by Iraq. REPRESENTATIVE BLOOM declared that the incorpora-

tion of this paragraph of Article XXII might be equally dangerous with respect to other territories than Palestine. MR. DUNN reiterated that no change should be made. REPRESENTATIVE BLOOM agreed and declared that there should be no changes whatsoever. The Jewish groups, he declared, had no right to come to San Francisco, and he had not wanted them to come. He pointed to his experience with respect to the Bermuda Conference on Refugees [56] and declared that that had been a failure in the eyes of the Jewish population before he left La Guardia Field. COMMANDER STASSEN urged that the matter be held over until representatives of the State Department should have a chance to consult on the political situation involved.

COMMANDER STASSEN reported that Russian approval of the issues still facing the Committee had not been received at that time. The next meeting of Committee II/4 was to be at 8:30 p. m. Tuesday evening.

The meeting was adjourned at 10:40 a. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 57

*Minutes of the Fifty-Seventh Meeting of the United States Delegation, Held at San Francisco, Tuesday, May 29, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (35) present at meeting.]

THE SECRETARY convened the meeting at 9:00 a. m.

NORWEGIAN PROPOSAL FOR INVITING DENMARK

THE SECRETARY brought to the attention of the Delegation the fact that, for several weeks, the question of inviting Denmark to participate in the Conference had been under consideration by certain officials of the Department of State. This Government had maintained the position that no nation which had not signed the United Nations Declaration could be invited to the Conference.[57]

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MR. DUNN related for the Delegation the history of the Danish situation. Early in 1942 Prime Minister Churchill, together with President Roosevelt, asked the Danish Minister to the United States to sign the United Nations Declaration. The latter felt that he could not take this action because there was actually no Danish government, and he wrote a letter in which he signified adherence to the United Nations Declaration on behalf of the Danish people, and in which he declared that as soon as a Government was established, Denmark

[56] For documentation on the Anglo-American Conference on Refugees, held at Bermuda, April 19–28, 1943, see *Foreign Relations*, 1943, vol. I, pp. 134 ff.

[57] See telegram 3192, April 23, 1 p. m., to London, p. 361.

would adhere to the Declaration.[58] One of the first acts of the new Danish Government was to declare that the letter to Churchill and Roosevelt was a valid adherence to the United Nations Declaration, such adherence being retroactive to January 2, 1942.

. . . SECRETARY STETTINIUS thought that the Delegation was indulging in a lot of unnecessary talk because it would be impossible, in any event, to stop the Norwegians from acting. THE SECRETARY asked the Delegation for instructions on how to act. COMMANDER STASSEN moved that the United States should vote in favor in the Steering Committee of an invitation being tendered to the Danish to come to the Conference. REPRESENTATIVE EATON seconded the motion, and it was carried unanimously.

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TIME SCHEDULE

THE SECRETARY declared that he should like to consider for a few moments the question of the time schedule for the rest of the Conference. . . .

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MR. PASVOLSKY indicated that he wanted to speak for the Coordinating Committee, of which he was Chairman. That Committee, he stated, would need at least a week after the other Committees had finished their work. There were, MR. PASVOLSKY pointed out, one hundred articles, each of which would have to be gone over to make sure that it was consistent with the rest of the Charter. Then he thought that each article would have to go back to the technical committees for their approval. THE SECRETARY observed that such a procedure could not possibly be adopted, because it would take far too much time, and MR. DULLES concurred. MR. PASVOLSKY declared that if this step were to be avoided, the Coordinating Committee must get authority from the Steering Committee to make the final decision on the various articles.

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. . . THE SECRETARY inquired whether there was any objection to his holding a short meeting with the Heads of the Delegations to express his disappointment at the slow tempo with which the Conference had been progressing. COMMANDER STASSEN declared that the answer given to the Secretary would be that the big powers were holding up progress. MR. HICKERSON pointed out that Senator Connally's committee on security problems was one of the slowest, but that it was almost finished with its work and was being held up only by the necessity for Big Five confirmation of agreements reached. THE

[58] See *Foreign Relations*, 1942, vol. I, pp. 27 and 29.

SECRETARY suggested that he would get to work on the Chairmen of the Big Five Delegations. . . .

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FRENCH TREATY QUESTION

THE SECRETARY observed that there would be a meeting at 11:00 o'clock to discuss the French Amendment to Chapter VIII, Section C, Paragraph 2. In the Secretary's opinion, it was a simple matter of the word "request" or "consent". He asked what the sentiment of the Delegation was on this matter.

SENATOR VANDENBERG remarked that it did not make any great difference to him one way or another. He said he was in sympathy with the French and he pointed out that the United States also had domestic problems which cause the Delegation to be highly insistent on some matters. REPRESENTATIVE BLOOM asked whether the advisers would care to express their opinions on this matter. MR. DUNN declared that he would favor the change, provided that it did not entail any other changes in the paragraph. SENATOR VANDENBERG declared that he was in favor of at first attempting to maintain the existing wording. MR. PASVOLSKY replied that this would be impossible because the French could not go home without a change. They would, he declared, take the matter all the way up through the machinery of the Conference to the final plenary session, if necessary. THE SECRETARY asked whether it was possible to change this one word without reopening the whole question of regional arrangements. COMMANDER STASSEN asked whether Russia would permit the change of only one word. He said he favored leaving the wording as it was. In any event, COMMANDER STASSEN thought that the United States should be the last of the Big Five to take a position on this matter. If the other four agreed that this was to be the only change in the paragraph, he would favor accepting the revision. MR. PASVOLSKY thought that Russia would accept the change as it was, and he declared that the United Kingdom, which had submitted the original wording, was pleased with the new language.

SENATOR VANDENBERG declared that he was opposed to accepting the complete amendment, as proposed by the French, and Commander Stassen was in agreement. MR. PASVOLSKY expressed the opinion that the French would accept the change of only one word, "request" in place of "consent". THE CHAIRMAN asked whether the Delegation agreed with Commander Stassen's position that the change should be accepted only if it were first made certain that no other changes would be proposed, and the Delegation was unanimous in supporting this proposal.

QUESTION OF ACCEPTANCE OF ITALY INTO THE UNITED NATIONS

SECRETARY STETTINIUS read to the Delegation the two resolutions proposed by Representative Marcantonio. The first asked that an invitation be extended to Italy to adhere to the United Nations Declaration. The second requested that Italy be recognized as a "full and equal ally".[59] REPRESENTATIVE BLOOM remarked that this would be a troublesome issue, and SENATOR VANDENBERG was of the opinion that the resolutions would be passed in Congress if they came to a vote.

THE SECRETARY asked Mr. Dunn what action he would suggest. MR. DUNN thought that he should take this matter up with the sponsoring governments and ask them if it would be possible for Italy to come to the Conference. He thought that the United Kingdom should be asked first, inasmuch as they were opposed to accepting Italy on the basis of equality. Furthermore, the United States and Great Britain had the joint responsibility for administering Italy on the behalf of the United Nations. If the United Kingdom turned down the proposal, as was to be expected, the United States could be satisfied with having taken the initiative. SECRETARY STETTINIUS urged that this would not be a consistent position for the United States to take, inasmuch as the surrender terms for Italy had not yet been arranged. But MR. DUNN thought that this did not make any difference because Ambassadors had been exchanged and the United States was trying to reconstitute Italy on a democratic basis. Furthermore, President Roosevelt had conceded to Italy the status of a co-belligerent. THE CHAIRMAN asked whether the Delegation favored this procedure. SENATOR CONNALLY announced that he was opposed to making any concessions to Italy. They had been our enemy in this war and were responsible for the death of many American fighting men. MR. DUNN replied to this that we would be dealing with an entirely new government, but SENATOR CONNALLY asked why they had not been invited previously. He thought that this was a matter of high policy and should be taken up with the President. SECRETARY STETTINIUS agreed.

REPRESENTATIVE BLOOM asked what the Greeks, the Yugoslavs and any other countries which had been oppressed by Italy would say to Italy's acceptance into the United Nations, and MR. DUNN declared that they would be certain to object, and he himself was of the opinion that the proposal would not get very far. In fact, he thought that it would be stopped initially by Great Britain. THE SECRETARY asked whether the Delegation was agreed that Mr. Dunn should conduct

[59] For text of the second resolution and further discussion of these two resolutions, see minutes of sixty-eighth meeting of the United States delegation, June 11, 12:06 p. m., p. 1236.

conversations with the British on this matter. COMMANDER STASSEN said that he would favor this proposal, if it were clearly understood that no commitment were implied on the part of this Government. MR. DUNN declared that he would take just one step—mention the matter to the British, and then report back to the Delegation. The Delegation agreed on this procedure.

PREAMBLE

DEAN GILDERSLEEVE reported that Subcommittee I/1/A had decided at the beginning of its work that there should be a Preamble for the Charter, using Marshal Smuts' draft as a basis.[60] DEAN GILDERSLEEVE declared that she had suggested beginning the Preamble with the words "we the peoples", in place of "the high contracting parties". This had been received enthusiastically and had been tentatively approved by the Drafting Committee. However, DEAN GILDERSLEEVE had discovered that there seemed to be some disagreement in the Delegation itself concerning this phraseology. DEAN GILDERSLEEVE understood that it was a legal question which should receive consideration from the jurists of the Delegation.

DR. BOWMAN urged that a great deal of time could be spent considering the Preamble without getting anywhere. He had a suggestion to make. However, DEAN GILDERSLEEVE interjected that the Chairman of the Drafting Committee had asked each nation to draft a Preamble on the basis of Marshal Smuts' proposal. DEAN GILDERSLEEVE declared that she had drafted a Preamble which she had labeled, "Tentative, Unofficial Draft, by V. C. Gildersleeve".[61] By combining the drafts submitted, DEAN GILDERSLEEVE supposed that a final draft would be prepared which would be submitted to the Delegations for their approval.

MR. DULLES remarked that the wording "we the peoples" was inadequate because "peoples" could not legally enter into international conventions. COMMANDER STASSEN thought that "we the peoples" constituted a good beginning, but that there must be included a proper agency which could legitimately enter into conventions. MR. DULLES proposed the addition of the words "dealing through our representative governments" to "we the peoples".

DR. BOWMAN submitted that the Preamble be handled in a special manner. It should, he thought, be the subject of discussion among the Big Five. He was of the opinion also that the Preamble could be cut in half because at present, it was "too windy". The second half could probably be eliminated because its substance appeared in

[60] For draft text of preamble submitted by the South African delegation, see Doc. 2, G/14(*d*)(1), May 3, UNCIO Documents, vol. 3, p. 476; Subcommittee I/1/A began discussion of the draft on May 28.

[61] Not printed.

the Principles of the Organization. The Preamble, he thought, should appropriately strike a sentimental note, but this sentimentality should not be repetitive. DEAN GILDERSLEEVE reported that she had been making an effort to cut the Preamble and had marked the repetitions in the margins of her copy.

THE SECRETARY declared that Commander Stassen had an emergency item to consider on the subject of trusteeship, and Mr. Hackworth had to have the opinion of the Delegation on the subject of compulsory jurisdiction. Consequently, THE SECRETARY urged that the discussion be made as brief as possible. He called on Mr. Pasvolsky.

MR. PASVOLSKY remarked that the Charter would have to be signed and asked who would be the signatories thereto. SECRETARY STETTINIUS replied that the various governments represented at San Francisco would have to be the signatories, and MR. PASVOLSKY indicated that that was correct. THE SECRETARY charged Mr. Hackworth and Mr. Dulles to give careful consideration to this question, together with Dean Gildersleeve and Dr. Bowman, for the purpose of preparing a specific recommendation to be presented to the Delegation at the following day's meeting. The Delegation was in complete agreement on this procedure.

## TRUSTEESHIP

COMMANDER STASSEN presented to the Delegation a document entitled Proposed Soviet Amendments of May 29, 1945.[62] COMMANDER STASSEN remarked that the Soviet Delegation had presented to Committee II/4, five amendments, to the Trusteeship Chapter.

The first Soviet amendment added to Paragraph B,2, the phrase "in accordance with the main purposes of the Organization provided in (the) Chapter I of the Charter," to follow the words "trusteeship system." COMMANDER STASSEN declared that this tied in the trusteeship system with the guiding principles of the Organization established elsewhere in the Charter. COMMANDER STASSEN thought that this amendment was unnecessary, and he could see no need to incorporate it. On the other hand, Commander Stassen could see no objection to it.

COMMANDER STASSEN declared that the second amendment, to insert after "people" in line 6 of Paragraph B, 2(*b*), the words "in accordance with its right for self-determination" would cause the United States no difficulty. However, he expressed the opinion that this

[62] The seventh Five-Power preliminary consultative meeting on trusteeship, May 29, 1:30 p. m., was called to discuss the five Soviet amendments to the Working Paper which had been submitted at 9:30 p. m. on the previous night. For the original amendments proposed by the Soviet delegation to the United States draft on trusteeship system, see Doc. 2, G/26(*f*), UNCIO Documents, vol. 3, p. 618.

change would cause the British and the French quite a bit of difficulty. COMMANDER STASSEN declared that the only position the United States should take on the question was that self-determination should be established according to the individual circumstances of the territories involved. There were some areas, he remarked, which could never govern themselves and, hence, could not, for their own welfare, be allowed to determine their own political status.

The third Soviet amendment would add to the last sentence of Paragraph B, 3, the words "relationship among which should be established with (the) respect of the principle of sovereign equality." This, COMMANDER STASSEN declared, dealt with areas which would not be included under the scope of the trusteeship system. Paragraph 3, he declared, had already been agreed upon by the Committee and could not be reopened.

The fourth amendment proposed by the Soviet Union would add, after the word "strategic" in line 3 of Paragraph B, 10, the words "including the approval of the trusteeship arrangements and their alteration or amendment." COMMANDER STASSEN could see no objection to this addition inasmuch as it merely spelled out the United States position.

The fifth Soviet amendment was to drop Paragraph 5 completely. COMMANDER STASSEN urged that this paragraph was essential and since it had already been approved by Committee II/4, could not be dropped.

COMMANDER STASSEN declared that it was necessary for the Delegation to instruct him prior to the 1:30 meeting with the Big Five, which was to be followed by a meeting of Committee II/4 at 8:30 p. m.[63] THE SECRETARY declared that he had every confidence in Commander Stassen and thought that no instructions were necessary. DR. BOWMAN asked why the Russians wanted to exclude Paragraph 5, to which COMMANDER STASSEN replied that the Russian position was that this paragraph would freeze for all time the existing arrangements. COMMANDER STASSEN reported that he had replied to the Russians that this paragraph merely maintained the *status quo* for the interim period until the trusteeship arrangements could be concluded. SECRETARY STETTINIUS declared once more that he was content to leave the matter completely in Commander Stassen's hands. COMMANDER STASSEN asked whether the Delegation was agreed that Paragraph 5 must be retained in the document, and the Delegation was unanimous in its approval of this position.[64]

[63] Record of Five-Power meeting on trusteeship, May 29, 1:30 p. m., not printed. The scheduled meeting of Committee II/4 at 8:30 p. m., was postponed until May 31.

[64] For a statement by the United States delegate on the purposes of paragraph B 5, see Doc. 580, II/4/24, May 26, UNCIO Documents, vol. 10, p. 486.

SENATOR CONNALLY asked Commander Stassen what was the situation with respect to Paragraph 11 of the Trusteeship Chapter, to which THE COMMANDER replied that this had been approved by the Big Five.

At this point, 10:05 a. m., SECRETARY STETTINIUS left the meeting, and Senator Connally assumed the chairmanship.

SENATOR CONNALLY thought that the word "main" in the first Russian amendment, the addition to Paragraph B, 2, should be dropped; and COMMANDER STASSEN replied that there would probably be drafting changes to bring these provisions in line with the rest of the document.

MR. NOTTER pointed out that the second Russian amendment dealing with self-determination could be used to attempt to drive out a definition of the phrase. Mr. Dunn also was of the opinion that this addition could be used as food for agitation. COMMANDER STASSEN pointed out, however, that this phraseology concerning self-determination had been approved by the four powers in their amendments to the Chapter on Principles. MR. NOTTER urged, however, that there had been no definition attempted with respect to the use of this phrase in Chapter II. SENATOR CONNALLY asked whether the Delegation would agree to leave the matter to Commander Stassen's discretion.

DEAN GILDERSLEEVE was in agreement, but COMMANDER STASSEN declared that he wanted support from the Delegation. These questions, he said, were "hot potatoes," and he wanted to be certain that he reflected the opinion of the Delegation. COMMANDER STASSEN suggested that the difficulty with respect to the matter of self-determination could be resolved by substituting the words "with the principle of" for "its rights for," and the Delegation was unanimously agreed that this would make the phrase consistent with the earlier phraseology. MR. GERIG remarked that the Soviet amendment on self-determination did not depart from the declaration of principles approved in Washington before the Conference. He read a paragraph from this document concerning the rights of dependent peoples to self-determination. This wording, he declared, had interdepartmental approval in Washington, and the Russian wording did not add to the original. MR. PASVOLSKY indicated that the difficulty was caused by the use of the word "right" which differed from United States interpretation, but DR. BOWMAN indicated that this question was resolved by the use of the word "principle" which would drive it back to the United States position.

COMMANDER STASSEN urged that the amendment proposed to Paragraph 3, B, was redundant and should be opposed by the United States. MR. PASVOLSKY remarked that the moment a state became a member of the United Nations, it automatically was placed on the basis of sovereign equality with the other members of the United Nations.

This amendment, in MR. PASVOLSKY's opinion, was unnecessary, and he thought that Commander Stassen should ask the Russians why they had proposed it.

COMMANDER STASSEN indicated that, in his opinion, the amendment to Paragraph 10 was acceptable inasmuch as it merely clarified the powers of the General Assembly. The Delegation was agreed on this interpretation. COMMANDER STASSEN then thanked the Delegation for making its position known to him.

### COMPULSORY JURISDICTION

MR. HACKWORTH reported that there had been considerable debate in Committee IV/1 on the subject of compulsory jurisdiction for the Court.[65] There had been a strong sentiment favoring compulsory jurisdiction. The drafting committee was to meet at 10:30 a. m., and the matter would presumably be disposed of in the meeting of the full committee that evening.[66] Most of the Latin American countries, the smaller European countries, and China had indicated their support for compulsory jurisdiction.

SENATOR VANDENBERG asked what this phrase meant, and MR. HACKWORTH replied that it signified that the United States could be sued in Court without its approval. SENATOR VANDENBERG asked whether this would apply to any subject, and MR. HACKWORTH replied that there were four categories of disputes to which compulsory jurisdiction would be applicable. The four categories, taken from the Statute of the Permanent Court of International Justice, were disputes concerning:

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

MR. HACKWORTH reported that the United States, Great Britain, and Russia had spoken against compulsory jurisdiction. He himself pointed out that under the Statute as originally proposed, any state could accept compulsory jurisdiction; and he had asked the Committee what reason there was to attempt to force the matter. He had pointed out to the other nations that they were likely to end up with a weaker Court if they pressed the matter, because the big powers

[65] Doc. 661, IV/1/50, May 20, UNCIO Documents, vol. 13, p. 224.
[66] Reports of first and second meetings of Subcommittee IV/1/D, May 29, 11 a. m. and 8:30 p. m., not printed. Committee IV/1 began its discussion of article 36 of the Statute on May 28, 3:30 p. m. (Doc. 661, IV/1/50, May 29). The next Committee discussion of this subject took place June 1, 3:45 p. m. (Doc. 759, IV/1/59, June 2, *ibid.*, p. 246).

were not likely to find compulsory jurisdiction acceptable to them. However, MR. HACKWORTH had to admit that he did not think that the majority of the members of Committee II/4 were pleased by his statement. He thought, however, that he might be able to get the other nations to accept the optional clause in the present Statute.

MR. HACKWORTH declared that two states, Canada being one, had indicated their understanding of the importance of having the United States and Russia as parties to the Court Statute. For this reason, Canada had indicated its willingness to vote for the optional clause if it should prove to be necessary, and MR. HACKWORTH thought that Nicaragua and several other states would go along. MR. HACKWORTH expressed the opinion that if the Subcommittee were to report back a compromise to the full Committee, the larger body would probably accept it.

MR. HACKWORTH declared that if the Delegation wanted to accept the proposal for compulsory jurisdiction, it could do so with reservations. MR. HACKWORTH said that he had prepared a memorandum incorporating three reservations which might save the Statute in the Senate. He read from a document entitled Reservations of Article 36 of the Statute of the Court of International Justice as follows:

"Any member of the United Nations may at the time of giving its approval to this Statute except from the provisions of Article 36 thereof

> "(1) Disputes which arose prior to the coming into force of the Statute and of the Charter to which it is annexed;
> "(2) Disputes involving a matter which under international law is solely within the domestic jurisdiction of that State; or
> "(3) It may condition its reference of cases to the Court upon a prior agreement, general or special, with the other party or parties to such dispute accepting the jurisdiction of the Court for its solution.

"Any reservation of the character referred to above may be withdrawn at any time by filing a notice of such withdrawal with the Registrar of the Court."

MR. HACKWORTH explained that the advantage of this suggestion was that it would placate those states which favored compulsory jurisdiction and at the same time would allow those states which were opposed to compulsory jurisdiction the opportunity to safeguard their vital interests. MR. DUNN declared that this would be an acceptance of compulsory jurisdiction in principle.

MR. HACKWORTH observed that a decision on what constituted domestic jurisdiction would fall under the jurisdiction of the proposed Court. SENATOR CONNALLY remarked that the small nations were not interested in the application of compulsory jurisdiction to them-

selves but were trying to apply compulsory jurisdiction to the United States and other large powers. MR. HACKWORTH observed that those countries which were clamoring the loudest for the compulsory jurisdiction clause were the very ones which were the least inclined to observe their international obligations. CONGRESSMAN BLOOM asked whether the Court would have the power to determine whether the reservations made would be applicable, in any instance, and Mr. Hackworth replied that this was so, especially with reference to domestic jurisdiction. MR. DULLES remarked that in the introduction to the reservations proposed by Mr. Hackworth the reference to a state giving its approval to the Statute seemed to him to be inconsistent with the Dumbarton Oaks Proposals, which had declared that membership in the United Nations Organization would automatically carry with it membership in the World Court. MR. HACKWORTH explained, however, that there would be two kinds of members of the Court, those who were initial signatories and those who would adhere at a later date. MR. DULLES urged that the Court would constitute part of the United Nations Charter and that no separate ratification would be necessary. MR. HACKWORTH agreed with this and suggested that the word "Charter" might be substituted for "Statute." MR. PASVOLSKY commented that this phraseology would eliminate the right of non-members to adhere to the Charter.

MR. DULLES remarked that a memorandum from the President had indicated that the latter was inclined to accept compulsory jurisdiction. COMMANDER STASSEN suggested a compromise. He thought that compulsory jurisdiction might be accepted with the qualification that there should be a later decision as to which nations were to adhere. SENATOR VANDENBERG commented that in any event the Court would have the final say as to what constituted a matter falling within the domestic jurisdiction of the member states. MR. DUNN asked whether the reservations would be written into the Statute, and MR. HACKWORTH replied in the affirmative. REPRESENTATIVE BLOOM declared that he did not see how the reservations would accomplish much toward the objectives of the United States inasmuch as the Court would still have jurisdiction in determining what was a domestic matter. MR. HACKWORTH said that he was of the opinion that somebody had to decide what was a domestic question, and he thought that the Delegation would not be strongly opposed to jurisdiction of the Court on this matter. SENATOR VANDENBERG declared that he was not so sure, especially since the economic and social functions of the Organization had beeen so greatly strengthened. MR. NOTTER pointed out, however, that that section of the document had been left vague with respect to the domestic jurisdiction clause. This, however, was a specific matter. MR. SANDIFER observed that the authority of the

Court would extend only to those matters which were placed before it. MR. HACKWORTH was of the opinion that it would be impossible to avoid all the possible dangers and at the same time show the proper spirit of cooperation.

SENATOR CONNALLY asked whether the United States could claim exemption from the compulsory jurisdiction clause by inserting reservations. He wondered whether such a course would be accepted by the other states, and MR. HACKWORTH replied in the affirmative. SENATOR CONNALLY urged that the matter be left to Mr. Hackworth's discretion. He said that he favored adopting the reservations in view of the tenderness of the Senate on the question of domestic jurisdiction.

REPRESENTATIVE BLOOM referred to a statement that Mr. Hackworth had made concerning the application of compulsory jurisdiction to the question of immigration. This, he maintained, was a most serious matter in both Houses of the Congress. He asked whether any country could have an immigration policy which was not a matter of domestic concern alone. MR. HACKWORTH replied that most countries did have immigration policies, which were solely domestic in nature. CONGRESSMAN BLOOM asked how this matter could be handled in order to safeguard the interests of the United States, and MR. HACKWORTH replied that all our treaties on immigration contained a safeguard to the effect that this was a matter for domestic regulation only. CONGRESSMAN BLOOM repeated, however, that MR. Hackworth had indicated that immigration might be considered a matter of international concern. In that case, the question would be brought before the Court. CONGRESSMAN BLOOM repeated that this was a most ticklish question in the eyes of the Congress.

SENATOR CONNALLY asked how the Delegation stood on this question. Specifically, SENATOR CONNALLY wanted to know whether the Delegation approved Mr. Hackworth's reservations. REPRESENTATIVE BLOOM indicated that, in his opinion, the reservations did not go far enough. MR. ARMSTRONG indicated that the question was largely a matter of tactics. The problem was whether or not the Delegation should write in the reservations at the present time or have the Senate incorporate the reservations when it considered the draft Statute. SENATOR CONNALLY declared that he personally favored as much compulsory jurisdiction as was possible. However, he did not want to approach the Senate only to have the signature of the United States hemmed in by reservations. He thought that the Delegation should be frank on the question in the first instance. He was of the opinion that the most effective way to achieve compulsory jurisdiction in the long run was to undertake an evolutionary process. If the United States were to become a member of the Court in the near future, SENATOR CONNALLY thought that it would develop by an evolutionary

process. CONGRESSMAN BLOOM remarked that he understood that under the rules of procedure of the Senate it would be possible to amend or make reservations to the Charter by a majority vote but that the final ratification would have to be by a two-thirds vote. This, he thought, might lead to difficulty.

MR. PASVOLSKY indicated support for Senator Connally's position with respect to an evolutionary development. He favored accepting the optional clause now and allowing the Court to grow in function. MR. HACKWORTH remarked that under the optional clause it would be possible for a member of the Court to withdraw from its obligation. MR. HACKWORTH thought that it might be possible to defeat the compulsory jurisdiction clause. He was of the opinion that the United States should become a member of the Court on an optional basis and feel its way in to ascertain what would be the best final solution.

MR. DUNN pointed out that under the optional clause each case to be submitted to the Court would require the approval of the executive branch of the Government with the consent of the Senate. MR. SANDIFER pointed out that the optional clause would have the advantage of general adherence. It would be, he declared, a general international treaty. A clause for compulsory jurisdiction would apply only among those states which would have accepted it.

### CANADIAN AMENDMENT

MR. PASVOLSKY presented to the Delegation the New Paragraph to be Inserted Between Paragraphs 5 and 6, Section B, Chapter VIII, as follows:

"When a decision to use force has been taken by the Security Council, it shall, before calling upon any Member not represented on it to provide armed forces in fulfilment of its obligations under the preceding paragraph, invite such Member, if it so request, to send a representative to participate in the decisions of the Security Council concerning the employment of contingents of its armed forces."

This Canadian amendment had been accepted by the Big Five on the condition that the Canadians withdraw their three amendments to Chapter VI.

### AUSTRALIAN AMENDMENT

MR. HICKERSON asked what results had been achieved with respect to the question of the Australian amendment which would make possible the participation of the Security Council in the conclusion of agreements for the supply of forces to the Organization.[67] MR. PASVOLSKY disclosed that the discussions had not been completed. Great

[67] For summary report of discussion by the Committee III/3 regarding the Australian amendment, May 28, 10:45 a. m., see Doc. 649, III/3/34, May 28, UNCIO Documents, vol. 12, pp. 391–392. Record of discussions by Subcommittee of Five not printed.

Britain had supported the Australian amendment, while Russia had opposed it. The Subcommittee of Five had discussed the possibility of establishing a flexible system under which it would be possible for the agreements to be concluded with the Security Council or among the member states, as had been agreed upon by this Delegation. Russia had taken the position that it did not want to foreclose the possibility of agreement among the member states. MR. PASVOLSKY was of the opinion that some wording might be worked out. He thought that the Soviet Delegation was moving in the direction of the United States position. SENATOR CONNALLY declared that he hoped that the Subcommittee of Five would speed up its negotiation in order that his Committee IV/3 [*III/3*], might conclude its business.

### REFERENCE TO FRANCE IN CHAPTER XII

MR. HICKERSON asked whether the Delegation had any views on the question of permitting France to participate in the interim arrangements for maintaining peace. MR. PASVOLSKY suggested that the words "permanent members" be substituted for "states parties to that Declaration" in Paragraph 1 of Chapter XII. The Delegation agreed to this substitution.

### COMPULSORY JURISDICTION

MR. SANDIFER submitted that the question of compulsory jurisdiction had been sidetracked. SENATOR CONNALLY moved that the matter be left in Mr. Hackworth's hands. MR. DULLES declared that he favored the optional clause as it stood rather than the system involving reservations. MR. ARMSTRONG remarked that the Senators on the Delegation could not oppose the acceptance of reservations to the compulsory jurisdiction clause if it was certain that reservations would have to be adopted. SENATOR VANDENBERG suggested that Mr. Hackworth lay down the law to the smaller nations and tell them that the United States could accept only the optional clause. He asked whether they might not accept the optional clause under those conditions. MR. HACKWORTH declared that he would be glad to take that position in Committee IV/1. SENATOR CONNALLY declared that he had favored the adoption of reservations only because he had been led to believe that the United States would be defeated if it pressed for the optional clause. MR. NOTTER indicated that it would be necessary to line up the Latin American vote. MR. HACKWORTH ventured the opinion that if the United States were to declare that it would not join the Court under a compulsory jurisdiction clause, the other states would change their minds.

MR. SANDIFER suggested that a provision be inserted making possible review after a period of years so that, if it proved acceptable, compulsory jurisdiction might be adopted. SENATOR VANDENBERG pointed

out that Mr. Dulles had been able the previous day to reverse the vote in another committee by laying down the law. A vote that had been 10 to 1 against the United States became 10 to 1 in favor of the United States. SENATOR CONNALLY was in agreement with Senator Vandenberg that Mr. Hackworth should adopt an aggressive policy, and SENATOR VANDENBERG thought that Mr. Hackworth might profitably quote Senator Connally and himself as being opposed to compulsory jurisdiction.

AMERICAN PROCEDURE

MR. NOTTER raised the question of amendments. He asked whether he should attempt to line up sufficient votes to carry the American position. He was asked by Congressman Eaton what the issue was, and MR. NOTTER replied that it was in essence whether an amendment could be forced through without the approval of the Big Five. SENATOR VANDENBERG asked whether this had been involved in the Yalta decision, and MR. NOTTER said "no." SENATOR VANDENBERG reported that he had attended a meeting of consultants on the previous Saturday with Commander Stassen. At first, the consultants had favored liberalization of the amendment procedure. COMMANDER STASSEN and SENATOR VANDENBERG had both told the consultants that it would be impossible to allow the United States to be forced into additional obligations without its consent, and the consultants had appeared to be satisfied. MR. NOTTER asked whether the Delegation would have him line up votes in advance or depend on the force of argument on the floor of the committee. The Delegation was agreed that Mr. Notter should take every possible step, including lining up votes, to insure acceptance of the United States position.

The meeting was adjourned at 10:45 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 10

*Minutes of the Tenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, May 29, 1945, 11 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (16); United Kingdom (4); Soviet Union (3); China (3); and France (5); and the International Secretariat (1).]

THE SECRETARY OF STATE opened the meeting at 11:10 a. m., stating that it had been called to consider the French modification of the Four-Power amendment to Chapter VIII, Section C, paragraph 2.[68] How-

[68] Proposed change in Sponsoring Governments' amendment to chapter VIII, section C, paragraph 2 (U.S. Gen. 167) not printed; this text was prepared in the 18th meeting of the Five-Power Deputies, May 23.

ever, before taking up the main business of the meeting he desired to take up a problem affecting the work of the Conference. Although the end of committee work by Saturday night had been set as a target, the proceedings were dragging in the committees and action to speed them up was necessary. It was a mistake to think that the fault was entirely with the middle or small powers. Some of the responsibility for the delay was with the big powers, since several of the technical committees were waiting for them to speak. There was need for a frank discussion of the problem. Perhaps a deadline could be established for committee work and if it was not completed in time, all unfinished work would go direct to the Steering Committee. A suggestion along this line could come from a middle or small country. However, for this to be done it was necessary first to discuss when the delegations represented at this meeting could end their discussion on major pending problems.

LORD HALIFAX said he had not had time to think the matter through but was wondering to what extent the delay was due to the five powers or to the committees. Also he doubted that the transfer of the work to the Steering Committee would expedite matters since it would create a bottle-neck and a concentration of the work in that Committee which could very well outweigh the advantage of a good chairman. MR. PAUL-BONCOUR agreed with the Chairman but also with Lord Halifax. He thought that the responsibility for delay lay both in the Five Powers and in dilatory tactics in the committees.

At the request of the Chairman, MR. HISS reported that the work of seven out of the twelve committees was being held up by discussions among the Big Five. This was true of all four committees of Commission III; a decision taken by II/1 had been reopened at the request of the United States; the work of I/2 was delayed because of procedural discussions opened by the Five Powers. MR. HISS recommended that the latter agree with the Chairman of Committee I/2 on issues which could come to a vote. If the issues were lost then the matter could be referred to the Steering Committee. MR. HISS thought that an agreement could be reached today, perhaps after the meeting, on the questions which could be voted upon and mentioned specifically expulsion and the Secretary General and the Deputies. LORD HALIFAX thought that none of the Five Powers were responsible for the delay in I/2 but that nevertheless he would impress on the British representatives on that Committee to get in touch with the representatives of the other great powers so that the work could be expedited.

MR. HISS continued with his summary of the status of committee work. He said that Committee II/3 was bogged down because of a United States effort to change a decision on full employment and

that of II/4 was held up by consultations among the Big Five in respect to several trusteeship issues. LORD HALIFAX said that in this Committee there was a clear road except for waiting to hear from the Russian Government on certain questions and also because of points raised by the Delegation of Iran [*Iraq*]. THE CHAIRMAN said that Commander Stassen had reported good progress and that he expected considerable accomplishment at today's meeting.

MR. HISS continued saying that Five Power consultations were holding up the work of all four committees of Commission III. SENATOR CONNALLY referred to the discussions on the voting formula in III/1 and THE CHAIR said that here the Conference was waiting to hear from the Russian Government. AMBASSADOR GROMYKO said that there were also certain discussions with the United States Government and LORD HALIFAX recalled that the voting formula had been remitted to the Committee of Experts, which had agreed on a recommendation and that we were merely now waiting for confirmation from the governments. He said that the Government of Great Britain was prepared to approve the recommendation of the experts and that he understood that the American Delegation was in the same position. AMBASSADOR GROMYKO said that he was ready to discuss whether a given question should be procedural or not but was waiting for instructions on the recommendation with respect to question 19. (This was a reference to the recommendation in the Draft II of May 28.[69])

SENATOR CONNALLY said that there was no inclination to change the Yalta formula with respect to action. The only issue was whether the submission of a complaint brought by any state before the Security Council should be subject to the veto. That was the limit of the proposed recommendation of the Committee of Five. He saw no reason why any state should be deprived of the opportunity of submitting a complaint and discussing it since any action would require unanimity among the permanent members. This did not involve any real change in Yalta. He thought the Five Powers would be outvoted if they insisted on any other interpretation of the Yalta formula. He did not feel that a real concession was being made and looked upon the recommendation of the Committee of Experts as a simple clarification. THE CHAIRMAN agreed that the recommendation involved no real change in the Yalta formula.

(At this point THE CHAIR declared a brief recess to permit photographers to take still pictures of the meeting.)

AMBASSADOR GROMYKO inquired if the United States was ready to vote on the decision of whether an issue is procedural or substantive. He said that at the last meeting the Delegation was not ready to take

[69] Not printed.

a position. SIR ALEXANDER CADOGAN remarked that he understood the officials were ready to vote on the whole problem; that the issue raised by Ambassador Gromyko is part of the whole agreement; that it is not possible to proceed until the Russian Delegation hears from Moscow. He stressed that the two questions raised in the document II of May 28 are tied together.

At the Chairman's request MR. PASVOLSKY made a statement in which he said that the Committee of Experts had agreed Sunday on a new draft of paragraph 3 in the document dated May 28. It also worked out a statement to take care of possible specific questions as well as a statement on question 19. After reading the first two paragraphs of Document II of May 28, MR. PASVOLSKY said that this was an attempt to segregate out the issues on which the procedural vote would apply as against those requiring a qualified vote. He thought that an additional statement as in paragraph 2 of the document would take care of situations which might arise in so far as they could not be foreseen. The United States Delegation was prepared to accept this solution with [the] understanding that the question raised in the first part of the document can be worked out satisfactorily. Under this approach, there would be a statement in the text of the Charter on the application of the voting procedures to the various functions of the Council specified in the Charter and a statement on the procedure to be followed in the future to determine whether or not a given question should be treated as procedural or substantive. He did not see in this any departure from the Yalta formula and considered it a simple way of dealing with the problem. AMBASSADOR KOO understood that the Five Powers would approve the three documents as a unit.

AMBASSADOR GROMYKO agreed with the desired speeding up of the work of the Conference but not if it was going to impair the quality of the work. He thought that the transfer of some of the work of the technical committees to the Steering Committee would create additional difficulties. He thought perhaps other devices could be used to expedite the work, such as the strict application of the decisions of the Steering Committee with respect to parliamentary procedure, particularly on the length of speeches. He mentioned examples of the "chaos" brought about in some of the committees through a complete disregard of these rules.

THE CHAIR agreed with Ambassador Gromyko and recalled that the Five Powers had previously discussed this question in great detail and that it had been agreed that the Secretary General would take the necessary measures to see that the rules were applied. He thought, however, that the issue before the present meeting was as to the time the Five Powers should take to adopt decisions. AMBASSADOR GROMYKO thought that in the long run time would be saved if the Five

Powers first reached complete agreement on principal points. THE CHAIR inquired as to how much time this should take. AMBASSADOR GROMYKO did not know.

THE CHAIR stated that the Five Powers would consequently wait to be notified by the Russian Delegation when it had heard from Moscow, and that the meeting would now take up the question raised by the French Delegation.

MR. PAUL-BONCOUR said that the French Delegation had accepted the Four-Power amendment to Chapter VIII, Section C, paragraph 2 before the United States formula on collective self-defense had been approved.[70] He thought the latter formula satisfied those who wish regional action in emergency situations before the Security Council had had an opportunity to take a decision. With respect to action under mutual assistance treaties, France wanted it understood that the parties to such treaties could take preventive action as well as the repressive action covered by the United States formula.

LORD HALIFAX accepted the French text subject to minor points of drafting which he did not believe would cause difficulties. AMBASSADOR GROMYKO said that the French amendment was acceptable to the Russian Delegation. He thought it was a good draft and saw no reason for changes of style. He specifically considered that the final sentence of the French proposal was an improvement over the previous amendment. MR. PASVOLSKY said that a draft containing the old and new language was available. LORD HALIFAX inquired as to which text the Soviet Delegation approved and AMBASSADOR GROMYKO replied that the Russian Delegation approved the text as distributed with the exception of the second "enforcement" in the latter part of the second sentence.

At this point a typewritten text brought to the meeting by the French Delegation was read.* Since this draft differed from the mimeographed draft of the May 23rd prepared by the American Delegation, the question was raised as to which of the two drafts was approved by the Russian Delegation. AMBASSADOR GROMYKO made it clear that he approved the mimeographed draft of May 23rd without the second "enforcement" in the second sentence.

SENATOR VANDENBERG inquired if the Soviet objective would not be fully covered by the substitution of the word "request" for the word "consent" in the original Four-Power amendment. AMBASSADOR GROMYKO said that the Russian Delegation preferred the French formula and SENATOR VANDENBERG explained that the United States Delegation was reluctant to change the original Four-Power amend-

[70] Doc. 576, III/4/9, May 25, UNCIO Documents, vol. 12, p. 680.

*The draft referred to was another English translation from the French, May 23, 1945 draft. There were actually no substantive but only translation differences. [Footnote in the original.]

ment; that it sympathizes with the French desire, if this can be achieved without opening the language to substantive changes, and again inquired if France would be satisfied with the one change he had suggested. MR. PAUL-BONCOUR insisted that the French Delegation desired to have it clearly brought out that preventive action without order authorization of the Security Council is permissible under treaties of mutual assistance, particularly since the United States formula on collective self-defense covers only repression of aggression. LORD HALIFAX was not clear as to the manner in which the original Four-Power amendment fails to give satisfaction to the French. He thought that the French idea of prevention was implicit in the original text. AMBASSADOR KOO agreed with this view and agreed also with the French Delegate that the concept of collective self-defense applies only to armed attack. He supported Senator Vandenberg in thinking that the change he suggested should satisfy the French Delegation since it made it clear that termination of automatic action under the treaties would be left entirely to the decision of the parties to the said treaties.

MR. PAUL-BONCOUR insisted on the explicit inclusion of the idea of preventive action and thought perhaps the text might be further improved by beginning with that idea, with some such language as "The Security Council each time it has to prevent aggression", et cetera. AMBASSADOR KOO thought that the translation of the French "prevenir" as "prevention of further aggression" might meet the French idea. MR. PAUL-BONCOUR said that the idea was to prevent an act of aggression, not to prevent further aggression and SENATOR VANDENBERG suggested that in that case the word "further" could be dropped. MR. PAUL-BONCOUR inquired why, if there was agreement that the text applies to the prevention of aggression, there was objection to the French proposal; there was no apparent disagreement on substance. LORD HALIFAX saw little or no difference in the two drafts and stated that the Delegation of the United Kingdom would accept either the original Four-Power amendment or the French proposal as read by the Russian Ambassador provided Senator Vandenberg would yield on the one change he had suggested. SENATOR VANDENBERG said that on this question the Delegation of the United States would have to be consulted as a whole since it was opposed to any major language change. He thought that the original text with the change of the one word would meet everything desired by the French. MR. PAUL-BONCOUR said that he could not accept the suggestion since he was bound by the instructions of his Government and AMBASSADOR GROMYKO insisted that the Russian Delegation considered the French language much better. AMBASSADOR KOO expressed a preference for Senator Vandenberg's proposal and SENATOR VANDENBERG suggested

that the French Delegation might wish to inquire of its Government whether the proposed change was acceptable. THE CHAIR thereupon inquired if Russia would accept Senator Vandenberg's proposed change, if this was agreeable to the French, since the change was already accepted by the other three powers. MR. PAUL-BONCOUR thought the French Government would stand by its original proposal and THE CHAIR inquired why he anticipated this attitude since the French were in fact receiving everything they requested except for the one small change.

The Russian Delegate SOBOLEV explained that the question in the Committee of Five had beeen whether the alliance treaties would disappear after the Organization takes over. He said that the new French text makes it clear that regional arrangements, in this case the mutual alliance treaties, will continue after that event if the parties to the treaties so desired and that the only change would be the termination of the automatic phase.

THE CHAIRMAN appealed for a spirit of tolerance and stressed that the Delegates should not permit their minds to freeze on this issue. He stressed that he felt sure that a new language could be worked out if either of the two texts were not acceptable. MR. PAUL-BONCOUR declared that the French Delegation was moved by a sincere desire to agree on an acceptable text but that it felt bound by its instructions. THE CHAIR suggested that he impress upon the French Government that the Delegation should be permitted some flexibility so that a satisfactory solution could be worked out on a give-and-take basis.

The meeeting was adjourned at 1:00 o'clock.

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RSC Lot 60–D 224, Box 96: US Cr Min 58

*Minutes of the Fifty-Eighth Meeting of the United States Delegation, Held at San Francisco, Wednesday, May 30, 1945, 9:05 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (35) present at meeting.]

After a photograph of the Delegation had been taken by a Secretariat photographer, THE SECRETARY called the meeting to order at 9:05 a. m.

[Here follows discussion of procedural matters (meetings, seats in open session, leaks to the press, and the delegation's report to President Truman).]

PROBLEM OF INVITING DENMARK

THE SECRETARY asked Mr. Dunn whether he would inform the Delegation of the situation with respect to the invitation of Denmark to the Conference which had been discussed by the Delegation on the

previous day. MR. DUNN reported that the Norwegian Ambassador [71] was proceeding with his proposal and had asked that a Steering Committee meeting be held as soon as possible. . . . Russia and the United Kingdom had expressed their willingness to accept the proposal, but the position of the Chinese on this matter was extremely uncertain. MR. DULLES remarked that the Chinese might ask for an invitation for Korea [72] if the question of Denmark were brought up. THE SECRETARY observed that the question of Korea was an extremely private matter and should not be mentioned outside the Delegation meeting. MR. DUNN commented that the situation with respect to Korea was somewhat different because there was no recognized Korean Government. The invitation of Denmark was a Norwegian project and the Norwegians intended to go ahead with it no matter what the danger.

At this point MR. HISS remarked that the problem of Iceland [73] might be brought up, too, and possibly Poland [74] as well. Several other members of the Delegation commented that an invitation to Albania [75] might be suggested, and MR. ROCKEFELLER stated that Mexico had prepared both a speech and a resolution opposing extending an invitation to Franco Spain. THE SECRETARY declared that he hated the prospect of starting another "three-ring circus". . . .

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REPRESENTATIVE BLOOM declared that if the question of inviting some of these other nations were raised, he himself would suggest admitting Palestine. MR. ROCKEFELLER thought that a Subcommittee of the Steering Committee should be charged with the responsibility of considering all applications and passing on them. THE SECRETARY remarked that the Executive Committee would be the appropriate body and MR. ROCKEFELLER agreed. SENATOR CONNALLY observed that in his opinion the question was what any other states invited could

[71] Wilhelm Munthe de Morgenstierne, Ambassador in the United States; Acting Chairman of the Norwegian delegation.

[72] A message from Tjo So-wang, Minister for Foreign Affairs of the "Korean Provisional Government", was transmitted to the Secretary of State in telegram 396, March 10, from Chungking (500.CC/3–1045), in which he noted that Korea was directly concerned "in upholding the peace of the Far East as well as of the entire world" and requested consideration of "the rightful desire of 26 million Koreans" to participate in the United Nations Conference. In response, Acting Secretary Grew instructed the Ambassador in China, in telegram 473, March 20, 7 p. m., to inform Tjo So-wang as follows: "That by agreement among the sponsoring powers invitations to the San Francisco Conference were extended only to those nations which were United Nations on March 1, 1945. Provision is not being made for observers from other nations." (895.01/3–145) Mr. Grew transmitted the above message to President Roosevelt in his memorandum of March 20 and informed him of the Department's instruction of that date to the Embassy in Chungking (500.CC/3–2045).

[73] See telegram 75, May 7, 7 p. m., to Reykjavik, p. 640.

[74] For resolution on participation of Poland in the Conference, adopted in plenary session, April 27, see Doc. 20, P/6, UNCIO Documents, vol. 1, p. 168.

[75] See telegram 307, April 7, 7 p. m., to Caserta, p. 207.

possibly add to the Conference at this late date. COMMANDER STASSEN agreed with this position and declared that the primary objective must be to formulate a Charter. These subsidiary questions should not be discussed at this time. COMMANDER STASSEN suggested that it might be possible to invite the other nations in time for them to become initial signatories of the document. MR. HICKERSON declared that every effort had been made to keep the door closed. However, even though it was too late for any nations invited at this time to make any contribution to the work of the Conference, MR. HICKERSON was of the opinion that they should be allowed to become original signatories to the Charter. He declared that the United States had been "plowed under" on this question. COMMANDER STASSEN declared the United States could not be plowed under without its approval, but MR. HICKERSON declared the matter was completely out of hand. The United States could, he declared, if it so desired, vote against the admission of Denmark but this Delegation could not really adopt that position because the United States was the friend of Denmark. He suggested that the United States vote for the admission of Denmark and if any other nations were proposed for admission, should refer the matter to a Subcommittee of the Steering Committee and have the meeting of the Steering Committee adjourned. THE SECRETARY declared that he would favor referring action on all other proposals for invitations to the Executive Committee. MR. HICKERSON remarked that he had no idea of what might happen when Denmark was raised in the Steering Committee but, in any event, MR. HICKERSON was of the opinion that the United States could not vote against the admission of Denmark.

In reply to a question, MR. PASVOLSKY indicated that he did not know whether Ambassador Gromyko would raise the question of Poland. He thought that the Russian Delegate might have learned his lesson. COMMANDER STASSEN suggested that the Big Five meet to discuss the matter before the question was raised in the full Steering Committee. First, it should be determined whether the other four powers would accept the admission of Denmark to the Conference. Secondly, they should be asked whether they intended to propose the admission of other states in addition to Denmark. THE SECRETARY thought that this was an excellent suggestion. MR. HICKERSON remarked that a meeting would not necessarily have to be held but that the other four powers could be questioned individually, but COMMANDER STASSEN thought that it would be a good idea for the five powers to get together in order to acquaint each other with their views.

REPRESENTATIVE BLOOM asked whether the smaller powers could propose nations for admission, and THE SECRETARY replied that any

member of the United Nations could make any suggestion it chose. However, THE SECRETARY was of the opinion that preliminary discussions among the Big Five would have the advantage of establishing a Five-Power position.

MR. ROCKEFELLER urged that the Delegation establish a position in advance, in case Italy were proposed for membership.[76] It would be easier, he said, to decide in advance than to establish a position during the course of the meeting. MR. STEVENSON urged that if Italy were proposed, the United States could not possibly oppose its admission to the Conference in view of the unfavorable reaction such a position would provoke on the part of the American people. REPRESENTATIVE BLOOM agreed with Mr. Stevenson's remarks and declared that Congress would react unfavorably to opposition by this Delegation to the extension of an invitation to Italy. REPRESENTATIVE BLOOM declared that if possible the Delegation did not want to raise any obstacles to approval of the Charter by the Senate. MR. HICKERSON was of the opinion that no matter what decision were to be reached by the Big Five, the question of inviting Italy would be brought up once the problem of inviting Denmark were brought before the Conference. THE SECRETARY suggested that the Big Five should be brought to agreement that the admission of Denmark should be delayed until the last possible moment. MR. HICKERSON remarked that even that would not solve the problem because the Italian question would be raised at that time. THE SECRETARY asked whether politically the United States could afford to accept an invitation to Italy.

MR. DULLES asked whether someone could inform him what the legal procedure would be for a state to become a signatory to the Charter after it had been ratified, and MR. HACKWORTH replied that a special procedure would have to be established. MR. HISS remarked that this consideration did not apply with respect to Poland because Poland had been invited to the Conference initially but was not in attendance because of the fact that there was no recognized government. MR. HISS was of the opinion that the Conference would agree to leave a space in the protocol of ratification for Poland's signature. The other nations, however, posed a different problem.

REPRESENTATIVE BLOOM commented that he did not think Mr. Morgenstierne would act in opposition to a decision by the Big Five. MR. ROCKEFELLER urged that the United States declare, in a meeting of the Big Five, that it would vote in favor of inviting Denmark. Then he suggested that this Government propose five or six other states for invitation at the last moment in order that they might become original signatories to the Charter. THE SECRETARY declared that in his opinion it would be impossible to adopt this procedure. MR.

[76] See note from the Secretary of State to the Italian Ambassador, April 7, p. 206.

ROCKEFELLER replied that if there should be a leak, it would become known that the United States had declared in favor of accepting all or none of the states it had proposed for admission. THE SECRETARY, however, reminded Mr. Rockefeller that from this point on there would be no more leaks.

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THE SECRETARY asked whether the Delegation was in agreement that it needed more time to consider the Danish question and there was unanimous agreement with the Secretary's suggestion.

RAW MATERIALS

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COMMANDER STASSEN remarked that it was necessary for the Delegation to agree on the question of a French amendment concerning equal access to raw materials.[77] COMMANDER STASSEN referred the Delegation to the paper entitled Outstanding Economic and Social Questions, US Gen 198.[78] COMMANDER STASSEN declared that Committee II/3 had agreed in principle to a proposal making broad provision for calling of conferences to consider specific problems. The French, however, had proposed an amendment "insuring access, in equal terms, to trade, raw materials, and to capital goods." COMMANDER STASSEN remarked that a question which had initially been one of broad machinery had been transformed by the French into a matter of the principle of free access. The United States, he thought, could be maneuvered into a difficult situation by this French proposal. THE SECRETARY declared that this question of equal access could not legitimately be presented to the present Conference which was considering only the question of establishing machinery. However, COMMANDER STASSEN declared that the French had based their argument on the inclusion in the Atlantic Charter of provision for equal access to raw materials. MR. DULLES took the position that the United States should counter this French proposal by insisting that only the original wording of the Atlantic Charter should be incorporated in the Charter for the United Nations Organization. COMMANDER STASSEN declared that that had been his position. He had argued that no single problem should be specifically referred to. He had urged in the Committee that the economic and social problems of the world could not be solved by singling out one specific question. In addition, COMMANDER STASSEN had argued in the Committee that Germany had started her aggrandizement by a quest for raw materials and he had stated that the position of the United States was that this Government was willing to stand by the Atlantic Charter but would accept it only in its entirety.

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[77] Doc. 684, II/3/38, May 29, UNCIO Documents, vol. 10, p. 128.
[78] Not printed.

THE SECRETARY asked whether there was much pressure in the Committee supporting the French proposal, and THE COMMANDER replied that there seemed to be a great deal of support for the amendment and that there had been a great deal of oratory. THE SECRETARY asked whether the Commander had any recommendation to offer to the Delegation and the latter suggested that the United States stand by the position he had taken that the whole Atlantic Charter should be referred to rather than any specific part of that document. DR. BOWMAN remarked that the importance of following the exact language of the Atlantic Charter lay in the context within which it was included. DR. BOWMAN pointed to the sixth point of the Atlantic Charter which read: "After the final destruction of the Nazi tyranny . . ." This, he said, eliminated the possibility of granting equal access to the enemy nations at the present time since the Nazi tyranny had not been completely destroyed.

MR. PASVOLSKY observed that question (*b*) referred to in US Gen 198, the inclusion in the Charter of "equality of access to raw materials, trade and capital goods" would undoubtedly cause a great deal of difficulty in Congress. MR. STINEBOWER provided some further background information for the Delegation. He declared that at Mexico City two explicit references had been made to freedom of access to raw materials and capital goods.[79] He thought that the Latin-American countries would not support a United States position opposing the principle of equal access although they would probably vote with this Government against a specific Organization within the structure of the United Nations Organization. MR. STINEBOWER thought that there was an inconsistency in the French amendment with the traditional policy of the United States. If there was to be included reference and principle to equality of access, there should also be established, he thought, freedom of foreign trade. MR. ROCKEFELLER cautioned that the analogy drawn between Mexico City and the present Charter was not completely valid because of the fact that the Mexico City Act merely set up objectives. MR. STINEBOWER declared he was in agreement with the position taken by Commander Stassen but he urged that it would be impossible to stand on the whole Atlantic Charter because of the commitments made at Mexico City. THE SECRETARY asked whether any mention was made of the method of financing with respect to equality of access to capital goods.

[79] See Final Act of the Inter-American Conference on Problems of War and Peace, in *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21–March 8, 1945* (Department of State publication No. 2497), pp. 118 and 122; also, 60 Stat. (pt. 2) 1831, or Department of State, Treaties and Other International Acts Series No. 1543.

SENATOR VANDENBERG declared that the revisions adopted recently were causing the Economic and Social Council to look like the draft which had been proposed in Washington by Mr. Charles Taft and which had been rejected by the Delegation. THE SECRETARY agreed that the functions of the Economic and Social Council were growing, and he remarked that this Conference was not writing a constitution. COMMANDER STASSEN was of the opinion that the United States had started to slow down the avalanche of radical suggestions made with respect to the Economic and Social Council. There would still be a fight, he thought, and he asked the Delegation on what basis the fight should be carried on. THE SECRETARY indicated that he was willing to accept Commander Stassen's recommendation with the proviso that attention should be paid to Mr. Stinebower's remarks on the impossibility of the Atlantic Charter being accepted *in toto*. MR. HICKERSON urged that if it were found to be necessary to alter the Atlantic Charter wording, the words, "with due regard to existing obligations" should be dropped. MR. HICKERSON declared that these words had been included upon the insistence of Prime Minister Churchill who was attempting to maintain British preferences. REPRESENTATIVE EATON asked whether the United States was not in favor of upholding its obligations.

The Delegation agreed on Commander's Stassen's position.

### COMPULSORY JURISDICTION

SENATOR CONNALLY reported to the Delegation that in the meeting the previous evening of Subcommittee IV/1/D the United States' position in opposition to compulsory jurisdiction for the court had been upheld.

### FRENCH TREATY AMENDMENT

MR. DUNN reported to the Delegation that the French were still very disturbed about the amendment they had proposed to Chapter VIII, Section C, Paragraph 2. MR. DUNN referred the Delegation to the document, Proposed Change in Sponsoring Governments' Amendment to Chapter VIII, Section C, Paragraph 2, draft of May 23, 1945.[81]

. . . In a conversation with Mr. Dejean, the latter had declared to Mr. Dunn that there was a very tense political situation in France with respect to this provision. The French people, he said, were extremely interested in the outcome of the controversy and Mr. Dejean had indicated that no French government could withstand the pressure from the people if the Franco-Russian treaty and the other bilateral agreements which were designated to prevent further Ger-

[81] Not printed.

man aggression, were to be affected in such a way that they might at some time in the future be cancelled. Mr. Dejean declared that he understood that the provision as it existed would protect the French treaty relationships but he declared that the French people wanted this matter made crystal clear. Mr. Dejean had indicated that he could accept the language of the draft of May 23, and he declared that this language would have the additional advantage of strengthening the role of the international organization by making it clear that the Organization would definitely be charged with the responsibility for "preventing further aggression by a state enemy of the United Nations in this war." Mr. Dejean had voiced the opinion that the new wording would not involve a change in meaning but that it would change the political and psychological effect. MR. DUNN said that it was certain that the French would not receive any change in instructions and he declared that Mr. Dejean had indicated his regret at having had to take the lead in the Committee discussion, inasmuch as he was not the chief delegate. . . .

SECRETARY STETTINIUS asked Mr. Dunn what course of action he would recommend to the Delegation. MR. DUNN replied that he favored accepting the language of May 23. He declared that he had favored accepting the change of only the one word, "consent", for which the French had substituted "request" in their draft, because this procedure would rule out the possibility of reopening the whole paragraph. However, MR. DUNN declared that he had been satisfied by the discussion of the previous day that the paragraph would not be reopened if the French suggestion were to be accepted. THE SECRETARY declared that he would make a deal with Mr. Dunn and would support the French proposal if the French would agree to drop their amendment on the question of raw materials. COMMANDER STASSEN remarked, however, that the French were not the only government pressing on the latter question. He indicated that he was opposed to accepting the French language because he was afraid it would open up the entire regional question. Furthermore, COMMANDER STASSEN thought that the French argument, to which Mr. Dunn had referred, that Communist elements in France would make trouble for the government unless the change were accepted was not a valid argument inasmuch as the original Four-Power amendment had been proposed by the Russians.[82]

SENATOR VANDENBERG asked Mr. Dulles for his opinion on this question. The latter replied that he was not opposed to the French

[82] Text of proposed Four-Power amendment of chapter VIII, C, 2, UNCIO Documents, vol. 3, p. 688 (Doc. 288, G/38, May 14); for Soviet proposal, see *ibid.*, p. 601 (Doc. 2, G/14 (*w*) (1), May 8); United States proposal, *ibid.*, p. 598 (Doc. 2, G/14(*v*), May 6). For Soviet acceptance of text proposed by the United States, see minutes of the Five-Power meeting, May 7, 3 p. m., p. 628.

suggestion which, in his opinion, did not involve any real change in meaning. MR. DULLES indicated that he had been afraid of reopening the entire paragraph. However, MR. DULLES was inclined to agree with Mr. Dunn, as a result of the discussion of the previous day, that it would be possible to have the five powers accept the French wording without suggesting any additional changes. SENATOR VANDENBERG remarked that this could be made part of the agreement and SECRETARY STETTINIUS remarked that it was clear from the discussion of the previous day that no additional changes would be proposed. MR. DULLES repeated that he had been opposed to making any change because of the possibility that the question would be reopened. However, he declared that the previous day's discussion had dissipated that fear.

THE SECRETARY remarked that he was very sorry that Commander Stassen had not been at the meeting the previous day so that he might have heard the discussion which might have dispelled the Commander's fears. COMMANDER STASSEN pointed out that in his opinion this paragraph was the place where freedom of action would be granted in Europe. The French amendment was trying to establish that regional pacts would fall outside the scope of the Organization and would not be under its control. This problem, he thought, was clearly shown in the new language. SENATOR VANDENBERG declared that he could not see this danger and he referred to the May 23rd draft with the wording "the authorization of the Security Council . . ." COMMANDER STASSEN declared that the new wording would omit the original phrase "until such time as the Organization may . . ." and would substitute the wording referred to by Senator Vandenberg. Under the Dumbarton Oaks proposal, COMMANDER STASSEN thought the authorization for regional arrangements was necessary immediately. Now, he declared, this became a matter for a future agreement. MR. DULLES pointed out, however, that the four powers had agreed to this change originally when they sponsored the four power amendment. COMMANDER STASSEN replied that to omit the phraseology of the original amendment, "until such time . . ." would be interpreted as granting full freedom of action in Europe. SENATOR CONNALLY declared that in reality a free hand was not being granted because it would apply only to "enemy states." THE SECRETARY asked Mr. Pasvolsky to remark on this problem.

MR. PASVOLSKY declared that the exemption embodied in Chapter VIII, Section C, paragraph 2 was based on the proposition that there existed an area which was legitimately outside the purview of the Organization. This area consisted of the prevention of aggression by the present enemy states. This had already been agreed to, he declared, in paragraph 2 of Chapter XII. This exemption did not, he

thought, alter the basis of the Charter because the area exempted had never fallen under the scope of the Charter. When this area should be incorporated under the Charter, MR. PASVOLSKY declared, the exemption would disappear. After incorporation, this area would become subject to the procedure implied in Chapter XII and would no longer be subject to Chapter VIII, Section C, Paragraph 2.

MR. PASVOLSKY urged that the new wording was better than the original amendment. The phraseology "until the . . ." had been proposed by the British with the end in view of making certain that the two individual areas would be amalgamated eventually. The new wording, he declared, presented this desire positively, whereas the original amendment had been negative.

The argument over the situation had been initiated, MR. PASVOLSKY declared, by the French. The French were definitely worried over whether their bilateral arrangements would be superseded. The new wording declared positively that the request of the parties to the arrangements would be required for the authority of the Organization to become operative.

MR. PASVOLSKY expressed the opinion that Commander Stassen's original objection had been adequately taken care of. He himself was satisfied that the matter of regional arrangements would not be reopened. SENATOR VANDENBERG urged once more that a definite agreement be reached on this point and MR. PASVOLSKY declared that such an agreement could be obtained but was not necessary, in his opinion. MR. PASVOLSKY reported that Ambassador Gromyko had declared in the Committee meeting on the previous day that he would accept the wording as it stood.

SECRETARY STETTINIUS asked whether the military representatives of the Delegation would care to express their opinions on this matter. ADMIRAL HEPBURN declared that this was essentially a political problem on which the military members had no definite opinion, and GENERAL EMBICK agreed with Admiral Hepburn.

SENATOR VANDENBERG urged that there would be grave danger of the question being reopened if it were to be left "hanging around" without being finally settled. SENATOR VANDENBERG urged that the matter be closed promptly if the Delegation did not want the entire paragraph reopened.

MR. ARMSTRONG remarked that he had always been opposed to the change of initiative implied in the substitution of the word "request" for "consent". MR. ARMSTRONG remarked that if it were necessary, he would accept the change. MR. ARMSTRONG reported that a luncheon conversation with Lord Halifax the previous day had revealed that despite the long discussion in the Committee session, Lord Halifax could see no difference between the two words. After the discussion,

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with Mr. Armstrong, Lord Halifax remarked that he then saw the question in an entirely different light. MR. PASVOLSKY urged that since France would have a veto power on the Security Council anyhow there was actually, in the final analysis, no difference between the two wordings. COMMANDER STASSEN asked why, if there was no difference between the two wordings, the French were so anxious to make a revision. COMMANDER STASSEN urged that the French proposition be made public in order to gain the reaction of the American public and the other nations present at the Conference. COMMANDER STASSEN declared that he was irrevocably opposed to the change at this point and could be brought around only by a public mandate.

SENATOR CONNALLY said that in his opinion there was no substantive difference between the two wordings and he favored accepting the French proposal provided that it were certain that the matter would be ended by this action, and that the paragraph would not be reopened to other general propositions.

COMMANDER STASSEN disagreed with Senator Connally and declared that the new wording carried the implication that the United States would be backing out of Europe, and SENATOR CONNALLY replied that this referred only to the enemy states.

COMMANDER STASSEN remarked that he was opposed even to that. Under the Dumbarton Oaks wording the United States had been one of the responsible powers, but under this new wording which recognized the mutual assistance pacts, the United States could not possibly be a party. MR. DULLES asked whether Commander Stassen could think of any action which the French might take under their new draft which they could not have taken under the old draft. COMMANDER STASSEN replied that under the original wording the Organization had the responsibility for taking enforcement actions, and that only the individual right of self-defense was recognized. However, the new draft carried the implication that authority would never be turned over to the Organization with respect to enemy states. MR. PASVOLSKY pointed out to the Delegation that the United States had the right to conclude a pact similar to the Franco-Russian pact with any European state and would thus fall under this provision. However, MR. PASVOLSKY was of the opinion that even this was not necessary because of the provisions of Chapter XII, paragraph 2.

COMMANDER STASSEN agreed it would be logical to rely on mutual assistance pacts if the United States were going to back out of the Organization with respect to Europe. MR. PASVOLSKY referred once again to paragraph 2 of Chapter XII under which the rights of the United States were reserved with respect to enemy states. No pacts would be necessary, he declared; and Mr. Dunn agreed that the United States could act without concluding any arrangements. MR.

PASVOLSKY remarked that this Delegation seemed to think that the change was foolish and did not accomplish anything. The European states seemed to think that the change was necessary.

COMMANDER STASSEN declared he would make a compromise with Mr. Pasvolsky. THE COMMANDER declared he would accept the change if Mr. Pasvolsky could have the words "a state enemy of the United Nations in this war" defined as to refer specifically to Germany, and MR. PASVOLSKY replied that this would be impossible. COMMANDER STASSEN remarked that the change, in his opinion, granted broader freedom of action to the European countries and he wanted this broader wording narrowed down so that it would refer only to Germany.

THE SECRETARY asked what action the Delegation wished to take. He thought that everyone must thoroughly understand Commander Stassen's position by this time. SENATOR VANDENBERG urged that it would be dangerous to leave the question open any longer and THE SECRETARY asked Commander Stassen whether he would agree to reach a decision on the question during that meeting. COMMANDER STASSEN agreed to this suggestion. REPRESENTATIVE BLOOM urged that an agreement should be reached with the other members of the Big Five that the rest of the paragraph should not be reopened as a result of the consideration of the French amendment. He was of the opinion that the discussion in the Committee did not constitute an adequate guarantee. SENATOR VANDENBERG declared that this was part of the proposal on which the Delegation was acting. MR. DUNN declared that that was the agreement—that the United States would support the amendment if it was clear that no other changes would be made. REPRESENTATIVE BLOOM declared that he favored this position and REPRESENTATIVE EATON indicated that he would go along with "Senator" Bloom.

THE SECRETARY remarked that he hated to reach the decision on this important position in view of COMMANDER STASSEN's strong opposition. The latter declared that the matter was entirely up to the decision of the Delegation but that he would have to dissent. The Four Powers, he declared, had reached an agreement in conformity with the original position of the military representatives. This wording, he thought, should not be amended at all. REPRESENTATIVE BLOOM recommended that in view of the fact that the Delegation had been able to achieve unanimity on all questions thus far, and with consideration for Commander Stassen's strong feelings on the subject, the final decision of this question be postponed until the following meeting. SENATOR CONNALLY declared that unless the matter were decided soon, it would become a "festering sore", but REPRESENTATIVE BLOOM urged that it would not fester in 24 hours. SEN-

ATOR VANDENBERG thought that the matter was festering fast and he declared that at a luncheon the previous day the Latin-American delegates had pressed him upon what had happened to the proposal on regional agreements. They wondered why the Big Five had been unable to reach a conclusion. COMMANDER STASSEN asked whether it was thought the Latin-American countries would agree to this change and SENATOR VANDENBERG ventured the opinion that they would agree to anything which the United States proposed. COMMANDER STASSEN thought that that was a broad statement but MR. ROCKEFELLER agreed with Senator Vandenberg that the Latin-American countries would accept any position which the United States pressed. COMMANDER STASSEN declared that if the public and the Latin-American countries approved of this amendment, he would agree. However, he declared it would be impossible for him to consent otherwise. The road to his consent, he said, lay through public discussion. COMMANDER STASSEN declared that he could not allow the presumption to exist that he had agreed to this position.

At this point, 10:20 a. m., CONGRESSMAN BLOOM announced that he had to leave the meeting since he was going to "perform at the Opera House." [85]

### PROCEDURE ON AGREEMENTS FOR SUPPLY OF FORCES

SENATOR CONNALLY presented to the Delegation the May 29, 1945 draft of "Proposed Change in Chapter VIII, Section B, Paragraph 5." [86] This embodied, he declared, the Australian amendment which would make possible the conclusion of agreements for the supply of forces with the Security Council as well as among the member states. MR. PASVOLSKY pointed out to the Delegation that its clearance was required prior to the meeting of Committee III/3 that evening.[87] SENATOR CONNALLY pointed out that this draft provided for the initiative of the Security Council in the conclusion of these agreements. SENATOR CONNALLY thought that it provided greater elasticity than the previous draft and it definitely granted the initiative to the Security Council. The new wording was: ". . . on the initiative of the Security Council . . . between the member states or between the Security Council and the member states. All such agreements should be subject to ratification by the signatory states in accordance with their constitutional processes and, in the case of agreements to be concluded between the member states, should also be subject to approval by the Security Council." The other amendments proposed were that

[85] For verbatim minutes of the first meeting of Commission II, May 30, 10:30 a. m., see Doc. 719, II/8, May 31, UNCIO Documents, vol. 8, p. 27.

[86] Not printed.

[87] Doc. 704, III/3/36, May 31, UNCIO Documents, vol. 12, p. 400; the amendments to chapter XII were considered at that meeting.

the words "concluded among themselves" should be omitted, and that for the words "facilities and" preceding the word "assistance" should be substituted the words "and facilities including rights of passage" to follow the word "assistance". The Australians had also proposed the addition of the words "their degree of readiness and general location" to follow the words "types of forces" in the second sentence.

SENATOR CONNALLY remarked that these other amendments affected facilities and the rights of passage.

MR. PASVOLSKY declared that from the point of view of the decision taken by the Delegation at a previous meeting, this draft was acceptable because it carried out completely the position taken by the Delegation. SENATOR CONNALLY was in agreement that this met the requirements of the United States, and the Delegation agreed unanimously. MR. PASVOLSKY declared he would take up this paragraph with the Subcommittee of Five.

THE SECRETARY reiterated that the question of the French treaty would be carried over and he urged that Commander Stassen talk the matter over with the other members of the Delegation. The question should be adjourned for the present so that the Delegation might achieve unanimity. THE SECRETARY appealed to the Delegation that there should be no announcement that there was a split. He declared that the Delegation was continuing to study the matter and he remarked that it would be most damaging if someone were to whisper to the press that there was dissension.

### AMENDMENT PROCEDURE

THE SECRETARY called on Mr. Notter who had an urgent matter to discuss.

MR. NOTTER reported that there was pressure in Representative Eaton's committee, all of which had not shown up as yet.[89] MR. NOTTER thought that the full pressure would reveal itself at the meeting that evening.[90] MR. NOTTER declared that the United States had been defeated 19 to 12 on the question of referring the amendment proposed by New Zealand and Australia to the Subcommittee.[91] MR. NOTTER was of the opinion that the question of the amendment itself could be handled. MR. NOTTER foresaw for the near future the question of a revisionary convention. MR. NOTTER thought that the United States would probably have to compromise on the matter of the vote necessary to call such a convention and would probably have to

[89] For summary report on consideration of chapter XI (Amendments) in Committee I/2 on May 29, 3:45 p. m., see Doc. 683, I/2/48, May 29, UNCIO Documents, vol. 7, p. 154.

[90] Record of meeting of Subcommittee I/2/E, May 30, 8:30 p. m., not printed. For list of recommendations on chapter XI, see WD 26, I/2/36, May 24, UNCIO Documents, vol. 7, p. 138.

[91] *Ibid.*, p. 155.

accept a two-thirds vote instead of a three-fourths vote as was the position at present. This was not too important in MR. NOTTER's mind, because it represented the difference between 39 and 35 votes.

The difficulty he thought, would arise with respect to the New Zealand amendment designed to tie the matter down to make certain that a convention would be held. MR. NOTTER revealed that he had had a conversation with Mr. Pearson of Canada and he had asked Mr. Pearson whether such a provision would not make the Organization merely a provisional Organization, and Mr. Pearson had agreed with this position and had also agreed that this possiblity must be avoided. MR. NOTTER suggested that if it seemed necessary to accept a provision for a specific conference that the words "in any event" be used. MR. NOTTER also held the opinion that if the United States wanted to retain the unanimity rule with respect to amendment procedure, it would probably be necessary to compromise by accepting the principle of a revisionary convention.

MR. ARMSTRONG explained to the Delegation that the real purpose behind the proposal for a revisionary convention was to make possible a change in the number of permanent members of the Security Council who could veto amendments proposed by the General Assembly. This was indicated, he thought, by Prime Minister Fraser's statement in the Committee to the effect that "one of the permanent members of the Security Council may wither on the branch but might still retain a dead hand on amendment procedure." Mr. Fraser had expressed the opinion that this would be setting up a dictatorship of the big powers and he had asked why the permanent members of the Security Council were not willing to accept a majority vote among themselves. MR. ARMSTRONG declared that he had replied that a majority of the big powers had not been sufficient to win the present war. MR. ROCKEFELLER remarked that in his opinion Mr. Notter had not overestimated the danger of the situation. The smaller powers, he declared, would be willing to accept the veto power with respect to any number of questions but the small states were afraid that when the time came to study the Charter under peaceful world conditions the "withering" of one of the great powers would not be compensated for by the loss of the veto power. Specifically, this applied to France and China and MR. ROCKEFELLER declared that the French delegate had made a stupid speech in the Committee to the effect that originally he had been opposed to the veto power but now that it had been granted to France he would go along with the Big Five. MR. ROCKEFELLER urged that this was the chance to satisfy the small powers of the future status of the Organization.

MR. ARMSTRONG urged that the questions of expulsion and suspension would arise once more in this connection. The small powers, he thought, would take the position that unless amendment were pos-

sible without final Big Power veto control, they should be able to expel those major powers which "withered on the vine."

THE SECRETARY declared that it was obvious that this matter could not be settled in the short time remaining to the Delegation. He urged that the members of the Delegation discuss the matter among themselves and that the Delegation should consider it again on the following day. MR. PASVOLSKY urged on the other hand that there was really nothing to discuss with respect to the revisionary convention. The only way this matter could be discussed, he thought, was to consider depriving China and France of their permanent status on the Security Council. Obviously this could not be discussed. It then became a problem of whether the United States would permit amendment of the Organization without its consent. This, he declared, was also impossible and therefore there was no reason to discuss the matter.

THE SECRETARY instructed Mr. Notter to bring in a recommendation to be considered by the Delegation the following day.

SECRETARY GENERAL

At this point, MR. HICKERSON announced that he had just received a phone call from Ambassador Gromyko who was very agitated. Ambassador Gromyko had just noticed that the question of the election of the Secretary General had been included on the agenda for the open session of Commission II.[92] The Russians felt that this matter should be deferred until the question of voting procedure in the Security Council was settled. THE SECRETARY asked if there were any objections in the Delegation to postponing discussion of this issue. The Delegation agreed unanimously.

. . . . . .

The meeting was adjourned at 10:35 a. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 59

*Minutes of the Fifty-Ninth Meeting of the United States Delegation, Held at San Franscisco, Thursday, May 31, 1945, 9:02 a. m.*

[Informal Notes]

[Here follows list of names of persons (38) present at meeting.]
The Secretary convened the meeting at 9:02 a. m.

SYRIA AND LEBANON

SECRETARY STETTINIUS announced to the Delegation that at that very moment the Department of State in Washington was issuing the text of a note which had been delivered to France on the question

[92] See Doc. 719, II/8, May 31, UNCIO Documents, vol. 8, p. 31.

of Syria and Lebanon. The Department, he said, was issuing a "very strong" note which was a "very direct statement" of this Government's position that France should withdraw its troops from the Levantine states. THE SECRETARY expressed the hope that this strong measure would be successful in bringing to an early close the serious situation existing in the Middle East. He hoped that the British and the United States together might be able to impress the French. The situation was so serious, he declared, that some of the Arabs were coming to the point where they were considering rejecting the Charter. The Secretary remarked that he would have to leave the meeting early in order to put through a phone call to Washington.

SENATOR VANDENBERG remarked that the Arabs might also press for recognition of the Arab League as a regional organization under Chapter VIII, Section C, Paragraph 2, if that paragraph were to be left open any longer.

### AMENDMENT PROCEDURE

THE CHAIRMAN declared that Mr. Armstrong had an urgent matter to take up with the Delegation on the subject of amendment procedure. MR. ARMSTRONG declared that he had two points he wanted to bring to the Delegation's attention, one a specific question and the second a general situation requiring consideration.

MR. ARMSTRONG declared that the subcommittee of Committee I/1 was going to vote that day on a British amendment to revise the Four-Power amendment to Chapter XI in order that it should be specifically provided that a conference on revision should be held not later than seven years after the coming into effect of the Charter. The British Delegate,[94] MR. ARMSTRONG remarked, had made his proposal without previously consulting the other members of the Big Five and had placed the United States in an embarrassing situation. Actually, MR. ARMSTRONG said, the British suggestion had been that a conference be held ten years after the entry into force of the Charter, but the Canadians had specifically suggested seven years and had made a formal motion. As originally presented, the Canadian amendment provided that final ratification of any changes resulting from a revisionary conference would be subject to the unanimity requirement. This procedure, however, did not suit Mr. Evatt of Australia who did not want any control over amendment procedure by the Security Council. Mr. Evatt had succeeded in postponing the decision over-

[94] William Mabane, Parliamentary Secretary to the Ministry of Food; assistant delegate, British delegation. At the second meeting of Subcommittee I/2/E, May 30, 8:30 p. m., Mr. Mabane submitted a proposal that "such a conference shall be held not later than . . . . . years after the entry into force of the Charter." Lester B. Pearson, Senior Adviser of the Canadian delegation, moved the adoption of Mr. Mabane's motion with the proviso that the period be not more than seven years after the entry into force of the Charter. The vote was postponed in order to permit consultation. (US I/2/E Doc)

night in order to rally forces behind his suggested change and to convince the Dominions to ask for a further limitation on the powers of the Big Five. This matter was to be the first order of business at the morning's meeting.

MR. ARMSTRONG referred the Delegation to the document, Situation Regarding Chapter XI, Amendments. Behind the specific Australian amendment was the general situation to which Mr. Armstrong had referred. MR. ARMSTRONG declared that Mr. Evatt and his cohorts had been circulating from committee to committee and had been making short speeches in opposition to the Charter. In Mr. Armstrong's hearing Mr. Evatt had remarked to a Brazilian Delegate that he favored the Lippman proposal that the Organization be regarded as a transitional organization until such time as it could be thoroughly revised. MR. ARMSTRONG was of the opinion that there was great importance to this matter because if the middle powers succeeded in pressing their position, a complete revision of the Organization would be necessary within a relatively short time.

Mr. Evatt had indicated the attitude of the small and middle powers when he insulted the Chinese and French Governments by referring to them as second-rate powers. The Ecuadorian Delegate had not helped the situation any when he referred to the lack of free speech in Russia in connection with a statement by the Russian Delegate that this was to be a democratic organization. MR. ARMSTRONG declared that it was becoming apparent that a number of states did not intend to ratify the Charter as it stood and he cited the Dutch as an example. MR. PASVOLSKY urged that if this was their position they should be allowed not to ratify the Charter. SECRETARY STETTINIUS urged that the Delegation collect itself and consider the matter more calmly. THE SECRETARY declared that it was to have been expected that there would be hurdles of this nature and he was confident that they could be taken in stride.

MR. ARMSTRONG declared that he was not a defeatist but that in his opinion the battle was three-fourths lost. It was necessary, he maintained, for strong collective action to be taken by the Big Five. MR. DUNN declared that the British action in proposing the revision of the Four-Power amendments was contrary to the decision of the sponsoring governments to stand by their original proposal. MR. NOTTER said, however, that the British representative, Mr. Mabane, was too clever to have formally proposed this amendment. Actually, he had made the proposal but he had not done so formally. Therefore, his action could not be held against the British Delegation. MR. NOTTER remarked that the issue had been shifted since the Delegation had last considered the problem of the amendment. He thought that the small powers would now be willing to vote for ratification of amend-

ments under the unanimity procedure. However, they were now lining up behind the proposal for a revisionary conference.

MR. HACKWORTH remarked that he would have to leave the meeting shortly and he wanted to get in "a few licks" on this question. MR. HACKWORTH declared that the Colombian Foreign Minister[95] had spoken to him recently and had expressed discontent with the existing amendment procedure. The Colombian Foreign Minister had indicated the impossibility of gaining acceptance for the Charter on the part of the Colombian legislature unless the provision for amendment were changed. Similarly, the absence of any specific provision for withdrawal had been most confusing to the Colombian Delegation. The Colombian Foreign Minister expressed the opinion that the absence of a provision made withdrawal difficult, if not impossible. MR. HACKWORTH had pointed to the statement made by Representative Eaton in the Committee[96] to the effect that if the Charter were silent on the question of withdrawal it would mean that that decision would be taken according to the circumstances in each instance. But the chief point that the Colombian Foreign Minister had made was that his government could not be bound by something which was contrary to the Colombian constitution. He had declared that his Delegation would be satisfied if the Committee went on record to the effect that states had the right to withdraw from the Organization if it could not accept any amendment which was ratified without its consent. As an alternative, the Colombian Foreign Minister had suggested that the right to make reservations to Chapter XI be recognized. SENATOR VANDENBERG agreed that this was a perfectly proper position. A state should be able to withdraw from the Organization or have a final say on amendments.

THE SECRETARY asked Mr. Dunn for his opinion as to the course to take on this matter. MR. DUNN urged that the Big Five take a strong position on this matter. In his opinion it would be impossible to make the Charter a provisional document. THE SECRETARY remarked that he was going to speak to a number of foreign ministers some time during the morning and he asked how the Delegation felt on the question of calling a meeting of the Committee of Five. MR. DULLES said that very firm measures would have to be taken in order to accomplish anything. He thought that the five powers should agree to the Charter which they wanted to accept. All discussion should be stopped and the document should be ratified. Anyone who did not want to sign the Charter under these circumstances should be permitted to "go home". This position, MR. DULLES admitted, sounded drastic

[95] Alberto Lleras Camargo.

[96] See minutes of the fiftieth meeting (Executive Session) of the United States delegation, May 22, 10:50 a. m., p. 847.

but he was of the opinion that public debate would not work because of majority opposition. In the final analysis a number of the measures which were supported by the Big Five could be justified only on the grounds of the necessity for accomplishing the most that could be achieved. The Big Five, he thought, must take firm leadership from this point on. There were, he said, too many issues coming up which could disrupt the Conference unless there were strong leadership on the part of the major powers.

SENATOR CONNALLY was in agreement with this position of Mr. Dulles. There would probably be, he declared, a great deal of "howling" but there would be "howling" under any circumstances. SENATOR CONNALLY pointed out that the Conference had been called to consider drafting a Charter based on the Dumbarton Oaks proposals. If the other nations did not accept Dumbarton Oaks as a suitable basis for a Charter, Senator Connally was of the opinion that they should have stayed home. It was necessary, he thought, for the Big Five to say, in effect, "take it or leave it".

COMMANDER STASSEN urged that this matter should be considered in the Steering Committee. He pointed out that few heads of delegations attended the meetings of the technical committees and hence there was no one with sufficient authority to slow up the firebrands who did make a practice of attending the committee sessions. The questions at issue on which the big powers were insistent should, he thought, be considered by the heads of delegations where the influence of the major powers could effectively be brought to bear. It was obvious, COMMANDER STASSEN thought, that the Big Five could not carry their decisions through thirteen technical committees. THE SECRETARY agreed with Commander Stassen and suggested as the appropriate procedure that a meeting of the Committee of Five should be called to reach an agreement on the convocation of the Steering Committee. The Steering Committee should then agree on a final date for the submission of committee reports, and after that it would be up to the steering group to reach decisions on all the outstanding questions. COMMANDER STASSEN added that this procedure should be followed even if it became necessary for the Steering Committee to meet continuously for two or more consecutive days.

MR. ARMSTRONG declared that Mr. Evatt had not taken the position that the big powers had not had an opportunity to become familiar with the viewpoint of the smaller powers but rather that the small states had no indication of what the major powers wanted. It was the lack of agreement among the Big Five on questions such as voting arrangements which had caused the loss of confidence on the part of the small powers. SECRETARY STETTINIUS remarked that the Big Five had been able to agree to 27 amendments to the Dumbarton Oaks

proposals in two days and he added that it had been the major powers acting jointly which had won the war. MR. NOTTER expressed the opinion that the loss of confidence had been caused primarily by the failure of the Big Five to submit the answers to the questionnaire on voting arrangements. THE SECRETARY remarked that this question was to be considered later on in the morning.

MR. ROCKEFELLER expressed the opinion that the situation was not really as serious as might appear on the surface. There was, he thought, a crystallization of views taking place, especially among the Latin-American states. There was no doubt in his mind that the United States could line up the support of the smaller nations on the veto question. He urged that the Big Five had an opportunity to achieve a very desirable situation in Mr. Armstrong's committee [97] by fixing a sense of responsibility upon the small powers. This could be accomplished, he thought, by setting a definite date for a revisionary conference. In this way he was certain that the veto provisions would be carried. The small powers would think that they had made an important contribution to the establishment of the world organization and would be of the opinion that the United States had made a substantial concession. Actually, he said, it would not matter very much to the United States if the proposal for a revisionary convention were to be carried because the United States would still have a veto over any amendments suggested at such a conference.

SECRETARY STETTINIUS urged once more that a final date must be established for committee discussions and he thought that a Steering Committee meeting would be necessary. MR. ROCKEFELLER agreed with this proposed procedure. THE SECRETARY asked whether there was any chance for delaying the vote on this question of a revisionary conference. MR. ARMSTRONG replied that there undoubtedly would be a vote on the British proposal as amended by Australia. MR. ROCKEFELLER reiterated that he was certain of the position that the Latin-American nations would take. They would accept the veto power if they were guaranteed that a revisionary conference would be held at some definite date. He did not think the matter was as serious as it had been painted and he announced that he would be glad to attend Mr. Armstrong's committee and work with him in insuring support for the United States position. MR. ARMSTRONG said that Mr. Rockefeller's presence would make "defeat much pleasanter".

MR. PASVOLSKY declared that he was still opposed to a change which would set a definite date for a revisionary convention. But THE SECRETARY replied that if the United States were to oppose this measure,

[97] Committee I/2 (Membership and General) and Subcommittee I/2/E, including as members those who had submitted proposals for the amendment of chapter XI.

it would be out-voted. MR. PASVOLSKY declared that the Delegation must determine which states would vote against the position of the United States in order that the Delegation might work on them to change their votes. In his view it was impossible to accept this amendment. MR. DUNN asked whether the Delegation thought that it would be possible to accept a provision that a conference should be held at the end of a ten year period, provided that the unanimity rule with respect to ratification were to be maintained. The only disadvantage of the specific date being set, MR. DULLES declared, was its psychological effects. MR. DULLES reminded the Delegation that such a provision had been voted down during the preliminary discussions in Washington. MR. DUNN reiterated the importance of maintaining a unanimity requirement with respect to ratification of amendments. MR. DULLES declared that in that case it would be necessary to grant the right of withdrawal to states which were unable to accept amendments passed without their approval.

THE SECRETARY asked Mr. Armstrong whether the proposal advanced by Mr. Dunn would relieve the situation any. MR. ARMSTRONG declared that it certainly would have been invaluable on the previous evening [98] but he was not so certain now since Mr. Evatt was attempting to line up support for his amendment. MR. ROCKEFELLER declared that in his opinion the matter would turn out in favor of the United States.

MR. ARMSTRONG urged that this proposed change in the attitude of the United States should first be cleared with the U.S.S.R., and pointed out that a difficult situation had been created when the British had made their proposal without first consulting with the other members of the Big Five. MR. NOTTER remarked that Ambassador Gromyko had declared that any change would have to be considered by the Big Four. MR. ROCKEFELLER suggested that a special meeting of the Committee of Five be called and COMMANDER STASSEN urged that Mr. Armstrong reserve the position of the United States and declare that a new formula was being worked out. MR. DUNN declared that he was opposed to such a procedure because it would put the United States on a spot. He suggested that the United States reserve its position on the proposal just agreed upon by the Delegation. He urged that Mr. Armstrong should present to the Committee the necessity for a consultation among the Big Five.

MR. PASVOLSKY asked what the vote would be on. MR. ARMSTRONG replied that it would be on the proposal that reference to a seven year period be made in Chapter XI, Paragraph 3. Mr. Evatt, he declared, would try to amend this proposal or defeat it and introduce a separate amendment eliminating the second half of the paragraph

[98] Record of second meeting of Subcommittee I/2/E at 8:30 p. m., not printed.

concerning the unanimity requirement for ratification. MR. PASVOLSKY declared that it would be impossible to accept this amendment and that the Delegation must mobilize support for its position. COMMANDER STASSEN urged that Mr. Armstrong pass the word in the Committee that the United States was willing to accept a specific reference to the holding of a conference after ten years if agreement could be reached on this among the other members of the Big Five. However, the United States' position must be made clear on the unanimity requirement. MR. ROCKEFELLER urged that Mr. Armstrong take a positive stand and act aggressively. THE SECRETARY reminded the Delegation that the proposed revision would have to be cleared first with the other members of the Big Five. MR. ROCKEFELLER suggested that some other nation be influenced to move the United States proposal. In that way the necessity for first consulting among the Big Five would be avoided.

SENATOR CONNALLY asked whether the convention would be automatic at the end of the period established or whether there would be a vote on the question of submission. MR. ARMSTRONG declared that under both the Canadian and Australian proposals the convention would be automatic, although Mr. Evatt had been more specific in asking that the convention be held on the seventh anniversary of the opening of the United Nations Conference.

MR. SANDIFER was of the opinion that since Australia had been able to postpone the vote on the previous evening, the United States should be able to postpone the vote at the next meeting. MR. ROCKEFELLER thought the meeting should be called off entirely because it would be difficult to attend the meeting without voting on the question. THE SECRETARY agreed with Mr. Sandifer's proposal and suggested that Mr. Armstrong rise at the opening of the meeting and urge postponement of the vote on this question. If Mr. Armstrong could do this, THE SECRETARY declared that he would meet with the Big Five that afternoon and reach an agreement. MR. PASVOLSKY remarked that this was definitely a proper procedure. MR. ARMSTRONG remarked that such an action would be contrary to the demands of the major powers that committees speed up their work but SECRETARY STETTINIUS replied that it was necessary to take this action anyhow. MR. ARMSTRONG thought that the Costa Rican Chairman of the Committee [99] might not agree to postponement but MR. ROCKEFELLER indicated that the Chairman would agree and that he would attend the meeting to assist Mr. Armstrong.

THE SECRETARY asked the Delegation whether it was agreed to establish a specific ten-year period after which a revisionary conference should be held. DR. BOWMAN submitted that he was opposed to such

[99] Alvaro Bonilla Lara (Committee I/2).

a specific proposal because at the time established, the Security Council might be in the midst of a dispute which would prejudice the work of the Conference. This objection could be met, he declared, by establishing a minimum and a maximum date within which period the Conference should be held. THE SECRETARY declared that he accepted Dr. Bowman's objection as being sound and asked whether the Delegation agreed. There was unanimous agreement that a period of seven to ten years should be established. The Delegation was agreed that a conference should be called after seven to ten years on the condition that the veto power over any amendments passed by the convention should be maintained by the permanent members of the Security Council.

### INVITATION OF DENMARK

SECRETARY STETTINIUS instructed Mr. Dunn to acquaint the Delegation with the situation with respect to inviting Denmark to participate in the Conference. [At this point, 9:40 a. m., Mr. Hackworth left the meeting.] [1]

MR. DUNN reported that Ambassador Gromyko had requested that a meeting of the Steering Committee be held that day and MR. DUNN remarked that this body would have to meet anyhow in order to consider the question of the election of the Secretary-General [1a] which had been referred to it by Commission II.

. . . THE SECRETARY declared that he would reluctantly go along on inviting Denmark but was definitely opposed to the admission of any other states. MR. DUNN pointed out that an agreement had been reached with Ambassador Gromyko concerning Denmark and it would be impossible to withdraw at this time. THE SECRETARY reiterated that "the flood gates" must not be opened. . . .

MR. DULLES observed that the Organization was based on the premise of quick action by the five major powers. This Conference seemed to be demonstrating that the Big Five could not work together effectively. MR. DULLES declared that it was imperative that a situation be reestablished whereby the Big Five could get measures through. The small states, he said, were very much alarmed over the inability of the Big Five to run the Conference. The big problem, in Mr. Dulles' mind, was the delays occasioned by the U.S.S.R. He urged that the Secretary talk with the Russian Delegation and make the situation clear to them, and THE SECRETARY replied that he was having a talk with the Russian representatives later in the morning.[2]

SENATOR VANDENBERG asked whether it would not be possible to postpone consideration of the invitation to Denmark. MR. DUNN

[1] Brackets appear in the original.
[1a] Doc. 719, II/8, May 31, UNCIO Documents, vol. 8, p. 33.
[2] Memorandum of conversation, May 31, 12:25 p. m., *infra*.

remarked that the Chairman would be placed in a very difficult situation if he asked for postponement of this question when the United States was already committed to accepting the proposal. MR. DUNN was of the opinion that it would be necessary to go through with the matter and face the other possibilities. The only way this could have been avoided was by opposing Norway in the first instance. The United States was now definitely committed to accepting the Norwegian proposal.

MR. ROCKEFELLER asked how much pressure of time there was on this matter and MR. DUNN replied that it would be considered in the next meeting of the Steering Committee that afternoon. THE SECRETARY remarked that he had not been consulted on this matter yet and hence could not call a meeting. THE SECRETARY was of the opinion that the only course available to the Delegation was to accept Mr. Dunn's recommendation since there was nothing else to do. He declared that if any other nations were proposed for admission the matter should be referred to the sponsoring governments for their consideration. He thought that one of the small states should make this suggestion. MR. DUNN declared that this course of action would open the way for a "licking". The small states would all ask why the matter should be decided by the major powers without their participation. This position had become, he declared, a state of mind among the smaller nations. MR. ROCKEFELLER urged that the Delegation should make up its mind in advance on what other nations it would accept. THE SECRETARY declared that he would oppose inviting any other Government. MR. ROCKEFELLER urged that in any event the agreement of the Russians would be necessary and THE SECRETARY agreed that the Big Five must reach an agreement.

REPRESENTATIVE BLOOM expressed the opinion that the Delegation must look beyond the immediate situation. If the charge of discrimination were to be raised by any group in this country the result, he thought, would be an awful fight in Washington when it comes to ratifying the Charter. SENATOR CONNALLY suggested that, at the meeting of the Committee of Five, the Secretary should canvass the entire situation and "turn the heat on". An impasse had been reached, SENATOR CONNALLY declared, which could be broken only by decisive action. . . . THE SECRETARY asked whether any one on the Delegation had any objection to the plan to have a meeting of the Committee of Five that afternoon. No objection was raised.

[Here follows discussion of issues pending.]

### VOTING PROCEDURE

MR. PASVOLSKY declared that the position of the Delegation on this matter had been clarified in previous meetings and needed no further exposition at this time.

AMENDMENT PROCEDURE

MR. PASVOLSKY asked if he had interpreted correctly that the Delegation favored a provision for a revisionary conference after seven to ten years with the proviso that the unanimity rule be maintained. MR. PASVOLSKY also thought that the Delegation had decided to accept a two-thirds vote instead of the three-fourths requirement which had previously been decided on. MR. ROCKEFELLER added that the Delegation's position also indicated a willingness to accept the interpretation that the states members of the Organization had the right to make reservations when their respective legislatures were unwilling to ratify the amendments proposed. MR. HICKERSON thought that withdrawals from the Organization might also be made possible.

ELECTION OF SECRETARY-GENERAL AND DEPUTY SECRETARIES-GENERAL

THE SECRETARY asked whether the Delegation had any recommendation with respect to the problem of electing the Secretary-General. MR. PASVOLSKY expressed the opinion that Russia would adhere to its stated position that the Secretary-General should be elected by majority vote of the General Assembly and by a qualified majority of the Security Council. MR. PASVOLSKY did not think the United States should oppose the Soviet Union on this matter. The question, he thought, was what position the Delegation should take on the election of the Deputy Secretaries-General. MR. NOTTER did not think the United States should oppose the Russian stand on this matter either. REPRESENTATIVE BLOOM thought that the Deputies should be appointed by the Secretary-General. THE CHAIRMAN asked whether the Delegation favored giving in to the Russian position. MR. PASVOLSKY declared that substantial opposition would develop to the Russian stand and MR. NOTTER thought that Russia was already "licked" on this matter. REPRESENTATIVE BLOOM concurred and pointed out that the small powers wanted election of the Deputies by an unqualified majority of seven. MR. PASVOLSKY urged that the Delegation would have to make up its mind on this issue and SENATOR CONNALLY pointed out that in his opinion it would be necessary to insure compatibility among the five Deputy Secretaries-General and the Secretary General. MR. PASVOLSKY agreed that this was the argument advanced by the opponents of the four power proposal. COMMANDER STASSEN asked the Delegation whether it would be possible under our constitutional system to allow for the election of the President and five members of the Cabinet. COMMANDER STASSEN thought that the Secretary General should be elected and that he should be allowed, at the very least, to select his Deputies in conjunction with the Security Council. The offices of Secretary General and his five assistants would be the one point in the Organization, COM-

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MANDER STASSEN urged, where administrative coherence could be achieved. MR. PASVOLSKY remarked that at one time he had proposed a compromise to the effect that the Secretary General should be elected by a qualified majority. The Deputies should be appointed by the Secretary-General and should be subject to the approval, one each, by the Security Council, the Economic and Social Council, the Trusteeship Council, and the General Assembly. The fifth Deputy, who would be the Secretary General's chief administrative assistant, should be appointed without the approval of any part of the Organization. The Delegation received this proposal favorably and it was agreed that the United States should adopt this position.

### ELECTION OF COURT JUDGES

MR. PASVOLSKY urged that the Delegation stand on a procedural vote for the judges of the World Court. This, he pointed out, had already been approved in one committee [3] but the Russians had been of the opinion that the vote was improperly taken because the subject was not within the competence of the committee which reached the decision.

### EXPULSION

MR. PASVOLSKY expressed the view that the United States was committed to supporting a provision for expulsion. He thought that the United States should assist the U.S.S.R. in fighting this question through. The matter had been discussed, he declared, at Dumbarton Oaks [4] and the decision had been reached that there should be a clause providing for expulsion of members who did not fulfill their obligations under the Charter. The United States, he declared, had opposed this position as had Great Britain, but both countries had given in to the Russian request and MR. PASVOLSKY was of the opinion that the United States should maintain unanimity with the U.S.S.R. on this matter. The original technical committee could not reopen the question and MR. PASVOLSKY thought that the matter should be brought before the Steering Committee,[5] at which point the United States could support the Russian demand. MR. ROCKEFELLER thought that it would be advisable to defer this question until the others had been settled, inasmuch as the Big Five would be open to criticism if they insisted upon reopening a question which had been already settled in committee. MR. PASVOLSKY replied, however, that all these questions would come up at the same time.

[3] Doc. 581, IV/1/44, May 26 (UNCIO Documents, vol. 13, p. 208); Doc. 558, IV/1/C/1, May 25 (*ibid.*, p. 549); Doc. 668, III/1/35, May 30 (*ibid.*, vol. 11, p. 421); and Doc. 666, II/1/26(1)(*a*), May 30 (*ibid.*, vol. 8, p. 456).

[4] See memorandum of November 20, 1944, *Foreign Relations*, 1944, vol. I, p. 901.

[5] See proposed agenda for sixth meeting of the Steering Committee, Doc. 853, ST/13, June 8, UNCIO Documents, vol. 5, p. 248.

### Supply of Forces

Mr. Pasvolsky reported to the Delegation that with respect to the question of supplying forces to the Organization, the language considered on the previous day, making possible either agreement among the member states themselves or agreement with the Security Council, had been changed slightly for the purpose of simplification. Mr. Pasvolsky reported that Russian agreement to the final wording had not been received as yet but he thought it probably would be received later in the day.

At this point, Secretary Stettinius pointed out that there was three hour communication between San Francisco and Moscow by means of the radio on board the Russian ship anchored in the harbor. The Delegation had been informed that it required seventy-two hours to establish communication with Moscow. President Truman had received a response to a communication with the Kremlin within three hours.

### Preparatory Commission

Mr. Pasvolsky declared that no decision was necessary on this question because the United States was holding up further consideration of it.

### Economic and Social Council

Mr. Pasvolsky declared that the questions at issue with respect to Chapter IX, on the Economic and Social Council, were highly important and he expressed the opinion that it would be necessary to obtain agreement on these matters. Mr. Pasvolsky wondered whether the words "collectively and severally" might not prove acceptable with respect to the Australian pledge amendment. However, Dean Gildersleeve declared that this wording had not received a favorable reception by Committee II/3.[6] The Secretary asked what had happened to the phraseology "victor and vanquished" in the amendment on raw materials. Commander Stassen declared that this question had already been defeated although no vote had been taken as yet. Russia and the United Kingdom had made strong statements and the only question before the Delegation was whether or not the United States should also make a statement.

Representative Bloom asked whether it would not be best to bring up the question of the Secretary General in the Steering Committee meeting. He thought this matter should be held up and expressed the view that it would not be necessary to bring the matter up in a meeting of the Committee of Five. This, he thought, was especially true since the question had been referred to the Steering Committee.

[6] Doc. 684, II/3/38, May 29, UNCIO Documents, vol. 10, p. 130.

MR. DUNN replied to Congressman Bloom that this was part of the over-all picture which would be considered at the same time.

THE SECRETARY declared that he had to leave since he was half an hour late with his phone call to Washington. He asked whether the Delegation agreed to 3 p. m. as the time for a Big Five meeting in the penthouse.[7] There seemed to be agreement and THE SECRETARY declared that unless notified to the contrary, the members of the Delegation should be ready to attend a 3 o'clock meeting. THE SECRETARY instructed Mr. Sandifer to contact each of the Delegates after the Secretary confirmed the time in his 1:30 meeting. The Secretary then left the meeting.

### FRENCH AMENDMENT

COMMANDER STASSEN declared that he would have to leave for an important Trusteeship meeting. Before he left he was anxious to make a statement on the French treaty question. He referred the Delegation to the May 31, 1945 draft[8] of the "Proposed Change in Sponsoring Governments' Amendment to Chapter VIII, Section C, Paragraph 2". COMMANDER STASSEN declared he still wished that it was not necessary to change this paragraph. However, he was of the opinion that the new language was a definite change for the better and COMMANDER STASSEN declared that he would not oppose this wording if the other members of the Big Five would agree. MR. PASVOLSKY declared that he had discussed the new language with the other four members and they had indicated their willingness to accept.

SENATOR VANDENBERG asked whether the Russians were really willing to accept this wording which he thought meant that all the United Nations would have to join in the request for the Organization to assume responsibility for preventing further aggression by a state enemy of the United Nations in this war. MR. PASVOLSKY declared that this was not necessarily so; it might mean that all the United Nations would have to join in the request or only a few on behalf of the rest. SENATOR VANDENBERG asked whether Mr. Pasvolsky would explain the meaning of the new language. MR. PASVOLSKY referred to the incorporation in the new paragraph of reference to Chapter XII, Paragraph 2, and asked which would be the parties concerned. SENATOR VANDENBERG replied that the signatories of this Charter would be the parties. MR. DULLES remarked that the French had insisted upon the deletion of the word "concerned". MR. PASVOLSKY remarked that if it should be decided to delete Chapter XII, Paragraph 2, it would then be logical that action only by the parties to the regional agreement concerned would be necessary for the Organization

[7] This meeting apparently was not held.
[8] Not printed.

to exercise the function of preventing aggression by an enemy state. However, if the United States wanted to insure its participation in decisions concerning Europe, it was necessary to retain Chapter XII, Paragraph 2. SENATOR CONNALLY asked whether the Security Council would be obligated to assume this responsibility under the new wording.

COMMANDER STASSEN urged that the danger against which the United States must safeguard was the possibility of individual action, such as the French had taken in Syria and Lebanon. If regional arrangements were left entirely free of control by the Security Council, a very dangerous situation would be established. If a nation did not want to arbitrate, there could be no compulsion under the previous draft of this paragraph. COMMANDER STASSEN declared that even under the new draft he contemplated many future headaches and he would accept the wording only because of the realization that it was necessary to make concessions to avoid a break-up of the Conference. MR. PASVOLSKY indicated that he would be willing to delete the phrase "at the request of the governments having responsibility for the taking of measures provided for pursuant to Chapter XII, Paragraph 2." The United States, he thought, was adequately protected by the existence of the paragraph referred to in this phrase without specific reference being necessary in the paragraph under consideration. However, MR. PASVOLSKY declared that he thought the inclusion of this phrase would take care of the objections raised previously by Commander Stassen.

MR. DULLES declared that the object of this Delegation with respect to this paragraph was to insure that the authority of the Security Council should be established at the earliest possible moment. MR. DULLES was of the opinion that to make necessary the consent of more states as the present draft did, would be to make the establishment of the authority of the Security Council more difficult. The earlier draft, he thought, limited the number of states whose "request" was required to a small number, the parties to regional arrangements. COMMANDER STASSEN declared that the number was kept small only at the cost of cutting the United States out. MR. DULLES asked why the United States should want to be included in the group which would prolong the establishment of the authority of the Security Council. COMMANDER STASSEN replied that under the new arrangement the United States could participate, if it so desired, in the initiation of the action which would make possible the assumption of this authority by the Security Council. Under the earlier draft there was no assurance, COMMANDER STASSEN declared, that this initiative would ever be taken. MR. DULLES declared that under the earlier draft it would have been possible for the Security Council to take the initiative but

MR. SANDIFER thought that this was not the case and he agreed with Commander Stassen that the new draft gave the United States the right to take part in the initiation of action to establish the authority of the Security Council. MR. DULLES repeated that in his opinion what the wording accomplished was to enlarge the group of states whose concurrence was necessary for the assumption of the jurisdiction under question by the Security Council. COMMANDER STASSEN declared that the group was enlarged only by one state, the United States, the one state whose inclusion the Delegation must be in favor of. MR. DULLES asked why this new wording would not include Belgium and some of the other European states in the group whose assent would be necessary. MR. PASVOLSKY declared that all of the European states would be expected to have concluded regional agreements anyhow which would bring them in under the other part of the clause. MR. PASVOLSKY admitted, however, that China would be included in the group under the new wording and MR. DULLES remarked that Brazil also and the other South American states as well would be included under the new phraseology. MR. SANDIFER disagreed and declared that the South American states would not have "the responsibility for the taking of measures . . ." with respect to Europe. MR. PASVOLSKY remarked that Australia would probably be brought in under the new wording. MR. DULLES urged that he could not see the necessity for China, which was an Eastern Power, having the authority to veto the assumption of authority by the Security Council over the prevention of aggression in Europe.

### TRUSTEESHIP

COMMANDER STASSEN declared he would have to leave the meeting shortly and asked whether the Delegation was agreed that he should stand firm on maintaining paragraph 5 in the Trusteeship chapter. The USSR had proposed the deletion of this paragraph. The Delegation agreed to this position.

### FRENCH TREATY QUESTION

MR. PASVOLSKY asked Commander Stassen whether he would not agree to dropping this section of new language which was under discussion. MR. DULLES reiterated that in his opinion the new wording would admit all the United Nations to the decision as to whether the Security Council should assume jurisdiction over the prevention of aggression by enemy states. COMMANDER STASSEN declared that the wording referred to the governments which had the responsibility for such action and he asked Mr. Dulles what interpretation he gave to Chapter XII, paragraph 2 from which the wording was drafted. MR. DULLES declared that Chapter XII, Paragraph 2 was worded "enemy states" and he was of the opinion that this would

include Japan. MR. PASVOLSKY agreed with Commander Stassen that the new wording would insure American participation in the decision as to whether the Security Council should assume the necessary jurisdiction and he also agreed with Commander Stassen's interpretation of the meaning of the new phraseology. SENATOR VANDENBERG asked once more whether the Russians would agree to this new wording and MR. PASVOLSKY declared that the Russians had already agreed to the earlier wording "measures against enemy states in this war provided for pursuant to Chapter XII, paragraph 2." The new wording merely carried out this wording further, and MR. PASVOLSKY was certain the Russians would accept it. SENATOR VANDENBERG voiced the opinion that the new wording did more than that. It added to the number of consents required for the assumption of jurisdiction by the Security Council. He thought that the Russian interpretation must have been that the wording referred only to those states which were signatory to regional arrangements.

MR. PASVOLSKY declared that the Security Council would not take over the functions exercised by states signatory to such regional arrangements upon their agreement that the arrangements were no longer essential unless the United States approved of the assumption of such jurisdiction under Chapter XII, Paragraph 2. These functions, MR. PASVOLSKY pointed out, were very important ones and he thought that the United States should be a party to the decision. SENATOR VANDENBERG suggested that if Mr. Pasvolsky managed to achieve agreement on the phraseology he should then come down and explain its meaning to Committee III/4, on Regional Arrangements. MR. PASVOLSKY remarked that the matter would be simplified greatly by substituting the word "or" for "and" in the fifth line from the end of the paragraph. This, he declared, would indicate clearly that two separate groups of states were indicated by the two clauses. MR. DULLES agreed that that substitution would make all the difference in the world but MR. PASVOLSKY observed that "or" would not adequately cover the situation because it would make possible the elimination of the parties to the regional arrangements.

MR. DULLES declared that it had been his interpretation that authority over the control of enemy states would be granted to the Security Council on the "request" of any two parties to a regional arrangement. He asked why Australia should have the right to prevent the United Kingdom and Russia from turning over their authority under a regional arrangement to the Security Council. SENATOR VANDENBERG declared that he was dumbfounded by the interpretation given to the original language by Mr. Pasvolsky. He still found it difficult to believe that "consent of the governments concerned" meant all the United Nations. MR. PASVOLSKY declared

that under the original draft, it had been considered a great victory to have achieved mention of Chapter XII, Paragraph 2. Once this reference had been included in the paragraph, all the states concerned with the interim arrangements for the supervision of enemy states became concerned with the matters involved in Chapter VIII, Section C, Paragraph 2. The Russian delegates, he declared, had accepted this interpretation and it had been universally assumed that the wording referred to both types of arrangements, the bi-lateral regional pacts as well as the arrangements whereby certain states would be charged with the responsibility for supervising enemy nations during the interim period. SENATOR VANDENBERG asked whether Mr. Pasvolsky would inform him as to which governments would be concerned in turning over the responsibilities involved in an Anglo-Russian treaty to the Organization. MR. PASVOLSKY replied that Great Britain and Russia could stop exercising their powers over such a treaty at any time they so desired. However, MR. PASVOLSKY declared that that did not mean that Great Britain and Russia could have the Organization take over those powers. When the Organization assumed jurisdiction over the matters previously under the jurisdiction of a regional arrangement, no such treaty would any longer be consistent with the powers of the Security Council. However, when two parties to such a regional arrangement give up their treaty, the powers under that treaty would pass not to the Organization but to those nations responsible for exercising control over enemy states during the interim period. MR. PASVOLSKY declared that it was not the case that the number of states whose consent was necessary for the assumption of jurisdiction by the Organization was reduced by the relinquishment of any bi-lateral treaty. MR. DULLES said that he could understand that the Security Council might have to reach an agreement to assume jurisdiction but he could still not see the necessity for bringing in Australia on that decision. MR. PASVOLSKY declared that Australia would already be in by virtue of Chapter XII, Paragraph 2, and MR. DULLES added that this might be true insofar as Australia was responsible for maintaining the surrender terms. MR. DULLES declared that obviously it was necessary to have an agreement by the parties to each regional arrangement that the Organization should assume jurisdiction as they recognized that there was no longer any need for the bi-lateral pact. However, MR. DULLES reiterated that he could not see why Australia should have any relation to an Anglo-Russian treaty.

MR. KANE declared that if Mr. Pasvolsky were correct in his interpretation and that was the way the U.S.S.R. interpreted Chapter XII, Paragraph 2, then consideration should be given to the advisability of revising Chapter XII, Paragraph 2. MR. PASVOLSKY replied that

the matters considered in the Chapter on Interim Arrangements were actually outside the scope of the Organization. Then he asked what other interpretation could be given to this Chapter. MR. DULLES declared that states having responsibilities under Chapter XII should have a voice in the determination of policies under that Chapter, but he could not see why these powers should be able to affect in any way the decisions which were concerned only with the regional pacts. MR. PASVOLSKY pointed out, however, that the exception had been made in the paragraph under consideration, Paragraph 2, of Section C of Chapter VIII. Having won the victory in including a reference to Chapter XII, Paragraph 2, the United States must now accept it. MR. PASVOLSKY then asked the Delegation if anyone could answer who would have the right, under the surrender terms, to recognize a new German Government. This, he declared, was a question which could not possibly be answered at this time and explained that that was the reason that the question of who were the responsible powers had been left open. MR. DUNN declared that he could answer Mr. Pasvolsky's question in terms of an Anglo-Russian treaty. Under such a treaty Germany could not possibly have any authority. MR. PASVOLSKY declared that that was not the point at issue. He asked, rhetorically, when do regional agreements become inconsistent with the terms of the Charter and declared that they would become inconsistent at the point when the Organization were to take over the function of dealing with the enemy states. This, he declared, was dependent upon Chapter XII, Paragraph 2. No matter what language were to be used, he declared, the situation would still remain just as he had described it. The problem was one of consistency of treaties with the terms of the Charter. It was not a question of when the functions established under these treaties were taken over by the Organization. MR. DULLES replied that in his view the question was one of when the states powers to regional agreements thought it was safe to give up these bi-lateral arrangements. He asked why it was necessary to "cut in" all the nations in the world in this decision. MR. PASVOLSKY remarked that he was perfectly willing to accept the original French amendment. ADMIRAL HEPBURN declared that the question in his mind was one of parties to bi-lateral arrangements retaining their powers or turning them over to the organization, and MR. DULLES remarked that the more nations there were whose consent was necessary for this transition, the more difficult it would be to conclude the transaction. ADMIRAL HEPBURN declared that the decision would be made in the surrender terms under which he thought the major powers would be designated as the states responsible for policing the enemy nations. MR. SANDIFER asked whether it would be necessary for all the parties to Chapter XII, Paragraph 2, namely,

all the signatories to the Charter, to consent under the latest language of Paragraph 2 of VIII, C. ADMIRAL HEPBURN replied that it would be possible for the four major powers to be designated as having the responsibility and hence their consent alone would be necessary under the new language. SENATOR VANDENBERG asked whether, when the wording "by consent" had been agreed upon, it was meant that "everybody" was signified. MR. PASVOLSKY replied that the meaning had been that any State with an interest in either of the two situations, responsibility under Chapter XII or regional agreements, would have been a party under the original language. MR. DUNN indicated that he had been of the opinion that only the parties to regional agreements were implied and that that was why he had favored the original language. MR. DULLES indicated that it would be much easier, in his opinion, to influence two parties to a regional arrangement to give up that arrangement. But MR. PASVOLSKY declared that the Security Council could not accept the responsibility despite the willingness of parties to a regional arrangement to relinquish their rights under that agreement. MR. DULLES asked whether he was correct in understanding Mr. Pasvolsky to have said that it would be impossible for the parties to a regional arrangement to give up that arrangement without the consent of all the responsible parties under Chapter XII, Paragraph 2. MR. PASVOLSKY declared that the parties to a regional arrangement could relinquish that pact any time they so desired; however, the functions of supervising enemy states could be turned over to the Council only by the nations concerned with that supervision during the interim period. These nations would be refined under the surrender terms. MR. PASVOLSKY thought that a serious mistake had been made in not incorporating in Chapter XII specific provision that the powers referred to should be turned over to the Organization. MR. PASVOLSKY declared that if the exception established in paragraph 2 of VIII, C were not taken advantage of, the Organization would have authority over preventing further aggression by enemy states. However, this exception related, under the present wording, to the two separate spheres, states responsible for supervision of enemy territories and parties to regional arrangements.

MR. DUNN declared that he understood the distinction drawn between the two areas; however, he thought that the parties to a regional arrangement could relinquish to the Security Council the functions provided for under the treaty, provided that the Security Council was willing to accept these functions, without the responsibilities involved in the sphere of supervision of enemy territories being relinquished. SENATOR VANDENBERG asked that Mr. Pasvolsky admit that somebody in addition to Mr. Pasvolsky and Commander Stassen should be able to understand the wording. MR. PASVOLSKY

replied that he would admit that perhaps he himself did not understand the wording. MR. PASVOLSKY went on to declare that the Subcommittee of Five had agreed on the previous day that responsibility for turning over functions previously exercised under regional agreements resided in all those states having responsibility for the administration of enemy territories. The right to take advantage of the exception established in Chapter VIII, Section C, Paragraph 2 could be relinquished at any time by the two parties to a regional arrangement but to turn over all the functions under such an arrangement would require the assent of all those nations responsible for the supervision of enemy territories. SENATOR VANDENBERG challenged Mr. Pasvolsky to present a list of the nations which would fall under this category. MR. PASVOLSKY replied that he would be perfectly willing to do so and would even present the list in Russian. SENATOR VANDENBERG declared that Mr. Pasvolsky might just as well present the list in Russian. MR. PASVOLSKY declared that the powers responsible for the supervision of enemy territories might include the United States, Russia, China, the United Kingdom and France, in addition to thirty or forty other members of the United Nations "technically at war" with the enemy powers. The United Nations of today, MR. PASVOLSKY declared, would have to make up their minds as to who would control the enemy states. If agreement should be reached that this authority should reside in the Principal United Nations, only the five states mentioned specifically would fall under the category of states whose assent would be required for the submission of the additional functions to the Security Council. If this arrangement could not be achieved, it would be necessary for all the United Nations, or as many of them as were designated as responsible for the supervision of enemy states, to give their assent to the assumption of the jurisdiction in question by the Security Council.

MR. KANE declared that when four or five states signed surrender terms in the name of the remainder of the United Nations, those four or five would have the responsibility for the occupation of the enemy territories involved. Contemporaneously, there might be bi-lateral treaties designed to prevent the resurgence of those enemy powers. At the end of X years, the occupation would end with the four responsible powers withdrawing whenever they felt that the Security Council should assume jurisdiction. MR. KANE thought that it did not necessarily follow that all the nations in whose name the four powers were acting would have anything to do with the two parties to a regional agreement giving up their treaties. MR. PASVOLSKY declared that that was a correct interpretation. MR. KANE then urged that the language did not say that. MR. PASVOLSKY reiterated that the parties to a regional treaty could not give up their functions to

the Security Council unless the responsible governments under Chapter XII, paragraph 2 would agree.

MR. PASVOLSKY declared that it was obvious he could not take up this draft with the Subcommittee of Five. He asked whether Senator Vandenberg would accept the earlier French proposal. SENATOR VANDENBERG declared that this was agreeable to him, with MR. DULLES and MR. DUNN concurring. MR. PASVOLSKY then suggested that Senator Vandenberg get Commander Stassen to change his mind. SENATOR VANDENBERG declared that he would leave the matter to Mr. Pasvolsky and Commander Stassen.

PREAMBLE

DEAN GILDERSLEEVE referred the Delegation to the latest Progress Report of Work in Commissions and Committees (US Gen 201, Page 1).[10] DEAN GILDERSLEEVE declared that a drafting committee of Committee I/1 had adopted a Preamble [11] which did not seem to be very satisfactory, from a literary point of view. DEAN GILDERSLEEVE had been unable to have the language changed and declared that her problem was how such a change could be effected. DEAN GILDERSLEEVE declared that the Ukrainian chairman and the Syrian Rapporteur of the committee had disagreed on the language. DEAN GILDERSLEEVE remarked that the Syrian seemed to be rather good, and wondered whether it was within the competence of the Rapporteur to polish up the language.

MR. PASVOLSKY declared that the Rapporteur could take such action, provided that the finished draft made sense; otherwise, the Coordinating Committee would have to refer the matter back to the committee. DEAN GILDERSLEEVE inquired whether there wasn't some parliamentary procedure that could be taken in order to change the language. This, she declared, was an "historical document" and she was afraid it would go to posterity as a "flop". DEAN GILDERSLEEVE remarked that a clause had been inserted guaranteeing equal rights for men and women and declared she herself had opposed the measure and had been commended as being a "very brave woman" by the South African Delegate.

DR. BOWMAN voiced the opinion that it would be necessary to have special arrangements to draft a suitable Preamble. The Delegation, he declared, had not taken any position on this matter. No delay on the technical level could improve the text sufficiently. DR. BOWMAN urged there should be established a committee at a high level to draft a Preamble for submission to the Conference as a whole. He thought that the additional confidence in the personnel of such a committee, plus the more persuasive language that could be adopted by such a

[10] Not printed.
[11] WD 62, I/1/A/18, May 31, UNCIO Documents, vol. 6, p. 694.

committee was of sufficient importance to recommend the adoption of such a procedure. SENATOR VANDENBERG declared that what was needed in order to draft a Preamble was a special committee aided by Alexander Hamilton. DEAN GILDERSLEEVE remarked that some way had to be found to stop this wording from going through but MR. DULLES expressed the opinion that it was not too bad as a starter. DR. BOWMAN reiterated that no worthwhile results could be achieved by further consideration of this matter on the technical level. MR. DULLES commented that a Preamble could not be drafted until the drafting committee had some idea of what they were drafting a Preamble to. This, he thought, should be done on a high level after the rest of the document had been approved. DR. BOWMAN declared that the procedure he had suggested would have the additional advantage of avoiding the many political attempts to get in the Preamble what had been lost in committee discussions on other parts of the document. DEAN GILDERSLEEVE remarked there would still be British obligation to the Union of South Africa to support Marshal Smuts' wording. DEAN GILDERSLEEVE reported that she had commented on the poor literary style of the draft to the Russian Delegate who had replied that literature was not important—the important matter was politics. SENATOR VANDENBERG declared that this reminded him of an anecdote: There had once been, he declared, a reading clerk in the Senate who would always pronounce the name of Senator Root as if it were spelled "Rut". At one meeting Senator John Charles [*Sharp*] Williams, "tighter than usual", arose on a point of order and asked [if] "Root" was pronounced "Rut", why wasn't "Smoot" pronounced "Smut"?

DR. BOWMAN declared that in his opinion the agenda of one of the Committee of Five meetings in the near future should contain an item to the effect that agreement was necessary in a committee to state and prepare a Preamble.

The meeting was adjourned at 10: 57 a. m.

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500.CC/5–3145

*Memorandum by the Chairman of the American Delegation (Stettinius) of a Conversation With the Acting Chairman of the Soviet Delegation (Gromyko), Held at San Francisco, Thursday, May 31, 1945, 12: 25 p. m.*

[Informal Notes]

Participants: U.S.A.—Secretary of State, Mr. Dunn, Mr. Pasvolsky
U.S.S.R.—Ambassador Gromyko, Mr. Sobolev, Mr. Golunsky

In opening the conversation, the Secretary said that he had felt it would be helpful if he and Ambassador Gromyko were to have an

informal and frank talk in order to take inventory of the situation at the Conference. He said that there was a growing feeling that the Big Five were not showing the proper leadership in the Conference. As a result, the situation appeared to be drifting away fast and they would have to act quickly and decisively to get things back into their own hands. This meant taking strong leadership in bringing the Conference to as rapid and successful a conclusion as possible.

The Secretary said that there was much talk to the effect that if the Big Five could not quickly agree among themselves at this Conference, then how could the proposed international organization—depending as it did upon their continuing unanimity—hope to be successful. He said that he himself was very much disturbed by the situation and for that reason thought that an informal talk regarding the problems now facing the Conference and the Big Five might be helpful to both Delegations.

Accordingly, the Secretary said that he wanted Mr. Pasvolsky to review briefly for them the major issues upon which decisions of the Big Five were necessary.

### Major Issues Requiring Decisions

Mr. Pasvolsky said that the major issues yet remaining before the Conference appeared to be as follows:

1. An interpretation of the voting procedure in the Security Council.
2. The method of election of the Secretary-General.
3. The method of election of judges in the Permanent Court of International Justice.
4. The manner in which amendments to the charter might be approved.
5. Whether or not a provision for expulsion should be included in the charter.
6. The French amendments on the agreements covering the provision of armed forces under Chapter VIII, Section B, paragraph 5.
7. The French amendment on regional arrangements in Chapter VIII, Section C, paragraph 3.
8. The proposal for a preparatory commission.
9. Trusteeship.

Mr. Pasvolsky indicated that, while Conference Committee action had already been taken on the questions of the election of judges and of expulsion, there might have to be a reconsideration of the Committee action. In so far as the proposal for a preparatory commission was concerned, this had not yet been discussed in detail among the deputies of the Big Five. The last item—trusteeship—was being handled by special arrangements and did not, he believed, present a special problem.

Ambassador Gromyko suggested that to this list should also be added the following problems:

1. Proposed changes in Chapter XII. He said that consideration of clarification of this Chapter was now under way in Committee 3 of Commission IV.
2. Major issues pending before Committee 2 of Commission II covering the powers of the General Assembly to—

(*a*) Consider annual or special reports of the Security Council and to approve or disapprove such reports, and
(*b*) Exercise supervision over the Security Council so as to determine whether or not the Security Council was carrying out its functions properly.

To these latter problems with respect to powers of the General Assembly, Mr. Pasvolsky added—with Ambassador Gromyko's approval—the question of the additional powers proposed for the General Assembly in Chapter V, Section B, paragraph 1, whereby the Assembly would be given the right to discuss any matter within the sphere of international relations.

Following the detailing of this list of problems, The Secretary then made the point that the Conference had been in session for five weeks and that the three major powers—the Soviet Union, Great Britain, and the United States—had not made up their minds as to exactly what they wanted the proposed international organization to be. He stressed the fact that in his opinion the remaining issues should be decided quickly and that he wanted Ambassador Gromyko's help in resolving these issues. Therefore, he asked Mr. Pasvolsky to review in detail each of these problems that were confronting the Big Five so as to point up the issues.

### Interpretation of Voting Procedure

Mr. Pasvolsky said that in the question of the interpretation of the voting procedure, the issue had narrowed down to two points, namely, (*a*) the question as to which places in the charter it should be specified that the Security Council should act by a procedural vote, and (*b*) the question of the type of vote by which the Security Council should determine whether a matter was of a procedural or of a non-procedural character. This latter point involved an answer to question no. 19 in the list of questions that had been submitted to the Big Five covering the interpretation of the Yalta voting formula.

He said that there was no doubt in his own mind that the determination of whether a matter was of a procedural or non-procedural nature would have to be taken by a qualified majority vote in the Council, but that in this event it would be necessary to specify in the Charter the other instances in which an unqualified majority vote did apply. In the statement which had been drafted for the consid-

eration of the four Delegations, it was clear that all items under Chapter VI, Section D, would be determined by a procedural vote of the Council as well as the question as to whether a matter should be discussed and considered by the Council. Moreover, if it were specified in the Charter that (*a*) Chapter VI, Section D, (*b*) the right to discuss and consider questions in the Security Council, (*c*) the convocation of the General Assembly, and (*d*) the calling of a conference for revision of the Charter, all were to be decided by a procedural vote of the Council, then the sponsoring Governments would be in a strong position to state the answer to question no. 19 along the lines he had indicated.

On the other hand, if it were merely stated in the Charter that the determination as to whether a matter was of a procedural or non-procedural nature was to be made by a qualified majority vote, then the sponsoring Governments would be in a very weak position in so far as defending the Yalta formula was concerned.

Mr. Pasvolsky stressed the fact that, in his opinion, the Conference was not against the Yalta formula as a whole, but that it opposed the application of that formula on some of the smaller points. He compared the Yalta voting formula with the voting procedure in the Council of the League of Nations, pointing out that fundamental differences between the two made off-hand comparisons of them somewhat difficult. He said that, since under the Yalta formula unanimity among the permanent members is required only under certain circumstances, it was important to show clearly where the unanimity rule would apply and where it would not apply. If it were to be left to the future for the Security Council to determine this question, there was the risk that the Council might be practically immobilized in an effort to settle it.

Therefore, to summarize, Mr. Pasvolsky suggested that it should be a matter of agreement now among the sponsoring Governments that a procedural vote applied to: (*a*) Chapter VI, Section D, (*b*) the right to discuss and consider any matter before the Council, (*c*) the convocation of a General Assembly or of a General Conference for revising the Charter, and (*d*) the election of judges to the Court.

### Election of Judges

In connection with the election of judges, Mr. Pasvolsky said that since the Court did not have compulsory jurisdiction, he did not feel that the election of judges should be subject to the veto of any one of the permanent members of the Security Council.

### Election of Secretary General and Deputies

With regard to the election of the Secretary General, Mr. Pasvolsky said that there was agreement with the Soviet Delegation that the

unanimity of the five permanent members of the Security Council was needed in this election. Also, he said that the United States Delegation had expressed a willingness to go along with the proposal to elect the deputies by the same process. However, he pointed out that the selection of the deputies could be made by a different process.

He suggested that the five deputies might be appointed by the Secretary General, with each of the deputies subject to the approval of the organ or agency of the proposed international organization which that deputy would serve. Thus, the deputy to serve the Security Council would be approved by the Security Council on a qualified majority vote; the one for the Economic and Social Council by that body; the one for the Trusteeship Council by that body; the one for the General Assembly by that body; and, finally, the fifth deputy, in charge of general administrative matters, might not need the approval of any particular one of the organs.

In carrying his suggestion further, Mr. Pasvolsky said this proposal recognized that while the Secretary General would serve all the organs of the proposed organization, it also made clear that he would have to have a deputy to serve as an alternate in helping him manage the secretariat work for each one of the organs. Mr. Pasvolsky suggested that the Deputy Secretary General who would deal with the Security Council could properly be made the ranking deputy so that in the event the Secretary General was absent, this ranking deputy would then serve as Acting Secretary General.

### Amendment Process

Mr. Pasvolsky next turned to the subject of the Conference discussions on the amendment process in the charter. He said that there was no question that the five major powers must retain their right of vetoing any amendment that might be proposed for ratification. The Secretary stressed the fact that on this point the five major powers must stick together and Ambassador Gromyko vigorously assented.

Mr. Pasvolsky continued that, however, there could be some concessions made in the amendment process. He suggested that the question of calling a conference to consider the revision of the whole Charter might be undertaken by a two-thirds vote of the General Assembly instead of the three-fourths vote as proposed in the Big Four amendment. He also suggested that any proposal to specify that such a conference should be convened within a stated time period, e.g., seven or ten years, might be agreed to since it was a small matter and no revisions of the Charter emanating from such a revision would become effective without the concurrence of all of the five major powers.

However, he said that the proposals to eliminate the action of the Security Council with respect to the calling of such a revision conference should be resisted.

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The Secretary said that in his opinion the question of a time period for the calling of such a conference was a small matter and that we ought to yield.

Mr. Pasvolsky then pointed out that there was one serious problem arising. Many countries felt that they could not accept as an obligation in the Charter the fact that they would be bound in the future by amendments to which they had not agreed. Accordingly, these countries wished to specify that fact in this section of the Charter. He said that all such proposals could be met with an argument along the following lines, similar to that argument which had been used in resisting attempts to write withdrawal provisions into the Charter: If the situation should arise in the future, it should be dealt with by the international organization at that time and in light of the circumstances; that no provision should be written into the charter which would provide for the automatic right of rejection of future amendments.

### Expulsion

As regards expulsion, Mr. Pasvolsky pointed out that although this had been voted down and the Dumbarton Oaks Proposals on this question had been eliminated from the Charter, the question ought to be raised again and the Big Five should adopt the attitude of adhering to the Dumbarton Oaks text in this matter.

### Agreements for Armed Forces

The amendments covering Chapter VIII, Section B, paragraph 5, fell into two categories, Mr. Pasvolsky explained: (*a*) those proposed by the French Delegation which had not so far been accepted by the Soviet Union, and (*b*) those clarifying the provisions as to the making of agreements so as to give the Security Council the power to conclude those agreements with the member states. He said that he felt that the Committee of Deputies of the five Foreign Ministers would be able to work out a flexible formula on this latter point which would be satisfactory to the five Delegations.

### French Amendment on Regional Arrangements

The proposed French amendment to Chapter VIII, Section C, paragraph 3, had not yet been agreed to by the United States Delegation, Mr. Pasvolsky reported. Consequently, on this matter it was the United States Delegation which was causing a delay in further action.

### Preparatory Commission

Mr. Pasvolsky pointed out that the question of a preparatory commission had not yet been discussed in the Subcommittee of Deputies. The Secretary said that in his opinion this should cause no problem, since it was a comparatively simple question and could be handled in

a routine fashion. Mr. Pasvolsky added that this question would be discussed later on in the day in the Subcommittee.

### Trusteeship

Mr. Pasvolsky said that the discussions on trusteeship appeared to be progressing satisfactorily and that no great issues seemed to be arising among the Big Five which would block further progress on this item.

### Chapter XII

As regards Chapter XII, Mr. Pasvolsky said that it was his judgment that the Big Five should stand on the Dumbarton Oaks text with the addition of France as one of the Governments referred to in the first paragraph. While he understood that some clarification in the language was being requested, he thought that it would be best if the Big Five were to await definite proposals from the Canadians as to the manner in which they wished the text clarified before any further action was taken.

### Powers of the General Assembly

Mr. Pasvolsky said that the remaining problem covered the three questions with respect to the powers of the General Assembly. On these he commented as follows:

1. The revised text of Chapter V, Section B, paragraph 1, as agreed to by the Big Five, should be maintained and the present amendments to that text as agreed to in the Committee should be reconsidered at a higher level, possibly in the Steering Committee.
2. The question as to whether the General Assembly could approve or disapprove reports of the Security Council did not appear to be a serious matter and for that reason he felt that no special stand need be taken on this issue by the Big Five. He pointed out that this right resided in the powers of the General Assembly whether or not it was specifically stated in the Charter.
3. The question as to whether the General Assembly could supervise the activities of the Security Council to assure that the Council did not exceed its powers was a more serious one. In his opinion, he felt that all attempts to write such a provision into the Charter should be resisted.

The Secretary said that he especially agreed with Mr. Pasvolsky's suggestion with respect to the latter point. Messrs. Gromyko and Sobolev then pointed out that the United States Delegation in the Conference Committee had instead voted to give this right to the General Assembly and in the Committee vote of 40 to 3, the only opponents were the three Soviet Republics. The Secretary stated that he was sure that this was a matter of inadvertence on the part of the United States representative at the Committee, since the question had not been discussed in the Delegation meetings. Consequently, he as-

sured Ambassador Gromyko that he would look into the question at once and see that the United States representative clarified his stand on this question.

Mr. Pasvolsky pointed out that this concluded the list of problems still before the Big Five and his comments on these questions. The Secretary said that he hoped that with this statement before them, it might be possible for Ambassador Gromyko and himself to dispose of some of these issues in order that they could jointly press forward to make the Conference a success.

### Position of the Soviet Delegation

Ambassador Gromyko opened his statement by saying that he was unable as yet to give a final answer on the proposed Four-Power statement interpreting the voting procedure in the Security Council; that he was still studying the matter but that he hoped to be able to give his reply very soon. However, he pointed out that he could not agree to the interpretation of the voting procedure which was set forth in the third paragraph of that statement, namely, that since the Security Council would have the right to determine its own rules of procedure by a procedural vote, it would follow that it could determine by a procedural vote as to whether it could discuss and consider a matter brought before it.

Ambassador Gromyko then said that his Delegation believed that questions which might be raised requiring a vote as to whether a matter before the Security Council should be settled by a procedural or a non-procedural vote should themselves be decided by the Council by a vote of a qualified majority. Moreover, he said that he did not believe it was now necessary or possible to work out a full list of questions on which a procedural vote of the Security Council should govern beyond those items listed in Chapter VI, Section D. He said that he felt that in the work of the Security Council there would be hundreds of questions which it would have to answer and that the manner in which the Security Council should vote on these questions could not be determined at this time.

Ambassador Gromyko continued that it was obvious now, however, that political questions should not be determined by a procedural vote but that he felt that they could not go much beyond such an interpretation at this time.

The Secretary then inquired as to how Ambassador Gromyko's present interpretation would affect the right of the Security Council to discuss and consider a question brought before it. Ambassador Gromyko replied that his interpretation would not affect the right but that in his view, under the Yalta voting formula, the only place that a procedural vote would rule would be under the provisions of Chap-

ter VI, Section D. Again, Ambassador Gromyko stressed the fact that in his opinion it would be impossible to go beyond that Section in covering at this time a list of questions on which a procedural vote should rule.

Ambassador Gromyko next mentioned the fact that the situation with respect to the election of the Secretary General was somewhat confusing; that Representative Bloom of the United States Delegation did not correct that situation as the Soviet Delegation had been promised; and that as the provision now stood, the recommendation of the Security Council on the Secretary General would be taken by a vote of seven without a qualified majority. However, the Ambassador said, he was glad now to learn that the United States Delegation supported his view that the recommendation of the Security Council on the Secretary General should be taken by a qualified majority vote.

Mr. Pasvolsky explained that, in the Conference Committee, Representative Bloom had tried to avoid a situation under which a provision would have been adopted which would have specified that a vote of only six members of the Security Council would be required, and, consequently, he had obtained a compromise whereby a vote of seven was specified without its being indicated as to whether that seven would be a qualified or an unqualified majority. He said that it was the plan that the question as to the type of a majority that would be required would be settled in Committee 1 of Commission III, where all questions of voting in the Security Council should be discussed and agreed to.

Mr. Sobolov stated that the British Delegation interpreted the majority vote of seven as being an unqualified one. Mr. Pasvolsky said that this was certainly not the interpretation placed upon it by the United States Delegation and that this matter would have to be clarified by taking it up to the Steering Committee, if necessary. Ambassador Gromyko said that it was quite possible that it would not be necessary to take it to the Steering Committee at this time, but that by "freezing" the question, it could remain for final decision in Committee 1 of Commission III when the entire question of voting procedure in the Security Council was settled. Nevertheless, he suggested that this question should be discussed in the next meeting of the Big Five in order that the position of the British Delegation could be clarified. The Secretary agreed that this would be done.

Ambassador Gromyko said that it was their view that the same procedure covering the election of the Secretary General should also cover the election of deputies. He pointed out that these deputies would occupy very important posts, and that their prestige would be higher if they were confirmed by a procedure which had the weight of both the Security Council and the General Assembly behind it. Es-

pecially, he stated, would this be true if they were assigned regularly to one of the organs of the proposed organization as Mr. Pasvolsky had suggested.

Mr. Pasvolsky replied by pointing out that if this prestige factor were to be considered, it appeared more necessary than ever that the deputy assigned to each one of the organs should be one which it would trust, and in which it had a voice in selecting. Mr. Pasvolsky continued by restating the proposal which he had made earlier, stressing the fact that the prestige of the deputies would be considerably enhanced if they were approved by the organ which they served. The Secretary suggested that Ambassador Gromyko might wish to consider this proposal further and to give his opinion on it later.

Ambassador Gromyko said that he was glad to hear so clearly stated the United States position with respect to the amendment process and Chapter XII. Especially did he feel that the proposal to adhere to the Dumbarton Oaks text of Chapter XII was a good one. He also stated that he was pleased to learn that the situation with respect to the powers in the General Assembly which he had mentioned was going to be changed and he hoped that the United States Delegation would take the necessary steps to correct it. The Secretary promised him that this would be undertaken in the next meeting of the Big Five, and that the situation must be straightened out.

Mr. Pasvolsky then asked Ambassador Gromyko's opinion as to the two suggested modifications in the amendment process covering the change in the Assembly vote from three-fourths to two-thirds vote, and specifying a time limit for the calling of a conference for revising the Charter. Ambassador Gromyko said that he would study these suggested modifications. His first reaction, he reported, was that it would be inadvisable to set such a time limit since it would tend to make the charter less flexible and such a revision conference might be convened when there were no questions for it to discuss. Mr. Pasvolsky pointed out that it was not our proposal that such a modification be advanced by us but that we would agree to it as advanced by the smaller powers. Ambassador Gromyko said that he would consider this question along with the proposed modification in the voting majority in the General Assembly.

The Secretary inquired as to how long it would be before the Soviet Delegation could make its position clear on this and similar points. Ambassador Gromyko replied by stating that he wished to make one fact clear: that the Soviet Delegation was not always responsible for delaying Conference action or decisions among the Big Five; that there are two sides to every question and that they had their own position in these matters as well as each of the other Delegations had its own. He said that he agreed with the Secretary that the

major powers must show leadership in this Conference and that, in his opinion, they could best do this by adhering to the Dumbarton Oaks Proposals, supplemented by the Yalta voting formula, and as subsequently modified by the Four Power amendments submitted early in this Conference. He pointed out that it had been part of the Four Power agreement that they would consult with each other when issues arose at the Conference which were contrary to this position, but that if the representatives of the five Delegations worked at cross purposes in the technical committees, then leadership would certainly drift away from the Big Five.

### Proposed Big Five Meeting

The Secretary suggested that it might perhaps be well to have a meeting of the five Foreign Ministers later in the afternoon to consider whether or not it might be well to close the Committee discussions at the end of this week and then to put before the Steering Committee the questions yet unsettled by the technical committees. Ambassador Gromyko said that while he would have no objection to such a meeting of the Big Five later in the afternoon, he wondered what they could discuss, since the Soviet Delegation was still considering several of the problems. Mr. Pasvolsky said that in his opinion such a meeting might not be fruitful at this time until the question of the interpretation of the voting procedure could be settled.

The Secretary then asked Ambassador Gromyko whether he would be ready to discuss the voting procedure on Friday. The Ambassador replied that perhaps he would be in such a position although he would advise the Secretary later. The Secretary emphasized that it was not possible to let matters drift, but that we must move ahead rapidly. Ambassador Gromyko said that in his opinion the decision on the interpretation of the voting procedure was not the "bottleneck" of the Conference. The Secretary said that he disagreed; that the small countries were awaiting a statement from the sponsoring Governments as to their interpretation of the procedure.

The Secretary said that if they could not agree at this time that a meeting of the Big Five should be held later in the afternoon, perhaps they could agree on a procedure which could be undertaken as soon as Ambassador Gromyko was in a position to give his opinion on the questions yet remaining. Accordingly, the Secretary suggested that the first step would be to have a meeting of the Big Five to settle the issues yet remaining before them. Thereafter, he proposed that the Big Five place before the Steering Committee a proposal that the work of the technical committees cease as of a certain date early next week and that the questions yet remaining open before the technical committees would then be placed in the Steering Committee.

Ambassador Gromyko and Mr. Sobolev suggested that a better approach would be through the Executive Committee rather than the Steering Committee, and the Secretary agreed. Mr. Pasvolsky again called attention to the fact that before this procedure could be undertaken, the Big Five must be in agreement and that the biggest of the issues yet unsettled was the interpretation of the voting procedure.

The discussion ended, with Ambassador Gromyko promising that as soon as he had reached a decision on the question of the statement interpreting voting procedure, he would get in touch with the Secretary in order that a meeting of the Big Five could be arranged immediately. As he was departing, Ambassador Gromyko mentioned the fact that the question of the revision of treaties would be up in Committee 2 of Commission II later in the afternoon, and that he hoped that some steps could be taken to defeat any such proposals. He said that Brazil seemed to be most active in sponsoring such amendments. The Secretary assured him that he would look into the matter.

## CHAPTER VI: JUNE 1–JUNE 26, 1945

**Continuing exploratory discussions in the United States delegation and the Five-Power consultative group in an effort to reach unanimous agreement on major issues remaining before the Conference, including questions of voting procedure in the Security Council, trusteeship, amendments to the Charter, powers of the General Assembly, withdrawal, suspension and expulsion from membership, French amendment on regional arrangements, Statute of the International Court of Justice, with particular reference to method of election of Court judges, compulsory jurisdiction, and advisory opinions, the Preamble, economic and social cooperation, and draft proposal for a Preparatory Commission; recommendations of Technical Committees submitted to the four Commissions at open meetings, reports adopted by the Commissions and, in turn, by plenary sessions; end of six-week "Working Committee" stage; preparation of final draft of Charter by the Coordination Committee and the Advisory Committee of Jurists on basis of drafts received from the Technical Committees; unanimous vote of approval of Charter in plenary sessions; signing ceremony; and adjournment of Conference at close of the tenth plenary session.**

RSC Lot 60–D 224, Box 96 : US Cr Min 60

*Minutes of the Sixtieth Meeting of the United States Delegation, Held at San Francisco, Friday, June 1, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (39) present at meeting.]

THE SECRETARY called the meeting to order at 9:00 a. m. THE SECRETARY asked that his remarks be considered as having been delivered in executive session. THE SECRETARY remarked that he had held a private talk with Ambassador Gromyko the previous day and that headway had been made. THE SECRETARY thought that within

a few days Ambassador Gromyko would present Russian positions on the outstanding questions. However, THE SECRETARY declared, first the United States' position must be established on these matters, and he pointed out that Monday would be June 4th and that the next week would have to be the last week of real work if the Conference were not to bog down completely. THE SECRETARY hoped that he could hold a meeting of the Big Five that afternoon, and he stated that it was essential that the Big Five make up their minds quickly on the amendments which they were willing to accept.

THE SECRETARY urged that the Delegation ignore the agenda for the time-being and "cut through the underbrush". He then asked whether Mr. Pasvolsky would outline for the Delegation those items on which decisions had not been reached. THE SECRETARY pointed out that until the Delegation fixed the position on these questions which were pending he, himself, would not be in any position to throw his weight around in attempting to bring pressure on the other members of the Big Five to establish their positions quickly.

### QUESTIONS PENDING

MR. PASVOLSKY declared the most important item facing the Delegation was the French regional question, Chapter VIII, Section C, Paragraph 2. The question of amending procedure had been decided previously by the Delegation as had the procedure for the election of judges to the World Court and for the election of the Secretary-General. THE SECRETARY asked what position had been reached by the Delegation with respect to the Deputy Secretaries-General. MR. PASVOLSKY indicated that he thought the Delegation had wanted him to maintain a negotiating position. The Delegation had favored trying to obtain approval for the proposal which he had submitted in the previous day's meeting [12] and if it proved impossible to obtain approval of this suggestion the Delegation favored going along with the Russian position.

MR. PASVOLSKY remarked that the question of supply of forces had been almost completely resolved satisfactorily. However, there was one matter which was still before the Big Five and that was the Russian opposition to the inclusion of any reference to "right of passage" in Chapter VIII, Section B, Paragraph 5.[13]

### TRANSITIONAL ARRANGEMENTS

MR. PASVOLSKY presented to the Delegation a draft of Chapter XII, Transitional Arrangements. MR. PASVOLSKY declared that there had

[12] See minutes of the 59th meeting of the United States delegation, May 31, p. 989. For recent Committee action on the question of Deputy Secretaries General, see Doc. 574, I/2/39, May 25; Doc. 627, I/2/44, May 26; and WD 34, I/2/40, May 25, UNCIO Documents, vol. 7, pp. 106, 132, and 134, respectively.

[13] See minutes of the 58th meeting of the United States delegation, May 30, p. 974.

been some opposition in Committee III/3 to the draft chapter as it was prepared by the Big Four powers.[14] It had been argued that the wording was not clear and that clarification was necessary. The Canadian Delegation, which had been the chief source of opposition, presented a substitute draft to the subcommittee, although this had proved unacceptable because it made substantive changes in the meaning whereas the subcommittee was empowered only to clarify the existing meaning. As a result, Mr. Hickerson had presented a draft which the Russians had declared that they could not accept.

THE SECRETARY asked Mr. Pasvolsky whether he could not first present the picture of those questions which would require decision shortly.[15] MR. PASVOLSKY replied that an amendment on the revision of treaties would probably be proposed shortly, and he was of the opinion that the United States should oppose any such move. SENATOR VANDENBERG declared that it seemed to be a rather confused situation because Chile was opposed to such a movement while Bolivia had indicated strong support. MR. DULLES voiced an opinion that revision of treaties was the result of the suppression of the South American proposals to sanctify regional arrangements. MR. PASVOLSKY replied that in his opinion it was essential for the United States to oppose such a move, and SENATOR VANDENBERG agreed that this Government should stand by its commitment to the other members of the Big Five.

MR. PASVOLSKY reported that there were several matters being considered in Committee II/2 which were bothering the Russians. The chief one was the definition of the terminology "sphere of international relations".[16] SENATOR VANDENBERG commented that the matter had been argued the previous afternoon and that the United States had voted on the side of the Russians and had been voted down "eloquently and enthusiastically". SENATOR VANDENBERG voiced the opinion that this measure could not be reopened with any possibility of success. MR. PASVOLSKY advanced the view that the question would undoubtedly be raised again.

At this point THE SECRETARY asked on what issue it was that the Russians had claimed that the United States had voted against its commitments. MR. SANDIFER replied that the item referred to was Chapter V, Section B, Paragraph 8 for which Senator Vandenberg had voted favorably.[17] The Delegation was referred to the draft of this paragraph, approved by Committee II/2 (United States docu-

[14] Doc. 704, III/3/36, May 31, UNCIO Documents, vol. 12, p. 400.
[15] For a list of questions of principle involved in proposed amendments relating to chapter V, B, 6, see Doc. 416, II/2/A/3, May 18, *ibid.*, vol. 9, p. 346.
[16] Doc. 686, II/2/34, May 30, *ibid.*, p. 109.
[17] Doc. 707, II/2/26, May 31, *ibid.*, p. 115.

ment undistributed 53 [18]). SENATOR CONNALLY asked why the Delegation could not at that time take up Chapter VIII, Section B, Paragraph 5, and MR. PASVOLSKY declared that this matter should not have been on the agenda at all. The most important item before the Delegation, in his opinion, was the French treaty question. If the United States reached a decision on that, it would be holding up no Big Five decisions and could consider its hands clean. THE SECRETARY declared that there were several items that had been appearing on the agenda of the Delegation meetings for several days without having been considered. THE SECRETARY urged that after the main meeting broke up a subcommittee should remain to consider items which were left over and establish the position of the Delegation. THE SECRETARY referred specifically to the question of a preparatory commission. He asked if any of the members of the Delegation would be free to attend such a meeting and DEAN GILDERSLEEVE, REPRESENTATIVE BLOOM, COMMANDER STASSEN, and SENATOR CONNALLY declared that they would be able to stay.

THE SECRETARY then asked if there were any emergency items before the 10:30 committee meetings.

### AUSTRALIAN PLEDGE AMENDMENT

DEAN GILDERSLEEVE replied that she was having a meeting of Committee II/3 that morning. She reported that Commander Stassen and herself had met with Mr. Evatt and together with a Russian delegate had talked over with him the Australian pledge. The Russian had submitted a draft which had been accepted by the Russians and had seemed acceptable to Dean Gildersleeve and Commander Stassen. DEAN GILDERSLEEVE referred the Delegation to the document, US Gen 206, page 3, which explained the background of the new wording which read as follows:

"All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of these purposes".

DEAN GILDERSLEEVE mentioned that this draft did not differ very much from the position taken by the Delegation. COMMANDER STASSEN said that he had found it necessary to probe into the reasons why the Australians insisted upon their draft and had finally managed to cause them to withdraw from their advanced position. COMMANDER STASSEN thought that although the new wording was ambiguous it was not too bad, and he agreed with Dean Gildersleeve that it conformed with the Delegation's position. He remarked that the word "pledge" had been substituted for the word "undertake", but

[18] U.S. Doc. Und. 53 not printed; see Doc. 677, II/2/B/9, May 29, UNCIO Documents, vol. 9, p. 416.

he thought this was more than compensated for by the omission of the phrase "and to take separate action". THE SECRETARY asked what Dean Gildersleeve and Commander Stassen would recommend, and both DEAN GILDERSLEEVE and COMMANDER STASSEN indicated that they supported acceptance of this draft. MR. DULLES also indicated approval. MR. HACKWORTH thought that this draft was somewhat vague in view of the varying interpretations that could be placed on the words "separate action". MR. EATON observed that the idea behind the whole thing was to place the burden for world economic well-being on the United States, but MR. HACKWORTH thought that this country would be sufficiently protected under the draft. MR. PASVOLSKY thought that this was not an amendment which the United States should support really, but that in view of the circumstances he agreed that the Delegation ought to accept the amendment. THE SECRETARY declared that the United States had already been committed to the full employment proposition and thought this was important in considering the original pledge draft submitted by Australia because of its relation to the full employment proposal. REPRESENTATIVE BLOOM was somewhat disturbed over the substitution of "pledge" for "undertake" but COMMANDER STASSEN said that actually the words had identical significance in this context.

The Delegation agreed unanimously to accept the new phraseology. MR. DUNN inquired whether there was sufficient reference in the minutes of Committee II/3 to make clear the position of the United States concerning domestic jurisdiction, and it was declared the United States' stand on this issue had been made sufficiently clear.[19] THE SECRETARY asked the Secretary of the Delegation to make certain that a note was sent to Mr. Bowman instructing him to make clear in his confidential report to the President that this Delegation was of the opinion that the domestic jurisdiction clause was applicable to the provisions of the Economic and Social Council.

### RAW MATERIALS AMENDMENT

DEAN GILDERSLEEVE reported that in a conversation with the French representative the latter had made clear that the inclusion of a reference to raw materials in the Charter was of primary importance to the French Delegation. He declared emphatically that it would not be sufficient merely to mention in the records of the Committee that raw materials were included under the problems referred to in Chapter IX, Section A, Paragraph 1(*b*). Consequently he wanted to reopen the first paragraph of Chapter IX and DEAN GILDERSLEEVE referred to the Delegation a suggested wording which had been drafted for inclusion in this paragraph (US Gen. 206, page 2).

[19] Doc. 699, II/3/40, May 30, UNCIO Documents, vol. 10, p. 139.

The new wording, intended to follow the words "and other related problems" in paragraph B read as follows:

"including, for example, those relating to international trade, finance, raw materials, capital goods, transportation, communication, reconstruction, and traffic in narcotic and dangerous drugs."

DEAN GILDERSLEEVE remarked that this wording had been proposed because it had been thought necessary by members of the United States Delegation to include the reference to raw materials among a number of others. MR. STINEBOWER declared that the Delegation was faced with two alternatives. The first would be to recognize the principle of equal access to raw materials. This, he thought, would have no real significance and he was of the opinion that the Delegation should oppose any such proposal. However, the wording under consideration accepted no principles and merely expanded on the meaning of "related problems". At this point THE SECRETARY asked if there was any pressure from other nations for an inclusion of a reference to raw materials. MR. STINEBOWER declared that the Belgians were pressing for such a reference and the Dutch seemed to want to turn it around so that it would work to the advantage of the producing nation. The Latin American states were also supporting this proposal and were tying raw materials to equal access to capital goods. MR. STINEBOWER declared that he was in favor of accepting the wording under consideration because it would avoid log-rolling in the Committee. The wording had the advantage that it accepted no principles. It stated illustratively what the problems were with which the Organization might be concerned. The acceptance of this wording would be contingent upon French agreement to drop pressure for spelling the matter out any further. MR. DUNN expressed the opinion that if possible this wording should be left out completely and MR. DULLES agreed that the Organization was becoming top-heavy with economic functions; this became obvious when the Charter was viewed as a whole. SENATOR VANDENBERG agreed with Mr. Dulles and said that the additions were being made piece by piece in such a way that the Delegation never received the full impact of the accretions. COMMANDER STASSEN urged that the impact was not so serious as Senator Vandenberg and Mr. Dulles would make out. DEAN GILDERSLEEVE, he pointed out, had won out on a number of attempts to add additional functions to the Economic and Social Council. COMMANDER STASSEN expressed the opinion that the wording before the Delegation was not really objectionable except as it added additional unnecessary words to the Charter. COMMANDER STASSEN urged that the United States would be likely to meet defeat on the matter of principle if it were to come up and remarked that the principle had

been admitted by this Government at Chapultepec. DEAN GILDERSLEEVE agreed that the United States was likely to find itself in a more difficult position and might be forced to accept a most objectionable wording if it would not take the clause under consideration. MR. WARING announced his agreement with Commander Stassen's interpretation. He declared that the group supporting this wording on raw materials also favored reference to reconstruction but the wording which was being considered by the Delegation was in Mr. Waring's opinion innocuous and involved no pledge to take any action whatsoever. SENATOR VANDENBERG wondered whether the reference to narcotics and dangerous drugs should be included in this paragraph which involved no pledge and about which there was no intention of taking any action.

MR. PASVOLSKY voiced the opinion that the new wording was "terrible", especially the reference to reconstruction. This he said did not belong in the Charter to establish the Organization. COMMANDER STASSEN inquired whether there was not really an international problem of reconstruction. REPRESENTATIVE BLOOM urged that even if there was such a problem it should not be included in the United Nations' Charter. REPRESENTATIVE BLOOM pointed to the difficulty which had arisen in the fight for the ratification of the UNRRA agreement as a result of the reference to reconstruction. REPRESENTATIVE BLOOM declared that reconstruction belonged much more appropriately in the UNRRA agreement than in the United Nations' Charter. MR. PASVOLSKY asked what the situation would be if the French were to withdraw their proposal for a reference in the Charter to raw materials. MR. STINEBOWER replied that if the French were to withdraw and the Latin American nations could be lined up in opposition to such a clause the pressure might collapse. However, Mr. Stinebower declared that this was not the case with respect to reconstruction. MR. PASVOLSKY asked which nations were supporting reference to reconstruction and MR. STINEBOWER replied that most of the small United Nations were lined up behind the Greek proposal.[20] REPRESENTATIVE BLOOM asked if someone would explain the meaning of reconstruction as it might be used in the Charter. MR. STINEBOWER declared that it would involve merely an obligation to study the problems concerned with reconstruction. MR. NOTTER thought that it might be argued that if the proposed wording were ended with "communication" the problem of reconstruction would have been adequately covered. REPRESENTATIVE BLOOM remarked that the use of the words "for

[20] Doc. 589, II/3/29, May 25, UNCIO Documents, vol. 10, p. 77; the Greek representative presented a proposal to Subcommittee II/3/A on May 31 that provision be made in the Charter for establishing a Technical Commission to deal with reconstruction and for the Conference adopting a declaration on the importance of reconstruction problems (US II/3/A Doc. 12, May 31, not printed).

example" made possible the addition to the list of any other problems which any nation might wish to have included.

THE SECRETARY thought that it was the opinion of the Delegation that pressure should be maintained for the omission of any reference to raw materials and reconstruction such as was under discussion and that if the Delegation were to be outvoted on the issue the United States should reserve its position. COMMANDER STASSEN suggested that those members of the Delegation who were interested in the problem should appear at the meeting of Committee II/3 to help out Dean Gildersleeve because the pressure, he thought, was going to be very strong. MR. PASVOLSKY said that he would like to take up this question with the French in the meeting of the Subcommittee of Five. MR. ROCKEFELLER asked if this could be accomplished before the meeting of Committee II/3 [21] but MR. PASVOLSKY declared that the Subcommittee could not make any decision available before the afternoon meeting. The Delegation agreed to authorize Mr. Pasvolsky to take up the matter with the French representative on the Subcommittee of Five.

## PREAMBLE

DEAN GILDERSLEEVE presented to the Delegation a draft of the Preamble to the Charter which had been approved in a Subcommittee of Committee I/1. DEAN GILDERSLEEVE declared that from a literary point of view this draft Preamble was "perfectly terrible". She thought that this part of the Charter should be an inspiring literary piece of work and she objected very strongly to the final note of the Preamble concerning "the employment of international machinery". This Preamble she thought would be subject to a great deal of scrutiny in this country and hence should be a presentable document. THE SECRETARY asked whether the question of drafting involved should not be properly referred to the Coordination Committee. DEAN GILDERSLEEVE remarked that the Preamble should be shorter and simpler and should not repeat those principles which were established in later sections of the Charter. MR. DUNN asked Dean Gildersleeve if she could explain what was the status of the draft Preamble and DEAN GILDERSLEEVE replied that it had been adopted in Subcommittee I/1A. Committee I/1 was scheduled to consider the draft that afternoon at 1:30 and DEAN GILDERSLEEVE declared that she would like instructions from the Delegation as to what position she should take. THE SECRETARY declared that he proposed that the matter be referred to the Coordination Committee. MR. PASVOLSKY thought that the Committee should list the ideas which it wanted to include in the Preamble and not prepare a final form. However, DEAN GILDERSLEEVE pointed

[21] Doc. 747, II/3/46, June 2, UNCIO Documents, vol. 10, p. 161.

out that the draft, as it appeared before the Delegation, had already been adopted by the Subcommittee. MR. PASVOLSKY then asked whether the objection was to the wording or the ideas, and DEAN GILDERSLEEVE replied that it was the wording that was unsatisfactory. This, MR. PASVOLSKY declared, was a problem to be dealt with by the Coordination Committee. MR. NOTTER thought that the Coordination Committee could send the document to Committee I/1 with a request to shorten it but SECRETARY STETTINIUS declared emphatically that such a step would prolong the discussion and thought that it would be inadvisable. DEAN GILDERSLEEVE wanted it made clear that as a professor of literature she was very strongly opposed to the present draft.

AMENDMENT PROCEDURE

MR. ARMSTRONG remarked that he had managed to have a postponement of the Committee which was to consider the question of a revisionary convention for the purpose of amending the Charter; however, that Committee was to meet that afternoon [22] and MR. ARMSTRONG declared that he would like instructions from the Delegation. THE SECRETARY remarked that there might be a meeting of the Big Five that afternoon and that in his opinion final decision by the Committee on this question should be postponed until an agreement could be worked out among the sponsoring governments and France. MR. ARMSTRONG declared that he would try to have the meeting of the subcommittee scheduled for that afternoon postponed.

SENATOR CONNALLY remarked that postponement was not an ideal procedure because this practice was slowing down the work of the Conference. THE SECRETARY thought that in this case the postponement was necessary despite the effect on the work of the entire Conference. SENATOR CONNALLY declared that the Conference was lagging very noticeably, and he declared that of the two committees he was on neither was scheduled to meet that day and only one had met on the previous day. SECRETARY STETTINIUS declared that there could be no doubt that the "whole parade was marking time" because of the fact that the USSR was delaying the decisions needed for the continuation of the working of the Conference. MR. DUNN remarked that it was the United States which was holding up on the French treaty question, Chapter VIII, Section C, Paragraph 2. THE SECRETARY urged that the Delegation consider this matter and settle it at the present meeting. THE SECRETARY declared that he would speak on the matter with Ambassador Gromyko and might even declare that unless the Soviet position was made clear before that evening

[22] See Doc. 683, I/2/48, May 29, UNCIO Documents, vol. 7, p. 154; discussion of chapter XI in that Committee was postponed after that meeting as it was in the Subcommittee after the May 31 meeting.

the United States might be forced to recede from its position of supporting the Four Power Amendments. REPRESENTATIVE BLOOM declared that in his opinion the United States would have to be firm. COMMANDER STASSEN said that Mr. Dunn's comment concerning the French treaty was not really valid because the matter of the veto arrangements was holding up a number of committees and a number of problems were depending upon it. The French treaty question was an isolated incident. THE SECRETARY indicated that there had been indications in a conversation with Ambassador Gromyko the previous day that the Soviet position on the veto question would be made available later in the day.

MR. DUNN asked whether the United States Delegation was ready to present its position on the outstanding points to the Russians. This, he thought, was necessary if the Russians were to be expected to make known their position to the United States. MR. DUNN referred first to the election of the Secretary-General and SECRETARY STETTINIUS called on Mr. Pasvolsky to present the position of the Delegation.

### SECRETARY-GENERAL AND DEPUTY SECRETARIES-GENERAL

MR. PASVOLSKY declared that in the final analysis this Delegation would take the same position with respect to the appointment of the Deputy Secretaries-General as it had taken with respect to the appointment of the Secretary-General. The Delegation had agreed that the Secretary-General should be elected by the General Assembly upon the recommendation of the Security Council acting by qualified majority vote. REPRESENTATIVE BLOOM dissented and asked whether Mr. Pasvolsky meant that the Secretary-General would have no say in the appointment of his Deputies. COMMANDER STASSEN declared that he would definitely oppose such a position and thought it was essential that the Secretary-General have some authority in the selection of his assistants. MR. DUNN pointed to this disagreement as an example of what he meant when he had declared that the Delegation must prepare its definite position for presentation to the Soviet Delegation. THE SECRETARY urged that the Delegation's position on the election of the Secretary-General be established at this meeting. SENATOR CONNALLY asked if it was not also a question at issue as to whether the General Assembly would be required to accept a nomination made by the Security Council and REPRESENTATIVE BLOOM pointed out that the Belgians had taken the position that the General Assembly must elect the Secretary-General nominated by the Security Council. REPRESENTATIVE BLOOM thought that it was a ridiculous position and that the Assembly had the authority to elect or reject a nominee as it saw fit. REPRESENTATIVE BLOOM pointed out that at

one time the Committee had been thinking in terms of three nominations from which the General Assembly would be required to select one candidate.

QUESTIONS PENDING

THE SECRETARY urged Mr. Pasvolsky to go down the list of questions requiring definitive positions in order that the Delegation could take its stand on these matters. MR. PASVOLSKY remarked that the first question facing the Delegation was the matter of voting. This he declared could not be decided further by the Delegation at this time although he thought a discussion of what acts might be considered for procedural voting might be valuable. MR. PASVOLSKY declared that as he understood the Delegation's decision procedural voting arrangements would apply to: (1) All matters under Chapter VI, Section D; (2) discussion of disputes under Chapter VIII, Section A; (3) the convocation of a general conference for the purpose of amending the Charter; and (4) the election of the judges of the World Court. The Russians were apparently in agreement with this position of the United States Delegation on the election of judges although they had taken the position that the Committee which had voted favorably had not had the authority to consider the question. This, MR. PASVOLSKY declared, was the Delegation's position as to what was procedural voting.

MR. PASVOLSKY thought that the Delegation was willing to accept the nomination of the Secretary-General and his Deputies by a nonprocedural vote. COMMANDER STASSEN said that he had thought the Delegation had decided to accept Mr. Pasvolsky's proposal of the previous day that the Deputy Secretaries-General should each be subject to the approval of the body that he was to serve. MR. PASVOLSKY asked if he might not explain his understanding of the situation. MR. PASVOLSKY pointed out that the United States was committed by the Four Power amendment to the position that the Deputy Secretaries-General should be nominated by the Security Council voting under a unanimity requirement. He had asked the Delegation at a previous meeting whether it would be agreeable to the Delegation for Mr. Pasvolsky to attempt to negotiate on the basis of the formula which he had explained and the Delegation had granted this authorization. MR. DUNN asked what the position of the Delegation should be if the other members of the Big Five insisted on a nonprocedural vote for the election of the Secretary-General and his five Deputies. MR. NOTTER replied that this matter would come up in Representative Eaton's Committee and that the Big Five would be beaten badly on a vote. SECRETARY STETTINIUS asked what the stand of the Delegation was on this matter and MR. HACKWORTH said he thought the Delegation would have to stand by its commitment. COMMANDER STASSEN urged that

this was an open question because of the fact that the Four Power proposal was couched in the following terms:

"The Secretary General and his Deputies should be elected on recommendation of the Security Council for a period of three years . . ."

This wording, COMMANDER STASSEN declared, established no procedure by which the Security Council vote should be taken. However, MR. SANDIFER remarked that this amendment to Chapter X should be read in connection with the Yalta formula on voting arrangements. MR. NOTTER declared that this paragraph of Chapter X was going to be approved at the next meeting of Committee I/2 [23] and that there would be no mention of Deputy Secretaries-General because of the fact that it had been beaten. MR. DUNN reiterated that the Russian position on the various questions at issue would not become available unless the United States established its position on the same issues, including the questions of the Secretary-General and his Deputies.

SENATOR CONNALLY declared that he was of the opinion that the unanimity rule should legitimately apply to the election of the Secretary-General because it would be unwise in his opinion to force a Secretary-General upon any nation to which he was not satisfactory; however, he thought the Deputies should be nominated by the Secretary-General under whom they were to function. MR. DUNN pointed out that this Government had already agreed that the Deputies should be appointed by the General Assembly upon the recommendation of the Security Council, and SENATOR CONNALLY agreed that the United States should adhere to its commitment. MR. PASVOLSKY declared that he too thought that it should adhere to its commitment but that the proposal could be improved greatly.

THE SECRETARY asked whether it was the decision of the Delegation that this should be the final position of the United States. COMMANDER STASSEN declared that this stand had already been defeated in the Committee but MR. PASVOLSKY urged that decisions taken in the technical committees were not necessarily final on important issues.

REPRESENTATIVE BLOOM remarked that in the Four Power amendment Chapter X, Paragraph 1 there was no mention of the eligibility of the Deputy Secretaries-General for reelection. MR. PASVOLSKY replied that this had been an oversight and had since been rectified. MR. NOTTER reported that the Russian proposal for the nomination of the Deputy Secretaries-General according to the unanimity requirement had been defeated in the Committee. THE CHAIRMAN had made an error [24] and the Secretary-General of the Conference had returned the question to the Committee for another vote. There would be,

[23] Doc. 732, I/2/50, June 1, UNCIO Documents, vol. 7, p. 161.
[24] Doc. 574, I/2/39, May 25, *ibid.*, pp. 106–107.

MR. NOTTER said, a vote without any further discussion and the Russian position would be defeated once again. REPRESENTATIVE BLOOM declared it was his understanding that this matter had been submitted to the Steering Committee for decision, but MR. NOTTER said he was talking about the Deputy Secretaries-General, not the Secretary-General himself. The question of the Deputies had been returned to the Committee by Secretary-General Hiss because of the mistake made by the Chairman of I/2. MR. HACKWORTH urged that the Delegation consider the constitutional setup of the United States in reaching a decision on this question. He pointed to the power of the President to nominate his own Cabinet subject to the approval of the Senate. He thought that this situation was very similar to the situation which would exist under the Organization. He would prefer very much, he said, to see some such system as the United States system of nominations adopted by this Conference; however, MR. HACKWORTH admitted that since the United States was committed by the Russian position it should stand by its commitment. MR. SANDIFER proposed that the Delegation stand by the Four Power position unless it was found that Mr. Pasvolsky could negotiate the acceptance of his proposal for a nomination of the Deputy Secretaries-General by the Secretary-General subject to the approval of the agency with which they were to serve. DR. BOWMAN declared that this was a sound and practical suggestion although SENATOR CONNALLY ventured the position that this could never be achieved. MR. PASVOLSKY admitted that he probably could not gain acceptance for his proposal but thought it was worth trying anyhow. THE SECRETARY declared the view of the Delegation that if Mr. Pasvolsky's proposal could not be obtained the United States should stand by the Four Power amendment.

### TRANSITIONAL ARRANGEMENTS

The Delegation was presented with a revised draft of Chapter XII, Transitional Arrangements. SENATOR CONNALLY declared that he would be satisfied with the text of this Chapter as it appeared in the Dumbarton Oaks proposals. The British had also been satisfied. However, the Canadians had objected to the phraseology on the grounds that it was ambiguous and had succeeded in forcing through the submission of the question to a Subcommittee.[25] The amendment before the Delegation had been prepared by Mr. Hickerson, and SENATOR CONNALLY thought that this draft would probably be accepted. The new draft made the following changes:

1. "Until such time as the Security Council shall decide that it has at its disposal through" was substituted for "pending the coming in to force of".

[25] Doc. 704, III/3/36, May 31, UNCIO Documents, vol. 12, pp. 403–404.

2. "Sufficient forces and facilities to carry out the responsibilities imposed upon it by this Charter, the States parties to" was substituted for "and in accordance with the provisions of paragraph 5 of".

3. The words, "the States parties to that Declaration" were omitted, the following words, "signed at Moscow October 30, 1943".

4. The words, "as contemplated in that Declaration" were added following the words ". . . and France should".

5. "To maintain or restore" was substituted for "for the purpose of maintaining".

SENATOR CONNALLY declared that the addition of the words "and France" had been agreed to previously and constituted no problem. He explained further that the words appearing in parenthesis "under Chapter VIII, Section B", were still under discussion. SENATOR CONNALLY declared that he himself was willing to leave these words out of the paragraph, because extraordinary authority was being granted to the five major powers and he did not think that this authority should be tied so closely to the functions of the Security Council, under Chapter VIII, Section B.

MR. DULLES voiced the opinion that the entire draft was very dangerous. He declared that the new draft would postpone, until the Security Council made a formal decision that it had "Sufficient forces and facilities" at its disposal, the transferral, automatic under the earlier draft, of authority for the maintenance of peace to the Security Council. SENATOR CONNALLY asked whether the inclusion of the reference to Chapter VIII, Section B would meet this difficulty, and MR. DULLES replied that this reference would be extraneous. MR. DULLES remarked that the draft made it possible for permanent members of the Security Council to keep the Charter from coming into force. MR. HICKERSON pointed out that the objection of the Canadians had been to the ambiguity of the phraseology, which seemed to make it necessary for all the agreements for the supply of forces to become effective before the Security Council could assume jurisdiction over the maintenance of peace. MR. DUNN pointed out that there had been no necessity for Security Council agreement under the old wording, but MR. HICKERSON reiterated that there had been an objection to the supposed ambiguity of the original phraseology. MR. JOHNSON declared that in his opinion, the old wording required a decision as to the number of the agreements which would be necessary before the Security Council could assume the additional functions provided for in this paragraph. MR. DUNN thought that this was an erroneous conception. The entire field of interim enforcement measures was outside the scope of the Organization. To change the language and to bring this field of action under the scope of the Organization and make it subject to the decision of the Security Council, would be to change

the entire idea of the paragraph. The Moscow Declaration had only declared that there would be consultation until such time as the Organization came into force. The United States, he thought, must maintain the position that the interim arrangements under the Moscow Declaration had nothing whatsoever to do with the Organization. The Russians, he declared, felt very strongly on these measures and objected to bringing the field of interim enforcement under the scope of the Organization, and making a decision of the Security Council necessary for the transfer of that function to the Security Council. SENATOR CONNALLY declared that he had upheld this position and he had argued in the Committee that the powers of the Security Council were not affected in any way by this Chapter. MR. HICKERSON remarked that he, himself, had prepared this draft because the draft proposed by the Canadians [26] had been no good at all. The Canadian draft had made no mention of the Moscow Declaration.

SENATOR CONNALLY expressed the hope that he would be able to force the acceptance of the old language, but MR. JOHNSON disagreed, and replied that the United States had been beaten on that attempt when the decision was taken to submit the matter to the Subcommittee. MR. DUNN declared that the new wording established an additional responsibility for the United States. MR. PASVOLSKY explained that Chapter XII was designed to bridge the gap during the interim period after the war ended, until such time as the Organization would come into force. The chapter, he declared, was based on the obligations undertaken by Great Britain, Russia and the United States in the Moscow Declaration. This, he declared, was not inconsistent or in any way contrary to the Charter. As the paragraph was phrased originally, it involved only an obligation on the part of the five great powers. If the functions involved were to be tied to Chapter VIII, Section B, it would become a grant of authority, which was not what it had originally been intended to be. MR. PASVOLSKY felt that the Delegation should adhere to the original draft.

SENATOR CONNALLY expressed the opinion that this interim period might last for two years or more, and that under the arrangements tremendous power would be granted to the Five Powers. MR. DUNN added that if a member of the Security Council were to veto the assumption of jurisdiction by the Security Council, this interim period could be extended interminably. MR. JOHNSON reaffirmed his earlier position that some sort of decision would have been necessary under the earlier draft. As to when the necessary number of agreements would have come into force, it would, MR. JOHNSON declared, take a long time for a sufficient number of agreements to be concluded,

[26] Canadian draft, presented at the second meeting of Subcommittee III/3/A, May 31, 3 : 38 p. m., not printed (US III/3/A, Doc. 2, June 1).

and until that number came into force, the Security Council would have no authority. MR. DUNN declared that the Organization would have authority but no forces at its disposal, and SENATOR VANDENBERG declared that even without forces and facilities, the Security Council could exercise all the peaceful means at its disposal to settle any dispute. SENATOR CONNALLY declared that he would be satisfied with the original text, but he had been defeated. MR. DUNN declared emphatically, that the United States could not accept the new wording, and declared that he advised adhering to the original text. MR. HICKERSON asked whether the difficulty could not be met by qualifying the time element. MR. DUNN declared that this Chapter was merely a recognition of the Moscow Declaration, and he thought that the United States could exercise a veto under the Moscow Declaration, just as it exercised a veto on the Security Council, but he declared that it was important to establish that the functions outlined under this Chapter were distinct from the functions of the Organization. MR. HICKERSON agreed that this was a sound interpretation. THE SECRETARY asked whether this discussion might be postponed, inasmuch as Senator Vandenberg had to leave to attend a Committee meeting in ten minutes. MR. DUNN remarked that even if this draft were to be accepted by the vote of the Committee, the United States still could not accept it. MR. HICKERSON thought that it was purely a drafting question.

MR. JOHNSON urged that under the old draft any power could veto the transferral of the functions under this Chapter to the Organization merely by refusing to sign an agreement to supply forces to the Organization. ADMIRAL HEPBURN remarked that there was an advantage to mentioning the Moscow Declaration in the Charter, because in order to act under that Declaration, Senatorial consent would be required. A reference in the Charter would make it easier to obtain that consent.

MR. HACKWORTH asked what was provided for in the Moscow Declaration and urged that the wording be maintained in this paragraph. SENATOR CONNALLY declared that the Declaration provided that the interim arrangements should last only until the Security Council was organized. MR. HICKERSON pointed out that the problem facing the Delegation was the insistence of the small powers that this Chapter could be interpreted as meaning that all the agreements for the supply of forces might have to become effective before the interim arrangements would be terminated. The problem facing the Delegation, he declared, was how it could be proved that such was not the case. SENATOR CONNALLY remarked that he had stated in the Committee meeting that it would be up to the Security Council to decide how many arrangements would be necessary, and MR. JOHNSON urged that

the language under consideration followed out that construction. MR. HICKERSON urged that if a decision was required, as provided for in the present draft, any member of the Security Council could veto the transferral of functions from the "responsible powers" to the Security Council. MR. DULLES declared that he was in favor of maintaining the earlier wording, even if it should remain ambiguous. The fears of the small States could be allayed by pointing out that the Five Powers would be most anxious to escape their responsibilities under this paragraph. SENATOR CONNALLY thought that all reference to the special agreements should be deleted from this paragraph and that it should be broadly stated that the Security Council would assume the jurisdiction upon the coming into effect of the Organization. MR. HICKERSON expressed the opinion that such language would not be adequate because it was possible that the Organization would come into effect before the agreements for the supply of forces were concluded. In that case the Organization would have authority for enforcement, but no forces with which to implement this authority. THE SECRETARY asked Senator Connally what his recommendation to the Delegation was. The latter declared that he had committed himself in the meeting of Committee III/3 to the original language of the Dumbarton Oaks proposals.[27] MR. HICKERSON stated that this was acceptable to him, but he wondered how the Canadian fears would be dispelled. THE SECRETARY remarked that the Delegation could reserve its position and take up the question again in the Steering Committee.

MR. DUNN remarked that there would be no substantial difference if this paragraph did not appear in the Charter. The Moscow Declaration carried legal obligation without any further implementation, and the same five powers would have the final decision under the Moscow Declaration as under the Security Council, because of the veto provision. MR. HICKERSON said he agreed with this position, but thought that the vote on the matter would be lost. MR. JOHNSON pointed out that the matter was being considered by a nine-man subcommittee. A two-thirds vote would be required, he said, and the Committee might reach no decision if the five major powers were to be aligned against the opposition of the other four members of the subcommittee.

THE SECRETARY asked what the Delegation's position was on this matter and COMMANDER STASSEN proposed that the United States position be that advanced by Senator Connally, that the original language be maintained. The Delegation agreed unanimously to this decision.

[27] Doc. 704, III/3/36, May 31, UNCIO Documents, vol. 12, p. 403.

THE SECRETARY asked what were the other questions that it was necessary for the Delegation to consider. At this point, Senator Vandenberg left the meeting and declared that he would return at 12:00 o'clock for his instruction.

### FRENCH TREATY AMENDMENT

MR. PASVOLSKY referred the Delegation to the May 23 and May 31 drafts of the Proposed Change in Sponsoring Governments' Amendment to Chapter VIII, Section C, Paragraph 2.[28] There were, MR. PASVOLSKY declared, three alternatives open to the Delegation. It could accept either the original language of the sponsoring governments' amendment, the French Amendment of May 23, or the latest draft, of May 31. He declared that the other four powers had been in agreement on accepting the French draft. MR. PASVOLSKY remarked that there was another possibility which involved changing the words "be necessary", to "become necessary" in the last sentence of the May 23 draft. This, he said, would take account of the time factor.

COMMANDER STASSEN declared that the May 31 draft which was before the Delegation was acceptable to him, if the Delegation was willing to accept it. He thought that the draft might be improved by including the word "all" before "the United Nations" in the end of the draft. This, he said, would have the advantage of eliminating those Nations which had fought only Japan from participation in the European sphere. COMMANDER STASSEN asserted that if all the other members of the Delegation agreed, he would accept the May 31 draft. Under no circumstance, he said, would he accept the draft of May 23. THE SECRETARY asked whether the other four members of the Big Five would be willing to accept the May 31 draft, and MR. PASVOLSKY thought that they would. MR. PASVOLSKY thought that this draft could be simplified somewhat by rewording part of the second sentence to read, "with the exception of measures against enemy states provided for in Chapter XII, Paragraph 2 . . . the governments parties to the arrangement referred to above . . .".

MR. DULLES declared that he was opposed to the draft of May 31. REPRESENTATIVE BLOOM asked what was the source of Mr. Dulles' opposition, and the latter replied that the only problem being dealt with in this amendment was the condition under which the special regime would come to an end. It was the desire of the United States, he said, to have this regime ended as soon as possible. The fewer states there were, he declared, in a position to prolong this regime, the

[28] Neither draft printed; see minutes of tenth Five-Power meeting, May 29, 11 a. m., p. 968, and of eleventh meeting, June 1, 9 p. m., p. 1071; also, minutes of meetings of the United States delegation, May 23, 9 a. m., p. 849, and May 31, 9:02 a. m., p. 989.

better the situation would be. The French proposal, MR. DULLES declared, limited the states with such power to the parties to the regional agreement. The May 31 draft enlarged this number to include all the United Nations. COMMANDER STASSEN asked where, in the May 31 draft, such a provision appeared. MR. DULLES replied that it was embodied in the phrase "at the request of the governments having the responsibility for the taking of measures provided for pursuant to Chapter XII, Paragraph 2". COMMANDER STASSEN declared that this obviously was derived from Chapter XII, Paragraph 2, and asked Mr. Dulles whether his interpretation of the language of that paragraph included all the United Nations, and MR. DULLES replied in the affirmative. COMMANDER STASSEN declared that this was not his interpretation at all. [At this point the Secretary had to leave the meeting].[30] REPRESENTATIVE BLOOM asked that Mr. Dulles reply to Commander Stassen's question. COMMANDER STASSEN observed that the wording "governments concerned" had been deleted from both drafts, and that "the governments responsible" involved the addition of only the United States to the list of states whose concurrence would be required. MR. DULLES asked why the United States should want to be included in the list of nations with power to block assumption by the Security Council of the responsibilities referred to in the paragraph under discussion. COMMANDER STASSEN declared that the power granted to the United States would be the power to initiate the transferral of these functions. COMMANDER STASSEN declared that it was not intended that there should ever be complete renunciation of the regional pacts. The question was that of at what point the approval of the Security Council would be necessary for action under these agreements. The United States, he said, would favor the earliest possible assumption of the responsibility for approving such action on the part of the Security Council. For this reason, he wanted the United States to take part in the consultations by which this authority would be granted to the Security Council.

MR. DULLES remarked that the issue concerned was the original interpretation of Chapter VIII, Section C, Paragraph 2, and COMMANDER STASSEN replied that if this argument were accepted, it would be necessary to rewrite Chapter XII, Paragraph 2. MR. DULLES replied that in his interpretation, the French draft provided that if the two parties to the original agreement could decide to subject that agreement to the authority of the Security Council, and if the Security Council would agree to accept that responsibility, action under that agreement could be taken only with the approval of the Security Council. Consent was required on the "giving end", by the

[30] Brackets appear in the original.

parties to the regional pact only. In this way, MR. DULLES declared, it would be possible seriatim to terminate all the regional treaties with the consent of the parties thereto. The new draft, he said, added to the number of nations whose consent would be required. If it were possible to limit the number of nations whose consent was necessary to two, why should there be additions made to the Powers who could block transferral of power.

COMMANDER STASSEN declared that he was willing to compromise on the use of the words "parties and permanent members of the Security Council". COMMANDER STASSEN said that he never wanted the United States to be excluded from the consultation concerning the transferral of authority to the Organization. MR. DULLES thought that even without specific reference to the United States in any way, this country would still have to be included in the consultation, because of its interest in this transferral of power resulting from the membership of the United States on the Security Council. MR. DULLES did not, however, want the United States "cut in" on the side which could block the transferral of power. COMMANDER STASSEN agreed that the United States would be able to participate on these decisions, as a result of its membership on the Security Council. He wanted to insure, however, that the United States would be able to initiate such actions. MR. DULLES commented that under the earlier wording, a request for the transferral of powers could be initiated by the two parties to any regional agreement, and would require the approval of only three or four others on the Security Council; the new draft would merely add to the number of states whose approval would be required and would constitute an additional obstacle to turning over the necessary authority. COMMANDER STASSEN declared that he did not think that Mr. Dulles' interpretation was correct, but since there was some doubt, COMMANDER STASSEN declared that he was willing to attempt wording that would clarify the situation. COMMANDER STASSEN asked the Delegation to consider, as an example, what would have been the situation if the conflict in Syria and Lebanon had occurred instead in Italy. COMMANDER STASSEN declared that under such conditions, he would not want the United States to be cut out of the decisions that would be made.

MR. PASVOLSKY remarked that he was afraid that Mr. Dulles' interpretation would not be accepted by the other four members of the Big Five. It had been clear in the discussions, he said, that the act of superseding the authority of the regional pacts would require the consent of the parties in the two categories, signatories and those having responsibility under Paragraph 2 of Chapter XII. MR. PASVOLSKY declared that the Big Five would not accept consent by only two powers for the Security Council's assuming these functions. The

other four were of the opinion that the consent of the parties responsible under Chapter XII, Paragraph 2 would be necessary. COMMANDER STASSEN asked whether Mr. Pasvolsky could tell the Delegation who the parties under Chapter XII would be. MR. PASVOLSKY replied that he did not know, and he explained that Chapter XII had been written as it was, because it would be impossible to give a clear picture of which powers would be responsible for enforcement action, and which powers would be willing to relinquish their special position as victors in the war and assume a position of equality with the enemy states. He pointed out further, as an example of what might result from the decisions of the United Nations that the Italian Advisory Commission [31] had more than six members, but COMMANDER STASSEN interjected that the decision as to which states should be members of the Italian Advisory Commission had been made by two or three states. MR. PASVOLSKY replied that there was no way of telling what the situation might be after the war.

REPRESENTATIVE BLOOM asked if Commander Stassen would expand on a statement he had made earlier in the meeting concerning the application of this paragraph to Russia and Japan. COMMANDER STASSEN replied that on the termination of the war Russia might interpret the word "regional" as signifying arrangements made with respect to Japan, without ever having participated in the Pacific war. In this way, arrangements made by Russia concerning the prevention of future aggression by Japan might be interpreted as not being subject to the enforcement authority of the Security Council.

MR. KANE asked whether he was correct in understanding that if the change were adopted, the French would interpret the phraseology as requiring both the parties to regional pacts and those powers responsible under Chapter XII, Paragraph 2 to join in the request for the Security Council to assume jurisdiction. MR. PASVOLSKY replied that this request could be made by any nation. Upon receipt of such a request the Security Council would get in touch with the other powers whose consent was necessary and put pressure on all the parties concerned to agree to the transfer. MR. KANE asked whether Mr. Pasvolsky did not think that this would require the consent of all the United Nations. MR. PASVOLSKY proposed, as an example of what he meant, a situation where one nation raised the question of transferring the authority to the Security Council. The Security Council would then ask for the positions of all the other re-

[31] The Allied Advisory Council for Italy was established in conjunction with the Allied Control Commission for Italy in accordance with an agreement reached at the Moscow Conference in October 1943; its membership included Great Britain, the United States, the Soviet Union, France, Greece, and Yugoslavia. The first meeting of the Council was held at Algiers on November 30, 1943. For documentation on this subject, see *Foreign Relations*, 1943, vols. I and II, index entries under Italy.

sponsible powers, perhaps twenty or more. If they did not agree immediately, the Security Council could put pressure on them to join in the request. In the end there would be either abstention from the request by some of the responsible powers or all the responsible powers would join in presenting the request to the Security Council. A procedure similar to this, MR. PASVOLSKY pointed out, had arisen with respect to the evacuation of the Rhineland. MR. PASVOLSKY thought that too much importance was being attached to the phraseology of the new paragraph, because in the final analysis the transfer of authority could not take place unless the responsible powers were willing. MR. ARMSTRONG asked whether it would be possible for any state to stop this transfer, and MR. PASVOLSKY declared that that depended on who took the responsibility for pressing for transfer. MR. ARMSTRONG thought that if the possibility were not excluded definitely in the language, it would be possible for one state to block the assumption of jurisdiction by the Security Council.

MR. KANE remarked that Mr. Pasvolsky had been holding the position that all the parties under Chapter XII, Paragraph 2 would have to join in the request for a transfer of authority to take place, in addition to the signatories of a regional pact. Now, he thought that Mr. Pasvolsky was advancing a different interpretation. COMMANDER STASSEN asked if Mr. Pasvolsky could enumerate the responsible parties. MR. PASVOLSKY declared that he could not answer this question, and he remarked that with respect to Germany, there was a distinctly open question as to who would have the responsibility of making the decision to readmit Germany into the society of nations on an equal basis. The responsibility for policing Germany at this time, MR. PASVOLSKY observed, resided in all the United Nations, with a few acting in their behalf. It was still an open question as to who would be responsible for the decision to remove the restrictions. A treaty would have to be negotiated on this question. MR. PASVOLSKY thought it would make no difference what language was written in the Charter, because it was clear that the Organization had no responsibility over enemy states—that responsibility resided in the victorious nations. MR. PASVOLSKY declared that all sorts of arrangements would be possible and that enforcement action against the enemy states would not fall under the jurisdiction of the Organization. However, after the Organization takes over these functions, treaties granting freedom of action with respect to the enemy states would be inconsistent with the terms of the Charter. It was clear, he said, that the "until" clause appearing in the original Four Power Amendment covered both classes of states, those parties to regional arrangements and responsible powers under Chapter XII, Paragraph 2. MR. PASVOLSKY said that there was also no dispute over the fact that, even

without this clause, it would be necessary for the responsible powers to agree before the Organization could take over enforcement responsibility with respect to the enemy nations. The French language and the new wording, MR. PASVOLSKY declared, said exactly the same thing. MR. PASVOLSKY suggested that, since Mr. Dulles and several other members of the Delegation had found it difficult to interpret this paragraph, interpretation should be left controversial and should be left for future settlement. MR. PASVOLSKY thought that the Delegation should accept the simple changes in the new draft under which the United States would be protected on both sides of the picture.

SENATOR CONNALLY observed that this paragraph gave unusual powers to the parties to regional arrangements. SENATOR CONNALLY asked whether it was thought that a majority of the forty-nine nations would be necessary for the assumption of controlling responsibility by the Security Council. MR. DULLES thought that unanimity of the United Nations might be necessary. MR. PASVOLSKY observed that the requirement could be interpreted in a number of ways. MR. PASVOLSKY thought that nothing would be gained by accepting language which would limit the requirement to the "request" of the parties to regional arrangements, because of the fact that none of the major powers would interpret such language as meaning that the consent of the parties was all that would be necessary. MR. PASVOLSKY remarked that under this arrangement, any state could raise the question of transferring these powers to the Security Council. SENATOR CONNALLY thought that if the consent of all the United Nations should be necessary, it would be just as well to throw out the entire Charter, because the United Nations would never be able to control the powers exercised under the regional arrangements. MR. DULLES observed that the French text referred only to the signatories to regional arrangements. Termination of these agreements could be brought about by the consent of the two parties. The new wording, he thought, would make possible the participation of all the United Nations in the decision to terminate a regional pact.

MR. PASVOLSKY declared that the new wording only expanded on what was already implicit in Chapter XII. The question at issue was not to terminate the treaties, but to end the right to act without the approval of the Security Council. This power would no longer reside in the parties to a regional arrangement, once the Organization assumed jurisdiction. MR. PASVOLSKY declared that the Organization could not assume this jurisdiction against the protest of the responsible parties under Chapter XII, Paragraph 2. MR. DULLES thought that Chapter XII, Paragraph 2 referred to the surrender terms only, and therefore did not require the consent of the parties thereto to the assumption by the Security Council of the functions

under consideration in Chapter VIII, Section C, Paragraph 2. MR. PASVOLSKY declared that the responsible powers under Chapter XII, "were in" and he remarked that the French, Russians and British agreed that they "were in".

MR. HACKWORTH thought that the Delegation was "talking in a circle". He referred the Delegation to Chapter XII, Paragraph 2. He asked who had the responsibility for policing Germany and replied that this function resided in three powers. SENATOR CONNALLY interposed that these three powers were acting in behalf of the United Nations, but MR. HACKWORTH said that the United States, Russia, and the United Kingdom had a direct responsibility with respect to enforcement action against Germany. These three powers, MR. HACKWORTH declared, could give up their responsibility whenever they were ready to do so. However, there were also regional arrangements for enforcement action against the enemy states. The problem was then a double-barrelled one, and MR. HACKWORTH thought that both sides could block the assumption of jurisdiction by the Security Council. ADMIRAL HEPBURN voiced his agreement with Mr. Hackworth's interpretation. MR. HACKWORTH thought it was unfortunate that the bilateral agreements had been legalized in the Charter. COMMANDER STASSEN again agreed to this and thought that there was nothing that could be done about that situation.

MR. KANE remarked that he had a somewhat different interpretation of paragraph 2 than that of Mr. Pasvolsky. MR. KANE thought that the words "pursuant to Chapter XII, paragraph 2" had been included in order to indicate a slight expansion of Chapter XII, paragraph 2 to add to the functions authorized thereunder. In addition to this reference in the Chapter under consideration there might also be bilateral regional arrangements. Chapter XII, paragraph 2, MR. KANE declared, contemplated occupation of enemy territories by the powers in whom that responsibility should be vested. This function would not fall within the compass of the General International Organization and none knew how long it would last.

MR. KANE went on to declare that when the Four Power amendments had been adopted on May 3, it had been understood that the amendment to Chapter VIII, Section C, paragraph 2 would enlarge the area under which the individual nations could act without the authorization of the Security Council. This, MR. KANE thought, gave to these states an undesirably wide freedom of action which had, however, been politically necessary. MR. KANE submitted that the only way in which the United States could participate in European affairs was through the operation of the Security Council. MR. KANE thought that the Delegation must attempt to increase the possibility of the United States' participating in enforcement action in Europe.

However, the effect of the new language, in MR. KANE's opinion, was to reduce this possibility, inasmuch as it seemed to make necessary consent by more nations to the transferral of authority over enforcement measures against the enemy states to the Security Council. In this respect, he agreed with the opinion advanced by Mr. Dulles. As a result of the additional consents necessary, MR. KANE thought that the freedom of individual action might be extended beyond the actual occupation period. There were two ways, MR. KANE thought, in which the United States could use its influence to keep the situation open, by occupation of enemy territory under Chapter XII, paragraph 2 and by its membership on the Security Council. MR. KANE declared that the military advisers of the Delegation would have to view seriously this interpretation which might have the effect of postponing indefinitely participation of the United States in enforcement action in Europe.

MR. PASVOLSKY declared that he would have to say something in reply to Mr. Kane's statement. There never was, MR. PASVOLSKY said, any other interpretation. The present wording, he said, was not important because Chapter XII had been clearly interpreted at Dumbarton Oaks. It had been understood that Chapter XII referred, in addition to enforcement measures during the actual occupation period, to the act of bringing Germany into the family of nations. No other interpretation was possible in Mr. Pasvolsky's view. MR. KANE asked whether formal authority would be necessary, under Chapter XII, paragraph 2, for the transferral of the functions involved therein to the Security Council. MR. PASVOLSKY declared that such authorization was necessary and that the willingness of the Security Council to accept this responsibility would also be required. MR. KANE remarked that under this arrangement, even if the occupation were to end in a short time, it might take years for the responsible powers to work out the necessary agreement for bringing Germany under authority of the Security Council. MR. DUNN remarked that such an agreement might never be worked out and MR. PASVOLSKY agreed, declaring that the responsible powers might not be willing to take the chance of further German aggression. MR. DUNN remarked that he was unable to see the basis for Mr. Kane's interpretation that only military occupation was referred to under Chapter XII.

COMMANDER STASSEN urged that the Delegation consider a specific example of what might be a possible situation in the future. Suppose, he declared, the problem of Trieste were to arise after the occupation period were ended. Could Yugoslavia, asked COMMANDER STASSEN, block action by the Security Council? MR. PASVOLSKY declared that Yugoslavia could take such a step but that the Security Council would

have no business to act anyway. COMMANDER STASSEN thought that since such a serious issue was involved no change of any nature should be made in the Charter. MR. PASVOLSKY observed that the Security Council was not charged with the responsibility of keeping down the enemy states. If the responsible powers should fail to fulfill their responsibilities then the Security Council would have power to act. COMMANDER STASSEN asked whether the Security Council could block action by the responsible powers and MR. PASVOLSKY replied that the Security Council could not block such action in the first instance. COMMANDER STASSEN asked whether this would be an all-inclusive situation that the Security Council could not block action by the responsible governments with respect to enemy states. MR. DUNN replied that Chapter XII authorized such action and that the Security Council could not prevent action by the responsible powers. It was pointed out, however, that the Security Council was always empowered to act in a case where peace was endangered. In this way, the Security Council, although it could not stop action in the first instance, could intervene if it became apparent that a dangerous situation was being developed.

MR. DULLES remarked that he was in favor of standing on the original four-power amendment without making any concessions to France. MR. DULLES pointed out that the need for meeting the French demands was less pressing at that time than it had been three or four days previously, as a result of the political situation with respect to Syria and Lebanon. MR. DULLES thought that he would agree to the substitution of the word "request" for "consent" but he said that he was opposed to rewriting the paragraph because of the numerous complications. MR. PASVOLSKY remarked that there was a complication involved in the original wording that the Delegation had not considered. The words "states concerned", MR. PASVOLSKY submitted, could be interpreted as including the enemy states.

MR. HACKWORTH thought that under the later drafts the Security Council could take action. However, the Council could not preclude the responsible states from acting under the regional arrangements. MR. DUNN declared that this was correct and that if the responsible powers fulfilled their responsibility adequately it would not be necessary for the Security Council to act. MR. DUNN declared that he wanted to inject a political note into this discussion. He agreed with Mr. Dulles that the United States was not in the same position with respect to France as this Government had been prior to the eruption of the dangerous situation in Syria and Lebanon. MR. DUNN declared that he could no longer see any need for making a concession

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to France, although he would favor changing the word "consent" to "request".

SENATOR CONNALLY asked whether the Delegation agreed to stand on the four-power amendment with the possible change of one word. DEAN GILDERSLEEVE and COMMANDER STASSEN were in favor of this position, but SENATOR CONNALLY thought that since no other members of the Delegation were present at that time the matter should be postponed for lack of a majority. MR. SANDIFER submitted that Senator Vandenberg had expressed his approval of the position under dissension [*discussion?*] several times in the meetings of the Delegation and SENATOR CONNALLY agreed that a majority vote had been achieved.

MR. HACKWORTH thought that Chapter XII paragraph 2 might be amended to clarify the situation with respect to which states would be responsible for enforcement action against enemy states by the inclusion of the word "primary" before "responsibility" in paragraph 2. COMMANDER STASSEN however urged that the language not be changed because to put in language now would subject the paragraph to varying interpretation at a later date. MR. PASVOLSKY thought that the Delegation had made a mistake in taking the position it did, although he agreed to go along with the Delegation. MR. PASVOLSKY thought that the wording would be ambiguous whichever draft would be adopted, and declared that under all the drafts there was room for all sorts of interpretations. SENATOR CONNALLY asked whether France had agreed to the four-power wording and MR. DUNN replied that the French had not agreed. MR. DUNN asked whether there was any possibility of the Delegation reaching unanimity on the March 23 draft, submitted by the French. MR. PASVOLSKY replied that such unanimity was impossible. MR. SANDIFER remarked that the position the Delegation had just taken would probably involve delay in gaining Russian acceptance for returning to the old wording.

ADMIRAL HEPBURN remarked that the words "provided for" before "pursuant to Chapter XII, paragraph 2" were out of place in Chapter VIII, Section C, paragraph 2 because of the fact that Chapter XII, paragraph 2 did not really provide for anything. COMMANDER STASSEN thought that this was not a matter of great significance. MR. PASVOLSKY said that there was nothing on this matter that could be discussed in the Subcommittee of Five and he thought that the matter would have to be taken up further by the Delegation. MR. DUNN remarked that Senator Vandenberg would be "on the spot" in Committee III/3 because of the further delay involved. He asked whether the Subcommittee of Five had agreed to the use of the word "request". MR. PASVOLSKY declared that Russia had not agreed to this substitution in the original four-power amendment. Russian

agreement had been only to the French draft of May 23.[33] COMMANDER STASSEN remarked that there was not much chance of France being granted much freedom of action as a result of the recent developments in Syria.

PREPARATORY COMMISSION

MR. PASVOLSKY reported that he had nothing much to offer on the subject of the "preparatory commission". The discussion of this matter had been begun in the Subcommittee of Five and that body was engaged in assimilating the various drafts submitted. MR. PASVOLSKY declared that he would have a report on this matter for the Delegation in the near future.

CHAPTER V, SECTION B, PARAGRAPH 8

MR. SANDIFER urged that consideration of the approved draft of Chapter V, Section B, Paragraph 8 be held over until such time as Senator Vandenberg could be present for the discussion. [At this point 11:15 a. m., Mr. Pasvolsky left the meeting.] [34] MR. DUNN urged that this matter would have to be settled some time and presented to the Delegation the draft of this paragraph which had been approved by Committee II/2, US Doc Und 53,[35] which read as follows:

"8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

"*a*) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

"*b*) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

"The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon."

MR. HACKWORTH asked which members of the Delegation were in favor of the draft as it read. MR. SANDIFER remarked that this draft had been approved by Committee II/2 but that the Russians had objected to this strengthening of the Assembly in relation to the Security Council. MR. HACKWORTH thought that a very serious

[33] See minutes of the tenth Five-Power meeting, May 29, 11 a. m., p. 968.
[34] Brackets appear in the original.
[35] Doc. 677, II/2/B/9, May 29, and Doc. 707, II/2/36, May 31, UNCIO Documents, vol. 9, pp. 416 and 115, respectively.

question was raised by this draft. He asked what would happen if the General Assembly should disapprove the report submitted to it by the Security Council under part (*a*) of the paragraph. MR. DUNN remarked that the Dumbarton Oaks Proposals gave to the Security Council "a primary responsibility for maintaining peace" and MR. DUNN did not think that this draft paragraph was consistent with this principle of the Dumbarton Oaks Proposals. MR. ARMSTRONG asked what nations had favored this draft and where it had originated. MR. SANDIFER replied that the paragraph had been passed by Committee II/2 with only the USSR and the two Soviet Republics dissenting. The United States, he declared, had voted for the draft. The Russians, MR. SANDIFER declared, had objected particularly to part (*b*) of the draft paragraph. Several members of the Delegation agreed that this section was rather blatant aspersion upon the competence of the Security Council. MR. DUNN repeated that this paragraph was not consistent with the conception of primary responsibility of the Security Council. MR. SANDIFER thought that there were two possibilities as to the course of action which the Delegation might adopt. Committee II/2 could be asked to reconsider the question or it could be referred to the Steering Committee. MR. DUNN asked whether this Government could legally reopen the matter in view of the fact that the United States had voted for the new paragraph. MR. SANDIFER remarked that that was the reason why he had thought Senator Vandenberg should be present when this paragraph was discussed.

MR. HACKWORTH declared that he was in favor of dropping parts (*a*) and (*b*) of the draft paragraph and leaving only the first and last sentence. MR. SANDIFER declared that he had with him a rough draft of a substitute paragraph which had been prepared by Mr. Cordier, one of the Technical Experts on the Delegation. MR. SANDIFER said that he had hesitated to present this draft without Senator Vandenberg being present. The new wording, to be substituted for part (*b*), would read as follows:

"*b*) to submit recommendations to the Security Council designed to facilitate observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security."

SENATOR CONNALLY declared that this paragraph gave to the General Assembly the power to "cut up" anything which the Security Council might do. MR. ARMSTRONG remarked that the Russians were suspicious of the United States for having voted in favor of this proposal. MR. HACKWORTH suggested that the question be taken under advisement by the Steering Committee and that the United States should recommend the elimination of parts (*a*) and (*b*). MR. HACKWORTH said that there were no objections to the first paragraph of the

draft and the last three lines. SENATOR CONNALLY declared, however, that there was no quorum and remarked further that Senator Vandenberg who was not present was the United States Delegate on II/2. MR. HACKWORTH suggested that a recommendation be prepared by those members of the Delegation who were present for Senator Vandenberg's approval. MR. HACKWORTH thought that the recommendation to be submitted to Senator Vandenberg should suggest referral of the question to the Steering Committee and should recommend that all except the first and last paragraphs be eliminated. DEAN GILDERSLEEVE asked why Senator Vandenberg had voted for the acceptance of this draft. MR. SANDIFER thought that Senator Vandenberg had voted in answer to questions raised by some of the other Delegations. The implications of the draft had not been clearly apparent in that form. MISS FOSDICK declared, however, that Senator Vandenberg had voted for the draft in this form. SENATOR CONNALLY declared that the draft had not been approved in the Delegation and thought that Senator Vandenberg should be advised of the decision of those members of the Delegation who were present.

MR. ARMSTRONG thought that a compromise might be achieved by cutting off the first half of part (*a*) and omitting all of part (*b*). In this way the General Assembly would be empowered to make "recommendations and observations". MR. DUNN remarked that the Assembly could take such action now under the last paragraph of the draft but MISS FOSDICK pointed out that the last paragraph referred to other bodies of the Organization. MR. KANE asked whether it was not inherent in the Dumbarton Oaks proposals that the General Assembly could make recommendations or observations on any situation it desired. MR. SANDIFER replied that the General Assembly could make recommendations on any matter except a dispute being dealt with by the Security Council.

MR. DUNN pointed out that the time was approaching when the Delegation would try to find out what the intentions of the USSR were with respect to a number of open questions. The Russians had contended that the United States' support for this paragraph was contrary to the agreement among the Big Four. If any change were to be made it would be necessary to consult with the other major powers. MR. ARMSTRONG agreed that no proposal should be made that was not agreed upon by the other large powers. SENATOR CONNALLY declared that the recommendation of those members of the Delegation who were present would be turned over to Senator Vandenberg as an "advisement".

### TRUSTEESHIP

COMMANDER STASSEN reported that the Big Five were close to reaching agreement on the outstanding issues. He remarked that there were three points which would require consideration.

The Egyptians had proposed the addition of the words "or states" to paragraph 6 of Section B of the working paper.[36] This addition would make possible the designation of more than one state as trustees for any specific territory. COMMANDER STASSEN declared that this was not desirable but he thought it was not worth fighting if the other major powers agreed to it. COMMANDER STASSEN declared that he would vote against the addition of these words if any other member of the Big Five was opposed to it; however, if all the other powers were agreed he would vote for it. COMMANDER STASSEN thought that the United States was protected by the fact that the designation of administering authorities would take place by means of future trusteeship arrangements to which the United States would have to be a party. In any event, COMMANDER STASSEN declared, he was not going to speak one way or the other.

COMMANDER STASSEN reported that paragraph 5 had been accepted by Committee II/4 with the proviso that the Iraqi Delegation should be given a chance to propose an amendment.[37] The Iraqi Delegate expressed the fear that this paragraph would freeze the status of all territories to be placed under trusteeship forever. COMMANDER STASSEN pointed out to the Iraqis that the agreements by which territories would be placed under trusteeship would supersede the *status quo* under paragraph 5. Paragraph 5 had included a phrase maintaining "the terms of any mandate" for the interim period until the trusteeship arrangements can come into effect, but the Egyptians had been afraid to accept a wording to which they had never agreed before.

COMMANDER STASSEN presented to the Delegation a new wording which had been prepared to meet the desires of the Arab Delegates as follows:

"5. Until such time as territories are placed under trusteeship by subsequent individual agreements made under paragraphs 3, 4 and 6 and except as may be provided in such subsequent agreements, nothing in this Chapter should be construed in and of itself to increase or diminish, prolong or terminate or alter in any manner the rights whatsoever of any state or any peoples."

COMMANDER STASSEN expressed the opinion that this new wording had exactly the same significance as the previous phraseology but that it made clear that the subsequent agreements were controlling. MR. KANE declared that he did not want to create any unnecessary difficulty as far as the new phraseology was concerned. He said that paragraph 5 could very well be omitted. COMMANDER STASSEN declared that he would take the liberty of "throwing" Senator Byrd at Mr. Kane. COMMANDER STASSEN declared that this paragraph had been

[36] Doc. 712, II/4/30, May 31, UNCIO Documents, vol. 10, p. 499.
[37] Doc. 580, II/4/24, May 26, *ibid.*, pp. 486–487.

drafted after a talk with Senator Byrd and his committee. MR. KANE admitted that technically this paragraph would not change any rights. He went on to say that the language of the working paper had been completely acceptable. However, MR. KANE thought that under the new phraseology which turned the paragraph around to say "until such time as territories are placed under trusteeship . . ." a moral commitment to place under trusteeship territories falling under categories (*a*) and (*b*) of paragraph 3 might be implied. The "until" clause seemed to give the implication that all territories under categories (*a*) and (*b*) of paragraph 3 must be submitted to the trusteeship mechanism. However, the agreement at Yalta had made no commitment concerning any specific territory. It was apparent, he said, in listening to the speeches made by the Russian Delegates and several others, that these nations looked on the two categories of territories as the first which would come up for consideration for inclusion under the trusteeship machinery. MR. KANE thought that the language which was used in the Chapter should not provide any peg on which a specific obligation could be hung. Mr. Kane was fearful of the use of the "until" clause.

ADMIRAL HEPBURN thought that the difficulty might be obviated by using the singular, "any territory is placed", in place of "territories are placed". COMMANDER STASSEN thought that this was an acceptable solution and explained that he did not want any unnecessary implications and so had used the word "territories" instead of "mandates".

MR. KANE remarked that there seemed to be the impression among some of the Delegates that there would be no consideration of the two categories of territories outlined in paragraph 3 unless there was an intention of placing them under the trusteeship system. SENATOR BYRD had asked how it would be possible to avoid a moral commitment if mention was made of the categories which might be considered for inclusion under the trusteeship system. SENATOR BYRD had been insistent that every effort be made to avoid any such commitment.

DR. BOWMAN remarked that he was in favor of the suggestion made previously by Admiral Hepburn that the singular of "territory" be used as well as the substitution of the word "may be" for "is". DR. BOWMAN thought that "is" would make for rigidity. COMMANDER STASSEN replied that the use of "may be" would raise a Russian objection that there was the implication that some territories might never be placed under trusteeship. SENATOR CONNALLY asked how the subsequent agreements referred to would be concluded among the interested parties. SENATOR CONNALLY asked what would happen if the interested parties were unable to agree. Under such a situation SENATOR CONNALLY asked whether the power which was in possession

at the time would maintain its possession. COMMANDER STASSEN replied in the affirmative and SENATOR CONNALLY asked again whether, if an agreement could not be concluded, would the power in possession at the time continue to "set". COMMANDER STASSEN replied in the affirmative again.

MR. KANE remarked that he did not want to create a situation whereby the United States would be morally in the wrong in maintaining its possession of any territory. SENATOR CONNALLY declared that although he agreed with this sentiment, he wanted to maintain control of the islands. MR. KANE declared that he was interested in making it easy for the United States not to accept the moral commitment. MR. STEVENSON thought that the paragraph might be turned around again with the omission of the "until" clause. MR. DUNN remarked that the words "may be" appeared in paragraph 3 and he could see no objection to the inclusion of this phraseology in paragraph 5. MR. DUNN pointed out that there was a possibility that a conflict might develop with respect to the interpretation of the time sequence in view of the fact that the word "time" appeared followed shortly thereafter by "subsequent individual agreements". He thought some reference of the order of "subsequent to the adoption of this Charter" would clarify the situation. MR. KANE proposed that the paragraph be started with the word "accept" and should include the expanded, explanatory wording. MR. KANE asked whether Commander Stassen thought the Arabs would accept that. COMMANDER STASSEN replied that he did not know. MR. KANE remarked that Lord Cranborne had a valid point when he had differentiated between the word "status" and the word "rights". The word "rights" as it appeared in the new draft was not entirely satisfactory to Mr. Kane, but the chief difficulty was the "until" clause. SENATOR CONNALLY asked what the exact difficulty was. COMMANDER STASSEN declared that there was objection chiefly on the part of the Russians that the wording of this paragraph might continue the existing status interminably. The Arabs had expressed the fear that the wording might expand the situation to which they were opposed. COMMANDER STASSEN expressed the view that if the Delegation wanted he could maintain the present wording by voting down the opposition groups. MR. KANE thought that there was no harm in offering the Arabs the explanatory wording in the second part of the paragraph. COMMANDER STASSEN asked Mr. Kane whether he would be satisfied by the substitution of the words "may be" for "are". MR. KANE declared that he was still not satisfied with the "until" clause. COMMANDER STASSEN declared that he would be willing to reiterate in public statements that nothing specific was intended by the present wording. MR. KANE expressed his agreement with this course of action but he

declared that he was still afraid of the implications of the clause under discussion. COMMANDER STASSEN declared that, in view of the difficulties, he would not close the discussion in Committee II/4 that afternoon. This would give the Delegation more time to study it. MR. HACKWORTH asked whether the double reference to time might not cause difficulty. COMMANDER STASSEN replied this might prove to be an obstacle but he declared no vote would be taken on the paragraph that day and the Delegation could study it over night.

The third problem with respect to the Trusteeship Chapter arose in paragraph *b*, 2. The words "self determination" suggested by the Russians had proved objectionable to the British and French. They had countered with the proposal that the words "in accord with the freely expressed will of the people" be adopted. SENATOR CONNALLY thought that either wording would weaken the position of the United States, but COMMANDER STASSEN thought that this country was protected adequately by the reference to the trusteeship arrangements. COMMANDER STASSEN declared that he would recommend getting the British and French to accept any wording which would suit the Russians. SENATOR CONNALLY thought that to accept "the principle of self determination" in any form would be to invite trouble. ADMIRAL HEPBURN remarked that the Chinese had proposed an acceptable solution that "self determination" be established on an equal basis with independent and self-government as a third alternative.

COMMANDER STASSEN thought that he was faced with a situation where the Soviet Delegation had been given alternative wordings beyond which they would not have power to go. COMMANDER STASSEN thought that it would be necessary to accept some of the Russian language. The United States could not really place itself in a position of denying the principle of "self determination", but that should not be the primary consideration. COMMANDER STASSEN thought it would be necessary to hedge it in. SENATOR CONNALLY thought that the Delegation was agreed with Commander Stassen's position providing that COMMANDER STASSEN was certain that it would be necessary. COMMANDER STASSEN replied that in his view it was essential to accept some modification in order to gain acceptance for the paragraph.

MR. DUNN asked a procedural question. He asked whether the Russians had consulted with the other major powers before submitting their last proposal.[39] COMMANDER STASSEN replied that they had, and that he had made certain to "nail down" the obligation to consult among the Big Five.

MR. TAUSSIG reopened discussion of paragraph 5 and suggested that an attempt be made to return to the original wording "except as may

[39] See minutes of the May 29 meeting of the United States delegation, p. 954.

be agreed upon . . ." MR. TAUSSIG asked whether there was any indication of opposition to this wording. COMMANDER STASSEN declared that it had been urged in Committee II/4 that this beginning did not have enough force to overcome the later wording and thus had the implication of freezing the existing situation.

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The meeting was adjourned at 11:52 a. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 61

*Minutes of the Sixty-First Meeting of the United States Delegation, Held at San Francisco, Friday, June 1, 1945, 6:04 p. m.*

[Informal Notes]

[Here follows list of names of persons (31) present at meeting.]

In the absence of the Secretary, Senator Connally called the meeting to order at 6:04 p. m.

POSITION ON IMPORTANT OPEN QUESTIONS

MR. SANDIFER reported to the Delegation that he had prepared, with the assistance of other members of the Staff, a paper, Position on Important Open Questions, US Gen 209,[41] for the consideration and approval of the Delegation. MR. SANDIFER then read the document to the Delegation.

*a. Voting*

MR. DULLES asked whether it was proposed to circulate this document among the other Delegations. MR. SANDIFER replied that this paper was merely for the use of the Delegation and MR. DUNN added that the paper was drafted for the purpose of making it possible for the Secretary to state the position of the Delegation on the issues to be considered by the Big Five. The Delegation was agreed that exact phraseology should not be an important consideration with respect to this document because it was not to be circulated and would merely aid in the negotiation among the big powers.

MR. SANDIFER remarked that point (2) under Section (*a*) of the first item on voting had been established as the position of this Delegation in one of the three papers which were to constitute the joint Four Power statement on interpretation of the Yalta voting formula. REPRESENTATIVE BLOOM thought that the words "any situation which may lead to international friction or give rise to a dispute" were very broad, but CONGRESSMAN BLOOM agreed with the other members of the Delegation that this was as it should be.

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[41] Not printed.

MR. DULLES remarked with respect to point (3) under part (*a*) of the section on voting that the Russians construed the authority granted in Chapter XI, paragraph 3 for the convocation of the Conference for review of the Charter to be a power that could be used only once.

SENATOR VANDENBERG asked whether the four items which were listed under Section A: questions under Section D, Chapter VI; discussion or consideration of any dispute or any situation which may lead to international friction or give rise to a dispute; convocation of a conference for review of the Charter; and the election of judges, were the only items which were to be decided by a procedural vote of the Security Council. MR. DUNN remarked that it was up to the Delegation to decide at that time whether it had any additions to make to this list. MR. SANDIFER remarked that these items had been agreed to in Mr. Pasvolsky's Subcommittee of the Big Five, but MR. DUNN replied that this was merely the position of the United States Delegation and had not been agreed upon in the five power group. Actually, MR. DUNN declared, it had not been agreed in the Subcommittee that point (4), election of judges, should take place by a procedural vote and MISS FOSDICK added that point (2), a discussion on consideration of any dispute or any situation that might lead to an international dispute, had, likewise, not been agreed upon.

REPRESENTATIVE BLOOM asked whether he was right in understanding that any items which were not listed in this draft as being subject to a procedural vote on the Security Council were to be considered as being excluded for this category. MR. DUNN thought that the Delegation would have to assume that this was the case. MR. SANDIFER declared, however, that the list he had presented was not intended to be all-inclusive because he had not had the time to investigate the matter thoroughly and also because these four points were the very ones on which the Delegation had reached agreement. MR. DUNN asked Mr. Sandifer whether the latter knew of any other items which should be considered by procedural vote. MR. SANDIFER replied that he had not examined the matter too closely and was not able to say whether the list was actually complete. COMMANDER STASSEN agreed that the approval of the judges of the World Court should not be by the unanimous vote of the Big Five. He also thought that the Secretary-General and the five Deputy Secretaries-General should similarly be approved by procedural vote. MR. SANDIFER declared that he had only reported to the Delegation on those matters which had already been decided. MR. SANDIFER thought that since there was doubt as to the inclusiveness of the list it would be advisable to end Part A after the word "vote" so that this section would read as follows: "(*a*) that the Charter should specify those questions on

which the Council would act by procedural vote." CONGRESSMAN BLOOM thought, however, the word "including" which followed the word "vote" in the original draft made possible the addition of further categories as it became desirable. MR. SANDIFER reiterated that this list was by no means comprehensive and it had not been intended as a comprehensive listing of matters which should be considered by procedural vote. MR. SANDIFER said he would not favor listing any categories at all unless there were added to the list all the additional categories of questions which should be considered by procedural vote. SENATOR VANDENBERG agreed with Mr. Sandifer and added that it was the only safe course. MR. JOHNSON suggested that the Delegation adopt Mr. Sandifer's suggestion that Part A be concluded after the word "vote". MR. JOHNSON thought that the Delegation could then add a new section B which would state that questions on which the Council would act by procedural vote would "include" the four categories then specified in Part A.

SENATOR CONNALLY remarked that he seemed to recall Mr. Pasvolsky having had a list of eleven items which should be considered by procedural vote. MR. DULLES thought that a number of these items were included under point (1) of the present draft, "questions under Section D", Chapter VI. SENATOR CONNALLY urged that if it was intended to specify some of the categories of questions which would be decided by a procedural vote it would be necessary to specify all such categories or the unspecified class of questions would automatically fall into the bracket of questions which were to be decided by a nonprocedural vote. SENATOR VANDENBERG thought that the difficulty could be resolved by using the words "such as" in place of "including". MR. DULLES urged that there was no need for a great deal of discussion on the phraseology of this paper because it was only for the use of the Delegation.

COMMANDER STASSEN submitted that the question of calling a special meeting of the General Assembly should be decided by procedural vote. SENATOR CONNALLY remarked that all members of the Delegation should submit any suggestions they had for the inclusion of any category in the group of questions which would be decided by procedural vote to Mr. Pasvolsky to incorporate in the Four Power amendment.

REPRESENTATIVE BLOOM remarked that Part (B) of this section on voting arrangements made provision for the addition of other procedural matters to the list. SENATOR CONNALLY urged that if the Delegation was so minded it could adopt this statement of its position without specifying any categories whatsoever. However, SENATOR CONNALLY declared if some categories were specified all others would be excluded. MR. SANDIFER thought that it would be impossible be-

cause of practical considerations to incorporate all possible categories of decisions which should be procedural at that time. He thought that the choice before the Delegation was the use of wording of the order of "such as" or the avoidance of any specification whatsoever. MR. ROCKEFELLER remarked that from the standpoint of the smaller nations it would be easier to gain acceptance for the Yalta formula if there were the appearance of numerous acceptances [*exceptions*] to the veto power. REPRESENTATIVE BLOOM thought that the Delegation should attempt to get a list from the other four Powers of the items which they wished to include as being subject to procedural vote. [At this time, 6:25 p. m., Secretary Stettinius arrived at the meeting].[42] MR. ARMSTRONG replied to Representative Bloom's suggestion that a list achieved in such a way would be a list of items agreed upon by the five Powers and would not be a statement of the United States position. COMMANDER STASSEN said he thought that the four items listed in the present draft should be retained but that it should be made clear that these were not the only items which might fall in the procedural category. MR. JOHNSON thought that it would be best to end the sentence with the word "vote" and then add a new sentence, "These should, in any case, include . . ."

MR. SANDIFER remarked that the decision as to the convocation of a special meeting of the General Assembly should also be included in the category of the questions decided by procedural vote. The position of the Delegation on the election of the Deputy Secretaries-General was stated elsewhere in this paper, MR. SANDIFER said, and need not be considered in the present section on voting arrangements.

SENATOR VANDENBERG urged that since the list could not be completed it would be best to specify that the items in the list were examples of the type of question which would be considered by procedural vote. SECRETARY STETTINIUS urged that the most important need, in his mind, was that there be established a United States position on the open items. SENATOR CONNALLY reported to the Secretary that the Delegation had been reviewing the United States position on matters which should be decided by procedural vote. The Delegation, he declared, had been considering whether the draft before it specified in enough detail those questions which should be considered by a non-unanimous vote of the Big Five. MR. DULLES declared that the Delegation would be unable to close the list of items under this category that evening. SENATOR CONNALLY declared if agreement among the Big Five were achieved on point (2), "discussion and consideration of any dispute . . .", a great deal would have been achieved. He thought that it would be important for the Delegation to achieve a clear and complete agreement on this matter but

[42] Brackets appear in the original.

he urged that it would be impossible for the Delegation to establish a comprehensive list at that time. COMMANDER STASSEN thought that the Delegation might present two lists of items, those which were procedural in nature and those which were substantive in nature. There should also be, COMMANDER STASSEN thought, a statement that the decision as to all other items should be made by a majority vote of seven including the five permanent members of the Security Council. MR. SANDIFER declared that he favored Mr. Johnson's suggestion for the incorporation of the words "in any event". MR. DUNN thought that it was important to remember that the Russians were sometimes difficult to deal with on these matters and that agreement was not going to be achieved on this matter unless the entire question was considered at the same time. REPRESENTATIVE BLOOM thought that there should be obtained from each Delegation a statement of the items which it thought should be considered by procedural vote. MR. SANDIFER declared that the paper under consideration would be read at the meeting of the Big Five as the statement of the United States position. MR. STETTINIUS declared, however, that it would be Ambassador Gromyko's responsibility to take the initiative because it had been the Ambassador who had asked for the Big Five meeting. This had been a most fortunate circumstance, THE SECRETARY declared, because he had been on the verge of calling for the meeting when Ambassador Gromyko called him and asked that a meeting be convened. MR. DULLES asked whether this statement by the Secretary was based on the talk Mr. Dulles had had with Ambassador Gromyko earlier in the day. At that time, MR. DULLES declared, the Russian had indicated that he would probably be ready for a meeting that evening. SENATOR CONNALLY declared that in any event Ambassador Gromyko would be at the meeting.

MR. SANDIFER asked what was the feeling of the Delegation on adding to the list of questions that should be decided by procedural vote the question of calling a special meeting of the General Assembly. COMMANDER STASSEN moved formally that this question be considered by a procedural vote and the Delegation agreed unanimously that this was its position. COMMANDER STASSEN then moved that the Secretary-General be approved by qualified majority vote. MR. DULLES pointed out that this question was covered by a later point in the draft and COMMANDER STASSEN withdrew his motion. COMMANDER STASSEN then moved that the five categories in part (*a*) of the first item on the list of open questions be approved as requiring procedural votes. The Delegation agreed unanimously with this position. SENATOR CONNALLY wanted it made clear that this list did not preclude the addition of other items. COMMANDER STASSEN added that as a matter of fact he thought this list was complete with the possible exception of the election of the Deputy Secretaries-General.

*b. Amendments*

The Delegation agreed to the statement of its position on the question of amendments as follows:

"Conditional upon agreement by the other four powers the Delegation agreed (*a*) to a time proviso for the calling of a conference for review of the Charter of 'not less than seven nor more than ten years' (*b*) to substitute a two-thirds for a three-fourths vote in the Assembly for the calling of such a conference and (*c*) to stand firmly on the recommendation for ratification as stated in the sponsoring governments' amendment."

SECRETARY STETTINIUS declared that he wanted to add a footnote to the discussion on this item. THE SECRETARY declared that he had spoken with Lord Halifax concerning the attitude of the Dominions on this question. Lord Halifax had thought that it would be very desirable for two or three members of the Delegation to meet with the Delegations of the various Dominions and tell them firmly that this was the furtherest the United States was willing to go. The British, SECRETARY STETTINIUS stated, were agreeable to this position of the United States but were having trouble with the Dominions on the matter. THE SECRETARY declared that he had told Lord Halifax that he would consider meeting with the Commonwealth group sometime within the week. SENATOR CONNALLY said he had often wondered why the British had Dominions and decided that it was in order that they might not be bothered by them.

MR. ROCKEFELLER asked what position the small states would be in with respect to ratification of amendments passed by a revisionary convention. MR. ROCKEFELLER urged that some small states might be placed in a difficult situation if an amendment were to be passed by such a conference and the legislature of any state were unable to accept the amendment. MR. ROCKEFELLER thought that some sort of statement should be made to assure the small states that they would be safeguarded under this provision. MR. SANDIFER remarked that Mr. Hackworth had referred in a previous meeting of the Delegation to the possibility of making a provision for any state to add a reservation to its ratification of any amendment. COMMANDER STASSEN suggested that a provision be made in the Charter embodying a reservation to the effect that if any state could not agree to an amendment passed by the necessary majority it would have the right to withdraw from the Organization. REPRESENTATIVE BLOOM submitted that it had been a long standing practice that reservations could be made to any treaty and that there could be no ill effects resulting from the adoption of Commander Stassen's view; this, he declared, was in reality ordinary procedure. COMMANDER STASSEN urged that his suggestion would have the advantage of satisfying the small states that the

Charter could not be changed without their consent unless they were allowed to withdraw from the Organization. MR. SANDIFER thought that it would be unfortunate to introduce such a clause even though it was standard procedure that reservations of this nature could be made to an international agreement. MR. SANDIFER thought it would be unwise to bring the matter out into the open.

MR. DULLES submitted that a statement had already been incorporated in the record of the Committee considering withdrawal concerning the United States interpretation of the absence of any specific clause making withdrawal possible. MR. DULLES thought that this statement which had been introduced by Representative Eaton could be expanded somewhat to satisfy the small states with respect to the question of amendment. MR. ROCKEFELLER thought that the incorporation of a statement embodying Commander Stassen's proposal would meet the objection of the small states. MR. DULLES asked where Mr. Rockefeller would have such a statement made. He asked whether Mr. Rockefeller thought the Committee would be the proper place. MR. DUNN observed that Sir Alexander Cadogan had already made a statement to this effect in the Committee. MR. ROCKEFELLER read a statement which he thought would meet the situation, to the effect that it would be possible to make a reservation upon ratification of the Charter to the effect that if any amendment proved inacceptable to any state that state could withdraw from the Organization. MR. DULLES asked why it was necessary to refer to the right of reservation and remarked that it would be much more appropriate in his view merely to broaden Congressman Eaton's statement. REPRESENTATIVE BLOOM thought that it might be best, instead of permitting withdrawal from the Organization, to permit any state to deny the applicability of an amendment to itself if it were unable to accept that amendment. MR. DUNN remarked that this was not at all satisfactory because it would make possible a large number of different types of members of the Organization with different obligations, having different parts of the Charter applicable to them. COMMANDER STASSEN thought that there was an advantage to be gained from a statement of a state's rights to make reservations. This advantage was that if it were made clear that this right were availble the majority of nations might not take advantage of it and the United States would have placed itself in the position of championing the rights of smaller states without any material loss resulting.

MR. SANDIFER remarked that this entire question of amendment procedure and revisionary convention was highly important because of the fact that the Yalta voting formula would prove acceptable to the smaller states only if there were adequate provisions for revision of the Charter. MR. NOTTER thought that it was a slightly different

question and remarked that the voting provisions would probably be accepted in any event but a number of states might not ratify the Charter when it was finished. MR. ROCKEFELLER thought that either Commander Stassen's suggestion or the proposal made by Mr. Dulles would cover the situation. MR. DULLES remarked that he was very much afraid of establishing a precedent of reservations and COMMANDER STASSEN declared that Mr. Dulles' proposal was agreeable to him. SENATOR VANDENBERG thought that a mistake had been made when there had been no provision made for a section on withdrawal in the Organization. He thought that "The Life of Henry Cabot Lodge" [44] with special reference to the parts of the book pertaining to the Covenant of the League of Nations, proved his point.

COMMANDER STASSEN thought that Mr. Dulles' suggestion should be presented for consideration on the lower levels of the Big Five. SECRETARY STETTINIUS declared, confidentially, that from that point on there was no lower level; the Subcommittee of Five had been abolished.[45] All Big Five discussions would take place among the heads of Delegations in the Pent House. REPRESENTATIVE BLOOM pointed to the Constitution of the United States as an example of what should be incorporated in the Charter. He pointed out that the Constitution did not permit withdrawal on the part of any state because it did not find an amendment passed by the constitutional processes to be acceptable. DEAN GILDERSLEEVE remarked that in her opinion a provision making possible reservations would be troublesome and declared that she would favor a clause on withdrawal. SECRETARY STETTINIUS wondered why it was necessary to bring the question of reservation into the open. Any country, he declared, could make a reservation to an international agreement without express recognition of that right. THE SECRETARY reiterated that the position of the United States be settled first. MR. ROCKEFELLER urged that the matter be settled now and that Mr. Dulles should present a draft of the statement to be added to Representative Eaton's declaration in the records of the committee which was concerned with withdrawal. MR. DULLES remarked that such a statement was extraneous to the United States position on the question of amendment and the convocation of a conference for the reviewing of the Charter and hence was not necessary that evening. However, it was agreed that Mr. Dulles should prepare a draft to present later on in the meeting.

[44] Possible reference to *The Gentleman from Massachusetts: Henry Cabot Lodge*, by Karl Schriftgiesser (Boston, 1944).

[45] In his daily message of June 2 to President Truman and Mr. Hull on developments of the Conference, Mr. Stettinius noted that "the so-called working committee of the Big Five which has been doing excellent preparatory work under the chairmanship of Dr. Pasvolsky has now been dissolved as a result of the recall to Moscow of its Soviet member Sobolev. All further regular consultation among the Big Five therefore will take place among the chiefs of delegations." (500.CC/6-245)

*c. Election of the Secretary General*

The Delegation agreed to this statement of its position on the election of the Secretary General as follows:

"It was agreed to stand on the sponsoring governments' amendment whereby the Secretary General would be elected by the General Assembly on recommendation of the Security Council acting by a vote of seven members, including the concurring votes of the permanent members".

*d. Election of Deputy Secretaries-General*

The Delegation next considered the statement of its position on the matter of electing the Deputy Secretaries-General, as follows:

"It was agreed to stand on the sponsoring governments' amendment whereby the Deputy Secretaries-General would be elected by the General Assembly on recommendation of the Security Council acting by a vote of seven members, including the concurring votes of the permanent members, unless Mr. Pasvolsky could negotiate the proposal that the Deputy Secretaries-General should be appointed by the Secretary-General and approved respectively by the Security Council, the Assembly, the Economic and Social Council and the Trusteeship Council, the fifth Deputy to be appointed by the Secretary-General without approval."

THE SECRETARY thought that the Delegation might as well cross out the last part of its position beginning with the words "unless Mr. Pasvolsky" because it would be impossible of acceptance. There was no use, The Secretary thought, in pursuing that course. The Secretary advised the Delegation to stand on the Four Power proposal for election of the Deputy Secretaries-General by the General Assembly on recommendation of the Security Council acting under the unanimity rule. MR. ROCKEFELLER asked whether this Four Power proposal had been defeated in the committee and he was told it had been.[46] However, the Delegation agreed to the Secretary's suggestion.

*e. Election of Judges*

SENATOR CONNALLY reported that the Big Five had not as yet agreed to the position taken by the United States Delegation that judges to the World Court should be elected by a procedural vote. COMMANDER STASSEN urged that if there was no agreement to this item on the election of judges this Delegation should not agree initially to the position of the USSR on the election of the Deputy Secretaries-General. COMMANDER STASSEN pointed out that the provision for the election of Deputy Secretaries-General referred only to "the recommendation of the Security Council" with no explanation

[46] Doc. 574, I/2/39, May 25, Doc. 627, I/2/44, May 26, and WD 34, I/2/40, May 25, UNCIO Documents, vol. 7, pp. 106, 132, and 134, respectively.

of the manner in which the Security Council should reach its decision. MR. SANDIFER replied that at the time the language for the election of the Deputies had been agreed upon there had been an understanding that this would be subject to the Yalta formula. The Yalta formula was that Section A of Chapter VIII would be considered by procedural vote but that the remainder of the Charter should be subject to substantive procedure. MR. STONE recommended that if it was at all possible appointment of the Deputy Secretaries-General should be by the Secretary-General himself. This, he declared, would give a truly international character to the Secretariat rather than having a Secretariat appointed by, and reflecting, national interests. REPRESENTATIVE BLOOM thought it might be possible for some compromise to be worked out whereby the Secretary-General should elect the Deputies who were to work under him while the Council should formally nominate them and the General Assembly elect them. MR. STONE reiterated that the Secretary-General should have a voice in the selection of his deputies. SENATOR CONNALLY asked whether in view of the fact that the Secretary General would be elected with the concurring votes of the major powers it was not likely that the Secretary General would appoint Deputies acceptable to these states. The Delegation was of the opinion that this would not necessarily follow. MR. JOHNSON asked what was the significance of the Delegation's decision to "stand on" the Four Power amendment. SENATOR CONNALLY declared that this would apply only with respect to the Big Five meeting that evening. MR. JOHNSON observed that it might be asked just how far the United States would go in support of the Four Power position. MR. NOTTER observed that if this delegation were to stand by the Four Power agreement it would certainly please the Russians, but there was doubt as to the British and Chinese position and the Delegation would not be meeting the issue. THE SECRETARY reiterated that the United States position must be established or it would be impossible for him to bring pressure to bear on the other members of the Big Five to make their positions available. CONGRESSMAN BLOOM thought that if the United States were to fight on this issue the Russians would complain with respect to the others. MR. DULLES agreed with the position maintained by Commander Stassen earlier that there was nothing in the Yalta formula concerning the election of the Secretary-General and his Deputies.

MR. NOTTER remarked that the Russians had been beaten in the Committee in their attempt to have the Committee itself submit the question to the Steering Committee. The Russians had been forced to submit the matter themselves.

COMMANDER STASSEN moved that the United States support the Russian position in the Steering Committee and that if this position

were defeated in the Steering Committee the United States could attempt to work out a compromise with the Russians. This motion was adopted unanimously by the Delegation. MR. ROCKEFELLER urged that he wanted it to go on record that the Delegation did not want to line up votes behind the Four Power position. MR. DULLES suggested that the Delegation make it clear to the Russians that the United States did not think the Yalta formula was very clear on this issue.

The Delegation returned to the question of the election of judges and agreed that its position as stated, that judges should be elected by procedural vote.

*f. Expulsion*

The Delegation agreed to the statement of its position on expulsion to the effect that the United States would support the reinstatement of the proposal on expulsion of the Dumbarton Oaks Proposals. THE SECRETARY declared that he wanted the Staff to prepare a brief, one-page statement of the argument for the reinstatement of the provision on expulsion in the Charter.

*g. Provision of Armed Forces*

The Delegation agreed to this statement of its position favoring the tentative text of May 30, 1945 for Chapter VIII, Section B, paragraph 5. This text provided that the special agreement or agreements for the supply of forces to the Organization should be negotiated on the initiative of the Security Council and might be considered among the member states or between the Security Council and the member states. This draft also included the rights of passage and the general readiness of forces.

*Mr. Dulles' Draft Statement*

MR. ROCKEFELLER suggested that Mr. Dulles be permitted to read to the Delegation his first draft statement concerning the right of withdrawal with respect to the adoption of amendments to be added to Congressman Eaton's statement which had been incorporated in the records of the Committee. The statement read:

"The Committee is also of the opinion that the absence of any express right of withdrawal does not preclude the right of any member to withdraw if the Charter is changed by any amendment in which that member has not concurred and which amendment adversely affects it".

MR. SANDIFER thought that it might be better to use the words "that member finds it impossible to accept" in place of Mr. Dulles' proposed wording at the end of the statement. The Delegation agreed upon Mr. Dulles' statement as amended by Sandifer.

*Armed Forces*

MR. DUNN declared that he wanted to point out to the Delegation, with respect to the position of the Delegation on the supply of forces to the Organization that the Russians had been opposed to any reference in Chapter VIII, Section B, paragraph 5 to rights of passage. However, MR. DUNN declared that he would not want to influence the Delegation's position and the Delegation agreed to maintain the position previously stated.

*h. Australian Pledge Amendment*

The Delegation agreed to this statement of its position favoring a revised draft of the Australian draft for separate action as follows: "All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of these purposes". DEAN GILDERSLEEVE declared that this amendment had been passed by Committee II/3 that afternoon.[47]

*i. Raw Materials*

The Delegation agreed to this statement of its position opposing any reference in the Charter to raw materials and also to its inclusion even as part of any illustrative enumeration.

*j. Reconstruction*

The Delegation considered the statement of its position on reconstruction as follows:

"The Delegation agreed to oppose any reference in the Charter to reconstruction".

DEAN GILDERSLEEVE declared that she felt uneasy about this position because the United States would be placed in a bad situation if it opposed reference to reconstruction as a matter of international concern. Dean Gildersleeve thought that this Delegation actually did want the Organization to express interest in the problems of reconstruction. MR. DUNN pointed out, however, that reconstruction is a problem of a transitory nature whereas the document is intended as a long-term document. MR. NOTTER suggested that an interpretation might be included in the record of the Committee of II/3 declaring that since this was not of a nature to be appropriately included in the Charter that it should be left to the individual Governments to handle themselves. SENATOR VANDENBERG declared that he felt sympathetic toward Senator Connally who would have to stand up and defend the provisions in Chapter IX, on the Social and Economic Council, before the United States Senate. REPRESENTATIVE BLOOM remarked that reconstruction was a tremendous problem and declared

[47] Doc. 747, II/3/46, June 2, UNCIO Documents, vol. 10, p. 161.

that it would probably cost as much as the war itself. SENATOR CONNALLY declared that there was really no need to consider this problem at the present time because the Delegation had already passed on a statement of its position. MR. DULLES thought that the language of the Australian proposal concerning separate action provided adequate reason not to accept any reference to reconstruction as a matter for the proper concern of the Organization.

*k. Revised Draft of Chapter VIII, Section C, paragraph 2*

The Delegation agreed to this statement of its position, "to stand on the wording of the sponsoring Government's amendment to Chapter VIII, Section C, paragraph 2 with the one change of the words 'by consent' to 'and request of' ". SENATOR VANDENBERG remarked that the Chairman of Committee III/4 had been critical of the United States for its insistence on postponement of consideration of this matter. MR. DULLES remarked that Russia seemed to be lining up behind the French on this issue.

*l. Chapter XII, Paragraph 1*

The Delegation agreed to this statement of its position, opposing any change in Chapter XII, paragraph 1 as it appeared in the Dumbarton Oaks Proposals. MR. JOHNSON thought that the Delegation would be beaten on this issue and declared that the Subcommittee of III/3 was referring the matter back to the full committee for wider instructions.[48] SENATOR CONNALLY thought that the United States would win on this question because the other nations found it impossible to agree on any amendment.

*m. Action by the General Assembly on Reports of the Security Council*

The Delegation considered this statement of its position on the power of the General Assembly to act on reports submitted by the Security Council as follows:

"Subject to further discussion in a full Delegation meeting, the Delegates present this morning favored the elimination of the three middle paragraphs of the draft approved by Committee II/2 for paragraph 8, Section B, Chapter V. This would have to be done in the Steering Committee."

MR. DUNN reiterated the opinion he had expressed in the morning meeting that the provisions of this paragraph as accepted by Committee II/2 were inconsistent with the primary responsibility for the enforcement of peace granted to the Security Council by the Dumbarton Oaks Proposals. SENATOR VANDENBERG declared that this draft had been approved by a twenty-six to three vote,[49] but he ven-

[48] WD 68, III/3/A/2, June 1, UNCIO Documents, vol. 12, p. 651.
[49] Doc. 707, II/2/36, May 31, *ibid.*, vol. 9, p. 115.

tured the opinion that the other nations might change their minds if Mr. Dunn's opinion were made known to them. THE SECRETARY thought the granting of supervisory powers to the General Assembly was not acceptable to this Government. The Delegation agreed to uphold the position taken at that morning's meeting.

*n. Right of the General Assembly To Discuss any Matter Within the Sphere of International Relations*

SENATOR VANDENBERG declared that he was in agreement with this statement of the Delegation's position as follows:

"The Delegation has agreed to oppose the inclusion of the phrase 'any matter within the sphere of international relations' in a new paragraph 1 of Section B, Chapter V, unless accompanied by the words 'affecting the maintenance of international peace and security'. The Delegation has consistently taken the position that the sponsoring governments' amendments to paragraphs 1 and 6 of Section B, Chapter V and the provisions of Chapter IX adequately cover the powers of the Assembly to discuss matters within the sphere of international relations."

The Delegation agreed unanimously to this statement of its position. MR. SANDIFER remarked that the text had been adopted in the Committee by the vote of twenty-seven to eleven.[50]

*o. Revision of Treaties* (Australian, Brazilian and Egyptian proposals)

The Delegation agreed to this statement of its position as follows:

"The Delegation has agreed that the wording of paragraph 6, Section B, Chapter V relating to peaceful adjustment, which has been approved by Committee II/2,[51] adequately covers the question of revision of treaties and that any amendment to specify 'revision of treaties' should be opposed".

*p. Advisory Opinions*

MR. SANDIFER remarked that the Russian Delegation was opposed to a provision for permitting the General Assembly to request advisory opinions of the International Court, favored by this Delegation. SENATOR CONNALLY declared that he did not know if he was in favor of the granting of this right. He thought it was inconsistent to allow the General Assembly to request advisory opinions and not allow the other agencies of the Organization to do so. There was some question as to whether the Delegation had ever actually agreed to the position stated that it approved this right on the part of the General Assembly. MISS FOSDICK declared, however, that the statement of the Delegation's agreement to this proposal appeared in Delegation

[50] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 109.
[51] Doc. 203, II/2/8, May 10, *ibid.*, p. 21; see also Doc. 416, II/2/A/3, May 18, *ibid.*, p. 345.

minutes No. 25. SECRETARY STETTINIUS urged that there was a possibility of a question of jurisdiction arising if both the Security Council and the General Assembly were given this right, but MR. SANDIFER pointed out that both the Security Council and the General Assembly were allowed to request advisory opinions under the League of Nations. SENATOR VANDENBERG agreed with the Secretary that jurisdictional disputes might result. MR. DULLES thought that this was not the chief difficulty. He was afraid that the General Assembly might venture into the field of domestic jurisdiction. THE SECRETARY asked Mr. Dulles for his recommendation to the Delegation. MR. DULLES declared that he was opposed to the granting of this power to the General Assembly. MR. DULLES thought that if this power were granted it might raise a number of academic questions. COMMANDER STASSEN suggested that the Delegation look one step further, and said if the power were not granted to the General Assembly the Security Council might be able to consider the same questions and act on them. The Delegation agreed on the statement of its position favoring that the right to request advisory opinions from the International Court be granted to the General Assembly.

### PREPARATORY COMMISSION

It was reported to the Delegation that this question had not been included on the list of important open questions because the Big Five were not prepared to consider it that evening.

### TRUSTEESHIP

COMMANDER STASSEN reported that Committee II/4 had approved paragraphs 6, 10, and 13 of Section B of the draft trusteeship chapter.[52] One of the questions still open before the Committee was the language to be used with respect to the problem of self determination and the freely expressed will of the people. The British were opposed to such a reference. Another question to be faced by the Committee was the matter of paragraph 5, to which Russia was opposed. A third question was the problem of membership on the Trusteeship Council on which tentative agreement had been reached but on which final agreement was being held up until the other issues had been settled. A similar situation existed with respect to the power of the Trusteeship Council of the Organization to investigate petitions and the like.

### HEARING OF NON-MEMBERS OF THE ECONOMIC AND SOCIAL COUNCIL

MR. STINEBOWER declared that Committee II/3 had been faced with a new problem. There had been no provision in the Dumbarton Oaks Proposals, MR. STINEBOWER reported, for the hearing of non-

[52] Doc. 735, II/4/31, June 1, UNCIO Documents, vol. 10, p. 506.

members of the Economic and Social Council in cases in which they were concerned. A permissive clause had been drafted allowing the Economic and Social Council to use discretion in inviting non-members of the Economic and Social Council to participate in its deliberations.[53] However, the Latin American nations were pressing for the adoption for language which would make it mandatory to hear non-members when they were concerned. MR. STINEBOWER urged that the members of the Delegation attempt, over the week-end, to contact the heads of the Latin-American Delegations to urge them to withdraw from this advanced position.

The meeting was adjourned at 7:20 p. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 11

*Minutes of the Eleventh Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 1, 1945, 9 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (19); United Kingdom (5); Soviet Union (4); China (3); and France (5).]

MR. STETTINIUS opened the meeting by stating that there were approximately 12 open items on which the sponsoring governments and their distinguished friends from France had not yet reached agreement in their consultations held to date. The time had come, he said, when consultations on these questions must be completed so that the work of the Conference could go forward. He called on Mr. Pasvolsky to state the open items on which agreement had not yet been reached.

MR. PASVOLSKY stated that the American Delegation, after study of the matter, thought that the following important open questions should now be discussed at the level of the heads of delegations:

1. Chapter VIII, Section B, paragraph 5.
2. Proposed changes in Chapter VIII, Section C, paragraph 2.
3. Chapter XII, paragraph 1 concerning which a problem had only just emerged.
4. Convocation of a general conference for review of the Charter.
5. Voting.
6. Election of Secretary-General.
7. Election of Deputy Secretaries-General.
8. Election of judges.

(MR. PASVOLSKY noted that problems 5, 6, 7 and 8 were directly related to the question of voting.)

9. Expulsion—(A point on which the technical committee had already reached a decision).

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[53] Doc. 725, II/3/42, June 1, UNCIO Documents, vol. 10, p. 153. For the proposal originally made by Uruguay, see Doc. 2, G/7(a)(1), May 5, *ibid.*, vol. 3, p. 46.

10. Action by the General Assembly on reports of the Security Council—MR. PASVOLSKY noted that on this question also the technical committee concerned had already acted.
11. Right of General Assembly to discuss any matter within the sphere of international relations.
12. Revision of treaties—(A matter pressed by a number of delegations and one likely to come up for discussion before long.)
13. Advisory opinions—(Right of the General Assembly to ask the Court for advisory opinions.)
14. Australian pledge for separate action—(A question raised in Committee II/3.)
15. Reference to raw materials.
16. Reference to reconstruction.
17. Certain questions relating to trusteeship.
18. The preparatory commission.

MR. PASVOLSKY stated that all these questions would seem to require the attention of the heads of delegations and consideration at the highest political level.

MR. STETTINIUS asked what procedure should be followed in view of the recommendation that these 18 matters be dealt with by the heads of the five delegations and in view of the belief that the discussion of them in the Subcommittee of Five had gone as far as it could profitably go. MR. PASVOLSKY said that the discussions in the Subcommittee had reached a stage where it was necessary to have these questions discussed at a higher level. He suggested that the other delegations might wish to add problems to this list he had given. MR. STETTINIUS asked if there were any additions and none were suggested.

MR. STETTINIUS then suggested that the Committee of Five might meet as frequently as possible, every day, and if necessary, twice a day, to dispose of the open items and to reach a common understanding so that the work of the Conference could be advanced.

AMBASSADOR HALIFAX indicated that he wished to cooperate with the Secretary to his utmost. He expressed concern at the number of outstanding questions and said that, if some of them could be cleared in this group, the way would be considerably cleared for the work of the Conference to go forward. He said he was prepared to meet with the Secretary as often as could be arranged. He felt that, if the representatives of the Five Powers, charged with a feeling of urgency, did their utmost to reach agreement among themselves, they could then go before the committees and the Steering Committee with a definite plan of action. This plan, he said, would in some cases involve insisting on certain solutions or, if the solutions were not accepted, of deciding what compromises could be worked out. He thought the purpose of these meetings would be to work out a definite plan of action. He said he could not contemplate with equanimity the dragging on of the Conference and the consequent loss of interest in it. He felt that at this point the leadership of the Five Powers

was essential. MR. STETTINIUS stated that Mr. Hiss was present today as an observer. He added that it was clear from the recent discussions on expediting the work of the Conference that it was really difficult to press for faster work on the part of the committees and commissions as long as the sponsoring governments and the French did not present their final positions.

AMBASSADOR GROMYKO indicated that he agreed fully with what Ambassador Halifax had said and that he thought agreement should be reached on all the important open points as the best way of expediting the work of the committees. He stated that the Soviet Delegation was ready to cooperate and that the only correct way was to reach agreement among the heads of the five delegations on this level. He noted that the assistants and advisers could help by discussing the questions before they were taken up in this series of meetings.

AMBASSADOR GROMYKO stated that the question of primary importance on the list presented by Mr. Pasvolsky was voting procedure in the Security Council. He stated that he was now in a position to give the final opinion of the Soviet Delegation on this subject. Two questions had remained open until now:

1. Whether the Security Council, in deciding whether to accept or not to accept a matter for discussion, should decide by procedural vote or by a vote requiring the unanimity of the five permanent members?
2. Whether the decision in the future as to the substantive or procedural character of a question should be made by a procedural vote or by the normal vote on substantive questions?

AMBASSADOR GROMYKO stated that the Soviet Union had some time ago given its answer to the second question. It was the opinion of the Soviet Union that a unanimous vote of all the five permanent members should be required—the normal substantive vote. Ambassador Gromyko stated that the Soviet Union considered the answer to question 1 of primary importance. The Soviet Union believed that the Crimean decision should be adhered to as it stands so that all decisions as to whether to accept a matter for consideration by the Security Council would be adopted by a vote of 7, including the 5 permanent members of the Council. He stated that the Soviet Union believed that this was the only correct way of answering the question, which would correspond to the necessity of preserving the position of the great powers as the bearers of the main responsibility for the future organization. This consideration, he said, had to be put above every other consideration. It was essential to safeguard the unanimity and unity of the Great Powers.

AMBASSADOR GROMYKO said he had prepared a new text of the joint statement on voting procedure, which, in the opinion of the Soviet Delegation, would give the proper answers to the questionnaire of

the small powers. He said he would like to distribute the text and then give an explanation of it. He said that there was a Russian and an English text. The English text would serve as the working document, while the original document was in Russian. He noted that a copy of the original Russian document had been given to Mr. Pasvolsky.

The document entitled Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, June 1, 1945,[54] was then distributed.

AMBASSADOR GROMYKO explained that the new text involved no change in the opening unnumbered paragraph from the May 26 statement. The first numbered paragraph of the old text was crossed out and instead a new paragraph was added. Point 2 of the old text was included in the new point 1 with the exception of the final sentence. Point 2 in the Soviet draft was a new text and point 3 was also a new text. Points 3 and 4 in the old text were omitted and point 5 of the old text became point 4 in the new text.

AMBASSADOR GROMYKO explained that the Soviet Delegation agreed with the second half of the joint statement revised as of May 28 [54] with the substitution of the word "contains" for "should contain" in point 1. Ambassador Gromyko concluded by saying that this was the explanation he had wished to give of the document before the group.

MR. STETTINIUS asked whether there was any further comment.

AMBASSADOR KOO said he fully shared the views of Ambassador Halifax and Ambassador Gromyko as to the urgency of the situation. The work of the Conference should be expedited and to do this it was necessary to have a more rapid method of reaching decisions among the Five Powers. He therefore welcomed the present procedure. Ambassador Koo said he was glad that Ambassador Gromyko had stated his position on the voting question and that time would be needed to study the statement. He thought that many problems could be eliminated by decisions reached in this group, and that, if any were left, those could be put up before the Steering Committee.

MR. DEJEAN said he was in agreement that the work of the Conference should be expedited. On a few questions there might be some real difficulty, but he looked forward to a quick and early settlement of others.

MR. STETTINIUS asked what procedure the group wished to follow. Did they wish to discuss now the matter raised by Ambassador Gromyko or did they wish to consider the items in the order presented by Mr. Pasvolsky? AMBASSADOR HALIFAX indicated that he would like

[54] Not printed.

time to consider Ambassador Gromyko's paper and that, if it was agreeable, he would prefer to make progress at this time on some of the other matters. MR. BONCOUR, AMBASSADOR KOO, and AMBASSADOR GROMYKO concurred in Ambassador Halifax's statement.

MR. STETTINIUS then called upon Mr. Pasvolsky to present the first item on the list of open questions—provision of armed forces.

MR. PASVOLSKY stated that the first item concerned the three changes in Chapter VIII, Section B, paragraph 5. (Proposed Change in Chapter VIII, Section B, Paragraph 5, May 30, 1945, was then distributed.) [55] Mr. Pasvolsky explained that one point concerned the manner in which the agreements for the provision of armed forces would be concluded. Originally they were to be concluded among the member states and the wording used was "among themselves". Agreement had since been reached that these agreements should be made on the initiative of the Security Council. It was proposed further that they be concluded between the Security Council and member states or groups of member states. Mr. Pasvolsky said that the second point was the addition of the phrase "facilities including rights of passage". The four delegations were in favor of this addition, while the Soviet Delegation did not favor it. The third point was the addition of the phrase "their degree of readiness and general location" as one of the items to be governed by the special agreements. Upon this, he said, the five delegations were in agreement. Mr. Pasvolsky said he hoped that he had stated the positions of the governments correctly.

MR. JEBB suggested that Mr. Pasvolsky had not read from the latest text, or that, if his text was the most recent one, then the British had a suggestion to make. MR. PASVOLSKY asked what the suggestion was and MR. JEBB replied that the British favored using the following wording for the first point stated by Mr. Pasvolsky: "on the initiative of the Security Council and concluded between the Security Council and member states or between the Security Council and groups of member states". The last three lines on the May 30, 1945, draft would then be omitted and the last sentence would stop with the word "processes".

General agreement was expressed with this redrafting and AMBASSADOR HALIFAX suggested that consideration of the draft as a whole be given sentence by sentence.

MR. PASVOLSKY then read the first sentence in which it was proposed to add the phrase "including rights of passage".

AMBASSADOR HALIFAX stated that he understood the French Delegation attached considerable importance to the inclusion of the provi-

[55] Not printed.

sion for "rights of passage", and that the Soviet Delegation did not want to include this provision. He understood the argument of the Soviet Delegation was that the use of the general term "facilities" was satisfactory, whereas doubt would be thrown on certain very important facilities if only one of them, i.e., the rights of passage, was included. He stated that, so far as the British Delegation was concerned, they felt the force of the Soviet argument. However, the British Delegation did not think the enumeration of the rights of passage would be restrictive since the word "including" was used. The Delegation did not feel strongly that the words should be in or out, but, since the French Delegation attached such importance to the addition and since the rights of passage would certainly be needed as one of the facilities, the Delegation took the view that the phrase should be added. MR. DEJEAN said he was very happy at the statement made by Lord Halifax and that the French did attach great importance to this provision.

AMBASSADOR GROMYKO stated that the Soviet Delegation took the view that facilities include "Rights of passage" and that to mention them threw doubt on other facilities.

MR. DEJEAN stated that, if it was not possible to reach agreement among the Big Five, then it would perhaps be wise to handle the matter further in the technical committee. AMBASSADOR HALIFAX agreed that this was a good suggestion and that a decision might well be left to the vote of the committee. MR. STETTINIUS asked if this was agreeable to Mr. Koo. AMBASSADOR KOO did not think it was necessary to include the phrase, but, because of the feeling of the French on the importance of the phrase, the Chinese Delegation was willing to accept it on the understanding that the French would withdraw their two other related amendments. MR. DEJEAN agreed that the French Delegation would not insist on its amendment to paragraph 6, but that its other amendment was in a somewhat different category.

MR. STETTINIUS stated that the position of the United States Delegation was similar to the British Delegation. He stated that he was very anxious that agreement should be reached and was agreeable to the suggestion that the question now be brought before the technical committee and eventually, if necessary, before the Steering Committee. AMBASSADOR GROMYKO said he wished to make it clear that he was not ready to accept the inclusion of the phrase "rights of passage" at this meeting or at any meeting of a technical committee.

MR. STETTINIUS commented that this was already the fifth week and that it was very important to bring the work to a successful conclusion. On some items it was possible to reach unanimous agreement. When it was not possible to reach unanimous agreement, a decision

would have to be made on how to deal with the question at issue. He suggested that there be a discussion of the procedure. AMBASSADOR HALIFAX questioned whether it was well to refer the problem under discussion to the Steering Committee. He preferred letting the matter come to a vote in the technical committee and questioned whether it would be a very serious matter for the Soviet Ambassador, on a matter which was not vitally important, to have the vote go against him. He pointed out that every state had at times to accept adverse votes and that this was not serious so long as a vital problem was not at issue. Each state, he said, could give their position in the technical committee and should be content with the decision of the committee.

MR. DEJEAN said he also favored reference of the problem under discussion to the Technical Committee. AMBASSADOR KOO also agreed, but noted that reference to the Technical Committee should only be a last resort after the best effort had been made to reach agreement among the Five Powers.

MR. STETTINIUS said the procedure suggested was agreeable to him. If, after discussion was exhausted in this group, agreement had not been reached, he felt the matter should be referred back to the technical committees for their decision. AMBASSADOR GROMYKO indicated he had nothing to say on this matter. MR. STETTINIUS commented that, when it was impossible to reach a final decision in this group, consultations would have to be ended and there was obviously no other recourse but to refer the matter to the committees.

AMBASSADOR GROMYKO stated that he could not at any time give his consent to inclusion of the phrase concerning "rights of passage". MR. STETTINIUS commented that the French would not withdraw their amendment and the Soviets would not consent to the amendment. He asked if some one had a suggestion as to what should be done. He added that, since the Soviet position was not acceptable to the French Delegation, he saw nothing else to do but go to the committee for a vote.

AMBASSADOR GROMYKO indicated that the Soviet position rested on the assumption that "assistance and facilities" includes "rights of passage" and that it was not logical to enumerate one type of assistance and not to enumerate naval bases, airfields, etc.

MR. BONCOUR pointed out that the French believed that provision for rights of passage was very important and was not a mere detail. The absence of rights of passage before the war had been one of the greatest obstacles to the prevention of aggression. It was too important not to be expressly mentioned. MR. DEJEAN pointed out that, if agreement could be reached at this meeting that facilities includes rights of passage, then already some progress had been made.

AMBASSADOR HALIFAX said he would like to make it clear that the British would be content with a committee vote on this question. The use of the word "including" implies that rights of passage are included in the term "facilities" and he said did not imply that any other particular facilities were excluded.

MR. BONCOUR suggested that, if the Soviet Delegation applied their principle consistently, then it was not proper to enumerate the measures that could be taken by the Security Council under paragraph 3, Section B, Chapter VIII. AMBASSADOR GROMYKO indicated that in this paragraph a large number of measures were enumerated and not simply one. MR. DEJEAN noted that the French insistence on enumerating the "rights of passage" was due to a conviction that these rights were essential. MR. BONCOUR referred to an incident when a statesman in reply to the comment that "the matter goes without saying" replied that it "goes all the better if you say it".

AMBASSADOR KOO suggested that it might be better to include the phrase "rights of passage" in brackets. MR. BONCOUR suggested that the rights of passage were the least one could ask of a state that was not called upon to supply armed forces. He noted that "rights of passage" were specifically mentioned in the League Covenant. AMBASSADOR GROMYKO added that this special mention did not help to get the League Covenant accepted. MR. BONCOUR replied that it would have been far worse not to have them mentioned.

MR. PASVOLSKY said that the Subcommittee of Five had considered the possibility of not mentioning the "rights of passage" in the text, but including them in a supplementary memorandum and agreeing to an official interpretation of the text.

MR. STETTINIUS said he could see nothing better than to go before the Committee for a discussion and a vote on this matter. He indicated that, if no objection was raised, this procedure would be followed. Since no objection was indicated, Mr. Stettinius announced that consultations on this item were closed and that the question would be referred to the Technical Committee.

MR. STETTINIUS then asked Mr. Pasvolsky to proceed to the next item of business. MR. PASVOLSKY stated that the next business before the group was to consider the proposed French amendment to Chapter VIII, Section C, paragraph 2. He asked that distribution be made of the document Proposed Change in Sponsoring Governments' Amendment to Chapter VIII, Section C, Paragraph 2, May 23, 1945.

MR. PASVOLSKY explained that on this paper a proposal was set forth by the French Delegation for the substitution of a last sentence in place of the final phrasing of the sponsoring governments' amendment. Mr. Pasvolsky then read the additional sentence: "The authorization of the Security Council shall be necessary for such measures

from the moment when, at the request of the governments parties to the arrangements referred to above, the Organization is charged with the responsibility for preventing further aggression by a state enemy of the United Nations in this war."

MR. PASVOLSKY noted that there had been some discussion of the addition of the word "enforcement" before "measures" in the second sentence. Following discussion of this question on many occasions in the Subcommittee of Five agreement had been reached to eliminate the word "enforcement". He said that the situation with respect to the proposed amendment was a complicated one. The French and the Soviet Delegations favored the substitution of the new language just read for the previous text of the sponsoring governments' amendment. The United States and Chinese Delegations favored retaining the original text, changing only the words "by consent" to "on request". The United Kingdom has said it would accept either version.

MR. DEJEAN explained that on the question of substance there was general agreement and that it was felt that the two texts actually meant the same thing. He added that the French Delegation believed their text to be clearer. He said the French had two preoccupations on which he felt there should be agreement among the Five:

1. To make sure that the scope of this paragraph is limited to preventive measures, and
2. That the regional agreements directed against removal [*renewal?*] of aggression on the part of the enemy states remain in existence.

He explained that the reason for the presentation of the new text was in particular to correct the misinterpretations that had arisen to the effect that the regional agreements would go out of existence when the Security Council assumed responsibility for preventing further aggression by enemy states.

MR. PASVOLSKY stated that with respect to the first point raised by Mr. Dejean the texts were exactly the same. In both texts the regional arrangements would be defined as those directed against removal [*renewal?*] of aggressive policy on the part of enemy states and in both the alternative texts under discussion the phrase "responsibility for preventing further aggression" was used. As to the second point, he felt that under the original text there was no room for doubt as to the continued existence of regional agreements. The entire paragraph dealt only with the measures under such agreements directed against aggression on the part of enemy states. MR. DEJEAN said that his Government had been severely criticized and, if there had not been wide-spread misinterpretation of this paragraph, there would have been no need of the proposed French clarification.

MR. STETTINIUS asked whether Ambassador Koo would like to comment on this question. AMBASSADOR KOO replied that the Chairman would recall that the position of the Chinese Delegation on this matter was clear. So far as the prevention of aggression by enemy states was concerned the Chinese Delegation felt that the original text was satisfactory. So far as the position of the regional arrangements was concerned the Delegation preferred the wording of the paragraph in the sponsoring governments' amendment with "by consent" changed to "on request".

MR. STETTINIUS asked whether Ambassador Gromyko wished to comment further on this question. AMBASSADOR GROMYKO replied that the French text was better than the original. It was more precise and gave a better definition of the idea involved. He said he still maintained the view that the text as set forth in the draft of May 23, 1945, was desirable with the exception of the elimination of the word "enforcement".

AMBASSADOR HALIFAX said that the British did not detect any great difference between the two texts and said that they did not feel strongly on the subject. They were inclined, however, to feel that the French text was clearer and on balance would prefer to see the French text adopted. MR. STETTINIUS stated that he did not believe the delegations were too far apart on this question. In principle they were in agreement. He wondered whether it would not be wise to sleep over the issue and see if we could not come up with some revised language that would meet the wishes of all. He asked Ambassador Gromyko if this procedure would be satisfactory. AMBASSADOR GROMYKO replied that he would agree to it if everybody else agreed, but that he still believed that the French text most perfectly expressed the idea we wanted. MR. DEJEAN indicated that he also felt that the French text was quite clear, but that he realized an effort should be made to come to an agreed text. AMBASSADOR GROMYKO said there were no defects in the French text that he would wish to have eliminated.

AMBASSADOR GROMYKO then asked the Secretary for the reasons why the American Delegation would not accept the French text. He commented that very little had been said upon this question.

MR. PASVOLSKY explained that the United States Delegation felt that the original text was quite direct and simple and stated adequately the ideas we have in mind. He added that it was clear from this text that the only thing excluded from the scope of the Organization were enforcement measures against enemy states under Chapter XII, paragraph 2 or under regional arrangements. Moreover, the original text tied the exception closely to the subsequent provision for action by the Organization. He explained that the United States Delegation

liked the phrase "until such time as" since this indicated the strong probability of the Organization at some time taking over the responsibility for preventing aggression by present enemy states. He felt the position of both the Organization and of the regional arrangements were safeguarded and that the separation of the thought into two distinct sentences introduced an element of weakness. He added that it was clear from the original text, if the words "by consent" were changed to "on request", that the functions involved could only be passed over to the Organization when a request was made and the Organization was agreeable to accepting these functions. He explained that the United States Delegation favored the phrase "on request of the governments concerned" to the phrase "parties to the arrangements referred to above" since it raised fewer questions. Fundamentally, the United States Delegation questioned why we should begin to revise the text of this paragraph when in fact it covers the needs of the French.

AMBASSADOR HALIFAX said he would like to make one observation. He said he did not detect any real difference between the two proposals before the committee. He saw the virtues claimed by Mr. Pasvolsky for the original text in the French amendment. From the point of view of public acceptance, he thought the French text would be better, particularly since it appeared to give greater place to the role of the Security Council. Instead of the phrase "until such time", the statement was directly made "the authorization of the Security Council shall be necessary . . ." He suggested that this emphasis was a good one for those who were interested in building up the Security Council.

MR. PASVOLSKY stated that, while the United States Delegation had no intention of weakening the regional arrangements, they wished to indicate clearly that these arrangements would not operate in perpetuity to prevent aggression by the enemy states. The phrase "until such time" he felt suggested clearly that the Organization would take over these functions, that were now for good reason outside the purview of the Organization, when it was sufficiently effective to take them over. Clearly, he said, the regional arrangements themselves would not need to go out of existence, but the principal interest of the United States Delegation was in the time factor.

AMBASSADOR HALIFAX commented that the time factor was expressed with clarity in the French amendment.

MR. STETTINIUS indicated that Mr. Stassen wished to ask a question on a point of clarification. MR. STASSEN said it was not clear in his mind why a change was desired in the text of the Four-Power amendment which had been agreed to after the most thorough and painstaking discussion. He said he did not understand why, if the

new text meant the same as the old, the new text was so strongly preferred. He wondered whether there was not in fact some real difference between the two texts. He understood that the French Delegation had been consulted on the original text and that the Soviet Delegation had withheld final approval of the text until it had had time to study it carefully and had given its approval a day or two after the other three governments had agreed to sponsor it. He asked why the request for a change had come up at this time.

MR. DEJEAN commented that the original text had been misinterpreted in France and that a clarification seemed necessary. He said he did not believe the French had had any part in the formulation of the original Four-Power amendment. SENATOR VANDENBERG thought that, if the question was really a matter of misinterpretation, it would be possible to correct the misinterpretation by an agreed official interpretation. MR. DEJEAN thought the language should be clear in the Charter. The misinterpretation that he had spoken of earlier, he said, was that people believed in France that under the original proposal the regional agreements would cease to exist.

MR. STASSEN wondered whether the problem could not be solved if wording was found to make clear that the Organization would have in the course of time the right to take over responsibility for preventing further aggression against enemy states, but that the arrangements themselves would continue in force for the other purposes for which they had been organized. MR. DEJEAN agreed that some language to convey this idea ought not to be difficult to find and pointed out that the French did not attach special importance to the separation of the two sentences.

AMBASSADOR GROMYKO pointed out that there seemed to be a real difference in the two formulas. The words "the responsibility" suggested that all responsibility would be taken over by the Security Council so that the treaty arrangements would altogether cease to exist. The phrase "arrangements" in the French amendment, however, suggested that part of the responsibility only would be transferred to the Security Council at the request of the parties and part of the responsibility would still be carried by the regional arrangements. He said this difference was very important for those who believed in the treaties.

MR. STETTINIUS suggested that this question be studied over night to see whether some modification of language could be arrived at. This procedure was accepted.

MR. PASVOLSKY stated that the next item for discussion involved Chapter XI and concerned the question of the time at which a general conference for review of the Charter would be convened and also the question as to the type of majority vote required in the Assembly for the calling of such a conference. MR. PASVOLSKY added that the

point had also been suggested that the vote of the Council might be entirely eliminated in the calling of the conference so that the Assembly alone would have the power to act on this question. He stated that the United States Delegation had studied the matter and had no objection to a two-thirds vote in the General Assembly, had no objection to stating that the conference would be called within a certain period, say between seven and ten years, and felt strongly that elimination of the Council from the decision to call the conference should be resisted.

MR. PASVOLSKY added that there was a related question as to what would happen to a country not one of the permanent members that found itself unable to accept an amendment. Should this country be given the right to withdraw? The matter might be handled, he said, by providing in a committee interpretation that, should a country at any time find an amendment impossible to accept, the silence of the Charter on withdrawal would not forbid withdrawal and each withdrawal effort would be considered in the light of the circumstances of the time.

MR. STETTINIUS called on Ambassador Gromyko to comment on the problem under discussion. AMBASSADOR GROMYKO stated that it would be undesirable to accept a specific period of time for the calling of the conference. If such an acceptance was decided upon, the implication would be that, for the period until the calling of the conference, the Organization we were setting up had merely a temporary character. He pointed out that it was not accidental that many of the delegations were pushing this proposal. They were opposed to the veto provision and wished to give the Charter a temporary character so that the next conference could be the real one. From this point of view he did not think it advisable to accept the definite period of time. He added that, supposing the period was set at seven years and it became necessary to call a conference within five years, we would find ourselves bound by a rigid provision. On the other hand, perhaps in ten years there would be no important proposals for change, yet we would have to call a conference. What would there be to discuss? In his opinion the most flexible formula, which did not state the time of the conference but allowed it to be called according to circumstances, would be most satisfactory.

MR. STETTINIUS asked Ambassador Gromyko whether he would be willing to accept a two-thirds vote in the General Assembly. AMBASSADOR GROMYKO replied that he would prefer to stick to the former agreement on a three-fourths vote. He added that the more votes the better and the more democratic.

AMBASSADOR HALIFAX expressed agreement that it would be a great mistake to specify the period for holding the conference. There was great force in the argument that we might not want a conference at

the time set, so that everyone would have to set to work to find flaws in the Charter about which to make speeches. He said he could not help recalling that when the Constitution for India was drawn up it had been unwisely provided that at the end of ten years the Constitution should be reviewed. Regardless of the circumstances it had been necessary to have the inquiry. This had persuaded him of the evil of fixed dates. He did not like the idea of pulling up the plant to see how it was growing, and preferred saying in the Charter that, after the lapse of a certain time, machinery could be set to work to hold a conference if it was desirable.

AMBASSADOR HALIFAX indicated that this whole matter was related to the opposition of many states to the veto provision. Since many states were very sensitive on this matter, it would be good to meet their desires to some extent. He would be agreeable, therefore, to changing the vote in the Assembly from a three-fourths to a two-thirds vote. With respect to the right of withdrawal, he would strongly oppose doing anything that would emphasize that the Charter had anything other than a permanent character.

MR. DEJEAN said he had no objection to the change to a two-thirds vote, but that he felt that it would be better not to stipulate a specific time for the holding of a conference. AMBASSADOR KOO commented that it was quite unusual to have any provision for the general review of an instrument. He realized, however, that other countries were very anxious to strengthen this provision and that it was important to complete the work of the conference with maximum satisfaction, so that the delegations would go away with a real sense of confidence. He said that if there was a definite period stipulated of seven to ten years he would favor a two-thirds vote. If, however, no definite period was set, he would favor a three-fourths vote. He said the one concern of the Chinese Delegation was to make this provision more acceptable in order to diminish the anxiety felt by many states. He expressed a preference for not setting a definite time for the conference, feeling that this would induce misgivings.

MR. STETTINIUS indicated that Ambassador Gromyko had indicated a desire to study this question further. AMBASSADOR HALIFAX asked whether it would be possible to record some common agreement on the question. AMBASSADOR GROMYKO stated that a number of new thoughts had been presented and that he did not find himself in a position to state his final views. MR. STETTINIUS suggested that further study be given to this matter.

MR. STETTINIUS then stated that Norway's request to invite Denmark to the Conference should next be discussed. He added that the Soviet Government had requested that three matters go before the Steering

Committee—the election of the Secretary-General, the election of deputy secretaries-general, and expulsion. He thought it might be preferable to defer action in the Steering Committee on these points until agreement had been reached in this group. AMBASSADOR GROMYKO said this procedure was quite agreeable to him.

MR. STETTINIUS stated that the possibility of a meeting of the Steering Committee and of the Executive Committee was under consideration. There was the problem, however, that a large number of questions would be asked on points on which it would be difficult to give an answer at this time. He called on Mr. Hiss to indicate something of the background on the situation.

MR. HISS recommended that a series of Steering Committee meetings be avoided while the technical committees were still at work. The holding of Steering Committee meetings interrupted the work of the technical committees and also he felt it would be well to clear up as many points as possible in this group before calling any meeting of the Steering Committee.

MR. STETTINIUS asked Mr. Hiss to report on the progress of the Conference. MR. HISS stated that, if the eighteen questions before the group were cleared up, he thought the committees could finish by the end of next week, the commissions meet by the first of the next week, and the drafting be completed by the Coordinating Committee during that week. He thought that speed on these eighteen issues and a decision on them would immensely speed up the Conference as a whole.

MR. STETTINIUS asked whether there was considerable uneasiness in the committees at the necessity of waiting for decisions by this group. MR. HISS replied that he had not received many reports of criticism, but that he felt the criticisms would grow in the next day or two unless the more important log jams were broken. He pointed out that already a number of committees were unable to do anything. AMBASSADOR HALIFAX indicated that a number of committees were not even meeting.

MR. STETTINIUS suggested that this group reconvene at ten the next morning and spend the necessary hours to go through the open questions.

AMBASSADOR HALIFAX agreed to this procedure, and asked that an agenda be prepared for each meeting so that the subjects under discussion would be clear. He said he hoped that Denmark would be asked to the Conference, and quickly. He thought the power rested with the sponsoring governments to invite Denmark and questioned further delay. Ambassador Halifax asked Mr. Hiss if his assumption was correct.

MR. HISS replied that without any ruling the Conference had assumed the right to pass on all invitations when it admitted the three delegations not originally invited to the Conference. Once the Conference began, the function of inviting additional members became a Conference function and the authority of the sponsoring governments expired. Mr. Hiss pointed out that there was no specific rule to this effect but that it would seem to be understood.

MR. STETTINIUS agreed that all the United Nations would want the opportunity to express their approval or disapproval of a further invitation. MR. BONCOUR suggested that the matter might be referred to the Steering Committee. MR. STETTINIUS indicated that was what he had in mind. AMBASSADOR HALIFAX noted that with respect to the three delegations previously admitted to the Conference there had been no agreement among the sponsoring governments, whereas he thought there could be such agreement on Denmark. The sponsoring governments could then report their decision to the Steering Committee and expect unanimous support. Ambassador Halifax suggested that there were two alternatives: To call a meeting of the Steering Committee the next day with this one item of business on the agenda or to call a meeting of the Steering Committee on Monday with this item and possibly a number of others on the agenda.

MR. STETTINIUS suggested it might be best to hold an Executive Committee meeting first to formulate a recommendation to the Steering Committee. AMBASSADOR HALIFAX thought a short circuit might be used since there was general agreement in the group on the substance of the matter.

AMBASSADOR GROMYKO indicated that either way he handled the matter would suit him. AMBASSADOR KOO suggested that in the interests of economy the Steering Committee meetings be held only when there were a number of items to discuss.

MR. STETTINIUS suggested the meeting be called on Monday following the strenuous labors of this group to reach decisions on the open items and that the issue of Denmark's invitation be placed first on the agenda of the Monday meeting. Mr. Stettinius asked if this was agreeable to the other members of the group and all of the members indicated their agreement.

AMBASSADOR GROMYKO suggested that this present group should determine the agenda for the Steering Committee meeting. MR. STETTINIUS agreed.

The meeting was adjourned at 11:05 p. m.

RSC Lot 60–D 224, Box 96 : US Cr Min 62 (Exec)

*Minutes of the Sixty-Second Meeting (Executive Session) of the United States Delegation, Held at San Francisco, Saturday, June 2, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (26) present at meeting.]

THE SECRETARY called the meeting to order at 9 : 00 a. m. and asked Mr. Gerig whether there was anything which the Delegation should consider before it met in Executive Session at the Penthouse.

### FRENCH TREATY AMENDMENT

MR. GERIG suggested that the Delegation consider the question of the amendment to Chapter VIII, Section C, Paragraph 2, affecting regional arrangements. THE SECRETARY asked whether there was any new wording and MR. DULLES replied that the Big Five had maintained the language considered by the Delegation at its earlier meetings, with the addition of a new sentence on the order of "such regional arrangements may exist subject to the enforcement machinery of the Organization." Mr. Dulles thought that this wording was acceptable as an addition to the existing phraseology. THE SECRETARY asked whether it was thought that the French would accept this addition. COMMANDER STASSEN thought that the new wording appearing in a separate sentence was a most acceptable addition because it would allay the fears of the French concerning the status of their regional pacts but would still make it certain that they were to be subject to the enforcement authority of the Organization once the Security Council had assumed jurisdiction. All the members of the Delegation agreed to the new phraseology as amended by Mr. Dulles, as follows: "Such regional arrangements may subsist as part of the enforcement machinery of the Security Council". THE SECRETARY agreed that this was a suitable phraseology but asked that final decision be delayed until the language could be cleared with Mr. Pasvolsky who was not present at this time. THE SECRETARY asked Mr. Raynor to check with Mr. Pasvolsky.

### AMENDMENT PROCEDURE

The Delegation was informed that there was no need to consider the question of amendment procedure which had been settled by the Delegation. The statement of the Delegation's position appeared in the document Position On Important Open Questions, US Gen 209*a*, in which amendment procedure appeared as the fourth item. THE SECRETARY declared that this Delegation's position had been established and that the matter was under discussion among the five powers.

At 9 :10 a. m. the Delegation adjourned to meet in the Penthouse for an Executive Session ten minutes later.

THE SECRETARY convened the Executive Session at 9:30 a. m. in the Penthouse. SECRETARY STETTINIUS urged that this meeting be considered as a "truly Executive Session" of the Delegation. He remarked that the Advisers of the Delegation, in all of whom the Delegation had confidence, had been invited as observers and guests.

### YALTA VOTING FORMULA

THE SECRETARY reported in the strictest confidence that he had had long conversations with the President and with former Secretary Hull earlier that morning on the subject of the Russian position on voting procedure. The Secretary declared that he had done a great deal of thinking on this subject since the Russian delegates had released their bad news in the Big Five meeting on the previous evening. The Secretary observed that in his view the situation was not so bad as might be thought in view of the absurdity of the Russian position. The Russian proposal, he declared, was entirely contrary to anything which had been considered previously at Dumbarton Oaks, Yalta, or anywhere else. The Secretary urged that the Delegation must turn its attention to thinking and planning on how to handle the Conference and to keep up the morale of the various delegations in the light of this latest development. The Secretary remarked that it was almost certain that the Russian position would receive widespread attention in the press over the weekend and one of the most pressing matters before the Delegation would be the problem of holding the Conference together.

THE SECRETARY reported that he had called former Secretary Hull early in the morning and had spoken to Mr. Hull just as the latter finished breakfast. The Secretary and Mr. Hull had held a long leisurely conversation. MR. HULL had expressed extreme disappointment at the news and said that he had thought that everything was progressing favorably. Mr. Hull had expressed the opinion that the American public and the United States Senate would not accept this new Russian interpretation of the Yalta voting formula. The Secretary reported that Mr. Hull had stressed the importance of not allowing this matter to be released to the press in an unfavorable light. Mr. Hull urged that if the press should get wind of this development it should be presented in a dignified manner with the United States position being made clear.

THE SECRETARY reported that he had next called the President who had a crystal clear understanding of the issues at stake. It was apparent, The Secretary declared, that the President had been studying carefully the daily despatches on the Conference and had a thorough appreciation of the significance of the various positions. The telephone conversation, Mr. Stettinius declared, had consisted of "real meat". The President had expressed the opinion that this latest

interpretation proposed by the USSR was "something neither I nor you nor the American people can ever take". President Truman had expressed the opinion that the Russian interpretation was something completely new which had never been considered before and he thought that this interpretation was completely unacceptable to the United States. The United States, the President had declared, could never be a party to this interpretation.

THE SECRETARY reported that he had told the President that the latest developments might alter considerably the time schedule for the rest of the Conference and might extend the business of the Conference for a considerable period. The President said that he understood the difficulty and although he was disappointed that his plans for arriving in San Francisco some time around June 12 or 14 would have to be altered, the President declared that he would stand by for the conclusion of the Conference, whenever that might be. The Secretary reported that he had promised to the President that a Charter would be produced. He had declared that it might become necessary for the United States to make reservations to the Charter and some of the other nations might have to join the Organization at a later date, but he had expressed the opinion that a majority of the peace-loving peoples of the world would be able to agree on a Charter here in San Francisco.

THE SECRETARY expressed the opinion that the Russians could not be serious about this interpretation and he pointed out that the Russian Delegation had been extremely cooperative on all the other issues which were under discussion. The Secretary remarked to Senator Vandenberg that the Russians had been willing to cooperate with respect to those questions which had been of particular concern to the Senator. REPRESENTATIVE BLOOM asked whether it was not possible that this cooperative attitude with respect to some of the other problems under consideration might not be part of the game the Russians were playing and THE SECRETARY agreed that this might be possible. MR. DULLES asked whether any interpretation had been placed on Mr. Sobolev's return to Moscow. THE SECRETARY remarked that there were two possibilities, that Mr. Sobolev was returning for consultation, or that he had been unable to get along with Ambassador Gromyko because of his cooperation with the United States Delegation. MR. PASVOLSKY remarked that the first interpretation was plausible in view of the fact that Mr. Sobolev had been chosen to report to Moscow on the results of the Dumbarton Oaks conversations. Mr. Sobolev, Mr. Pasvolsky declared, had been ordered to report to Moscow en route to London at the end of the Conversations last fall.

SENATOR VANDENBERG asked whether Harry Hopkins had been informed of the latest developments. THE SECRETARY replied in the negative and declared that there had been no communication between

Washington and Moscow. Furthermore, The Secretary declared that Mr. Hopkins' mission [56] had nothing whatsoever to do with the San Francisco Conference.

SENATOR CONNALLY urged that the Delegation would have to take a firm stand, not "blustering", but firm. THE SENATOR declared that he favored the Yalta formula because the United States was committed to it. However, Senator Connally did not support this ridiculous interpretation. SENATOR CONNALLY declared that there would be a very slight concession involved between the Russian position and the position of this Delegation and he expressed the view that the Russians were taking a very unreasonable stand.

SECRETARY STETTINIUS asked whether the Delegation would be agreeable to the suggestion he was about to propose. The Secretary thought that he should state to the Russian Delegation "calmly and firmly" that the United States Delegation had studied the Russian interpretation over-night. The Secretary thought that this Government should take the position that the Russian statement was an entirely new interpretation and that the United States would find it impossible to join in any Organization under which discussion could be cut off in the Security Council by the veto of any one nation. The Secretary thought that this position should be accepted by the Delegation and that no further discussion of the matter would be necessary.

MR. DULLES observed that the position stated by the Secretary would not be a new one for the United States. Under Secretary Grew had held a similar position in his statement of March 24 and SENATOR CONNALLY added that Secretary Stettinius had stated a similar position in his interpretation of the Yalta formula at Mexico City.[57] MR. PASVOLSKY thought that in presenting the United States position to the Russians it should be made clear that this was not a new position for the United States and that the views of this Government had been made clear ever since Yalta.

MR. DUNN remarked that the Russians had seemed to be of the opinion that this very matter had been discussed at Yalta. MR. ARMSTRONG remarked that one of the Russian delegates had indicated that he had been present at a meeting at Yalta where it had been agreed that discussions could be held by the Security Council without the veto power being applicable. One of the members of the Delegation commented that Secretary Stettinius himself had been present at that meeting and THE SECRETARY replied that he remembered very well.[58]

In reply to a question concerning the position that would be taken by the other major powers, THE SECRETARY declared that Lord Hali-

[56] For documentation on the Hopkins Mission to Moscow, see *Foreign Relations*, The Conference of Berlin (The Potsdam Conference), 1945, vol. I, pp. 21 ff.

[57] See Department of State *Bulletin*, March 25, 1945, p. 479, and *ibid.*, March 11, 1945, p. 395.

[58] See *Conferences at Malta and Yalta*, pp. 661–667 and 711–712.

fax would support the position of the United States. The position France would take was uncertain, The Secretary thought, in view of the political situation existing between France and the USSR. The Secretary thought that there could be no doubt that the Chinese would support the United States on this issue, but The Secretary declared that he would call the Chinese Delegation to make certain.

MR. PASVOLSKY raised a question concerning the procedure which should be followed. He urged that the Secretary not plunge into the matter of voting at the very start of the Big Five meeting. Mr. Pasvolsky observed that all the parties concerned were in negotiating positions and he thought that this question should be taken in its order on the agenda, probably ten minutes after the start of the meeting. In that time, Mr. Pasvolsky declared, it would probably be possible to satisfy the French on the regional question and in that way make possible French support for the United States position. Mr. Pasvolsky then asked whether the Delegation would agree to a new wording he had prepared for the sentence to be added to the amendment of Chapter VIII, Section C, paragraph 2. The new sentence reads as follows: "After the Organization is charged with the responsibility above indicated, nothing in this Charter will prevent the continued existence of such regional arrangements subject to the requirement for the Council's authorization for the taking of enforcement measures."

This revised wording was acceptable to the Delegation. MR. PASVOLSKY remarked that it was highly important to satisfy the French on this issue because they would play an important part in the decision on the voting formula.

REPRESENTATIVE BLOOM thought that the Delegation should release a press statement making clear its position on this issue before the opposition released its position to the press. Representative Bloom thought that the Secretary should make clear the United States position. SENATOR VANDENBERG did not think that the United States should hasten the release of its position. MR. HACKWORTH concurred, adding that a statement at this time would freeze the positions of the various parties to the controversy and would make negotiation more difficult. CONGRESSMAN BLOOM repeated that he thought there would be an advantage to be gained by beating the Russians to the punch in stating a position on this latest interpretation. THE SECRETARY declared that he had not thought in terms of releasing a statement to the press, but SENATOR VANDENBERG remarked that he was quite certain that the press would get wind of this important controversy which would be most difficult to keep secret. Senator Vandenberg thought that the Secretary's hand would be forced and he would have to make a statement eventually. THE SECRETARY re-

marked that the United States' position on this question had been clear from the beginning and he requested Mr. Stevenson to prepare a statement to be ready some time during the morning.

At this time, THE SECRETARY declared that he would have to leave the meeting for a few minutes to call the Chinese to ascertain what their position would be.

COMMANDER STASSEN remarked that the question under dispute was a matter of interpretation and did not involve a change in the Charter itself. The need for interpretation had been raised by the presentation of the questionnaire on voting formula. Commander Stassen thought that the issue was not necessarily crucial in view of the fact that there would probably be need in the future for many interpretations. Commander Stassen thought that the Big Five could accept the language of the Charter without necessarily agreeing to an interpretation. Interpretation of the language agreed upon could be left to the future.

MR. PASVOLSKY remarked that the famous question 19 was involved and once the United States agreed to a unanimous vote of the permanent members of the Security Council for procedural questions, the battle would have been lost. Question 19, MR. PASVOLSKY thought, was dependent upon the answers to some of the other questions which were covered in the four power statement.

SENATOR CONNALLY urged that if the Russian position on the interpretation of the Yalta formula were to be established as the position of the Big Five, the small powers would unite in an effort to defeat the phraseology in the Charter and Senator Connally thought that there was danger that they might succeed. THE SECRETARY asked how the Delegation felt about the position he had stated earlier in the meeting. The Delegation agreed unanimously to the firm position taken by the Secretary.

THE SECRETARY reiterated that it was of the utmost importance that the work of the Conference be continued. It would be impossible, he declared, to stall for another week waiting for instructions from Moscow. The Secretary declared that he would discuss with the Big Five that morning the procedure that should be followed in order to keep the Conference going. MR. ARMSTRONG thought that the United States might follow the course, established the previous evening in the Big Five discussion, of retaining full freedom of action in the Committees and in the Steering Committee. This, he thought, involved risks because the United States might be stuck with an undesirable decision. It was suggested that freedom of action be retained only in the meetings of the Steering Committee in order that pressure might be brought to bear on the heads of delegations without bringing in the less important members of the various delegations

here in San Francisco. MR. DULLES remarked that it was apparent that none of the major powers would accept a majority decision of the Steering Committee on an important issue.

MR. ROCKEFELLER submitted that the amendment question which was under consideration in Mr. Armstrong's committee was an important one in insuring the tranquility of the smaller states and to make possible their acceptance of the Yalta formula. THE SECRETARY replied however, that it was his intention to consider the problems of the agenda one by one, in their turn.

SENATOR VANDENBERG emphasized that the Conference must not be allowed to bog down at this time under any circumstances. If the net result of the disagreement over the interpretation of the Yalta formula were to be to speed up the work of the Conference, it would be an indication that the major powers had risen above their difficulty or perhaps even gotten around the cause for previous delay.

At this point, 9:57 a. m., the Secretary left the meeting to call Ambassador Koo.

MR. PASVOLSKY urged that the Delegation should not press for the establishment of a final date for the Conference. He thought that if a final date were set it would be a signal for the Russians to adopt a stand-off attitude. The Russians, Mr. Pasvolsky thought, seemed to think that they would out-wait the Delegation, but Mr. Pasvolsky assured the Delegation that they could not. COMMANDER STASSEN agreed with the position taken by Mr. Pasvolsky and thought that if the Delegation made it clear that it would not leave San Francisco until a Charter had been agreed upon, even if that took until Christmas, it might speed up matters in the long run. SENATOR VANDENBERG thought that if the Conference were to be kept waiting for two weeks awaiting a decision on this issue it might never get started again in high gear.

MR. PASVOLSKY declared that he should like to adopt the strategy of clearing up all the other issues first. Then this Delegation could declare to the Russians that it would be impossible to consider reopening the closed issues until the voting matter had been settled. ADMIRAL HEPBURN asked whether in Mr. Pasvolsky's opinion the Russians were willing to negotiate on the voting question. MR. PASVOLSKY replied in the affirmative and declared that the Russians were in a negotiating position.

At this point, 10:00 a. m., Secretary Stettinius returned to the meeting.

SENATOR CONNALLY thought that it was distinctly possible to stand on the Yalta wording without adopting a five power interpretation. SECRETARY STETTINIUS announced that his telephone conversations had been satisfactory and Lord Halifax would back the United

States' position and the Chinese would back the British statement. THE SECRETARY was asked what position the French were likely to take and he replied that in Mr. Pasvolsky's view the French would support the United States if the regional matter were settled first. DEAN GILDERSLEEVE thought that for a change the United States was in a very favorable position. The Russians were now in the reactionary spot whereas previously they had managed to maneuver the United States into that position. MR. ARMSTRONG thought that the Delegation should face the fact now that the long range propaganda of the Russians would be that the USSR had been maneuvered into the necessity for insuring protection of its interests by the emergence of the struggle between Communism and Fascism. THE SECRETARY remarked that this condition would be alleviated by Mr. Rockefeller's arranging a new Argentine government during the next week.

The meeting was adjourned at 10:02 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 12

*Minutes of the Twelfth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 2, 1945, 10 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (23); United Kingdom (4); Soviet Union (4); China (3); and France (6).]

The meeting was called to order by MR. STETTINIUS, who called the attention of those present to the agenda which had been distributed (copy attached [60]) and then asked MR. PASVOLSKY to begin discussion on point 2.

2. *French Proposal—Chapter VIII, Section C, paragraph 2.*

MR. PASVOLSKY stated that the U.S. Delegation had been considering the matter in the light of the discussion of the previous evening, and recognized the desirability of taking French necessities into account. He proposed that this be done by accepting the original four power amendment to paragraph 2 of Chapter VIII, C, only changing the words "by consent" to "on request", and then adding the following language:

"After the Organization is charged with the responsibility above indicated, nothing in this Charter will prevent the continued existence of such regional arrangements subject to the requirement for the Council's authorization for the taking of enforcement measures."

LORD HALIFAX remarked that if anything the new language was better and clearer than the French Proposal, but AMBASSADOR

[60] Not printed.

GROMYKO replied that his first impression was that it is worse rather than better, as it contradicts the language in the earlier part of the paragraph. To him there was an essential difference in that under the French Proposal the Council would take over part of the responsibility for the maintenance of peace, leaving some of the responsibility to the signatories of the bilateral pacts, whereas, the U.S. language would give the Security Council all of the responsibility. LORD HALIFAX did not agree and MR. PASVOLSKY went on to explain that the whole of paragraph 2 is based upon the concept that the Security Council should authorize enforcement action. The issue in discussion at the previous meeting had been whether the agreements or arrangements themselves must disappear once the Council was charged with the responsibility. The purpose of the U.S. Proposal was to make it clear that while enforcement measures will be subject to Security Council authorization once the Organization has taken over, the treaties will continue in force.

M. PAUL-BONCOUR then announced that the sentence appeared acceptable to him if the words "for the prevention of aggression" were added at the end.

MR. STETTINIUS and LORD HALIFAX, after informal consultation with members of their delegation present, indicated an acceptance of this addition. DR. KOO stated that on first impression he thought the United States sentence was an improvement on the original and added that he had no objection to the French Amendment.

AMBASSADOR GROMYKO, after the others had indicated acceptance of the amended sentence, stated that he desired to study it more thoroughly, commenting that the U.S. Delegation had studied the French formula for several days.

MR. ARMSTRONG inquired why we could not go ahead on a four-power basis, but his question went unanswered as the discussion moved on to the following point.

5. *Voting in the Security Council*

SECRETARY STETTINIUS announced that the U.S. Delegation had given careful consideration to the Soviet interpretation which had been presented by Ambassador Gromyko the previous evening and he now wished to state that U.S. could not accept the Soviet interpretation that the veto should apply to discussion. In the statement which he had issued March 5 in Mexico City and in that which Mr. Grew had published on March 24, the United States had given its interpretation that the decision of the Security Council to discuss disputes or situations brought to its attention should be made by a procedural vote. The U.S. Government, he said, could not participate in an Organization in which the veto would apply to discussion.

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LORD HALIFAX then stated that his government has given great thought over a long period to this problem. It had been their understanding that under the Yalta formula consideration or discussion of a dispute would not be subject to veto by one of the five permanent members of the Council. Therefore, he associated himself with the U.S. Delegation; the Soviet position was not acceptable to his government.

DR. KOO stated that his government, like the British, had studied the Yalta formula for some time. While he could not state what was intended by the Yalta formula—since China had not been represented at that Conference—as between the two interpretations the Chinese Delegation considered that contained in the May 26th draft of the proposed statement as preferable. Among other reasons for this position, he said, was the fact that the U.S. interpretation would meet the spirit of the Conference as a whole and be more satisfactory to people outside the Conference whose support is necessary for the success of the Organization. The Chinese Delegation therefore supported the position that consideration and discussion of an issue should not be subject to the veto.

M. PAUL-BONCOUR announced that he was inclined to fall in with the views of the U.S., U.K. and Chinese Delegations but did not wish to make any definite statements as he has not yet read the French translation of the Soviet text.

MR. STETTINIUS commented that, in view of the reactions of the other Delegations, perhaps the Soviet Ambassador would wish to consult his government, to which MR. GROMYKO replied that naturally he would present to Moscow the views expressed by the others but he wished to make it clear that the Soviet Government is in favor of the Yalta formula as it stands. He added that the interpretation made by the U.S. Government in March had been unilateral and not agreed to by the other governments. The U.S.S.R. considers this interpretation a retreat from the Yalta formula and wishes to remain absolutely firm in its position.

MR. STETTINIUS reminded the group that he had made it clear on several occasions that it is the policy of the U.S. Government to abide firmly by the Yalta formula. He regretted that Mr. Gromyko had used the term "retreat" because it is completely contrary to the U.S. view that its interpretation is a retreat. He pointed out that U.S. records of the Yalta Conference, which had been carefully examined, showed that at no time had there been agreement there on whether consideration and discussion should be subject to a qualified majority, although this matter had been the subject of some discussion.

AMBASSADOR GROMYKO replied that the Yalta decision provided that there should be unanimity of the permanent members on all matters

except when a permanent member was involved under Chapter VIII, Section A. To this MR. STETTINIUS replied that it was absolutely not clear to the United States that this was the case. The United States regards the Soviet interpretation as new and as out of keeping with the spirit of Yalta.

SIR ALEXANDER CADOGAN, saying that Lord Halifax had asked him to speak on the subject in view of the fact that he had been present at Yalta, remarked that in fact there had been little detailed discussion at Yalta of the question now under consideration. In general, the participants in that Conference had focused their attention primarily on the issue of whether a permanent member of the Council party to a dispute should have the right of veto under Chapter VIII, Section A. Although the British Delegation had not searched its record as had the United States, he believed it correct that at Yalta they had provided for consideration and discussion under a procedural vote. SECRETARY STETTINIUS announced that Sir Alexander's statement was a correct one with which he entirely agreed, and LORD HALIFAX commented that he wished Mr. Gromyko to believe that the U.K., in taking the position it did, did not place any less importance on unanimity than did the Soviet Delegation. He believed that both the public opinion of the world and the dictates of justice make it necessary not to have a veto over consideration and discussion of a dispute. To this AMBASSADOR GROMYKO replied that the decision as to whether or not to consider and discuss a dispute or situation, is a very important link in the chain; from discussion decisions might flow.

SENATOR CONNALLY (speaking at Mr. Stettinius' request) said that he had not been at Yalta but he had the text of the Yalta formula before him. He agreed thoroughly with Lord Halifax on the necessity for unity among the five permanent members but considered it fundamental that, since states under Chapter VIII, Section A, paragraph 2, are entitled to bring disputes to the attention of the Council, it should follow that the Council must at least hear their appeals. He asked what point there was in permitting a dispute or situation to be brought to the attention of the Council if the Council could not consider it. It is apparent to him that it is implied—even stated—in the Dumbarton Oaks Proposals that the Council can consider a dispute. It is after consideration has taken place that unanimity is necessary. He pointed out that there is great resistance to the Yalta formula and unless the interpretation of May 26 is adopted, it may not be possible to obtain approval of the Yalta formula at the Conference, and added that he personally could not accept the "impossible" and "extravagant" interpretation given in the Soviet note.

LORD HALIFAX added that Senator Connally could have made his

case even stronger if he had referred not only to paragraph 2 but to paragraph 4 of Chapter VIII, Section A, under which parties are under obligation to refer their disputes to the Security Council if they cannot themselves settle them by peaceful means of their own choice. Remarking that, once the dispute has been brought before the Council under this paragraph, the Council is to decide whether to take action under paragraph 5 or itself to recommend terms of settlement, he asked Mr. Gromyko how the Council can decide if it is unable to consider a dispute.

Ambassador Gromyko then called attention to and read in full the paragraph in the Soviet draft in which it is stated that "there are no grounds whatever to fear that the sponsoring powers, when they have become permanent members of the Council, would actually use the rights conferred on them by the Charter to block the discussion by the Security Council on any international dispute affecting the interest of states not members of the Council . . ."

Mr. Pasvolsky said that if that was the case, then there is no danger in permitting discussion and consideration as a result of a procedural vote, and Mr. Gromyko quickly replied that on the contrary there was no danger in granting the right of veto.

Secretary Stettinius then said that the United States Delegation had stated its position and added that he was confident that the United Nations represented at San Francisco would not accept a Charter which contained a great power veto over discussion. He added that the Senators present could speak for themselves. To this Senator Vandenberg replied that such a formula would be unacceptable to the Senate. There would be difficulty enough in obtaining acceptance of the Yalta formula anyway, he said, even though Senator Connally and he would, of course, support it vigorously. If free speech were suppressed, the Senate would have no part in the Organization. Senator Connally commented that, although he might not go as far as Senator Vandenberg, he knew there would be general resistance to this formula and danger that the Charter would not be accepted. Thanking Lord Halifax for his comments on paragraph 4 of Chapter VIII, A, he stated that the veto should not apply to discussion—"The Senate would never on God's earth tie itself to an organization of that kind in perpetuity." He hoped Ambassador Gromyko would see his way to accepting the position of the other powers. He (Connally) would, of course, stand by the Yalta formula to the full but he thought a veto on discussion inconsistent with paragraphs 2 and 4 of Chapter VIII, Section A, and if the Council cannot discuss a matter after it is referred to it, then those two paragraphs should be struck out.

Secretary Stettinius pointed out that the meeting had other important business but before proceeding with the agenda, he wished

to call the attention of those present that the work of several committees is held up because of the lack of agreement on voting procedure, and therefore frank discussion is necessary as to how the delay will affect the Conference. He inquired what we should say to the Conference on Monday and how the Conference business could proceed.

SENATOR CONNALLY replied that we either ought to get agreement or go ahead and each put in his own interpretation. MR. STETTINIUS then asked Ambassador Gromyko whether he would consult his government, to which AMBASSADOR GROMYKO replied that he would, of course, inform his government of the views of the others but he wished to emphasize that the Soviet position was absolutely clear. He added that he could not agree that the other United Nations would not accept the Soviet interpretation if it was properly explained to them—if it was made clear to them that five-power unanimity is necessary for the maintenance of international peace and security and therefore in their own interest. With respect to Senator Connally's statement, he felt it important that the five should have agreement before going before the Conference. To this SENATOR CONNALLY said that he did not mean that the Soviet Delegation would not be absolutely free to present its views.

MR. STETTINIUS then stated that there was no need for further discussion at this time and the meeting turned to the following item.

3. *Chapter XII, paragraph 1—(Transitional Arrangements)*

MR. PASVOLSKY presented the problem with respect to Chapter XII, pointing out that it had been criticized by some delegations as lacking in clarity. The United States Delegation, however, is in favor of maintaining it as it stands. AMBASSADOR GROMYKO said he fully agreed with the U.S. Delegation, thinking the present text very good; he added that he would like especially to hear the view of the U.K. Delegation since he had heard that the U.K. representative in the technical subcommittee had suggested some change in the language without prior consultation with the other four.

MR. DEJEAN, speaking as acting chairman of the subcommittee, reported on what had happened there [61] and then announced that the French position is that the language is perfectly clear. LORD HALIFAX, in reply to Mr. Gromyko's request, said that he understood that Committee III/3 did not like the original language,[62] that the subcommittee to which it had been referred had first thought it had found better language and then reversed itself. If that is indeed the case, the U.K. Delegation has no objection to sticking together. All five

[61] WD 68, III/3/A/2, June 1, UNCIO Documents, vol. 12, p. 651.
[62] Doc. 704, III/3/36, May 31, *ibid.*, p. 400; see also Doc. 765, III/3/39, June 3, *ibid.*, p. 419.

Delegations agreed to stand by the present text, and SECRETARY STETTINIUS commented on this manifestation of complete unanimity.

4. *Amendments: Conference for Review of Charter*

Stating that he understood this question was a very important one in the minds of certain other countries, MR. STETTINIUS said he hoped the five could agree on a common position today. In replying to his inquiry, the other four heads of delegations said they had no further comments. Mr. Stettinius reminded them that at the previous meeting of the five they had expressed somewhat different views; it is important to reach one position which we can all agree on. What procedure should we use for this purpose since the subcommittee of the five has now adjourned?

DR. PASVOLSKY stated that the issues are clear. He doubted that it is a matter of drafting but considered that a political decision at the high level is necessary, both on the question as to whether the vote in the Assembly shall be two-thirds or three-fourths and as to whether anything should be said about the right of a state to withdraw in case it finds itself unable to accept an amendment to the Charter.

LORD HALIFAX said that as he saw it there were three issues: (1) whether any time for the holding of a Conference should be mentioned; (2) whether there should be three-fourths or two-thirds vote in the Assembly; and (3) the right of a state to withdraw in the event of unpalatable amendments. With respect to the last, MR. PASVOLSKY interjected that there is no question of writing any right to withdraw into the Charter; it is merely whether or not there should be written into the record the interpretation that that right would exist.

LORD HALIFAX suggested that we take his three points one by one. As to the first, the U.K. Delegation favored language permitting a Conference to be called at any time after 7 or (10) years. MR. PASVOLSKY said that the U.S. position is that the Conference should be held not less than 7 nor more than 10 years after the Organization is started. After MR. ARMSTRONG had remarked that the members of the technical committee [63] would probably regard Lord Halifax's suggestion as more restrictive than the present language, rather than less so, the BRITISH AMBASSADOR said that he preferred his suggestion but did not feel too strongly on the matter and could see the force of Mr. Armstrong's argument. AMBASSADOR GROMYKO preferred to stand by the text of the four-power amendment.

DR. KOO favored provision of a definite period within which the Conference should be held and emphasized the importance of pre-

[63] For discussion of proposals on Chapter XI, see Doc. 683, I/2/48, May 29, UNCIO Documents, vol. 7, p. 154; record of meetings of Subcommittee I/2/E on May 30 and 31, not printed.

serving the principle of the unanimity of the permanent members. Upon MR. STETTINIUS' remarking that he liked the proposal made at the previous meeting of the five by Dr. Koo and requesting the latter to repeat it, DR. KOO said that it was in brief that if a definite period for the calling of the Conference were to be fixed the majority should be two-thirds, but if no period were set then there should be a three-fourths majority.

In reply to Mr. Stettinius' request for his opinion on this, MR. ARMSTRONG said that he had no comments on the merits of Dr. Koo's proposal but that he had no doubt that the preference of the Committee's membership would be for the setting of a specific date with provision that the Conference should be called by a smaller majority. He emphasized that the problem confronting the Five at this moment was: How would they vote this afternoon? Upon being asked by Mr. Stettinius for his recommendation, MR. ARMSTRONG said that he favored fixing a date between 7 and 10 years after the establishment of the Organization and allowing the Conference to be called by a two-thirds vote; we might propose the former but should not propose the latter, merely going along if it was proposed by someone else.

LORD HALIFAX asked if Mr. Armstrong would accept this rather than stand by the words in the draft under consideration. MR. ARMSTRONG said that he would because the alternative appeared to be the acceptance of Evatt's proposal that a specific date be set for the Conference, with the clear implication that the present Organization is to be transitory. There ensued a discussion between LORD HALIFAX and MR. ARMSTRONG, in which the former said he could not see why Mr. Armstrong's proposal for a 7 to 10 year period, which to him seemed more restrictive than his own, would satisfy the Committee.

M. PAUL-BONCOUR remarked that he did not understand precisely the relationship between this provision for a conference and the general right to introduce amendments; if amendments can be introduced at any time, why was it necessary to make provision for a conference as well? MR. PASVOLSKY explained that the new paragraph does not affect the present text on amendments, which will remain, and that its introduction was for the purpose of making the amendment procedure more acceptable to the small powers.

MR. STETTINIUS, in order to clarify the discussion, suggested that the Five agree to meet the Committee's desire to the extent of providing for a two-thirds vote instead of three-fourths and then point out to the Committee that all other votes of the Assembly on substantive matters are by two-thirds majority and we should not restrict it more. In this case we would stand on the rest of the draft on [*in*] the discussion. After LORD HALIFAX had indicated his acceptance of this proposal, there ensued some discussion in the course of which MR.

ROCKEFELLER emphasized how important it was to other delegations that it should not be too difficult to call a conference, and suggested specifically that we might give the Secretary General the power to do so. Thereupon MR. ARMSTRONG, at Mr. Stettinius' request, pointed out that he had stood firm on the present text as the Soviet representative on the Committee would certainly tell Ambassador Gromyko, but that the Five had only been supported by one or two delegations, particularly Norway, as against a large majority on the other side.

Then MR. STETTINIUS, in an endeavor to reach a decision, began a canvass of views. LORD HALIFAX repeated his preference for making no change except to replace three-fourths by two-thirds, but before any opinions were expressed by other heads of delegations, MR. ARMSTRONG remarked that if this was the only change made, the Five would be defeated. In reply to this LORD HALIFAX proposed that the Five agree to stand on the four-power amendment with this one change and then, if defeated, to try another formula. The French and Chinese Delegates were agreeable to this, but AMBASSADOR GROMYKO said he must stand on the four-power amendment and could not, therefore, accept the two-thirds vote in the Assembly. After the Soviet Ambassador had reiterated this position, MR. STETTINIUS suggested agreeing to stand on the four-power amendment, with the provision for a three-fourths vote, and if defeated, reserve the right to appeal to the Steering Committee. DR. KOO then commented that the demand of the small powers was to make some provision for the review of the present Charter and that there were therefore two points which had to be met: (1) the desire for a conference to furnish an opportunity for review, and (2) the question of unanimity of the permanent members. SENATOR CONNALLY pointed out in this connection that the issue is not over the difficulty of review but over the fact that all five permanent members have to ratify any changes. Upon MR. STETTINIUS' inquiring whether there was any other solution than that which he proposed and suggesting that a possible alternative might be for the Five to agree that they would have liberty of action, MR. ARMSTRONG reiterated that if we stood on the four-power amendment we would be beaten.

AMBASSADOR GROMYKO said that he liked the four-power amendment. If the Five were defeated they could consult again but he thought that the need was for an explanation which would prevent such a defeat. To this MR. ARMSTRONG replied that both he and the Soviet Delegate in the Committee had been unsuccessful despite their best efforts in convincing the Committee. When MR. STETTINIUS repeated his proposal, MR. ARMSTRONG insisted that it would stiffen the opposition of the small powers to the Five and might possibly lead to a series of defeats in other Committees because if the small powers

felt they could not obtain a review with some ease, they would oppose the Big Five on many other points more than they otherwise would. CONGRESSMAN BLOOM remarked that there would not be a chance to vote on the four-power amendment. The only chance the Five had was to present an amendment to [*of*] their own to it. M. PAUL-BONCOUR and MR. STETTINIUS agreed with Mr. Armstrong; so did LORD HALIFAX but he thought the situation was a difficult one and wondered whether Mr. Armstrong could not prolong the debate in order to give the Five more chance. MR. ARMSTRONG requested that if he did so he should receive support from the representatives of the other four powers. At MR. STETTINIUS' suggestion a group was appointed to work with Mr. Armstrong on this matter over the week-end as follows: Colonel Capel-Dunn, Mr. Zarapkin, Dr. Hoo, M. Gorse. At the end of the discussion, LORD HALIFAX inquired if he was correct in understanding that the Five would look at some revised language and then plan their strategy accordingly. When MR. ARMSTRONG said that we might tell the Committee we were trying to meet their views, AMBASSADOR GROMYKO replied that it would be better merely to remark that the Five were consulting. There being no objection, this course was approved.

(At this point Mr. Stettinius left the room and Lord Halifax took the Chair).

*Items 6–12*

The next item on the agenda was that of voting in the Security Council which had already been dealt with and MR. PASVOLSKY, at Lord Halifax's request, therefore took up the next six items all of which related to matters which had already been dealt with in Committees. He pointed out that an intention to have items 6, 7 and 9 put on the agenda of the Steering Committee had already been expressed but said that he thought it would be a mistake to have the Steering Committee meet at the present time. He said that the U.S. Delegation is prepared to support reconsideration by the technical committees of the questions of the Secretary General, of expulsion, and of items 10 and 11. As for the election of judges, it was his understanding that this has been voted on twice, both in Committee IV/1 and Committee III/1. The U.S. Delegation believes that decision should stand, that there should be no qualified vote in the election of the judges especially in view of the fact that the court will have no compulsory jurisdiction.

LORD HALIFAX suggested that instead of taking all these topics as a group we discuss them one at a time beginning with the election of judges.

*Election of Judges*—LORD HALIFAX restated Mr. Pasvolsky's comments about the effect of the optional clause. The U.K., Soviet,

French and Chinese Delegations then indicated their agreement with the U.S. position that a simple majority of seven should control.

*Secretary General*—As to the Secretary General, MR. PASVOLSKY stated that the U.S. still supports the four-power amendment.[64] When M. PAUL-BONCOUR said that as he understood it the Assembly is free to reject the Security Council's choice, LORD HALIFAX agreed with him and then said that there were two issues: (1) Is the Assembly free to reject? and (2) what is the vote in the Security Council to be? He proposed discussion of the second point. AMBASSADOR GROMYKO said he thought the Committee's decision that the Secretary General should be elected by a majority of any 7 members of the Security Council was inconsistent with the Dumbarton Oaks Proposals, as the election of the Secretary General is not a procedural matter. Moreover, Committee II/1 is not competent to decide what the vote in the Council should be as this is within the competence of Committee III/1 only. He expressed pleasure that the U.S. Delegation agreed with the Soviets that the decision of Committee II/1 should be reconsidered. The French Delegation also thought the wrong Committee had dealt with this problem whereupon CONGRESSMAN BLOOM pointed out that it was not the fault of the Committee but of the Conference.

On the question of substance LORD HALIFAX said he agreed with the position of the U.S. and U.S.S.R. but was not so insistent on this point, not regarding it as a matter of first importance if the Five should be defeated. DR. KOO stated that in view of the responsibilities and powers of the Secretary General, he should not be elected by a procedural vote and M. DEJEAN concurred. All five agreed election should not be by procedural vote.

There ensued discussion as to how to obtain reconsideration, in view of the fact that the matter had been referred to the Steering Committee, while really within the competence of Committee III/1 which had not yet acted on it. It was finally agreed that this question should not be discussed in the Steering Committee until Committee III/1 had acted upon it and that a joint recommendation should be made to III/1.

(At this point Mr. Stettinius returned and LORD HALIFAX informed him as he took the Chair again that they had agreed on two points. Actually three had been agreed upon including the joint recommendation to Committee III/1).

*Next Meeting*

There ensued some discussion as to when the next meeting will take place and 5:30 p. m. was finally agreed upon, in order to avoid con-

[64] For text of the proposed Four-Power amendment and proposals of other delegations with respect to the election of Secretary General, see Doc. 238, II/1/8, May 11, UNCIO Documents, vol. 8, p. 502.

flicts with Conference Committee meetings which members had to attend.

*Statement to Press on Voting Formula*

LORD HALIFAX then raised the question of the position which should be taken vis-à-vis the press respecting the voting formula. He pointed out that the press would doubtless hear soon of the situation and suggested that agreement be reached on a statement. MR. STETTINIUS agreed, remarking that he might be authorized to make a statement, and asked Lord Halifax's reaction to this suggestion.

LORD HALIFAX said that the difficulty was that it is impossible to say that we are still discussing the question, and the only alternative therefore appeared to be to state openly that there is disagreement on the application of the Yalta formula and then leave each delegation free to make its own position clear. SENATOR VANDENBERG supported this suggestion and commented that the truth would do less harm than anything else. SENATOR CONNALLY desired the Chairman of the U.S. Delegation to make a statement on its behalf.

LORD HALIFAX, stressing the need for the Five to stick together, then remarked that it would be a mistake to magnify the extent of our disagreement. He thought no good would be done if all kinds of things are said and written. MR. STETTINIUS said that there was bound to be harmful speculation in the press and we should therefore issue a simple clear statement. After DR. KOO had commented that the safest approach was to leave the matter to the discretion of the Chairman, LORD HALIFAX inquired whether we couldn't say something like this: The four powers have been asked to present a statement on the voting procedure. They have reached a large measure of agreement, but disagree on one crucial point—the application of the unanimity rule to the discussion and consideration of disputes. Four of the delegations agreed that unanimity should not apply on this point but the Soviets do not. The basis for each delegation's position should be stated and then it should be announced that discussions are still proceeding and that an immediate answer could not be expected.

At this point AMBASSADOR GROMYKO said that if the other four wished to make a statement he would not object but he wished to reserve the right to speak out at any time to make the Soviet position clear.

Summing the discussion up, MR. STETTINIUS said that all had agreed to Lord Halifax's proposal but Ambassador Gromyko had made this one reservation. LORD HALIFAX having remarked that it is of great importance to be objective and to keep the temperature down, MR. STETTINIUS concurred, pointing out that we are in the middle of a negotiation and public discussion makes negotiation

difficult. He then inquired whether anyone felt that the disagreement could be kept from the press.

MR. DULLES commented that the difference is one in theory, not in principle, and called attention to the last two paragraphs of the second numbered point of the Soviet draft. MR. STETTINIUS thought this important, believing that the main consideration is the need for keeping the matter open for discussion. LORD HALIFAX then asked whether it would be possible to hold off the press until after a further meeting and in the meantime to have a statement prepared for consideration.

After LORD HALIFAX had said that to speak of "satisfactory progress" would give the wrong impression, it was agreed that Mr. Stevenson should say for the moment that consultation is proceeding, and should prepare a draft statement to the press for consideration subsequently.

The meeting was adjourned.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 13

*Minutes of the Thirteenth Five-Power Informal Consultative Meeting on Proposed Amendment, Held at San Francisco, June 2, 1945, 5:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (24); United Kingdom (7); Soviet Union (4); China (3); and France (5).]

MR. STETTINIUS called the meeting to order at 5:30 p. m. He suggested that the target for the adjournment hour should be 6:45, since several of the members have important appointments. He called attention to the eighteen items listed on the agenda and suggested that the Trusteeship Questions, listed as item No. 17, be moved up on the agenda to tenth or eleventh place.

LORD HALIFAX stated that if it was intended to take up the Trusteeship Questions, then he would need to call his Trusteeship expert.

1. ELECTION OF THE DEPUTY SECRETARIES-GENERAL

MR. PASVOLSKY pointed out that at the previous meeting the discussion of point six in the agenda, Election of the Secretary-General, had been finished. The next point, seven, related to the election of the Deputy Secretaries-General. This, he said, involved even more difficulty than the subject of the election of the Secretary-General. There had been quite a mix-up on the question in Committee III/1. It will come to the Steering Committee unless it goes to Committee

III/1. There are, he said, several questions involved, primarily with respect to the administrative procedure which is to be followed and the position of the Secretary-General in the matter. There are several possibilities: One position is that the Deputy Secretary-General should be elected in the same manner as the Secretary-General. The feeling of the United States Delegation is that the election of the Deputy Secretary-General by the same method, while possible, is not desirable. The possibility of a different method should be explored, but if none can be found, then the American Delegation would be willing to see the same method followed as in the election of the Secretary-General. Other possibilities are to adopt the League method which was appointment by the Secretary-General and approval by the Council; or the suggestion made in the Committees involving appointment by the Secretary-General and approval by the various agencies according to function.

AMBASSADOR KOO stated that the Chinese Delegation did not feel very strongly on the question of the Deputy Secretaries-General but there was a feeling that in the interest of efficiency, the Deputy Secretaries-General should be appointed by the Secretary-General with approval by the Security Council.

AMBASSADOR GROMYKO suggested that the same method might be followed as for the election of the Secretary-General. Another question was involved, he said, and this was whether it would be advisable not to mention the Deputy Secretaries-General at all in the Charter of the Organization. That decision had been taken in yesterday's meeting of the Committee [65] but it had been taken in violation of the procedural rules. The Chairman of the Committee had acted on two proposals; one for the retention of the provision, and one for its elimination, and votes had been taken on both. More voted for the retention than against it but the decision of the Chairman was against its retention and this was in violation of the rules.

AMBASSADOR GROMYKO charged that this Committee had violated the procedural rules on several occasions. The decision taken yesterday on this subject, he said, was a wrong decision from the point of view of procedure and should be corrected.

AMBASSADOR HALIFAX inquired whether it should be corrected by the Steering Committee and AMBASSADOR GROMYKO replied that he did not know by whom it should be corrected but that it should be corrected.

[65] See Doc. 574, I/2/39, May 25, UNCIO Documents, vol. 7, p. 106, for voting on the question of Deputy Secretaries General and Doc. 732, I/2/50, June 1, *ibid.*, p. 161, for Soviet proposal that the matter be referred to the Steering Committee since, in the Soviet delegate's opinion, the vote of Committee I/2 on May 24 had not been decisive.

MR. STETTINIUS stated that this should be taken up with Mr. Hiss immediately and it should also be brought to the attention of the Executive Committee.

MR. PASVOLSKY pointed out that it is not possible to deal with the question of the election of the Deputy Secretaries-General unless there is provision for them in the Charter.

AMBASSADOR GROMYKO stated that there were two questions involved: (1) To mention them or not to mention them in the Charter, and (2) How to elect them. It was on the former question, he said, that the violation of procedure occurred in the Committee.

MR. STETTINIUS requested that Mr. Sandifer take this matter up with Mr. Hiss; that it be analyzed, and that a recommendation be forthcoming on what action should be taken to correct the situation.

MR. PASVOLSKY stated that the first question is whether the Deputy Secretaries-General should be mentioned in the Charter and that this question falls within the province of Committee I/2.

MR. STETTINIUS stated that this should be easy of solution since there is agreement that there should be five Deputy Secretaries-General.

MR. BLOOM stated that the agreement was, as he understood it, that there should be not less than five Deputy Secretaries-General, and that mention must be made of some number. It was his understanding, he said, that this decision had been made in the committee and that the question had already been referred to the Steering Committee.

MR. PASVOLSKY inquired whether the wording, "not less than five" had been adopted and MR. BLOOM replied that it had insofar as his Committee was concerned, although the question must also be referred to two other Committees.

MR. STETTINIUS said that this was "small potatoes" for the consideration of a group this large and suggested that the matter be left to Mr. Sandifer to straighten out.

MR. PASVOLSKY agreed, stating that this group could not disentangle a juridical dispute. The next item on the agenda, he said, was No. 8, relating to the election of judges and this had already been dealt with. Item 9, Expulsion, also had been dealt with in the Technical Committee and it will next come to the Steering Committee.

MR. PASVOLSKY stated that the next two problems, Items 10 and 11, on the agenda related to action by the General Assembly on reports of the Security Council and the right of the General Assembly to discuss any matter within the sphere of international relations. MR. PASVOLSKY referred to the decision of Committee 2 to insert certain new language in paragraph 8, Section B of Chapter 8. At this point, the Chairman suggested that the group might jump to Item 13 on the agenda, Advisory Opinions, until Senator Vandenberg arrived.

### 2. Advisory Opinions

With reference to this item, Mr. Pasvolsky stated that the question is, whether the Assembly should have the right to ask the Court for advisory opinions. The feeling of the United States Delegation, he said, is that it is a proper right to concede to the Assembly, and that the Assembly might, under certain conditions, have the right to request advisory opinions from the Court.

Professor Golunsky stated that this had been decided by Committee IV/1.[66]

Mr. Hackworth remarked that Committee IV/1 had agreed that the Assembly should have the right to ask for advisory opinions and that the Security Council should also have this right. Provision giving the Court the right to do so would be incorporated in the statute of the Court.

Mr. Stettinius commented that there is a psychological advantage in granting this right to the Assembly and the Council.

Ambassador Halifax observed that he had not yet consulted his legal advisor on the matter but that offhand it seemed satisfactory and that he would agree.

### 3. Australian Pledge

Mr. Pasvolsky next referred to Items 14, 15, and 16, on the agenda, relating to the Australian pledge for separate action, raw materials, and reconstruction, respectively. With respect to the Australian pledge, he said, a question is coming up in Committee II/3. A statement concerning this matter had been worked out and seems to be agreeable. The formulation was as follows: "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of these purposes."

Dean Gildersleeve observed that the Committee had adopted this statement with only one dissenting vote.[67]

Ambassador Gromyko stated that he would like to see later how this would look in its context.

Mr. Pasvolsky advised that it would come at the end of the statement of purposes in the Chapter on Economic and Social Cooperation.

Mr. Stettinius stated that it was his understanding that there was no objection and inquired whether it was true that the representatives of the five Powers had already agreed to this language in the Committee.

Dean Gildersleeve replied that this was correct although some of the members would have preferred to have no pledge, since the pledge seems superfluous.

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[66] Doc. 714, IV/1/57, May 31, UNCIO Documents, vol. 13, p. 241.
[67] Doc. 747, II/3/46, June 2, *ibid.*, vol. 10, p. 161.

AMBASSADOR HALIFAX commented that it might seem proper for the Soviet Ambassador to look at the provision in the whole text.

AMBASSADOR GROMYKO stated that he would like to see it in the whole text although it looked all right.

4. RAW MATERIALS, RECONSTRUCTION

MR. PASVOLSKY referred to Items 15 and 16; the questions of raw materials and reconstruction. He pointed out that the American feeling was that the document would be stronger without any such enumeration and that this, enumerated in this way, might cast some doubt on the competence of the Economic and Social Council. Moreover, he said any specific reference to reconstruction would cause very great difficulty since no one knows what it means.

DEAN GILDERSLEEVE stated that there would be no need to consider the question of reconstruction, since this had been dealt with in the Committee this very afternoon.[68] The Greek representative had been permitted to make a declaration with which the other members expressed sympathy. The question of raw materials, however, had been left over until Monday's meeting of the Committee.[69] Dean Gildersleeve added that the understanding was that the French were very anxious to have some mention of raw materials made.

MR. STETTINIUS inquired whether it would be possible to have the precise language read but MR. PASVOLSKY replied that there was no language available; although the question had been discussed a great deal, it was now reduced to the desirability of some mention of raw materials somewhere.

DEAN GILDERSLEEVE stated that the question was one of some enumeration in Chapter IX, A, 1—some reference to finance, raw materials, etc. This was objectionable to the United States Delegation. It had been suggested, she said, that the matter could be disposed of by a mention in the report of the Committee that the provision was to be interpreted as covering finance, raw materials, etc. It was her understanding, however, that this was not entirely satisfactory to the French.

MR. STETTINIUS inquired of the French representative whether this would be a satisfactory solution and the reply was that the French views on this would be available on Monday.

Mr. Stettinius advised that the United States Delegation feels firmly that any detailed enumeration of such matters veers away from the proper conception of a constitution.

AMBASSADOR HALIFAX stated that his general judgment was the same as that expressed by Mr. Stettinius, and that he supported the undesirability of any detailed enumeration.

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[68] Doc. 769, II/3/50, UNCIO Documents, vol. 10, p. 171.
[69] Doc. 780, II/3/53, June 4, *ibid.*, p. 194.

AMBASSADOR GROMYKO stated that he would await the views of the French Delegation before any final commitment on the matter.

AMBASSADOR KOO stated that he was in favor of the position taken by the United States.

MR. STETTINIUS stated that this matter then would be carried over until Monday.

### 5. TRUSTEESHIP QUESTIONS

MR. PASVOLSKY noted that the next item would be the Trusteeship Questions and Mr. Stassen was called upon to lead the discussion.

MR. STASSEN requested that the document on "Trusteeship Questions", June 2,[70] be distributed. There are, he said, four open questions, and an additional question relating to the Australian amendment. The paper which had been distributed, he observed, indicated the alternatives with respect to the open questions. These questions were:

1. What reference there should be to the wishes of the people in the statement of political objectives;
2. The conservatory or in-between clause (paragraph B, 5), and whether this paragraph should remain in the text and, if so, in what form;
3. The composition of the Trusteeship Council. Specifically, whether the five major powers should have permanent seats on that Council, and
4. The question of the powers which should be vested in the Assembly and the Trusteeship Council with respect to reports, petitions, inspection, or right of vistation.

The difficulty, he said, is really on only the first two points. The positions of the governments on the other two points have been reserved while awaiting a complete agreement among them on the Working Paper. With respect to the first point, the acceptable formulation on the political objectives, tentative agreement had been reached.

MR. STASSEN read subparagraph *b* of the Working Paper version (attached).[70] The phrases underlined in this version, he said, had come, in part, from the Chinese and the Soviet amendments. In addition to this, he stated, the Soviet had offered a subsequent amendment which injected the question of the wishes of the people and on the basis of this, an exploratory version had been drafted on which agreement had not been reached. On Page 2 of the document, the United States suggestion was set forth which included part of the Chinese suggestion, and on the same page, two suggested French wordings were set forth.

[70] Not printed.

This question of the acceptable wording for the political objectives, explained MR. STASSEN, is one of the questions left open in the trusteeship paper. Although the five-power consultation group on trusteeship had worked out many problems, it had not been able to find a satisfactory solution for this one. It was mainly a matter of the position of the United Kingdom and France against the position taken by the Soviet Delegation, with the United States and China trying to find a middle ground.

AMBASSADOR GROMYKO stated that he was ready to accept the latest United States proposal, as set forth on page 2 of the document, provided the Soviet amendment was incorporated therein. On this condition, the Soviet would be ready to accept the latest United States proposal.

MR. STASSEN explained that the Soviet Delegation had presented five amendments and that the five-power consultation group had met them on three of the five points without difficulty. Mr. Stassen inquired of Ambassador Gromyko whether the Soviet Delegation might consider one of the French suggestions acceptable.

AMBASSADOR GROMYKO replied that the Soviet Delegation considered the phrasing in the Soviet amendment better. He stated that they had considered this matter carefully and believed their own wording the best.

AMBASSADOR HALIFAX commented that with all due respect to Ambassador Gromyko's view, it would be difficult to do business if the group is confronted with the feeling that one delegation must always consider its own formulation best.

AMBASSADOR GROMYKO responded that the same attitude might be taken with respect to the position of the French Delegation.

LORD CRANBORNE remarked that his group had always thought that reference to self-determination in this context would be undesirable, but the United Kingdom, he said, had tried to find a common ground. The two French suggestions on page 2 of the document represent the maximum distance the United Kingdom would be willing to go. He stated that his group had consulted with the Dominion governments, and that they are against going any further than this and really did not wish to go this far. In the spirit of compromise, however, the British would prefer the first French suggestion, and, failing acceptance of that, would take the second French suggestion, subject to consultation with the Dominion governments.

AMBASSADOR GROMYKO stated that this represented the third concession the Soviet group had made on this point.

AMBASSADOR HALIFAX stated that he gathered that from the statement made by Mr. Stassen, the Soviet Delegation had fared very well in that it had won acceptance for three of its five amendments.

AMBASSADOR GROMYKO stated that the Soviet group had made two previous concessions on this item alone in that it had first asked for inclusion of reference to "full national independence" and then for reference to "self-determination," but had been willing to forego both of these in the interest of agreement.

MR. STASSEN stated that the other delegations had also made concessions.

AMBASSADOR KOO observed that in the trusteeship consultations a large area of agreement had been reached. He thought that the United States suggestion on page 2 might offer a suitable compromise.

MR. STASSEN called attention to the fact that the Soviet Ambassador had pointed out that the second alternative on page 1 of the document relating to the proposed Soviet amendments was not a correct translation; that is, the phrase "freely expressed wishes of the people", since the Soviet reference was to the expression, "the expression of its free will".

MR. STASSEN added that either one or the other of the two parties involved in this disagreement must make some concession or the matter would have to go to the Conference Committee (II/4) without Five-Power agreement. This is, he added, the only point on which there has not been agreement in the Five-Power Consultation Group.

MR. STETTINIUS announced that Senator Vandenberg had arrived and that there were only twenty minutes left before the 6:45 adjournment target. He, therefore, requested Ambassador Gromyko and the United Kingdom and French representatives to discuss this question together in order to determine whether it is possible to reach some decision which would be acceptable to all.

MR. STASSEN pointed out that the next open question related to paragraph 5, the conservatory clause. This paragraph, he said, was strongly supported by the United States but the Soviet Delegation now wishes to eliminate it. The United States, he said, is willing to consider some revised language for this paragraph but not its elimination. The paragraph had been approved by Committee II/4 [71] and all of the other delegations among the Five-Powers except the Soviet Delegation desired its retention in some form. The question at issue is, whether the Soviet Delegation will be willing to accept it in some revised form. This paragraph carries out the intention of the Yalta agreement. It involves the question of subsequent agreements regarding specific territories. The *status quo* in such territories would be maintained until subsequent agreements affecting them are negotiated. The purpose is to make certain that there will be no period of uncertainty between the adoption of the Charter, the liquidation of the League, and the placing of territories under trusteeship.

[71] Doc. 580, II/4/24, May 26, UNCIO Documents, vol. 10, p. 487.

LORD CRANBORNE expressed agreement with Mr. Stassen on this point. He stated that if there were no such provision in the Charter, there would be a dangerous gap. Other delegations, he said, wish it included in some revised form, and in this connection he read the United Kingdom's suggestion which appears on page 3 of the document which had been distributed. The United Kingdom's suggestion, he said, was designed to meet the needs of other governments.

AMBASSADOR GROMYKO explained that he had received the exploratory version (May 31), appearing on page 1 of the document, only yesterday. He was studying it, he said, but was unable to accept it at this time since he needed more time to complete his study of it.

MR. STASSEN then called attention to paragraph 11 relating to the composition of the Trusteeship Council. He said it was his understanding that the present formulation in the exploratory paper (May 31), appearing on page 4 of the document was acceptable to the Soviet Delegation. The other delegations, however, will not go forward on this paragraph or on paragraph 12 unless there is an agreed Five-Power position on the paragraphs in dispute. There is need for further study on these questions and later consideration in the Big Five-Conference Committee, II/4 has been very considerate and has been patient about the number of postponements which have been necessary in the absence of Five-Power agreement.

MR. STETTINIUS advised that each of the Delegations should study these questions as soon as possible in order to reach a prompt decision.

LORD CRANBORNE stated that the United Kingdom was most anxious to reach agreement. His group, he said, had made numerous concessions, but he wished to make it clear that they had reached the limit of these concessions. THE FRENCH REPRESENTATIVE expressed the same attitude, adding that the French Delegation attached great importance to paragraph 5. It was willing to accept the June 2 version (United Kingdom's suggestion, page 3) of this paragraph.

MR. STETTINIUS, referring to Item 18 on the agenda, the Preparatory Commission, suggested that this subject not be discussed at this meeting of the Five Powers. He informed Senator Vandenberg that Items 10, 11, and 12 had been left open pending his arrival and inquired whether the Senator would wish to make a statement regarding them.

6. GENERAL ASSEMBLY ACTION ON SECURITY COUNCIL REPORTS

SENATOR VANDENBERG expressed the hope that there would be no difficulty about any of these three points. Item 10, he said, Action by the General Assembly on Reports of the Security Council, had passed Committee II/2 in final draft. In the Committee, he said, the Five Powers had voted against three amendments and were defeated and then when the Drafting Committee had reported on May

30, the draft had been approved by a vote of 26 to 3.[72] The draft read as follows:

"8. The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

"Subject to the provisions of paragraph 1 of this Section, the General Assembly should be empowered:

"*a*) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

"*b*) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

"The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon."

SENATOR VANDENBERG stated that he had no objection to a recommendation to take this matter to the Steering Committee and added that he had no complaints.

MR. PASVOLSKY observed that the question is whether the Steering Committee should be asked to drop the three middle paragraphs.

AMBASSADOR HALIFAX remarked that it is really a question of drafting.

AMBASSADOR GROMYKO considered it desirable to reconsider all of these questions and to take them up in the Steering Committee. It is not, he said, merely a question of drafting, but a question of content. He did not think that it should be referred to the Coordination Committee, since from the point of view of the draft alone it may be an ideal text.

PROFESSOR WEBSTER remarked that the matter had been carried unanimously in the Committee.

SENATOR VANDENBERG said that the final vote was *26* to *3* and that, as he understood it, two of the three negative votes were the Soviet and the Ukraine.

AMBASSADOR GROMYKO pointed out that the decision affected the Dumbarton Oaks Proposals but that the Soviet Delegation had not been called into consultation on the matter, although it had been agreed before the Conference that the Five Powers would consult on all amendments. It is for this reason that the Five Powers now find themselves on different sides on this question. The Coordination Committee could not handle the issue since it deals only with questions of phrasing, sentence structure, proper placing, etc.

[72] Doc. 707, II/2/36, May 31, UNCIO Documents, vol. 9, p. 115.

MR. PASVOLSKY pointed out that it is not clear who proposed this provision.

PROFESSOR WEBSTER explained that it came out of the deliberations of the subcommittee.[73] It simply says, he added, what is already in the Dumbarton Oaks text.

AMBASSADOR GROMYKO called attention to the first subparagraph (*a*). The Dumbarton Oaks Proposals, he pointed out, did not say that the General Assembly could approve or disapprove reports of the Security Council which deal with matters relating to the maintenance of peace and security. Again, with respect to subparagraph (*b*), he contended that the spirit of the Dumbarton Oaks Proposals was that the Security Council is responsible for carrying out matters affecting peace and security. This new provision, however, would mean that the General Assembly would have supervision over such matters.

AMBASSADOR GROMYKO added that another decision had been accepted by this same Committee about which he had a question, and called attention to subparagraph (*b*) of the final text of Chapter V, Section B, adopted by Committee II/2, relating to the powers of the General Assembly and reading as follows:

(*b*) to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the Governments or to the Security Council or both with regard to any such ~~principles or~~ questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. ~~The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.~~ The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.[74]

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[73] Doc. 677, II/2/B/9, May 29, UNCIO Documents, vol. 9, p. 416.

[74] Doc. 601, II/2/B/4, May 26, Report of Subcommittee B to Committee II/2, UNCIO Documents, vol. 9, p. 408; Doc. 686, II/2/34, May 30, *ibid.*, p. 110.

The wording here, he said, is of very broad scope and is contradictory to the Dumbarton Oaks Proposals.

MR. STETTINIUS stated that he had made a promise to some of the members to adjourn at 6:45 p. m. and inquired whether it would be possible to hold a meeting tomorrow afternoon to consider the important items left over. He asked whether a 4 o'clock meeting tomorrow would be agreeable and whether the Preparatory Commission paper would be ready at that time.

MR. SANDIFER replied that the Preparatory Commission Paper would not be ready until Monday.

MR. STETTINIUS remarked that the time had arrived when it was necessary to go forward. He had hoped, he said, that it would be possible to complete discussion on all matters, except the two which Ambassador Gromyko must consult his government upon, at tomorrow's meeting. He added that something must be said to the press, otherwise there would be unfortunate repercussions. He suggested that each delegation should have one of its representatives remain behind in order to consult with Mr. Stevenson on which of the three draft statements he has prepared for the press it might be desirable to release. The following representatives were designated for this purpose: USSR—Mr. Novikov; United Kingdom—Sir Alexander Cadogan; France—M. Serreules; China—

AMBASSADOR HALIFAX stated that in tomorrow's meeting the minds of the group should be applied to what should be the procedure in the Commission dealing with the subjects discussed this morning, if agreement is not reached. He saw plainly the difficulty with respect to the later stages of the work, however well the press may be contained for a few days, if agreement is not reached on procedure.

SENATOR CONNALLY commented that there must be a final realization that everyone cannot get his way on everything; otherwise, he said, there will be no Charter. There must be a broad spirit of cooperation here.

The meeting adjourned at 6:50 p. m.

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500.CC/6–245 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, June 2, 1945—6 p. m.

1203. For the Ambassador and Hopkins. The Secretary has asked that the following most important and urgent message be sent you for immediate action.

"We have reached a very serious crisis in the Conference in San Francisco. Gromyko told the meeting of Heads of five principal delegations last night that the Soviet Government would not agree

to permit even 'consideration and discussion' of any dispute or threatening situation brought before the proposed Security Council unless formal decision by seven members of the Council including the unanimous vote of the five permanent members was taken. We and the other three Governments have taken the position that veto power should apply the moment the Council begins to take action even if the first step in the action is a decision to investigate or to make a recommendation. We have maintained however that up to the point of such action no individual member of the Council should be in a position to stop the consideration and discussion of a dispute brought before the Council. The Soviet proposal carries the principle of the veto against any action not only through the section providing for enforcement action and recommendations as to peaceful means of settlement of disputes but even to the right of a single nation to prevent any consideration and discussion of a dispute. We feel that this would make a farce of the whole proposed world organization.

I have reported this development to the President and he confirms my own feeling as well as that of the U.S. Delegation that the United States could not possibly accept an organization subject to such a restricted procedure which would be entirely contrary to the spirit of the security organization we have had in mind and have been presenting to the American people. The heads of the three other delegations of the five powers have at a meeting this morning stated their position as exactly similar to ours. Neither is it likely that any other of the nations would accept such an organization, and of course we ourselves could not possibly put them or ourselves in the position of even asking the members of the Conference to join an organization subject to such tight and futile restrictions, I stated our position on freedom of consideration and discussion by the Security Council in a public statement in Mexico City at the close of that Conference early in March and the Acting Secretary in a public statement on March 24 was also explicit in this regard. There has never been any reaction from the Soviet Government which indicated that they had a contrary view until Gromyko's statement of last night.

With the President's approval I am bringing this matter to your attention urgently. I know that in the past Marshal Stalin did not know himself of some of the decisions that were being taken and communicated to us. I feel therefore that it would be most helpful if you and Harry could meet with Marshal Stalin as soon as possible and ask him whether he realizes fully what the instructions sent to Gromyko mean and what effect the Soviet proposal would have upon the character of the world organization we are all trying to work out. Please tell him in no uncertain words that this country could not possibly join an organization based on so unreasonable an interpretation of the provision of the great powers in the Security Council. Please tell him that we are just as anxious as he is to build the organization on the foundation of complete unity among the great powers but it must be unity of action in the light of a maximum of free discussion. At no stage in our discussions relative to the creation of the world organization at Dumbarton Oaks or at Yalta or at any other time was a provision ever contemplated which would make impossible freedom of discussion in the council or the assembly. This is a wholly new and impossible interpretation.

Please let me know when you think you can put this up to Stalin and when you can give me some word as to his reaction since we will have to take the necessary steps to wind up the conference here if we have nothing favorable from you in this regard."

GREW

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500.CC/6–345 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, June 3, 1945—2 a. m.

1212. From the Secretary.[75] Supplementing my wire to you this morning (June 2) on voting procedure, I have just reread the statement I made on behalf of the President at the second plenary session at Yalta at 4 p. m. February 6.[76] I have a definite recollection that you have a full set of the Yalta minutes available, and if you read this statement you and Harry will see that in two paragraphs we clearly expressed our position on the importance of full discussion at all times so that every country could have a fair hearing. You will recall that this was the statement that was accepted by the Soviet representatives and the British the following day.[77] If I am in error and you have not a set of the minutes there please wire me and I shall send you by return message the two paragraphs to which I refer. I think a reference to these paragraphs in your discussions will add weight to the arguments you will put forward in your discussions. [Stettinius.]

GREW

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500.CC/6–345 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Acting Secretary of State*

Moscow, June 3, 1945—noon.
[Received June 3—10 : 18 a. m.]

1882. Before taking up the subject of your 1203, June 2, 6 p. m., it is vital that we should fully understand the exact significance of Gromyko's statement and its relation to the agreement on voting procedure at Yalta.

1. Does his statement mean that the Soviet Govt is now demanding that there must be an affirmative formal decision of the Council involving the full right of veto by all five permanent members before any

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[75] Transmitted by the Acting Secretary of State in accordance with a teletype message from the Secretary to Mr. Grew, received June 3, 12 : 57 a. m.

[76] See *Conferences at Malta and Yalta*, pp. 661 and 994.

[77] See *ibid.*, pp. 711–712.

situation can be brought up for discussion in the Council, which in effect would vitiate the Yalta decision on voting procedure since any situation or dispute would never reach that stage if one of the permanent members wished to prevent it, or does Gromyko recognize that if one of the permanent members is involved in the situation it would abstain from voting in the initial decision?

2. Am I right in my understanding that our position is that a free discussion of a situation in the Council should be permitted prior to any formal vote as to whether the Council should investigate such a situation?

3. Was there any formal or informal discussion of this aspect at Dumbarton Oaks?

4. Can you fortify us with any arguments for use in our discussion here which would indicate that Gromyko's position is at variance with the intent of the Yalta decision?

HARRIMAN

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 14

*Minutes of the Fourteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 3, 1945, 4 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (22); United Kingdom (4); Soviet Union (3); China (4); and France (4).]

MR. STETTINIUS called the meeting to order at 4:00 p. m. and pointed out that the agenda of the meeting did not include trusteeship or voting.

1. FRENCH PROPOSAL—CHAPTER VIII, SECTION C, PARAGRAPH 2

MR. PASVOLSKY stated that the paper which had been circulated incorporated the proposed changes in a new draft for Chapter VIII, Section C, paragraph 2. AMBASSADOR GROMYKO stated that yesterday's draft [78] was more acceptable and that the current draft was more precise. He attached extreme importance to this matter and stated that he did not like the new draft. He stated that he had not yet heard from his Government on this question.

2. AMENDING PROCEDURE

MR. PASVOLSKY called on Mr. Armstrong to report on developments concerning the situation with regard to the technical group of the Committee of Five, which had been requested to study the question

[78] See minutes of the twelfth Five-Power meeting, June 2, 10 a. m., p. 1094.

of the possible modification of the proposal of the Sponsoring Governments concerning a special conference to review the Charter.

MR. ARMSTRONG reported that Mr. Hoo, Colonel Capel Dunn, Mr. Zarapkin and Mr. Gorse had met and agreed that there should be no change in paragraph 3 of Chapter XI, concerning the concurrence of the permanent members of the Security Council in the ratification of amendments to the Charter, nor in the amendment of the Sponsoring Governments concerning the requirements for ratification of the recommendations of a revision conference. He stated that all were agreed that these provisions were fundamental. The group had taken into account the insistent demand of some of the middle-sized powers that some date for the revision conference be mentioned in the Charter, but agreed that it would be dangerous to suggest a specific date or a period in which such a conference should be held. He referred particularly to the Canadian proposal which was now before the Subcommittee of Committee I/2 [79] that such a conference should be held not later than seven years from the date of entry into force of the Charter.

MR. ARMSTRONG reported that the group thought there were two concessions which were, however, worth considering. The first was to empower the General Assembly to fix a date and place for a revision conference by a two-thirds rather than a three-fourths vote, as provided in the Sponsoring Governments' amendment. He pointed out that the number of votes involved in such a change would be from 36 to 32. Although this was a minor concession, it was nevertheless in a direction which the other powers would like. He then read the following proposal which might be added to the amendment of the Sponsoring Governments which in the view of the group would represent a slight concession in meeting the views of other Delegations:

"If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly."

He stated that Mr. Zarapkin had suggested that the tenth annual session of the General Assembly would be better than the seventh annual session as proposed by the Canadian Delegation. He observed that this was indeed a very minute concession but that such a concession would be better than nothing.

MR. ARMSTRONG then drew attention to the importance of the tactics which might be employed in the presentation of these proposals. He

[79] Subcommittee I/2/E, established by Committee I/2 on May 29, held three meetings on May 30 and 31, but discussion on the time to be fixed for the conference was postponed from the latter date until the Sponsoring Governments had had an opportunity to consult with each other (US I/2/E Doc. 3, May 31, 10:30 a. m.).

raised the question whether we should fight hard for the present text and then give in, or whether we should introduce these proposals ourselves and stick to them as the maximum concession to be granted. He indicated his preference for the latter course, for it would be possible to say that these concessions represent what we can do and all that we can do.

AMBASSADOR GROMYKO expressed the view that the Sponsoring Governments' amendment was better but that he would make a study of this proposal and express his views at a later time. MR. STETTINIUS stated that the proposals outlined by Mr. Armstrong were agreeable to the United States Delegation. AMBASSADOR KOO believed that the different steps involved here were well devised. MR. BONCOUR accepted the proposals made. LORD HALIFAX expressed agreement with the proposals and suggested that when Ambassador Gromyko consults his Government it should be understood that the four governments stand together on the additional sentence which had been proposed. MR. STETTINIUS concluded by stating that the four governments had agreed to the proposed modifications but that the Soviet Delegation wished to study the matter further.

MR. ARMSTRONG pointed out that the discussion of the Canadian proposal was the first item of pending business before the Subcommittee and wondered whether the meeting of the Subcommittee should be postponed. AMBASSADOR GROMYKO asked why the meeting should not be postponed and observed that it was not difficult to postpone meetings of Committees. MR. STETTINIUS then inquired whether the meeting could be postponed. MR. ARMSTRONG repeated that the first item of business before the Subcommittee would be a vote on the Canadian proposal which he thought would be carried. He thought it would be possible to request postponement. AMBASSADOR GROMYKO suggested that we could say that the heads of the Sponsoring Governments and France are consulting on this matter. MR. EATON observed that the Committee has other work to do and that if the meeting were not postponed he inquired what would happen. MR. ARMSTRONG thought it best to postpone the meeting. MR. STETTINIUS stated that the Secretary-General would be asked to postpone the meeting. MR. EATON inquired for how long. SENATOR VANDENBERG observed that one Committee had been postponed for ten days. AMBASSADOR GROMYKO stated that he could not answer how long it would be necessary to postpone the meeting and remarked that he had never raised such questions himself when the question of regionalism was under consideration. MR. STETTINIUS then stated that, unless there were any objections, the Secretary-General would be asked to postpone the meeting of the Subcommittee.

### 3. Election of Deputy Secretaries-General

Mr. Pasvolsky stated that the question concerning Deputy Secretaries-General still was not clear and called on Mr. Gerig to give a brief explanation. Mr. Gerig then reviewed briefly the paper which had been distributed on this subject.[80] He proposed that in view of the procedural difficulties in Committee I/2 concerning the question of Deputy Secretaries-General, the matter be taken up by the Steering Committee. Ambassador Gromyko suggested that this matter be considered first by the Executive Committee and then by the Steering Committe. He also thought that the joint proposal of the Sponsoring Governments should be submitted to the Executive Committee for consideration as representing the views of the Sponsoring Governments and France. He pointed out that all proposals for insertion in the Charter required a two-thirds vote and that in Committee I/2 more votes were given to the proposal to retain mention of reference in the Charter to Deputy Secretaries-General than to dropping it. Mr. Stettinius stated that he had no objection to taking this matter to the Executive Committee. Lord Halifax also stated that he had no objection to this procedure.

Ambassador Gromyko stated that there were two questions involved. The first was whether or not to include a provision concerning Deputy Secretaries-General. He considered that the vote of the Committee on this question should be corrected. The other question was how the Deputy Secretaries-General should be selected. He pointed out that the proposal of the Sponsoring Governments was that the same procedure should be used in the election of Deputy Secretaries-General as for the Secretary-General, and expressed the hope that the French Delegation would join in this proposal.

Lord Halifax stated that it was his own feeling that his Government would, on the whole, accept the proposal of the Sponsoring Governments, but that he would prefer to see no mention of the election of Deputy Secretaries-General in the Charter. He observed that this was pretty small beer anyway. He thought that it would have been more satisfactory to empower the Secretary-General, a man in whom the Great Powers would have confidence, to choose the Deputy Secretaries-General, who in turn might be approved by the General Assembly. He thought that the selection of the five Deputies by a qualified vote was too rigid and unnecessarily provocative. He suggested that if the Soviet Ambassador would go so far he would be prepared to propose that two Deputy Secretaries-General, one of them the real Deputy of the Secretary-General and the other charged

[80] Not printed.

with responsibilities for the Security Council, be selected in the same way as the Secretary-General and that the other three Deputies be nominated by the Secretary-General and approved by the General Assembly.

AMBASSADOR GROMYKO inquired whether the position of the British Delegation had changed and observed that when the Big Four were here [81] they were all agreed on the proposal that there be four Deputy Secretaries-General elected by the General Assembly upon the recommendation of the Security Council for a term of three years. LORD HALIFAX replied that the British position had not changed but that the amendment had not been gotten through the Committee. He added that his Delegation was never very enthusiastic about the proposed amendment. He pointed out that there had been considerable difficulty encountered in obtaining acceptance of this proposal and he was, therefore, prepared to offer his proposal as a compromise.

MR. BONCOUR stated that he had no objection to the procedure proposed or to the election of the five Deputies by the General Assembly upon the recommendation of the Security Council with a qualified vote. AMBASSADOR KOO thought that the matter should go to the Steering Committee and be cleared up there. MR. STETTINIUS stated that if this matter goes to the Executive Committee there should be agreement on the position of the five governments. LORD HALIFAX stated that if the others are all agreed to stick to the amendment of the Sponsoring Governments his Delegation would go along, but he rather doubted the wisdom of trying to get it through because of its relationship to a lot of other matters.

REPRESENTATIVE BLOOM pointed out that Ambassador Gromyko had left out the subsequent agreement regarding the eligibility for re-election of Deputies. He also proposed that a distinction might be given in name between Under Secretaries-General and Deputy Secretaries-General.

MR. STETTINIUS stated that he would prefer the election of the Secretary-General by a qualified vote and that the Deputies be nominated by the Secretary-General and approved by the respective bodies to which they might be assigned, such as the Security Council, the Economic and Social Council, and the General Assembly.

LORD HALIFAX repeated his view that he would prefer to have two of the five Deputies elected by a qualified vote.

MR. STETTINIUS stated that we must get ahead with this matter and that the United States was prepared to consider a compromise. LORD HALIFAX observed that there was a majority of 3 to 2 and suggested that we let this matter go to the Steering Committee. AMBASSADOR

[81] See minutes of the second consultative Four-Power meeting, May 3, p. 562.

Koo pointed out that the vote in Committee I/2 had been very close and that the situation might be changed in the Steering Committee when more members of Delegations would be present.

MR. BONCOUR asked what advantage there would be in electing two Deputies and appointing three, and suggested that this would create a difference in status between the Deputies. LORD HALIFAX replied that the two who were elected would hold particularly important positions and that his proposal represented an attempt to meet the general feeling against the election of all Deputies.

AMBASSADOR GROMYKO thought it best to hold to the text of the Sponsoring Governments, except as modified by subsequent agreement to increase the number of Deputies to five, and to provide for their eligibility to re-election.

MR. STETTINIUS observed that since there was no objection to the proposal that there be five Deputy Secretaries-General elected for a three-year term by the General Assembly upon the recommendation of the Security Council and eligible for re-election, it be taken to the Executive Committee.[82]

### 4. ACTION BY THE GENERAL ASSEMBLY ON REPORTS OF THE SECURITY COUNCIL

MR. PASVOLSKY called attention to the text of Chapter V, Section B, paragraph 8 which had been approved by Committee II/2,[83] and thought that the question would have to be taken to the Steering Committee. He suggested the elimination of the three middle paragraphs of this draft if it were agreed that the first and last paragraphs were acceptable. He pointed out that the principal objection was paragraph *b*). With regard to paragraph *a*), he pointed out that whether or not this provision is inserted in the Charter, it would be impossible to stop the Assembly from taking any action on a report from the Security Council. He thought, however, there was no need to mention it in the Charter. SENATOR VANDENBERG observed that if some provision along this line were not inserted that the Big Five would be plowed under.

MR. WEBSTER observed that there was no possibility of changing the substance of the proposal but that he thought it would be possible to find a better way of stating it. He said it would be impossible to deny the power of the Assembly to take the action described and believed that the Technical Committee would want the Steering Committee to find a better formula.

AMBASSADOR GROMYKO stated that it was not the language but the content of these provisions which was objectionable. He stated that

[82] Doc. 707, II/2/36, May 31, UNCIO Documents, vol. 9, p. 115.
[83] Doc. 827, EX/19, June 7, *ibid.*, vol. 5, pp. 485–486.

*a*) and *b*) are contradictory to the Dumbarton Oaks Proposals, whereas the first and last paragraphs of paragraph 8 were not. He said that he was agreeable to putting the question before the Steering Committee but thought it should first be discussed by the Executive Committee. SENATOR VANDENBERG stated that he was willing to drop these two paragraphs if necessary and agreed that it was a question of substance rather than language. He thought, however, that better language might be found. He considered that the substance of paragraph *a*) was inherent in the Dumbarton Oaks Proposals.

AMBASSADOR GROMYKO stated that if such a provision were inserted in the Charter, it would encourage decisions by the General Assembly which contradicted those of the Security Council. He observed that if the General Assembly were to receive a report from the Security Council and disapprove it, the Security Council would not be in a good position. SENATOR VANDENBERG stated that such a situation could occur anyway even though there were no specific provision in the Charter. AMBASSADOR GROMYKO pointed out that the text provides that the Assembly can disapprove decisions of the Security Council.

MR. DEJEAN suggested that instead of the phrase "to approve or disapprove", the phrase "to express an opinion" might be more suitable. He also observed that paragraph *b*) was in harmony with the Dumbarton Oaks Proposals.

MR. PASVOLSKY suggested the phrase "make any observation" in lieu of the phrase "to approve or disapprove".

MR. STETTINIUS inquired whether paragraph 8 should go to the Executive Committee with *a*) and *b*) deleted. LORD HALIFAX stated that while he had no objection to their deletion, he thought it shouldn't be difficult to draft something within the meaning of the Dumbarton Oaks Proposals that would be acceptable.

AMBASSADOR KOO favored re-drafting paragraph *b*) and softening it, and likewise concurred with the proposal of Lord Halifax as a basis of the recommendation to be made.

MR. STETTINIUS proposed that discussion of this question be taken to the Executive Committee and then the Steering Committee. He further proposed that if the Executive Committee did not favor the deletion of paragraphs *a*) and *b*) then a re-draft of those paragraphs might be agreed upon by the five Delegations and submitted to the Steering Committee. It was so agreed.

SENATOR CONNALLY stated that he was opposed to paragraph *b*) because it made the Security Council subservient to the General Assembly and as such was especially objectionable.

### 5. Revision of Treaties (Australian, Brazilian and Egyptian Proposals)

Senator Vandenberg expressed the view that in so far as Committee II/2 was concerned, he thought that the view of the Committee of Five with regard to the Australian, Brazilian, and Egyptian proposals would be sustained.[84] Ambassador Gromyko also thought that we would win our position on this question. He observed that it would be harmful to include a provision in the Charter which would empower the General Assembly to revise treaties and that most delegations realized this. He pointed out that the Egyptians and Belgians wished the Committee, as a whole, to agree upon an interpretation that paragraph 6 of Chapter V, B, confers on the General Assembly the right to revise treaties. He stated that the Soviet Delegation and others present oppose that interpretation. If the Egyptians or Belgians individually wish to say that this paragraph means that the General Assembly has the right to revise treaties that is satisfactory, but it would not be for the Committee as a whole to so interpret.

Mr. Webster pointed out that Egypt wanted the statement of Senator Vandenberg written into the Committee's report. In reply to Mr. Stettinius' question as to whether there was Five-Power agreement on this matter, Senator Vandenberg replied that there was complete agreement that the Committee should not be bound by any interpretation, but that any member of the Committee has a right to express its [*his*] own interpretation.

### 6. Right of the General Assembly to Discuss Any Matter Within the Sphere of International Relations

Mr. Pasvolsky called attention to the text of Chapter V, Section B, paragraphs 1 and 2 which had been distributed, and stated that the question was whether the additional phrase "affecting maintenance of international peace and security" should be added after the phrase "any matter within the sphere of international relations". He wondered whether this matter should be taken to the Steering Committee.

Senator Vandenberg stated that it was impossible to make the Technical Committee understand that the proposal is inherent in the Dumbarton Oaks Proposals. He pointed out that the Five Powers had tried to add the phrase "affecting the maintenance of international peace and security" and had failed.[85] Mr. Pasvolsky inquired whether the Delegations were ready to support the inclusion of this phrase in bringing the matter before the Executive Committee. Mr.

[84] Doc. 748, II/2/39, June 2, 1945, UNCIO Documents, vol. 9, p. 126; for index to amendments proposed with respect to chapter V, B (6), see *ibid.*, vol. 3, p. 653.
[85] Doc. 686, II/2/34, May 30, *ibid.*, vol. 9, p. 108.

GROMYKO suggested that it be left to the Coordination Committee to find out whether this phrase adds anything new to the Charter. SENATOR VANDENBERG said that he was agreeable to this suggestion.

LORD HALIFAX inquired whether it was good policy to reverse Technical Committee decisions at a higher level. He thought it was all right to let this matter go to the Coordination Committee. MR. STETTINIUS stated that a reversal of decisions of the Technical Committees would have a very bad effect. SENATOR VANDENBERG observed that Mr. Evatt would take this matter to a Plenary Session unless he changes his position in the meantime.

AMBASSADOR GROMYKO thought that Mr. Pasvolsky's suggestion that this matter be submitted first to the Executive Committee and then to the Steering Committee, leaving the Coordination Committee to decide whether anything new had been added, might be considered. He pointed out that if the provision were accepted as it now stands, the General Assembly would be empowered to intervene in any matter and that there would be no limit to its scope. MR. STETTINIUS suggested that the General Assembly inherently had the right to discuss such matters because of its general character. The General Assembly, he observed, is a table around which the Governments could discuss anything. MR. PASVOLSKY stated that this paragraph was intended to cover only matters pertaining to peace and security. Other paragraphs defined other powers of the Assembly. He wondered whether or not such a provision was required and suggested that the matter be taken first to the Executive Committee and then to the Steering Committee. LORD HALIFAX wondered how it would be possible to stop the Assembly even if these words are too wide. MR. PASVOLSKY reiterated that the other powers of the General Assembly were covered elsewhere and said the question was whether the general powers of the Assembly should be stated in such broad terms as those proposed.

SENATOR VANDENBERG sounded a warning on the attitude of the other powers who maintained that the power to discuss any matter within the sphere of international relations is in the General Assembly and that, therefore, it should be stated. MR. PASVOLSKY stated that such a broad and unlimited statement had not been accepted. He thought this matter could be taken up in the Coordination Committee.

SENATOR CONNALLY stated that the Assembly under Section B has the right to consider the matters set forth in paragraphs 1, 2 and 6 and asked what else could be discussed. He didn't see any harm in letting the Assembly talk, provided that it did not make any recommendations under the limitations imposed in paragraph 2 *b*). SENATOR VANDENBERG observed that this question was purely a matter of strategy. MR. GOLUNSKY stated that the exception provided in paragraph 2 *b*) referred only to recommendations but not to discussion. He thought that a situation in which the General Assembly discussed

a matter which was being dealt with by the Security Council was contradictory. MR. DULLES pointed out that the only limitation on the Assembly is on its right to make recommendations, not on its right to discuss. He thought that the text adopted by the Committee in that respect conforms precisely to the Dumbarton Oaks Proposals. MR. PASVOLSKY suggested that the Delegations think over whether this matter is important and review it in the Steering Committee. MR. STETTINIUS suggested that "we sleep over it".

### 7. AUSTRALIAN PLEDGE FOR SEPARATE ACTION

MR. PASVOLSKY stated that there was some question with regard to the language employed in the Australian pledge for separate action as set forth in Chapter IX, A, 1. AMBASSADOR GROMYKO observed that it sounded all right but that he might have something to say on this subject at a later time.

### 8. MEETINGS OF EXECUTIVE COMMITTEE AND STEERING COMMITTEE

MR. STETTINIUS suggested that the meeting of the Big Five be held at 12:00 o'clock tomorrow in order to determine the procedure to be followed before calling a meeting of the Executive Committee. The Big Five might draft the agenda but not set a time for the Steering Committee. He thought other delegations might have comments to make tomorrow. AMBASSADOR GROMYKO suggested that the agenda of the Executive Committee be discussed at the meeting of the Big Five tomorrow.

In reply to MR. BONCOUR's question on when the Executive Committee would meet, MR. STETTINIUS stated that that would depend on the progress made by the Big Five.

SENATOR VANDENBERG stated that the problem of the French amendment should be settled tomorrow. He observed that it would be unfortunate if Committee II/4 could not meet tomorrow without agreement among the Big Five. He said it was asking a lot of a group of plenipotentiaries to wait ten days while we failed to decide. MR. STETTINIUS said that it was agreed that the Big Five would meet at 12:00 tomorrow.

### 9. PRESS RELATIONS

MR. STETTINIUS stated that there was a very difficult situation with regard to the press, and called on Mr. Stevenson to read a suggested statement for consideration by the group.

MR. STEVENSON suggested that it would be desirable to give an official indication of the present situation by the issuance of a Five-Power statement. He then read the following draft:

"The Chiefs of Delegations of the four sponsoring powers and France have met several times in the last two days to discuss a number of matters pending in various Committees of the Conference.

"In these discussions, the Delegations of the five powers have reached a common position on various suggested changes in the following provisions of the Charter:

(He did not read the list of items which might be included in the statement.)

"While a wide area of agreement has been reached on interpretations of the voting provisions for the Security Council and other matters, discussions are continuing with a view to furthering progress toward the successful conclusion of the Conference."

SENATOR VANDENBERG thought that any list of questions which might be included in the statement would be those which run against the smaller powers and that it would have an unhappy impact.

MR. STEVENSON stated that there was such a general state of alarm that he thought we should let the world know, in some way or other, that we were continuing to seek agreement on outstanding questions. SENATOR VANDENBERG thought that such a list was worse than nothing because it would confirm the impression that we were plowing under the smaller powers. MR. ROCKEFELLER stated that the listing of items would throw the small states into confusion. MR. STEVENSON hoped that it would be possible to give some affirmative positive statement. MR. STETTINIUS thought that we should recognize that a number of delegations are becoming discouraged and that it was incumbent upon the Big Five to restore confidence in the success of the Conference. This must be done promptly in some way or other. MR. BONCOUR agreed that a number of delegations are getting impatient.

LORD HALIFAX feared that the kind of statement prepared by Mr. Stevenson would hardly do the job. He agreed with the point of view expressed by Senator Vandenberg and Mr. Rockefeller. He found no fault with Mr. Stevenson but said that we were not helping ourselves in this situation. He thought that it was dangerous to say that all is going well when it really isn't and that we couldn't alter the situation until we have gotten along farther.

SENATOR VANDENBERG thought that the facts should be told and that the position of various governments on controversial issues should be stated. He thought it might be better if each government were to state its own position rather than to try to get an agreed statement among the Five.

MR. STETTINIUS pointed out that we were still in a negotiating stage, and MR. STEVENSON added that a statement by each delegation would tend to freeze positions. SENATOR VANDENBERG referred to the objective story published in the *New York Times* and thought that it didn't do any damage.

AMBASSADOR KOO said that there was need for some statement, but he preferred not to list the items as proposed by Mr. Stevenson. LORD HALIFAX suggested that we tell the press that the five principal

powers have held a lot of meetings, have reached agreement on a number of matters, and have also failed to reach agreement on some important matters but they are continuing their effort to find solutions to outstanding problems. AMBASSADOR GROMYKO stated that it was difficult to discuss any statement without a text before him, and that agreement on the issuance of a statement would depend on what was included in it. He added that he would want to communicate with his Government on the issuance of any such statement. LORD HALIFAX suggested the Chairman be authorized to issue a general objective statement which was not controversial. MR. STETTINIUS stated that that had been tried last night with no result. The only statement he could make was as Chairman of the United States Delegation.

REPRESENTATIVE EATON inquired why each Delegation should not make a statement on its position. He observed that we came here as a parliament of mankind and that each Delegation should take a position before its public. He, for one, did not care for all this picayune stuff.

LORD HALIFAX stated that he hoped that the British position had not been backward. REPRESENTATIVE EATON then inquired how we could develop public opinion in the world if we sat around and chattered like a bunch of magpies.

MR. STETTINIUS adjourned the meeting.

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500.CC/6–345 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, June 3, 1945.
[Received June 3—6 : 12 p. m.]

3. Please transmit the following message to Harriman as from me:

"A separate telegram [86] is being sent answering the questions in your 1882 of June 3. In addition in order to give you a complete understanding of this problem I quote below the following text of the paper which was worked out in the sub-committee of the sponsors and presented to the delegation chairman [*chairmen*] for consideration:

'Specific questions covering the voting procedure in the Security Council [87] have been submitted by a subcommittee of the conference committee on structure and procedures of the Security Council to

[86] Telegram 4, June 3, *infra*.
[87] Doc. 855, III/1/B/2(*a*), June 8, UNCIO Documents, vol. 11, p. 699.

the delegations of the four governments sponsoring the conference—the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with these questions, the four delegations desire to make the following statement of their general attitude towards the whole question of unanimity of permanent members in the decisions of the Security Council.

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

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

3. It is clear from paragraph 2 of section A of chapter VIII that any state may bring to the attention of the Security Council any dispute, or any situation which may lead to international friction or give rise to a dispute. The Council can discuss and consider any such dispute or situation and, in deciding whether or not to discuss a particular dispute or situation, the Council should obviously operate by a procedural vote which does not require unanimity of the permanent members. It follows that no individual member of the Council can alone prevent a consideration and discussion by the Council of such dispute or situation. Nor can parties to such a dispute be prevented in this manner from receiving a hearing before the Council.

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under section B, chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

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

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

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

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

however, that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

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

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

In Ambassador Gromyko's reply he accepted the introductory paragraph and paragraphs 5 through 10 of this paper. The Soviet paper substitutes the following for paragraphs 1 through 4.

1. The sense of Yalta decision is quite clear and is as follows: The unanimity of the permanent members of the Security Council is required on all matters, which may be submitted to a vote in the Security Council excepting purely procedural matters mentioned in section D, chapter VI and special cases provided for by paragraph 3, section C, chapter VI. Thus all the matters enumerated in section A, chapter VIII require the unanimity of permanent members provided that a member being a party to a dispute shall abstain from voting.

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

2. This is the formal aspect of this matter, which has been worked out in the course of prolonged conversations among the sponsoring governments at the Dumbarton Oaks conference, during the period between that conference and the Yalta conference and in the course of the Yalta conference itself. In these conversations the above mentioned powers were inspired by a sincere aspiration to establish an international organization capable of living, which would give

the greatest guarantees and possibilities to assure the suppression of any aggression and strengthening of general peace with participation of all mighty peace-loving powers. Small nations are particularly interested in the establishment of such an organization in order to maintain their independence and integrity, and the interests of these nations were fully taken into consideration in the initiative of the sponsoring powers and in their efforts to convene the Dumbarton Oaks conference and further the present San Francisco conference. They attach special importance to the normal functioning of the organization in preventing international armed conflicts by peaceful means as much as possible and by enforcement measures if necessary.

The sponsoring powers working out the Yalta voting formula of the draft charter, now under discussion, proceeded from the idea to assure the greatest possible participation of the members of the international organization not represented at the Security Council in the discussion by the Council of any question affecting the interests of a member of the organization, not a member of the Council; this is specially mentioned in the charter of the organization.

According to this provision of the charter any member of the organization may participate in the discussion of any question specially affecting the interests of this member. Moreover the Security Council should invite any state party to a dispute under consideration of the Security Council to participate in the discussion relating to the dispute. All decisions on such questions shall be taken by the Council by procedural vote without unanimity.

Therefore there are no grounds whatever to fear that the sponsoring powers, when they become permanent members of the Council, would actually use the rights conferred on them by the charter to block the discussion by the Security Council on any international dispute affecting the interests of states not members of the Council and other situations likely to endanger general peace or to block the taking of appropriate measures by the Council. Furthermore, the permanent members of the Council, when they are a party to a dispute, under paragraph 3, section C, chapter VI shall not vote and will not influence the decision on the question, whether any matter should be discussed.

Only rare exceptional cases are possible when the permanent members of the Council, conscious of their special responsibility for the prestige of the organization, use their formal right.

3. The discussion by the Security Council of any dispute is of importance only in the case of decisions provided for by section A, chapter VIII be taken as a result of such a discussion. A discussion which wouldn't be followed by any security action is only likely to discredit the whole organization and sometimes even to strain the relations between the parties to the dispute. On the other hand the discussion on a dispute in the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under section B, chapter VIII. Thus this chain of events begins from the very moment when the Council

decides to take up a dispute for consideration. It follows that a discussion on a dispute is of great political importance by itself and may entail serious consequences; therefore the question, whether a dispute should be considered, in no way can be deemed a procedural matter."

Repeated to Moscow as No. 1213, June 3, 8 p. m.

[STETTINIUS]

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500.CC/6–345 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, June 3, 1945.
[Received June 3—6 : 36 p. m.]

4. Please transmit the following to Harriman as from me:

"The following is in reply to your 1882 of June 3. The numbered paragraphs refer to your questions:

1. Gromyko fully accepts the provision that parties to a dispute should abstain from voting as set forth in the Yalta formula.

2. The problem really reduces itself to this question: Whether or not veto power should apply in a decision to place a dispute brought before the Council on the Council agenda for purposes of discussion prior to the taking of any action by the Council.

3. The specific issue was not discussed either at Dumbarton Oaks or at Yalta, but was always taken for granted by us and the British. Our position cannot possibly be construed as being at variance with the Yalta formula since the Soviet Government admits that a procedural vote should apply to the entire section D of chapter VI of the Dumbarton Oaks proposals, and the formulation of an agenda is certainly a procedural matter.

4. By separate telegram [88] we are sending you the full text of a statement on voting procedure agreed to by the United States, United Kingdom and China, and of the proposed Soviet redraft. This will give you a full understanding of the issues and of the arguments on both sides.

5. We are not wedded to any particular language, provided the point at issue stated in paragraph 2 above is decided in the sense that no single member of the Council can, by the exercise of veto power, prevent the Council from placing on its agenda for purposes of discussion a dispute or a situation brought before the Council, with the understanding that veto power would apply in all decisions and actions as described in numbered paragraph 4 of our statement."

Repeated to Moscow as No. 1214, June 3, 9 p. m.

[STETTINIUS]

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[88] Telegram 3, June 3, *supra*.

[On June 3 the Secretary of State sent a telegram (No. 5) to President Truman informing him of the issue regarding Soviet contention for veto power against discussion in the Security Council; for text of telegram, see *Conferences at Malta and Yalta*, page 995.]

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 63

*Minutes of the Sixty-Third Meeting of the United States Delegation, Held at San Francisco, Monday, June 4, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (32) present at meeting, miscellaneous announcements by the Secretary of State, and discussion of a procedural question.]

TRANSITIONAL ARRANGEMENTS

The Delegation was referred to the document "Recommendations to the United States Delegation on Basic Issues", US Gen 219.[89] MR. JOHNSON reported that the Four Power attempt to gain acceptance for the original wording of Chapter XII, Paragraph 1 had been defeated twice, 17 to 15 and 18 to 1.[90] The question had been referred to a subcommittee which voted by a count of 5 to 0 that the paragraph needed no further clarification.[91] The Big Five had been the only powers to vote on this issue. However, a report of the subcommittee made it very clear that the Big Five had different interpretations of this paragraph, thus making most difficult the position assumed by the Big Five that the paragraph needed no clarification. The question had been referred to the Steering Committee for decision.

THE SECRETARY asked Mr. Johnson what he would recommend. MR. JOHNSON replied that the military seemed to agree to the position stated in the paper he had presented in which it was suggested that "the United States Delegation accept the necessity for some modification of Chapter XII and take the lead to bring this about, first in the Big Five and subsequently in the Steering Committee." MR. JOHNSON suggested that it would be advisable to study the language of the suggested revision which was attached to US Gen 219. This suggested redraft, "Proposed Redraft of Chapter XII," June 3, 1945, proposed that a new paragraph be inserted after paragraph 1 as follows:

"1. The Security Council shall as soon as it is organized be vested with all the functions and powers conferred upon it by this Charter with the exception of those involving enforcement action. The latter

[89] Not printed.
[90] Doc. 704, III/2/36, May 31, UNCIO Documents, vol. 12, p. 404.
[91] Doc. 765, III/3/39, June 3, *ibid.*, p. 419.

functions and powers shall be assumed by the Security Council as soon as, through the coming into force of the special agreement or agreements provided for in Chapter VIII, Section B, paragraph 5, adequate forces and facilities are available for the fulfillment of all its responsibilities under the Charter."

The suggested redraft also included the addition, in brackets, of the following phrase at the end of the old paragraph 2:

"until such time as those Governments shall transfer this responsibility in whole or in part to the Security Council."

MR. JOHNSON explained that there were three issues, when the Security Council would take over the function of enforcement against enemy states, who should make this decision, and what was to be the scope of the Security Council's functions. SENATOR CONNALLY declared that he was opposed to the exception established in the new paragraph 1. The Security Council, he declared, would have authority whenever forces were made available to it, and MR. DUNN agreed that the exception established was too broad. MR. JOHNSON asked whether this objection was not covered by paragraph 2 of the redraft. MR. DUNN replied that this paragraph provided only for consultation, but SENATOR CONNALLY added that the consultation was provided for "with a view to such joint action . . . as may be necessary." MR. HACKWORTH submitted that there was no need for the additional paragraph. The original wording, he thought, was sufficiently clear to make any addition unnecessary. SENATOR CONNALLY observed that the additional paragraph, or clarification of some kind, was made necessary by the demands of the smaller powers. This question had been submitted, he declared, to the Steering Committee for a decision. THE SECRETARY asked why it was not possible to stand on the original language. MR. JOHNSON replied that the different interpretations advanced by the various members of the Big Five made it impossible to maintain the position any longer that the original wording did not require clarification. MR. DULLES asked what the Russian interpretation had been. MR. JOHNSON replied that the Russians had stated their position as being that the Security Council could not function until the agreements for the supply of forces came into effect. The Russian Delegation had also insisted on the wording "maintenance of peace" instead of "enforcement".

SENATOR CONNALLY suggested that paragraph 1 of the redraft be dropped and that wording such as "subject to the provisions of paragraphs 2 and 3, the Security Council is vested with all the functions and powers granted to it in this Charter" be substituted.

MR. PASVOLSKY remarked that there was complete misunderstanding of the purpose of this chapter. It had not been proposed at

Dumbarton Oaks in order to grant more power to the four major nations. In fact, its purpose had been just the opposite, to assure the small powers that there would not be a chaotic situation during the interim period between the end of the war and the coming into effect of the Organization. Mr. Pasvolsky declared that as far as the Big Powers were concerned, this Chapter was not at all necessary inasmuch as the Moscow Declaration would stand by itself and would give the Four Powers the necessary authority to undertake enforcement action. Mr. Pasvolsky thought that it should be explained to the small states that if they did not want the protection provided by this paragraph, it could be dropped. MR. JOHNSON replied that the small states were aware of the need for interim machinery but were afraid that the provisions of this Chapter could keep the Security Council from assuming its functions for an indefinite period. The Norwegian Delegate had expressed the fear that a situation might arise which would be "like hitting a lobster while it was changing shells". Mr. Pasvolsky thought that this was a ridiculous interpretation. It was impossible, in his opinion, to block the Security Council's assuming its functions. He thought that a talk should be conducted with the Russians to straighten out the interpretation of the Chapter and that if it were to become necessary, the paragraph should be dropped. COMMANDER STASSEN remarked that the question was now going to the Steering Committee where it could be decided. THE SECRETARY thought that he would discuss this matter in the meeting of the Big Five at twelve noon, and asked Mr. Johnson to present a background paper before that time. MR. JOHNSON remarked, however, that he had an important committee meeting at 10:30 and thus would be unable to prepare a paper, and MR. PASVOLSKY remarked that no paper was really necessary. THE SECRETARY asked Mr. Johnson whether he was satisfied with this procedure and MR. JOHNSON thought that the matter should be held off until the following day to provide time for the preparation of the paper. THE SECRETARY thought that it would be possible to speak to Ambassador Gromyko at noon and have the entire matter clarified without any further delay. MR. JOHNSON declared that he did not think that the small powers would accept any solution short of new wording, and MR. JOHNSON agreed that in his opinion new wording was necessary. THE SECRETARY declared that such language might be developed as a result of the 12 o'clock meeting, and MR. JOHNSON admitted that this was so.

SENATOR CONNALLY declared that Mr. Johnson deserved a vote of thanks from the Delegation for his efforts in preparing the paper which the Delegation had just considered. MR. JOHNSON declared that Colonel Hamilton had been of great help in the work of preparing the recommendation for the Delegation.

### Referral of a Question to the Steering Committee

Secretary Stettinius apologized to Mr. Hiss for having kept him waiting and declared that he realized how busy Mr. Hiss was. The Secretary then explained to Mr. Hiss the problems that had been raised by Representative Bloom earlier in the meeting. Mr. Hiss agreed with the previous sentiment of the Delegation that the Steering Committee could consider any matter under discussion by the Conference. The Steering Committee, he declared, was empowered by the Rules of Procedure to consider all major matters on procedure and substance and each Delegation was granted the privilege of submitting any matter to the consideration of the Steering Committee at any time. The Secretary asked whether this would be true even if a technical committee approved a question. Under such a circumstance, The Secretary asked, would it be possible for the matter to be submitted to the Steering Committee without its first being presented to the Commission concerned with the matter? Mr. Hiss replied that exactly that situation had occurred in the case of the World Trade Union Conference.[93] Representative Bloom asked who had referred the matter to the Steering Committee in that instance and Mr. Hiss declared that he himself had found it necessary to take this action. Representative Bloom then asked how the decision of a technical committee included in a Rapporteur's report could be handled if the Big Five were to ask for the referral of such a matter to the Steering Committee. Mr. Hiss replied that the Steering Committee was the highest appellate body and as such was competent to consider any question even if it had been settled by a technical committee. Representative Bloom declared that trouble might be expected on the floor of the Conference if the Big Five were to carry through with their intention of referring a number of matters to the Steering Committee despite the previous decisions of the technical committees. Representative Bloom thought that someone on the technical committee should be asked to request reconsideration of the problems; in that way the onus would not fall on the Big Five.

### Domestic Jurisdiction

The Secretary thought that the Delegation should then turn to the remaining questions on the agenda. The Secretary said that he was of the opinion that questions 3, 4, and 5 had already been discussed but he was assured that they had not been discussed in that form. The Secretary declared that he was outvoted. Mr. Sandifer said that the matter of the Preparatory Commission should be con-

[93] Doc. 48, G/13, May 1, UNCIO Documents, vol. 1, p. 58; Doc. 189, II/3/7, May 10, *ibid.*, vol. 10, p. 16; and Doc. 224, ST/7, May 11, *ibid.*, vol. 5, p. 207.

sidered by the Delegation because it was to be presented in Committee that morning.

MR. DULLES referred the Delegation to his memorandum of June 1 to the Secretary, concerning the problem of domestic jurisdiction. Mr. Dulles declared that there was a new aspect of this problem. The smaller powers had evidenced concern over the authority of the Security Council to make recommendations which might affect domestic affairs under the exception established with respect to Chapter VIII, Section B. in paragraph 7 of Chapter II. Mr. Dulles recommended that the United States not take the initiative in this question if the other four proved to be willing to drop the phrase which was causing the difficulty, "this principle shall not prejudice the application of Chapter VIII, Section B." [94] MR. DULLES was of the opinion that the United States should agree. MR. PASVOLSKY remarked that this question had been discussed in the Subcommittee of Five but that it had been brought up only informally. The opinion of the French, Chinese and Russians had been that there was no weight to Mr. Evatt's contention that the domestic rights of the small powers were threatened by this phrase.[95] The Big Five had decided informally to stand on the original wording. MR. DULLES was of the opinion that there might be something in Mr. Evatt's position. Section B of Chapter VIII, which was excepted from the domestic jurisdiction clause, gave broad powers of recommendation to the Security Council. REPRESENTATIVE BLOOM inquired whether the Security Council might recommend under this clause that New York be given to Canada. MR. DULLES said that in all probability no such recommendation could be passed because the United States would have a veto power but the smaller powers were worried that some such action might be taken by the Security Council in view of the fact that they had no veto power themselves. REPRESENTATIVE BLOOM asked whether the question of immigration might be considered under this clause. REPRESENTATIVE BLOOM wondered if immigration would possibly be a matter for international concern. MR. DULLES pointed out that the powers of recommendation under Chapter VIII, Section B. were not restricted to international matters. REPRESENTATIVE BLOOM thought that such broad powers for the Security Council would create trouble in the Congress when the Charter came up for ratification. MR. SANDIFER thought that to leave out the phrase "this principle shall not prejudice the application of Chapter VIII, Section B," would be to omit a most important safeguard for the Security Council's power to take effective

[94] See the Four-Power amendment, Doc. 2, G/29, May 5, UNCIO Documents, vol. 3, p. 623.

[95] See the Australian amendment, Doc. 2, G/14(1), May 5, *ibid.*, pp. 551–552.

action in a dispute. SECRETARY STETTINIUS remarked that during a conversation with Mr. Evatt someone had asked a very appropriate question, whether it was not proper for the Organization to interfere in the domestic concerns of any state in a case where that state might be persecuting its Jewish population, for example.

MR. DULLES reported that the British had been informing the Dominions that the United States was responsible for this excepting phrase establishing clearly the authority of the Security Council. Actually, it had been Foreign Minister Eden who had urged full authority for the Security Council.[96] REPRESENTATIVE BLOOM thought that this was logical in view of the fact that England had no immigration restrictions. MR. DUNN repeated that the British had misled the Dominions into believing that the United States was responsible. COMMANDER STASSEN asked how Mr. Dulles knew this and MR. DULLES replied that he had been told by representatives of some of the Dominions. COMMANDER STASSEN thought there was no significance to this.

MR. NOTTER submitted that it was not necessary to omit this phrase in paragraph 7 of Chapter II. He thought that this clause could be made to read: "prejudice the application of enforcement measures under Chapter VIII, Section B". MR. DULLES thought the United States should not take the initiative; it should agree to such a change if it were necessary, and THE SECRETARY declared that this was agreeable to him. The Delegation agreed to this suggestion of Mr. Notter's.

### RIGHT OF THE GENERAL ASSEMBLY TO DISCUSS ANY MATTER WITHIN THE SPHERE OF INTERNATIONAL RELATIONS

THE SECRETARY suggested that the Delegation turn next to the problem of the right of the General Assembly to discuss any matter within the sphere of international relations. SENATOR VANDENBERG urged that it was agreed by the Great Powers that this right was inherent in the Dumbarton Oaks Proposals. Senator Vandenberg submitted that since this was admitted, it was really unnecessary to attempt to force the withdrawal of the proposed amendment making the authority of the General Assembly express.[97] Such an action, Senator Vandenberg declared, would inflame the small powers. Senator Vandenberg reported that Ambassador Gromyko had been anxious to press for the withdrawal of this language.

MR. PASVOLSKY declared that he was of the opinion that the Committee had taken the wrong course of action in accepting the wording. However, Mr. Pasvolsky thought that the United States should

[96] See minutes of the second, third, and fourth Four-Power consultative meetings on Charter proposals, May 3 and 4, pp. 562, 581, and 598, respectively.

[97] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 109.

not raise the matter in the Steering Committee because it was not of sufficient importance. Mr. Pasvolsky declared that since there were other important matters on which the technical committees would have to be overruled, he did not think this question should be brought up for action in the Steering Committee. MR. HACKWORTH declared that the question was raised by the fact that the matter had been referred to the Executive Committee. If that body did not take some action on the issue, it would be left neither in the technical committee nor in the higher committee. SECRETARY STETTINIUS declared that he favored Mr. Pasvolsky's suggestion and he asked that the Delegation authorize him to ask the Steering Committee not to consider this question on the grounds that it was not of sufficient importance. REPRESENTATIVE BLOOM asked whether the Secretary would do this at the beginning or at the end of the meeting. Representative Bloom thought that the Secretary should wait for Ambassador Gromyko to raise the question first.

### PREPARATORY COMMISSION

MR. SANDIFER submitted for the consideration of the Delegation the Draft Protocol, June 3, 1945, on the establishment of a Preparatory Commission.[98] Mr. Sandifer read the draft aloud to the Delegation.

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MR. HACKWORTH raised a question with respect to the wording of paragraph 9. He asked whose signature would be necessary under the present wording "This protocol shall be effective beginning with the day on which it is first signed." THE SECRETARY declared that this wording meant that all the nations present would sign the protocol but MR. HACKWORTH declared that this wording could be interpreted as meaning only two signatures would be required for the interim machinery to come into effect. It could not be effective with only two signatures, Mr. Hackworth thought.

MR. SANDIFER urged that the Delegation give careful consideration to the problem raised previously concerning possible ratification if this document were to be called a protocol. Mr. Sandifer thought that if legislative action would be necessary under the present title, consideration should be given to the use of the word "resolution". REPRESENTATIVE BLOOM remarked that a resolution required a majority of both Houses, but he was informed that a resolution of the present Conference was implied. THE SECRETARY declared that he would favor dropping the use of the word "protocol" because it implied an attempt to "dress up" the agreement. MR. SANDIFER said that several

[98] Not printed.

other countries had expressed the desire to use the word "protocol". COMMANDER STASSEN suggested "interim agreement". SENATOR VANDENBERG agreed that if the present wording would involve a discussion of the necessity of ratification, if not in this country, then in other countries, he would favor calling the document a resolution. DEAN GILDERSLEEVE remarked that Committee II/3 would consider this matter. COMMANDER STASSEN urged the use of the words "interim arrangement", and the Delegation was unanimously agreed to this suggestion.

### FUTURE DELEGATION PROCEDURE

COMMANDER STASSEN declared that the Conference was reaching a crucial stage in these last days, especially in view of the fact that the Big Five would be attempting to reverse decisions of a number of the technical committees. Commander Stassen thought it was vitally important that the Delegation should not appear to be divided before the other members of the Big Five. Commander Stassen suggested that any member of the Delegation who had any proposals to offer in the Big Five meetings should first clear them with the Secretary in order that he could fit these proposals in with the Delegation's position. Commander Stassen thought that when any member of the Delegation had a proposal to offer, the Secretary should ask that the matter be kept open until a meeting of the Delegation could be called to decide the Delegation's position.

COMMANDER STASSEN thought that it was becoming apparent that it would be impossible to push Ambassador Gromyko into agreeing to any matter unless he first got approval from Moscow. Commander Stassen thought there was no point in pressing Ambassador Gromyko on unimportant matters. Commander Stassen thought the Delegation should adjust its procedure according to the obvious requirement that Ambassador Gromyko had to clear everything with Moscow. Commander Stassen thought progress would be made much more quickly if the Delegation understood this necessity. He suggested that when the United States had any suggestion to offer, an exploratory statement should be presented, couched in definite terms, and the Delegation should realize that the problem would have to lay over for three or four days. There would be no point in trying to press for an immediate answer. Commander Stassen admitted this was a difficult and bad situation but this, he declared, was the situation with which the Delegation was faced. SENATOR VANDENBERG declared he was in complete agreement with Commander Stassen's first observation but he did not think this Delegation should subordinate itself permanently to the Moscow time table. THE SECRETARY asked whether the Delegation would give him 24 hours in which to discuss

the matter with Ambassador Gromyko. MR. STEVENSON declared that he was in complete agreement with the first point made by Commander Stassen. Any apparent division among the Delegation, he declared, would leak out of the Big Five meeting before he had a chance to leave the room.

THE SECRETARY urged upon the Delegation the necessity for not revealing the plans to locate the interim commission in London.

The meeting was adjourned at 10:15 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 15

*Minutes of the Fifteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 4, 1945, 12 noon*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (24); United Kingdom (4); China (4); France (6); and the Soviet Union (5).]

MR. STETTINIUS opened the meeting by recalling the agreement to meet today to complete, if possible, the discussion on the open items. He asked Mr. Pasvolsky to proceed promptly with the presentation of the items on the agenda.

1. FRENCH PROPOSAL—CHAPTER VIII, SECTION C, PARAGRAPH 2

MR. PASVOLSKY said that the first item was the French proposal relative to Chapter VIII, Section C, Paragraph 2.

MR. STETTINIUS said that the text before the group was the one which had been approved previously by the United States, the United Kingdom, China, and France.[99] The Soviet Union had asked time to study the text further. AMBASSADOR GROMYKO said that he had nothing to report.

MR. STETTINIUS asked if it could be agreed to let this draft go to the Committee promptly. DR. SOONG and LORD HALIFAX indicated approval. MR. DEJEAN said that the French attributed great importance to this matter and that they would prefer to have the answer of the Soviet Delegation before the matter is presented to a Committee.

AMBASSADOR GROMYKO reported that he had nothing further to say on the matter today. He did not understand why this item had been put on the agenda without his being consulted as he had previously indicated that he had asked for instructions from his Government. He would report to the other Delegations as soon as he had received instructions.

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[99] Minutes of the twelfth Five-Power meeting, June 2, 10 a. m., p. 1094.

MR. STETTINIUS said that this item had been put on the agenda in accordance with the procedure which had been agreed upon of continuing these meetings daily until all the open items had been disposed of. He said that he proposed to continue to follow this practice until the consideration of the items had been completed. He asked Ambassador Gromyko whether he considered that this matter was so important that it should not go to the Commission before he had received instructions. AMBASSADOR GROMYKO repeated that he had nothing more to say on the question now, but that he thought we should finish our consultation before the matter is referred to a Committee.

MR. STETTINIUS inquired whether this matter had reached a point where the five Delegations should take a vote. LORD HALIFAX said that he was impressed by the reluctance of the French Delegation to proceed without approval of the Soviet Government. He did not know whether the Committee's action was being held up on account of this matter. SENATOR VANDENBERG said that it was; that in fact the Committee had not been able to take any action for eleven days.[1]

MR. BOWMAN [BONCOUR?] said that his Delegation would like very much to have the Soviet reply before any action is taken. He thanked Lord Halifax for referring to this matter and said that he would like a further delay.

MR. STETTINIUS said that as two Delegations had asked for delay this question would be held up. He asked Lord Halifax whether he thought there should be any time limit. LORD HALIFAX said that further delay created a very difficult situation, but that he was sure the Soviet Ambassador was fully aware of the situation. THE SOVIET AMBASSADOR said that he had nothing to add and reiterated that he was awaiting a reply from his Government.

2. AMENDMENTS—CONFERENCE FOR REVISION OF CHARTER

MR. PASVOLSKY said that this item had been held over from the last meeting.

LORD HALIFAX said that his Delegation was willing to accept both suggestions made at the last meeting by Mr. Armstrong.[2] He thought that the only point in debate was whether when the Committee met the changes proposed in the text should be offered immediately and whether there should be an effort first to obtain agreement on the original text of the Four-Power Amendment and if defeated on that then to offer to make the changes agreed upon. AMBASSADOR GROMYKO said that his Delegation believes strongly in the Joint Four-

[1] See Interim Report to Committee III/4 by Subcommittee III/4/A, Doc. 533, III/4/A/9, May 23, UNCIO Documents, vol. 12, p. 850.

[2] Minutes of the fourteenth Five-Power meeting, June 3, 4 p. m., p. 1120.

Power Amendment and that they were prepared to stand on it. Again, with respect to this item he did not understand why it was placed on the agenda.

MR. ARMSTRONG said that he had assumed that the Soviet Ambassador wanted to refer the matter to his Government for instructions. In the ensuing discussion there was an indication of uncertainty as to the status in which this matter had been left at the end of the discussion at the preceding meeting.

MR. PASVOLSKY said that he thought the principal question was a procedural one—as to whether the committee should vote on the Four-Power Amendment or on the amendments which had been considered. An adjournment of the Technical Committee had been asked in order to give time to consider this question.

MR. ARMSTRONG said that there was a question of substance. Is the Soviet Government prepared to consider concessions? If not, how should we proceed? He thought the question was one largely of political judgment. LORD HALIFAX suggested the possibility of allowing the Committee debate to proceed on the Canadian Amendment. MR. ARMSTRONG pointed out that the subcommittee had adjourned following debate on the Canadian Amendment and that the procedure would be to take a vote immediately upon the convening of the next meeting.

The amendment in question was one to the effect that a conference should be called within a period of from five to ten years.

LORD HALIFAX inquired whether it would help if a Committee meeting were held and it were said that the vote might be postponed as discussions were proceeding among the Five Powers. The Five Powers hoped that they might shortly have something to say on the question. MR. ARMSTRONG said that a statement along these lines had been made in obtaining the previous postponement of the subcommittee.

AMBASSADOR GROMYKO said that he wanted to make his position clear. The Soviet Delegation stands on the joint amendment of the Four Powers. If he should receive any new instructions from his Government on the matter he would inform the Chairman of the other Delegations.

MR. ARMSTRONG said that the question is whether we want to take a stand on the Four-Power Amendment now with the prospect of being defeated on the vote in the Committee and then take up the proposed modifications, or whether we wanted to take up the modifications first.

LORD HALIFAX asked whether the Ambassador thought he would have anything to offer as a hope that there might be some modification in the position of his Government. AMBASSADOR GROMYKO

thought that the Committee should continue with its regular procedure.

MR. ARMSTRONG reiterated that the first business of the Committee when it met again would be to vote. The discussion has been completed. AMBASSADOR GROMYKO asked whether there was a subcommittee. MR. ARMSTRONG replied that his reference was to the subcommittee. If there was a hope of change in the position of the Four Governments he would favor asking for further postponement of the Committee. If not, we should decide now whether to go on in the Committee on the basis of the present text.

AMBASSADOR GROMYKO said we should go to the Committee and defend the Four-Power Amendment. MR. STETTINIUS remarked that this had already been done.

LORD HALIFAX thought that there were three alternatives: (1) to stand on the Four-Power Amendment with risk of defeat; (2) to reach an agreement now to make concessions; (3) to give freedom of action to the Five Powers to act separately on the matter.

AMBASSADOR GROMYKO remarked that the Five Powers had been defeated before and still stood firmly for the position they had taken. We should stand by this amendment and assert our influence.

MR. STETTINIUS said that the Five Delegations were faced with a situation in which there would be an unfavorable vote. He thought we might ask that the subcommittee meeting be deferred once more while waiting for a reply from the Soviet Government.

### 3. RIGHT OF GENERAL ASSEMBLY TO DISCUSS ANY MATTER WITHIN THE SPHERE OF INTERNATIONAL RELATIONS

AMBASSADOR GROMYKO thought that it had been agreed yesterday [3] that this question should be considered by the Executive Committee. He said that he considered the broad form in which this text had been adopted by the Committee to be quite undesirable.

MR. STETTINIUS emphasized that to press for any change in this text now would cause great disappointment to the smaller powers. He felt very strongly that it would be undesirable to "slap down" the smaller powers on this question.

DR. SOONG said that in view of the atmosphere of the Conference he thought it was desirable to give this small concession to the other powers. MR. BONCOUR and LORD HALIFAX agreed. AMBASSADOR GROMYKO thought the matter should be thought out in the Steering Committee.

MR. STETTINIUS said that it was agreeable with him to have the matter brought to the Executive Committee. In that event, he inquired whether we could agree on freedom of action.

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[3] Minutes of the fourteenth Five-Power meeting of June 3, 4 p. m., p. 1120.

AMBASSADOR GROMYKO said that he would agree to have the matter go to the Executive Committee if the Five Powers should be agreed on the proposal. He had made the proposal that this question be submitted to the Steering Committee because he thought there was a contradiction between this provision and other provisions with respect to the power of the General Assembly.

MR. STETTINIUS asked whether the Ambassador meant that the Five Powers should ask for withdrawal or reversal of the amendment. THE AMBASSADOR said that he would not do this alone. He thought there was no point in bringing the matter forward purely as a Soviet proposal. As the other powers were not willing to press this matter, it was agreed that the Five Powers should have freedom of action on this question.

### 4. RAW MATERIALS

As this was a French proposal, MR. PASVOLSKY asked that the French Delegation make a statement.

MR. BONCOUR said that the French Delegation attached great importance to this proposal. It was well known that the inequality in the distribution of raw materials among the various countries was one of the great causes of war. This question was especially important in the case of France because of the depletion of her resources by the war. However, in view of the opposition of the United States to the inclusion of a specific reference to raw materials, he said that the French Delegation in a spirit of cooperation would be satisfied with a statement of their point of view in the Committee.[4] They would not press for a vote on the matter.

MR. STETTINIUS expressed his personal appreciation of the fine spirit of cooperation demonstrated by the French Delegation.

### 5. TRUSTEESHIP

MR. STETTINIUS said that unless someone had something specific to report further negotiations with respect to the outstanding trusteeship problems should be carried on in Mr. Stassen's group.[5] Mr. Stassen could consult with the heads of the Delegations if necessary. This procedure was acceptable.

### 6. PREPARATORY COMMISSION

MR. STETTINIUS said that before taking up the substance of the draft proposal for a Preparatory Commission he wished to speak about the selection of the seat of the Commission. He recalled that two meetings relative to the establishment of an international organization for the maintenance of peace and security had been held in

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[4] Doc. 780, II/3/53, June 4, UNCIO Documents, vol. 10, p. 194.
[5] Five-Power consultative group on trusteeship; minutes not printed.

the Soviet Union, and two had been held in the United States. He wished to propose that the Five Powers jointly recommend to the Executive Committee that the headquarters of the Preparatory Commission should be located in London.

LORD HALIFAX said that he wished to express the appreciation of his Government for Mr. Stettinius' suggestion that London be selected as the headquarters of the Commission. He could only say here and now that if it were the general wish of the Conference that London be selected, his Government would warmly welcome this action and the opportunity thereby offered. He was deeply appreciative to Mr. Stettinius for having brought forward this proposal. DR. SOONG and MR. BONCOUR expressed approval of Mr. Stettinius' proposal. AMBASSADOR GROMYKO reserved his position pending reference of the matter to his Government. He inquired whether this meant that the Executive Committee would also meet in London. MR. STETTINIUS said that this was the case.

MR. STETTINIUS said that as others had not had time to study the draft he would propose that the several Delegations should transmit their comments directly to Mr. Hiss. AMBASSADOR GROMYKO said that as there had previously been consultation in the Committee of Five, under the chairmanship of Mr. Pasvolsky, he thought this matter might be referred to that group. This was agreed on, and Mr. Pasvolsky, Mr. Jebb, Mr. Novikov, Dr. Liang, and Mr. Fouques-Duparc were appointed by their respective Delegations.

7. REGIONAL SUBCOMMITTEES OF THE MILITARY STAFF COMMITTEE

AMBASSADOR GROMYKO said that he wished to call the attention of the group to a point not on the agenda. The Technical Committee in adopting the paragraph concerning the Military Staff Committee had included a Peruvian amendment.[6] The draft as approved by the Committee provided: "The Military Staff Committee, with the authorization of the Security Council, after consultation with the regional agencies, may establish regional subcommittees of the Military Staff Committee." The Soviet Government had abstained from voting in the action on this provision.

AMBASSADOR GROMYKO said that his Delegation considered that the addition of the provision for consultation with regional agencies weakened the Security Council. He asked that the Five Powers study this provision with a view to having it reconsidered.

SIR ALEXANDER CADOGAN reminded the Soviet Ambassador of the great pressure there had been in the Committee to adopt the phrase "by agreement with the regional agencies". He thought that the pro-

[6] Doc. 600, III/3/31, May 26, UNCIO Documents, vol. 12, p. 371.

vision for consultation was comparatively harmless compared with the provision for agreement.

AMBASSADOR GROMYKO agreed with this, but still thought that it was desirable to have a reconsideration of the amendment.

SENATOR CONNALLY also spoke of the effort which had been made to secure the adoption of the stronger provision. The United States Delegation had concluded that the provision for consultation would do no harm.

AMBASSADOR KOO said that as pressure had been very great in the Committee to obtain the provision for agreement the Chinese Delegation had voted for the consultation provision as a necessary compromise.

MR. BONCOUR said that as Rapporteur of the Committee he could state definitely that it would be extremely difficult to have this question reopened.

AMBASSADOR GROMYKO thought that the formula of consultation gave the right to members to interpret it as meaning that action could not be taken without the approval of the regional agencies. This might delay seriously action of the Military Staff Committee.

MR. PASVOLSKY pointed out that the amendment related only to the setting up of the regional subcommittee. He said that it would not affect subsequent action of the Security Council, since it did not refer to action after the subcommittee had been established. The United States Delegation did not feel that this would in any way impair the effectiveness of the Military Staff Committee. He would have preferred no provision, but we consider the one adopted quite harmless.

AMBASSADOR GROMYKO still insisted that the provision did not exclude the possibility of approval by the regional agencies being required. It was again pointed out that consultation did not involve approval. Ambassador Gromyko feared that the formula would permit a regional agency to oppose the creation of a regional subcommittee.

SIR ALEXANDER CADOGAN thought that the provision did not give the regional agency the right of veto. However, he thought that consultation with regional agencies on such a matter was necessary to effective action.

MR. BONCOUR inquired whether Ambassador Gromyko would agree to the reference of this matter to the Coordination Committee. THE AMBASSADOR said that he would if the purpose was to find a better formula but not if the reference was merely for purposes of interpretation. THE AMBASSADOR suggested that it might be desirable to ask the consultative group to consider this matter before it was sent to the Coordination Committee. This was agreed.

8. AGENDA OF THE EXECUTIVE COMMITTEE

MR. BONCOUR said that the question of Chapter XII should be on the agenda of the Executive Committee. MR. STETTINIUS agreed that this was a matter which should be discussed by the Executive Committee but thought that it would not be ready for consideration tomorrow. It was agreed upon the suggestion of Ambassador Gromyko that Chapter XII be referred to the consultative group for consideration before it went to the Executive Committee.

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RSC Lot 60–D 224, Box 99 : U.S.–U.S.S.R. Conversations

*Memorandum by Mr. Robert W. Hartley of the United States Delegation, of a Conversation Held at San Francisco, Monday, June 4, 1945, 3:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (5) and the Soviet Union (3).]

In opening the conversation, THE SECRETARY said that it would be helpful if he and Ambassador Gromyko could have a frank exchange of views. He said he felt sure there was nothing in anyone's mind at the Conference but that the proposed international organization should be a success from the very start. However, he said, certain facts in the present situation had to be squarely faced. At the Conference, the United States had taken on a great responsibility for giving leadership in launching the Conference successfully and in bringing it to a rapid and successful conclusion. The four sponsoring Governments had come to San Francisco with the understanding that they would maintain in principle the Dumbarton Oaks Proposals and the Yalta agreements on the voting formula in the Security Council; to that end, at the beginning of the Conference, the four had quickly arrived at the amendments which they felt strengthened those proposals and had shown great unanimity of purpose and action.

During the last two weeks, however, THE SECRETARY stated, it was being said by many of the Delegations at the Conference that the three major powers could not work together. As an example, the difficulties at the Conference were being cited; the question was being asked: "If the three major powers could not agree at the Conference, what hope could there be for a proposed international organization which depended upon their continuing unanimity?"

THE SECRETARY said that he felt that we were facing a critical situation; that public confidence in the United States [*United Nations?*] was falling, and something had to be done quickly to revive it. He

said that this growing feeling of uneasiness was also being reflected in the Senate of the United States and it was necessary to correct this impression if the United States were to go forward as a full participant in the world organization.

THE SECRETARY said that he had spoken quite frankly, but that he wanted a calm discussion of the situation so that we could go forward as quickly as possible. He then asked Messrs. Dunn and Pasvolsky if they had anything to add to his opening statement.

MR. DUNN said that he felt that the Conference had accomplished a great deal of work but, unfortunately, no one was pointing out how much had really been done so far. He said that he thought that if this large area of agreement could be emphasized more, the points yet in disagreement would fall into their proper perspective. He said that he felt it was time to bring forward the problems that yet remain and to discuss quite frankly what could be done to find solutions to them.

MR. PASVOLSKY said it was also his view that it was necessary to emphasize the great deal of work that has been done; that it might be well to reassure the public that a great area of agreement did exist, even on the question of voting procedure in the Security Council. He said he thought it might be helpful if a public statement along these lines were made; that there was no question of disagreement on the voting procedure insofar as procedural matters were concerned or on the major functions of peace and security. He said that there was a false impression abroad that the two Governments were in entire disagreement on the whole question and that he thought that some discussion should be given to the possibility of issuing a statement to the Conference outlining the points in which they found themselves in agreement.

AMBASSADOR GROMYKO said that he would like to see the text of such a statement; that personally he felt that it would be unnecessary, since the press already had the story of the points on which they were in disagreement, as well as those on which they were in agreement. THE SECRETARY said that he wished Ambassador Gromyko to convey to his Government the fact that no one in the United States Delegation had authorized the statements currently appearing in the press and that if any member of the U.S. Delegation had given such statements to the press, it had been entirely without his authorization as chairman.

In his general reply to the Secretary's opening statement, AMBASSADOR GROMYKO said that he agreed fully with the Secretary that neither the Conference nor the proposed world organization could be successful without the unanimity of the Big Five. He said that the

position of the Soviet Delegation on the question of voting procedure was the decision of the Crimea Conference, and that the Big Five were in unanimous agreement on this point with the exception of the interpretation of Chapter VIII, Section A. He said that his Delegation viewed the current attempts to interpret the Crimea decision not as an attempt to change the Crimea language but rather as a change in the spirit of the Crimea decision. He said that the position of the United States Delegation—that no veto should be allowed on the first step of the chain of events leading to enforcement measures—was not right; that such first step might ultimately lead to war, and that experience in this war had shown that complete unanimity was necessary from the first step onward. He reminded the Secretary that at the Crimea Conference, former President Roosevelt had proposed the formula for voting procedure in the Security Council, and the Soviet Government had agreed to it. He said that, in his view, if agreement could not be reached on this important point of interpretation of the Yalta voting formula, it would have a very serious effect on the Conference.

THE SECRETARY said that at Yalta the United States had agreed that the veto would apply on enforcement measures, but that former President Roosevelt had never agreed that the veto would apply on the question as to whether a particular case should be discussed by the Council. (At this point, the Secretary left the discussion in order to answer an important telephone call.)

MR. PASVOLSKY replied to Ambassador Gromyko by saying it was true that at times discussion of a case might lead to serious consequences, but that those occasions were rare indeed. He said that while it was perfectly true that the five permanent members of the Security Council should maintain unanimity on the measures necessary to enforce the Council's decisions, in the U.S. Delegation's view, the veto power should not apply on the question as to whether or not a particular matter should be discussed. He said it was the opinion of the U.S. Delegation that after the Security Council had heard and discussed the facts in a particular situation, and then decided that some sort of action should be taken—such as an investigation of the matter—then the veto should apply. He said it was absolutely necessary for the Security Council to take a look at the situation by holding a hearing, otherwise it could not operate. He asked the question: "How could any one of the five permanent members on the Council decide not to discuss a situation before they knew what the situation was?" Furthermore, he said, if the five permanent members were to agree that further discussion of the situation might aggravate it, then they ought not to do so, but that they should not refuse to give a hearing to a situation that had been brought to their attention.

AMBASSADOR GROMYKO replied by pointing out that the Soviet position was that any one of the Big Five would not always use the right of veto of discussion of a particular matter. At times, he pointed out, such discussion might, however, be not only the first but the most important link in the chain of events, and it was on those occasions that the Soviet Delegation felt that the veto rule should apply.

MR. PASVOLSKY asked Ambassador Gromyko to imagine the situation in the Security Council in the future, when a nation wanted to bring a matter before the Security Council. How, he asked, could the Security Council or any one of its members refuse to discuss the situation before they had held a hearing to find out what it was all about? He said that it was the view of the U.S. Delegation that until a decision was necessary as to whether or not to investigate a particular dispute or situation, no member of the Council should have a veto power.

At this point, THE SECRETARY rejoined the discussions and read from the minutes of the Yalta meeting the President's statement and explanation of the formula on voting procedure.[7] He emphasized the President's statement that every nation would have the right to present its case to the Council; and that unless there was full and free discussion in the Security Council, the international organization that it was proposed to establish would be different from the one contemplated by the United States Government. He pointed out that there were two major points in the President's voting formula, namely, unanimity among the great powers and the right of full and free discussion. He said that the President was always clear that any nation could bring its problem to the Security Council for hearing and discussion without the necessity of a vote.

THE SECRETARY pointed out to Ambassador Gromyko that the question at issue between the two Delegations seemed to be such a little thing. AMBASSADOR GROMYKO said that if it was such a little thing, why did not the U. S. Delegation agree with the Soviet interpretation of the voting formula? Furthermore, Ambassador Gromyko added, the statement that the Secretary had read was not the Crimea decision but was in itself an interpretation of the Crimea decision.

MR. PASVOLSKY inquired as to how the Security Council would be able to vote unless it had heard a case. AMBASSADOR GROMYKO said that the Crimea decision does not prevent free discussion in the Security Council once it has been decided that such discussion should proceed; but that the first stage of discussion was often the most important link in the chain of events leading up to final enforcement action. THE SECRETARY also inquired as to how it would be possible

[7] See *Conferences at Malta and Yalta*, pp. 661–662 and 995–996.

for the Security Council to vote unless the facts had been presented to it. AMBASSADOR GROMYKO replied that it would be an exceptional and rare case in which a permanent member would use a veto to stop discussion; but that such right of veto should be exercised when necessary to save the prestige of the international organization; and that it was a power that would not be abused, as had been emphasized in the proposed Soviet interpretation.

MR. PASVOLSKY pointed out that really what was involved was a procedural question of the Security Council's operations. He stressed the fact that the Security Council must give the right of a hearing on a dispute and that any one member should not be able to prevent such a hearing. AMBASSADOR GROMYKO said that obviously the Soviet interpretation was that such a hearing should be held but that the power of veto on the first discussion of a case would be used only when that discussion would hurt the international organization. MR. PASVOLSKY inquired as to why such a statement should not be made, and to state clearly that there was an obligation on the Security Council to hold such a hearing. AMBASSADOR GROMYKO said that that constituted another approach to the problem and then reiterated his view that the decision as to whether the Security Council should discuss a case would require the unanimity of the permanent members.

THE SECRETARY then cited an example of the type of case that might conceivably be brought to the Security Council's attention, using as an illustration a possible dispute between Mexico and Honduras over fishing rights. In that event, MR. NOVIKOV said, obviously a vote would be required before the Security Council could proceed to discuss the matter. THE SECRETARY and MR. PASVOLSKY said that such would not be their interpretation of the Crimea decision. MR. GOLUNSKY then replied that the vote would be necessary in order to put the matter on the agenda; therefore, the only question that would be involved would be whether it would be by a procedural vote or by a non-procedural vote. MR. PASVOLSKY said that in his understanding, no vote of any kind would be required to put a matter on the agenda of the Security Council; that again it was the same problem—how could the Security Council pass judgment on a situation without ever having had a hearing in the matter?

AMBASSADOR GROMYKO inquired as to how the Council would proceed to discuss a matter. MR. PASVOLSKY said that no vote would be required when the Council wanted to proceed. MR. GOLUNSKY asked what the Council would do in the event that there were several items pending before it; in other words, how would the Security Council choose as to which item it would take up first? MR. PASVOLSKY said that this choice obviously did not involve a vote as to whether or not

the situation was to be discussed at all, but merely as to [*in*] which order it would be discussed.

AMBASSADOR GROMYKO then said that in his understanding, Mr. Pasvolsky divided the Council procedure into two parts: first, a nation would bring a situation to the attention of the Security Council and the Security Council would give it a hearing; thereafter, after the hearing was closed, the Security Council would proceed to discuss the matter and vote as to whether it should deal with the matter or not. Further, he pointed out that it was his understanding of the U.S. viewpoint that in this latter decision the Security Council would act on a procedural vote. MR. PASVOLSKY said that he had been misunderstood, that such discussion could proceed with or without a vote, and that, in his view, a vote at that time was not mandatory. He said it was his understanding, of course, that a vote could be had as to whether or not such discussion should be stopped in the event that it appeared that continuing the discussion would further aggravate the situation. In such a case, he said the veto vote would obviously apply, and THE SECRETARY agreed with him. MR. GOLUNSKY said that in such a veto vote, any one member of the Council could prevent the discussion from being stopped; but the U.S. Delegation was unwilling to agree that the veto of any one of the members could not prevent [*could prevent?*] the discussions from being started. AMBASSADOR GROMYKO said that the entire matter had narrowed down in his own mind as to a question of whether a procedural or a non-procedural vote should govern the question as to whether the Council should discuss a matter. MR. PASVOLSKY said that that was too narrow an interpretation; that a vote on that issue could not be taken.

THE SECRETARY said that he had always emphasized in his own statements the necessity for a free hearing and an opportunity to discuss a situation brought before the Council. AMBASSADOR GROMYKO said that in spite of the Secretary's statements, it was the sense of the Crimea decision that a vote would have to be taken in the Council as to whether or not a discussion should proceed. After a brief interchange, Ambassador Gromyko asked the Secretary if he could see him privately for a few minutes and they both left the room.

During their absence, discussion of the matter continued between Messrs. Golunsky and Pasvolsky. MR. GOLUNSKY said that if he understood the U. S. viewpoint correctly, it was that no one member of the Security Council could prevent a situation being brought to the Council's attention but, he said, in the Soviet view, a decision was still required as to whether or not the Council should proceed to a discussion of that situation. Further, he said, it was his understanding that the U. S. viewpoint was that such discussion could

begin without a vote; but he could not understand how such discussion could begin without there having been a previous decision to that effect. MR. PASVOLSKY said that perhaps it would be better to attempt to detail the Council's procedure in this situation somewhat along the following lines: (1) The Council would hold a hearing on a situation which had been brought to its attention. (2) Following the completion of that hearing, the Council would hold a discussion on the facts which had been developed during the hearing. It was the U. S. view that no vote was necessary to proceed with that discussion. (3) Following the discussion of the facts developed at the hearing, the next discussion would concern what the Council ought to do and on this discussion a vote might be necessary.

MR. GOLUNSKY said that in view of this newest analysis he could see only one way out; that there would have to be a separate consideration of the procedure of the Council during its hearing and then of the procedure during its discussion of the facts developed at the hearing; but that even so, this discussion would, in turn, have to be analyzed in two parts, and he did not see how that could be done. MR. PASVOLSKY said that it was clear that in order to discuss the matter further, it would be necessary to analyze in great detail the Council's procedure before it could be clearly developed as to what the points of disagreement were between the United States and Soviet interpretations of the Crimea decision.

At this point, the Secretary and Ambassador Gromyko returned to the room. Mr. Pasvolsky said that as a result of the discussion between Mr. Golunsky and himself, it now appeared that what was necessary was to analyze carefully the Council's procedures in taking up a particular situation and in its actions thereon; having reached agreement as to these steps and the decisions that were necessary, it would then be necessary to set forth in appropriate language the common interpretation of the two Governments on the voting decisions. AMBASSADOR GROMYKO said that in his mind it was not a question of finding appropriate language; rather he felt it was a clear difference of opinion between the two. That difference, he said, was simply whether a unanimous vote of the permanent members was necessary to decide whether the Council would undertake discussion of a particular matter.

THE SECRETARY said that in his opinion this might be a subject on which the experts might profitably continue their discussions and accordingly suggested—and AMBASSADOR GROMYKO agreed—that Mr. Pasvolsky and Messrs. Golunsky and Novikov should continue the discussions later in the evening.[8] Whereupon, at 4:35 p. m., the conversations ended.

[8] Memorandum of conversation that took place Monday, June 4, 9:15–11:45 p. m., not printed.

500.CC/6-445

*Mr. Hugh S. Cumming, Jr., Political and Liaison Officer for Europe, to Mr. G. Hayden Raynor, Special Assistant to the Chairman of the American Delegation (Stettinius)*

[SAN FRANCISCO,] June 4, 1945.

MR. RAYNOR: I attach Ambassador Morgenstierne's letter to the Secretary regarding Denmark.[9]

Mr. Dunn suggests that Mr. Stettinius not read the letter himself at the Executive Committee, but hand it to the Secretary of the Committee to be read and introduced into the records.

The letter sets forth the Danish case except for the status of Denmark as a member of the United Nations. I do not believe that this point should be raised, but if it is raised, the story is:

The Department holds the view that Denmark has already fulfilled all requisites of adherence to the United Nations Declaration through Minister Kauffmann's official statement of January 2, 1942, which was made public and was also officially transmitted to the Department in a formal note, and which has now been ratified by the Danish Government since it was liberated from German control a few weeks ago. (A copy of Kauffmann's declaration of January 2, 1942 is attached.[10])

HUGH S. CUMMING, JR.

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500.CC/6-545 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, June 5, 1945.
[Received June 5—9:37 p. m.]

10. Will you be good enough to transmit the following to the President:

"The Soviet Ambassador yesterday afternoon told me that his Government had instructed him to inform me that it favored the permanent seat of the new international organization being located in the United States. I thanked the Ambassador for this thought on behalf of the Soviet Government but explained that our thinking had been along the line of the location being in an internationalized district of some type and not directly within the territory of any sovereign

[9] Not printed; for summary of letter of June 1 which was read by the Secretary General (Hiss) at the fifth meeting of the Executive Committee, June 5, 10:37 a. m., see Doc. 806, EX/17, June 6, UNCIO Documents, vol. 5, p. 460; also, Doc. 858, EX-SEC 12, June 8, *ibid.*, vol. 2, p. 575.

[10] Not printed; see memoranda of conversations by the Assistant Secretary of State (Berle), January 2 and 3, 1942, *Foreign Relations*, 1942, vol. I, pp. 27 and 29, respectively.

member state of the organization. I explained that had been President Roosevelt's thinking but that I would inform you of this suggestion of the Soviet Government in order that you could consider the question.

It is a matter, however, on which decision can be deferred until after the San Francisco Conference. It is a matter to which the preparatory commission for the new organization can give study."

[STETTINIUS]

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RSC Lot 60–D 224, Box 96: US Cr Min 64

*Minutes of the Sixty-Fourth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 5, 1945, 9:01 a.m.*

[Informal Notes]

[Here follows list of names of persons (30) present at meeting.]

The Secretary convened the meeting at 9:01 a. m.

PROGRESS OF THE CONFERENCE

SENATOR CONNALLY declared that he wanted to report that Committee III/3 had completed its work on the previous day,[11] THE SECRETARY congratulated Senator Connally for this achievement, remarking that his had been a most difficult Committee, concerned as it was with the crucial question of security measures. SENATOR CONNALLY declared that the Committee had held twenty meetings and had done a great deal of "spade work". The only problem was the outcome of the controversy on Chapter XII, Paragraph 1 which had been referred to the Executive Committee.[12]

SENATOR VANDENBERG declared that his Committee III/4, would be able to finish its work as soon as it received its instructions from the Big Five. THE SECRETARY declared that the work of the Conference appeared to be coming along very well. DEAN GILDERSLEEVE reported that Committee II/3 had practically finished its work. There was to be a meeting that day to wind up the affairs of the Committee and to consider the Rapporteur's report.[13] Dean Gildersleeve thought that Mr. Notter might be able to give the Delegation a report on the progress of Committee I/1.[14]

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[11] Doc. 782, III/3/41, June 4, UNCIO Documents, vol. 12, p. 436.

[12] At the meeting of Committee III/3 on June 2, 3:30 p. m., it was agreed to refer the whole of chapter XII to the Steering Committee (Doc. 765, III/3/39, June 3, *ibid.*, p. 422). This matter was referred by the Five Powers to the Five-Power Deputies.

[13] For draft report of the rapporteur of Committee II/3 (Doc. 823, II/3/55, June 6) presented to the Committee on June 8 (Doc. 876, II/3/58, June 9), see *ibid.*, vol. 10, pp. 228 and 259.

[14] Doc. 784, I/1/27, June 5, *ibid.*, vol. 6, p. 331.

PRINCIPLES

MR. NOTTER declared that the Big Five had been defeated with respect to the insertion of the word "justice" in the Chapter on Principles. An attempt had been made to revise the wording of the first principles regarding sovereign equality, but that effort had been defeated.

Mr. Notter reported that the Committee had decided to add the words "and justice" to the third principle in Chapter 2. As revised, this principle reads as follows:

"All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace, security and justice are not endangered".

Mr. Notter thought that since there was such great pressure for the insertion of the word "justice", this might be the best place to incorporate it. THE SECRETARY asked where the pressure for this change had originated and MR. WARREN declared that almost all the Latin American nations were behind the change and a great many of the European nations as well. MR. ROCKEFELLER remarked that the Latin American countries had reached their conclusion independently. MR. NOTTER urged that the Delegation not oppose this position. The United States, he thought, would be placed in a "tough spot" if they were to attempt to oppose reference to "justice" in the Chapter on Principles. Mr. Notter reported that the French and Russians had voted against this provision, China had voted for it, while the United States and Great Britain had abstained from voting. DEAN GILDERSLEEVE asked what objection there was to accepting new wording in this section of the Charter. MR. NOTTER replied that "justice" had been inserted in Chapter 1 on Purposes of the Organization and that nothing would be added if it were to be included at this point. THE SECRETARY reminded the Delegation that Senator Vandenberg had been promised that the word "justice" would be inserted at every suitable point in the Charter. THE SECRETARY asked why this change had been opposed by the United States in the meetings of Committee I/1. MR. DULLES replied that United States opposition had arisen out of the fact that "justice" was not in the Dumbarton Oaks Proposals, nor had it been previously agreed upon by the Big Five. THE SECRETARY asked whether any member of the Delegation opposed inclusion of the word at this point. SECRETARY STETTINIUS declared that it seemed appropriate to him and asked why there should be any opposition.

SENATOR VANDENBERG thought that Mr. Notter should be congratulated for his efforts to "beat off justice". MR. NOTTER declared that

he had wanted to include justice in such a way that actions of the Organization would be dependent on justice but he thought that this end would not be accomplished by the insertion of the word in the Chapter on Principles. THE SECRETARY thought that there should be consultations held with Ambassador Gromyko before any further action could be taken. MR. ROCKEFELLER reported that he had received a deputation of Latin American representatives and had been unable to, explain satisfactorily why the United States had opposed this measure in the Committee. MR. ARMSTRONG explained that an important victory had been won when the word "justice" had been incorporated in Chapter 1 on Purposes. There was not much difference, in Mr. Armstrong's opinion, whether "justice" were inserted in Chapter II. However, he pointed out that the USSR was opposed to any changes.

(At this point MR. BYINGTON asked whether the Delegation would object to having its picture taken by the secretariat photographer. THE SECRETARY agreed but urged that this should be the last time such a procedure would be permitted.)

MR. NOTTER urged that it be made perfectly clear that the United States was not opposed to the concept of justice. Mr. Notter pointed out that the action of the United States in opposing the amendment initially might be misconstrued as an expression of opposition involved rather than mere unwillingness to support changes without Big Five unanimity.

Mr. Notter reported that an amendment had been urged to Principle No. 4 by which the paragraph would be reworded to read:

"All members of the Organization will refrain in their relations from the threat or use of force in any manner inconsistent with the provisions of this Charter".

This revision would substitute the words "provisions of this Charter" for "purposes of the Organization". Mr. Notter thought that the proposed amendment was intended to bolster the territorial integrity of the smaller states.

COMMANDER STASSEN thought that the word[ing] should be retained as it was because the revision would constitute an unnecessary restriction upon the right of the member states to use force consistent with the purposes of the Organization. MR. DULLES remarked that the right of self-defense, recognized in the revised Chapter VIII, Section C, was dependent upon the original wording of Principle 4 which made possible the use of force by the member states. COMMANDER STASSEN observed that under the original wording the members could use force if the Security Council were to fail in dealing with the dispute or if it were to become deadlocked. The only restriction on the right of a

member state to use force, in the wording under discussion, would be that the use of force had to be consistent with the purposes of the Organization. Commander Stassen urged further that the use of the word "provisions" would necessitate supervision by the Security Council over the use of force by the member states. MR. NOTTER thought that a compromise which might be acceptable would be to combine the two possibilities as follows: "the purposes of the Organization and the provisions of the Charter". COMMANDER STASSEN urged that this would not be a compromise at all but would be a complete abdication to the opposition. MR. NOTTER remarked that the Norwegians and a number of other delegations were opposed to the old wording. THE SECRETARY recommended to the Delegation that it stand by the original phraseology. There was no objection to this position. DEAN GILDERSLEEVE thought that the Latin American states might "gang up" to force through a change but MR. DULLES thought that it would be contrary to their interest and to the principle of regional collaboration for defense if they were to oppose the old wording.

### SECRETARIAT

MR. NOTTER reported that a proposal for the addition of a paragraph to the Chapter on the secretariat, Chapter X, had been carried in Committee I/2.[15] The Russians had been opposed to this proposal but the other four had abstained. The new paragraph read as follows:

"The Staff shall be appointed by the Secretary-General under regulations established by the General Assembly. The paramount consideration in the appointment of the staff and the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the Staff on as wide a geographical basis as possible".

REPRESENTATIVE BLOOM thought that all matters connected with the Secretariat had been referred to the Steering Committee and Executive Committee for decision. MR. NOTTER pointed out that only the question of the vote on the Secretary-General and the question of the election of Deputy Secretaries-General[16] had been referred to the higher committees. All other matters connected with the secretariat were still before the Committee. Mr. Notter reported that there was very strong support for this amendment. It was completely new and had been worked out in the subcommittee. Mr. Not-

[15] Doc. 789, I/2/57, June 5, UNCIO Documents, vol. 7, p. 177.

[16] At the June 1 meeting of Committee I/2 the Soviet Delegate announced that the question of Deputy Secretaries-General would be referred to the Steering Committee (Doc. 732, I/2/50, June 1, *ibid.*, p. 161).

ter observed that the Soviet representative, Mr. Zarapkin, and he had exchanged apologies. On the previous Saturday a subcommittee had made its report and Mr. Notter had failed to consult with the Russian representative. Monday Mr. Zarapkin had failed to consult with the other members of the Big Five before expressing his opposition on this amendment. Mr. Notter declared that he had told Mr. Zarapkin that he did not concur with the latter's view that there would be several secretariats. He declared that he had told Mr. Zarapkin that, in deference to the Soviet position, he would not vote on this issue.

### Domestic Jurisdiction

Dean Gildersleeve remarked that additional difficulties might be expected with respect to the domestic jurisdiction clause. Mr. Notter remarked that there would probably be a drive to reincorporate a provision for withdrawal in the Charter. Mr. Dulles' wording for inclusion in the minutes of the Committee [17] might not be a sufficient guarantee to the small states unless the Amendment procedure were changed.

### Authority of the Court

Mr. Hackworth reported that at the 10:30 meeting of Committee IV/1, an amendment would be presented to allow the Court to settle disputes among international agencies.[18] This amendment, which had been submitted by Venezuela, had been before the Committee since May 14. The question before the Delegation was whether it should object to the Court's having such jurisdiction and also to that part of the amendment which would establish the Court as a court of appeals for international administrative tribunals. Mr. Hackworth reported that he had defeated another Venezuelan amendment and he did not like to try to defeat this proposal unless it was thought necessary. Representative Eaton asked whether there was any other body which could settle such disputes between international agencies. Mr. Hackworth replied that the Security Council or the General Assembly might be called upon to settle such conflicts. Mr. Hackworth pointed out that this amendment raised the question of compulsory jurisdiction for the Court because it provided that the Court would have to assume jurisdiction over disputes between international bodies. Mr. Sandifer pointed out that this amendment would raise a difficult question because of the fact that there was no clear definition of the jurisdictions of the various international agencies. Commander Stassen thought that all decisions on international

[17] Minutes of the sixty-first meeting of the United States delegation, June 1, 6:04 p. m., p. 1056.

[18] Doc. 801, IV/1/64, June 5, UNCIO Documents, vol. 13, p. 270.

bodies should be taken by the Secretary-General of the Organization subject to the approval of the General Assembly. DEAN GILDERSLEEVE remarked that the international bodies would be subject to the authority of the Economic and Social Council which was in turn under the jurisdiction of the General Assembly. This provision would allow, in effect, an appeal from the jurisdiction of the General Assembly to the Court. Dean Gildersleeve thought that this might create an undesirable situation. MR. HACKWORTH remarked that as the amendment was worded, it was not even necessary for a dispute to be submitted to the General Assembly before it could be considered by the Court.

MR. DUNN remarked that there was another important defect here. International organizations were all set up as the result of international agreements between states. It would be impossible, Mr. Dunn thought, to place these agencies under an obligation to have their disputes considered by an organ established as a result of this Conference without the specific consent of the signatories to the various agreements by which the international bodies had been established. The World Court, Mr. Dunn said, would not have the authority to decide on the jurisdictions already established by international agreement. MR. HACKWORTH declared that he had argued that the Economic and Social Council and the General Assembly were charged with the function of coordinating these agencies and that therefore the new proposal would constitute an unnecessary renunciation of the authority of the General Assembly.

THE SECRETARY asked Mr. Hackworth what course of action he would recommend to the Delegation. MR. HACKWORTH replied that he thought that the Delegation should take the position that it did not understand all the implications of this amendment. The Delegation should further declare that it was undesirable to make it possible for all jurisdictional disputes to be submitted to the World Court because such matters might swamp the Court and would clutter up its calendar. Furthermore, Mr. Hackworth thought that these matters should be subject to administrative rather than juridical decision. Finally, Mr. Hackworth declared that the Court would be set up primarily to settle disputes between states and to try cases involving states. MR. SANDIFER pointed out that there would be political issues involved in any disputes among international organizations which were not proper subjects for decision by the international court. MR. DULLES remarked that he was opposed to the amendment because it would be similar to two Deputy Secretaries-General having a dispute over which of them should open the mail and having such a matter brought before the World Court. MR.

HACKWORTH thought that the Delegation should oppose this amendment but he remarked that he had stepped upon the Venezuelan Delegation for some time and he was afraid that they might resent the action of the United States. The Delegation agreed to oppose this amendment.

### MILITARY STAFF COMMITTEE

GENERAL EMBICK declared that it had been learned that the USSR had raised an objection to an amendment to paragraph 9 of Chapter VIII, Section C.[19] General Embick urged that the language be maintained in the interest of international security. THE SECRETARY assured General Embick that the rest of the Delegation were in agreement with the military position and had supported it in a conversation with the Russian delegates.

### EXECUTIVE COMMITTEE MEETING

THE SECRETARY reported that there was to be an Executive Committee meeting at 10:30 a. m.[20] to consider the following questions: (1) invitation to Denmark; (2) election of the Secretary-General and Deputy Secretaries-General; (3) amendment procedure; and (4) action by the General Assembly on Security Council reports. THE SECRETARY declared that he would be glad to have any members of the Delegation present at that meeting.

MR. ROCKEFELLER asked what should be the procedure if some other nation were to bring up the question of admitting an additional state or states to the Conference or if Mexico should bring up the question of keeping Franco Spain out of the Organization. MR. DULLES thought that the best approach would be to adhere strictly to the agenda which had been agreed upon. MR. ROCKEFELLER agreed that that would be the ideal solution. MR. SANDIFER replied however, that this procedure was impossible inasmuch as there was already an agreement that the Executive Committee would not be bound by its agenda. This had been decided at an earlier meeting by the heads of delegations. MR. ROCKEFELLER said that the Secretary might "pull out his watch". MR. DUNN suggested that if any such question were to be raised it should be postponed until the agenda had been completed. Then MR. DUNN said the Secretary could suggest adjourning for a cocktail. REPRESENTATIVE BLOOM thought that it would be appropriate for such matters to be included on the agenda of the Executive Committee meetings as "unfinished business".

THE SECRETARY urged that Mr. Rockefeller attempt, before the 10:30 meeting to speak to the Latin American delegates in order to

[19] Reference is made to paragraph 9 of section B, chapter VIII, Doc. 600, III/3/31, May 26, UNCIO Documents, vol. 12, p. 371; also, Doc. 782, III/3/41, June 4, *ibid.*, p. 435.

[20] Doc. 806, EX/17, June 6, *ibid.*, vol. 5, p. 460.

ensure that the questions of Spain and Italy should not be brought up. Any subject of such a nature, SECRETARY STETTINIUS said, would probably come from the Latin American countries. MR. ROCKEFELLER replied that he would not discuss Spain and had been hesitant even about mentioning Italy. MR. NOTTER reported that it had been rumored that Russia wanted Mexico to bring up the question of Spain that day or the next. SENATOR CONNALLY asked why this question should be discussed since there was no question of admitting Spain to the Conference. MR. ROCKEFELLER said that the intention was to exclude the existing government of Spain from becoming a member of the United Nations. THE SECRETARY thought that this matter should not be allowed to come up but MR. DUNN declared that it was possible for any matter to be brought before the Executive Committee. MR. DUNN remarked that politically it would be impossible for the United States to oppose any resolution for the purpose of keeping the Franco Government from participating in the Organization. THE SECRETARY declared that he had made a very good impromptu speech at a testimonial dinner for Mr. Padilla on the previous day and thought that the latter could reciprocate by not bringing up the Spanish question. MR. ROCKEFELLER thought this was a very "hot" issue but THE SECRETARY thought that he would have to take whatever came and hope there would be someone there to back him up. SENATOR VANDENBERG thought he would change his mind about attending the meeting. MR. ARMSTRONG cautioned against allowing this Delegation to be placed in a position of opposition to a resolution which might be offered. Such an action, he thought, could be interpreted as favoring the present Franco Government. MR. DUNN urged that the Secretary play the role of a neutral chairman.

### TRUSTEESHIP

COMMANDER STASSEN referred the Delegation to the document, Trusteeship, United States Exploratory Draft (US Gen 226)[21] which presented some of the questions which were still open before Committee II/4.

Commander Stassen referred to the wording of paragraph B 2 (*b*), stating the objectives of the trusteeship system as follows:

"to promote the political, economic, social and educational advancement of the trust territories and their inhabitants, and their progressive development toward self government or independence as may be appropriate to the particular circumstances of each territory and its peoples (and to the (freely expressed) wishes of the people concerned, and as may be provided by the trusteeship arrangement)".

[21] Not printed.

The new wording in this paragraph was the phrase concerning the freely expressed wishes of the people concerned. The Russians and the Chinese favored strong wording in this connection while the British and the French wanted the wording to be as weak as possible. COMMANDER STASSEN asked the Delegation what position he should take in the Committee if a point were ever reached where freedom of action would be reestablished among the Big Five. Commander Stassen urged that the language of the Atlantic Charter,[22] as incorporated in the paragraph before the Delegation, would be the most appropriate. The words "freely expressed wishes" were taken from the Atlantic Charter. COMMANDER STASSEN pointed out that the British were opposed to this and stated that Prime Minister Churchill had declared that the Atlantic Charter did not apply to dependent territories. President Roosevelt, however, had declared that the Atlantic Charter was applicable to the Pacific and Atlantic areas. COMMANDER STASSEN declared that as a result of President Roosevelt's statement, it would be difficult for this Delegation to defend any language less strong than the Atlantic Charter. COMMANDER STASSEN thought that if the United States were to support the language before the Delegation, it would be possible to defeat any Russian attempt to have stronger wording adopted; but COMMANDER STASSEN thought that the United States could not attempt to face the British and French with an equal wording. MR. TAUSSIG said that he fully endorsed the opinions expressed by Commander Stassen. COMMANDER STASSEN declared that the United Kingdom was opposed to the words "freely expressed" because it was thought that this language would elicit demands for plebiscites in dependent areas. MR. GERIG remarked that the French had proposed the language under consideration without the words "freely expressed". COMMANDER STASSEN recommended that this position should be adopted by the Delegation if a Five-Power agreement were not achieved before discussion was initiated in the Committee. MR. HACKWORTH agreed that the Atlantic Charter was appropriate and COMMANDER STASSEN expressed the opinion that the adoption of the old Atlantic Charter would not be as provocative to the natives as would be the adoption of a new language. SENATOR VANDENBERG asked if paragraph 3 of Section B was unimpaired and COMMANDER STASSEN replied in the affirmative. MR. DULLES thought it would be necessary to obtain the position of the British before pressing this matter in the Committee and COMMANDER STASSEN agreed that this was a suitable procedure. He declared he would report back to the Delegation on any suggestion the British might make. The Delegation agreed to accept the language under consideration.

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[22] Joint statement by President Roosevelt and British Prime Minister Churchill, August 14, 1941, *Foreign Relations*, 1941, vol. I, p. 367.

COMMANDER STASSEN turned next to paragraph 5, the "conservatory clause". The USSR had been pressing strongly for the omission of this paragraph.[23] The new language proposed to meet the objections of the Russians on the one hand and the Arabs on the other, read as follows:

"Except as may be agreed upon in individual trusteeship arrangements, made under paragraph 3, 4 and 6, placing each territory under the trusteeship system, and until such agreements have been completed, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any States or any peoples (in any territories) or the terms of existing international instruments to which member states may respectively be parties."

The new language COMMANDER STASSEN declared, would not meet all the objections raised but would be sufficient to avoid any state not ratifying the Charter. There had been no approval as yet of the new wording. The clause beginning with the words "and until" had been added to meet the Russian objection that this paragraph would freeze the existing status indefinitely. The addition of the word "whatsoever" was a slight concession to the Arab bloc but did not constitute any change in the meaning of the paragraph. The final addition, the clause beginning with the words "or the terms of", had been the result of Arab refusal to accept any reference to the Mandates which they had never signed. This language was an attempt to avoid the use of "mandates" but was thought by COMMANDER STASSEN and his advisers to protect the existing rights under the mandate system without any objectionable reference. COMMANDER STASSEN reported that his advisers had felt that the new language of this paragraph would not change the United States position and would adequately safeguard all the interests of the United States. COMMANDER STASSEN recommended that this position be adopted if a situation were reached whereby the United States could act independently of the other larger powers.

REPRESENTATIVE BLOOM asked whether the phrase "or until such agreements . . ." referred only to the "trusteeship arrangements" referred to previously in the paragraph. COMMANDER STASSEN declared that that was the case. DEAN GILDERSLEEVE thought that the wording "the rights whatsoever" was a bit unusual but she was assured that it had been the intention of having the word "whatsoever" refer to "rights" rather than to "manner".

MR. NOTTER asked whether the Iraqi delegates had agreed to these changes. COMMANDER STASSEN declared that the Arabs were still not satisfied by this new wording and would offer other language which would be unacceptable to the United States. A compromise

[23] See minutes of the thirteenth Five-Power meeting, June 2, 5:30 p. m., p. 1106.

would be reached, COMMANDER STASSEN thought, on this phraseology. SECRETARY STETTINIUS agreed that the United States should accept the drafts which had been submitted to the Delegation. Commander Stassen, THE SECRETARY thought, had been in a difficult position in Committee II/4 and he urged that the Delegation give Commander Stassen full power to work out a solution acceptable to the Delegation. COMMANDER STASSEN objected on two grounds. In the first place, Commander Stassen declared he had not been alone on the Committee and had had the assistance of an excellent staff of advisers and had been accompanied on the Committee by Representative Bloom. Secondly, Commander Stassen declared that he did not want freedom of action. He was anxious to have full support of the Delegation. Commander Stassen recommended that he be authorized to tell to the Russian delegates that he, Commander Stassen, would not press the Soviet proposal for Russian representation on the Trusteeship Council if the USSR insisted on pressing for strong wording in paragraph 5.[25]

REPRESENTATIVE BLOOM declared that he did not want to take any credit from Commander Stassen. Commander Stassen had done an excellent job, he thought, and had been trying to please everyone. Commander Stassen had been the only delegate on the Committee who had taken an intelligent position and who had been sincerely interested in establishing a worthwhile trusteeship system. COMMANDER STASSEN declared that he had been ably assisted by Mr. Gerig and by the various military advisers.

### FRENCH TREATY AMENDMENT

SENATOR VANDENBERG asked whether the Secretary had succeeded in fighting off Ambassador Gromyko's attempts to make known the Russian position on the French treaty amendment. THE SECRETARY declared that Ambassador Gromyko had attempted to make the Russian position known to him but that he, the Secretary, had been too busy to see the Russians. He declared that he was kept busy looking after the Delegation.

The meeting was adjourned at 9:51 a. m.

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500.CC/6–545 : Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, June 5, 1945—8 p. m.

1228. For the Ambassador and Mr. Hopkins. The following message is from the Secretary and is sent to you with the approval of the President:

[25] Charter article 80.

"Monday evening in our cable to you [26] we expressed the thought that we could clarify further the original proposed statement on the voting procedure in the Security Council. After several attempts we find that we are unable to do so. It is now obvious that such clarification would not meet both the wishes of the Soviet delegation and ourselves. Therefore, we must stand upon the text of our original statement and explanations given in our previous telegrams of last Saturday and Sunday.[27]

"If you have not concluded your discussion with the Marshal about the veto I suggest that you urge that the President feels it is essential that the Marshal agree to our interpretation in order to secure ratification by the Senate." [28]

GREW

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RSC Lot 60–D 224, Box 96 : U.S. Cr. Min. 65

*Minutes of the Sixty-Fifth Meeting of the United States Delegation, Held at San Francisco, Wednesday, June 6, 1945, 9:03 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (35) present at meeting.]

The Secretary convened the meeting at 9 : 03 a. m.

ANNOUNCEMENTS

THE SECRETARY declared that he was very pleased to announce that an invitation had been issued unanimously to Denmark to participate in the United Nations Conference [29] without any other states being proposed for admission.

SECRETARY STETTINIUS reported that he had had a long talk with Mr. Hull that morning. MR. HULL had urged that the Delegation be patient with the Representatives of the U.S.S.R., who were, he declared, in a very difficult position. THE SECRETARY had expressed to Mr. Hull his confidence of the outcome of the present deliberations on the question of the interpretation of the Yalta voting formula. THE SECRETARY had been confident that the Delegation acting as a team would be able to find its way out of the jam it was in.

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[26] Telegram 1219, June 5, 4 a. m., to Moscow, informed Ambassador Harriman and Mr. Hopkins that a second conversation had been held with Soviet officials the evening of June 4 regarding the proposed interpretative statement on voting procedure in the Security Council and that it seemed that the Soviet officials had seriously misunderstood the original text (500.CC/6–545).

[27] Telegrams 1203, June 2, 6 p. m., and 1212, June 3, 2 a. m., to Moscow, and telegrams 3 and 4, June 3, from San Francisco, pp. 1117, 1119, 1131, and 1136, respectively.

[28] In telegram 1930, June 6, 8 p. m., from Moscow, Mr. Hopkins sent the following message to Acting Secretary Grew for President Truman and Mr. Stettinius: "Stalin agrees to accept the United States position regarding voting procedure in the Council. Details follow." (500.CC/6–645)

For additional information on the June 6th meeting, see Robert E. Sherwood, *Roosevelt and Hopkins*, pp. 910–912.

[29] The invitation was transmitted in telegram 19, June 5, to Copenhagen (not printed) in accordance with action taken at the meeting of the Executive Committee, June 5 (Doc. 806, EX/17, June 6, UNCIO Documents, vol. 5, p. 460).

THE SECRETARY reported that there was to be a meeting of the Executive Committee at 10:30 that morning.[30]

[Here follows discussion of developments in the previous day's meeting of the Executive Committee with respect to powers of Steering Committee, Document 806, EX/17, June 6, UNCIO Documents, volume 5, pages 461 ff.]

PUBLICITY

THE SECRETARY declared that he had been put in an embarrassing situation by the appearance, in James Reston's story on the first page of that morning's *New York Times*, of a reference to the official submission of the veto question to Moscow for decision. The Secretary appealed to the Delegation for the exercise of greater discretion on the material that was released to the press. The Secretary thought that far too much information had been made available to the newspapers. The Secretary declared that it was all right to provide background material on the Big Five meetings, but he could not understand any member filling in with details and quotations. Such publicity and the lack of discretion on the part of some members of the Delegation made it difficult for the Secretary to face the other foreign ministers. The Secretary declared that he had been able only to affirm to the other foreign ministers that it was not he who was responsible for the leaks to the press. REPRESENTATIVE BLOOM thought that it might have been the other foreign ministers who were responsible. THE SECRETARY declared that this possibility was ruled out by the fact that most of the leaks were occurring in the American press. The Secretary remarked that he did not know which member of the Delegation was responsible.

FINANCIAL ARRANGEMENTS

THE SECRETARY declared that the Delegation would next discuss Chapter V, Section B, Paragraph 5, concerning the power of the General Assembly to apportion the expenses of the Organization among the members of the Organization. The Delegation was asked to consider alternative wordings. The first alternative read as follows:

"The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization".

The second alternative was:

"The expenses of the Organization shall be borne by the members as apportioned by the General Assembly. The General Assembly shall consider and approve the budget of the Organization and any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Article. . . ."

[30] Doc. 827, EX/19, June 7, *ibid.*, p. 480.

REPRESENTATIVE BLOOM thought the language used in the Covenant of the League of Nations should be adopted, and MR. PASVOLSKY thought that the second alternative was the same as the League phraseology.[31] MR. HACKWORTH declared that the only difference between the two formulas before the Delegation was the fact that the second alternative established an obligation on the part of the members of the Organization to contribute to its expenses. MR. HACKWORTH was of the opinion that such an obligation should be established. REPRESENTATIVE BLOOM remarked that in the UNRRA Agreement the members assumed an obligation to pay the administrative expenses of the Organization, even though they did not contribute to the fund to be used for the actual work of relief and rehabilitation.[32] SENATOR VANDENBERG asked whether there was any objection to the second alternative, and MR. PASVOLSKY said that all that was required was the agreement of the Delegation. The Delegation agreed unanimously to accept the second alternative, which established an obligation for the members of the Organization to contribute toward its expenses.

### FRENCH TREATY AMENDMENT

SENATOR VANDENBERG asked whether any answer had been received with respect to the French Amendment to Chapter VIII, Section C, Paragraph 2, for the purpose of safeguarding French bi-lateral regional arrangements. MR. DUNN declared that no final word had been received, but that Senator Vandenberg was not to ask for any further postponement. The United States should revert to the original Four-Power Amendment. However, this Government should not object to a request for postponement by either the French or the Russians. MR. ROCKEFELLER asked what would be the procedure if the technical committee refused a French or Russian request for further postponement. MR. DUNN replied that in that case, Senator Vandenberg should stand on the Four-Power Amendment. COMMANDER STASSEN remarked that it was his understanding that if the new sentence considered by the Delegation in a previous meeting[33] were to be proposed, the United States should go along. MR. DULLES remarked that the United States should accept such an amendment only if the Soviet Union would support it.[34]

### DOMESTIC JURISDICTION

DEAN GILDERSLEEVE remarked that it was her understanding that Chapter VIII, Section B, had been opened for further discussion.

[31] League of Nations Covenant, article 6, paragraph 6.

[32] Article VI of UNRRA Agreement concluded November 9, 1943 (Department of State publication No. 2075, Executive Agreement Series No. 352).

[33] Minutes of executive meeting, June 2, 9 a. m., p. 1087.

[34] For text approved by Committee III/4 on June 8, see Doc. 889, III/4/12, June 9, UNCIO Documents, vol. 12, p. 702; for United States comment, see *ibid.*, p. 704.

DEAN GILDERSLEEVE wondered whether any changes in this Section would affect the domestic jurisdiction clause in Paragraph 7 of Chapter II.[35] SENATOR CONNALLY declared that the consideration of Chapter VIII, Section B had been completed and therefore, there was no reason to change the domestic jurisdiction clause.

MR. NOTTER declared that there was nevertheless, the necessity for a Big Five decision, on the question of inserting the words, "enforcement action under",[36] with reference to the exception established, in the domestic jurisdiction clause, for action taken under Chapter VIII, Section B. This phraseology had been proposed for the purpose of eliminating the possibility of the Security Council making recommendations on any subject as provided for in Chapter VIII, Section B, Paragraph 2. MR. DUNN declared that this matter had never been taken up in a Big Five meeting. MR. DULLES remarked that this was correct and declared that he had told Mr. Evatt that the latter would have to take the initiative on this question. MR. DULLES said that he had told the Australians that if Australia were able to obtain agreement for the new phraseology, the United States would go along. Mr. Dulles seemed to think that a Big Five agreement was not necessary. MR. NOTTER declared that he had had to postpone the issue,[37] and he thought that it would be necessary for someone in the United States Delegation to take charge of the negotiations with the Australians.

SENATOR CONNALLY declared that, although consideration of Chapter VIII, Section B had been completed, it would be possible to hold up the submission of the report of Committee III/3[38] if that were necessary. MR. HICKERSON declared that such action would not be necessary at all, and MR. DULLES pointed out that it would be easier to reach an agreement on the domestic jurisdiction phraseology if the provisions on enforcement procedure had been finally settled.

MR. JOHNSON remarked that an Australian amendment to Chapter VIII, Section B, Paragraph 3,[39] had been deferred pending final decision on Chapter II, Paragraph 7. The Australians had been granted the right to bring up the question at some future date and this matter was still hanging over the heads of Committee III/3. MR. NOTTER urged that it was important to "button up" the domestic jurisdiction clause, and he thought that this could best be done by

[35] For amendment proposed by the four Sponsoring Governments, see Doc. 288, G/38, May 14, UNCIO Documents, vol. 3, p. 642.

[36] Amendment proposed by the Australian delegation.

[37] Doc. 810, I/1/30, June 6, UNCIO Documents, vol. 6, p. 348.

[38] Doc. 788, III/3/42, June 5, *ibid.*, vol. 12, p. 445.

[39] For text of new paragraph to be inserted after paragraph 2 of section B, chapter VIII, proposed by Australia, see Doc. 2, G/14(1), May 5, *ibid.*, vol. 3, pp. 551–552; for Committee action, see report in Doc. 782, III/3/41, June 4, *ibid.*, vol. 12, p. 431.

designating a central authority to deal with other interested governments. MR. PASVOLSKY reported that Gladwyn Jebb of the British Delegation had called him to ask how agreement among the Big Five on this question would be secured. He had suggested the possibility of a Big Five meeting. Mr. Jebb had given the impression that the British were not sure that they liked the change, and they seemed to favor the broad power of recommendation provided for in Chapter VIII, Section B, Paragraph 2. However, MR. PASVOLSKY thought that the British would go along with the proposal to specify that the exemption in Chapter II, Paragraph 7 applied only to "enforcement" measures. MR. SANDIFER observed that the Delegation's decision had been not to object to the insertion of the words "enforcement measures under" in Paragraph 7, Chapter II. MR. DUNN reiterated that the United States should not take the initiative. MR. SANDIFER remarked that Mr. Pasvolsky had raised the question of a possible meeting of the Big Five to discuss this question. Mr. Sandifer did not think this question was important enough and suggested that an agreement might be reached among the Representatives of the Big Five on the committee dealing with domestic jurisdiction. SENATOR CONNALLY observed that the British always seemed to like having some one else "carry the ball" when they were opposed to a proposal of Australia or New Zealand. MR. HICKERSON asked why the United States did not let Mr. Evatt worry about this himself. MR. HACKWORTH thought that that was the best way to handle the situation, but pointed out what the consequences might be. Mr. Hackworth reported that Professor Bailey of the Australian Delegation had buttonholed him and declared that he had spoken with the British, who had been opposed to any change in the wording. Professor Bailey had suggested a meeting of the Big Five.

SECRETARY STETTINIUS urged that the Delegation stand by the position established by Mr. Dulles. MR. PASVOLSKY agreed that the United States should not take the initiative, but he thought that the Secretary, as Chairman of the Big Five, would have to make a decision on the advisability of holding a meeting of the Big Five, if such a meeting were to be suggested. THE SECRETARY declared that it seemed to have been decided that the United States should not take the initiative on this matter, and the Delegation agreed with this position. MR. NOTTER urged that the Australian Delegation would still want to talk with someone on the American Delegation on the matter, and Mr. Notter thought that Mr. Dulles should have the responsibility. SECRETARY STETTINIUS agreed that Mr. Dulles was the logical voice. MR. HACKWORTH urged that the Australians should be referred to the British.

MR. PASVOLSKY asked whether Mr. Dulles, in his discussions with the Australians, had considered whether the addition of the words, "enforcement measures under" would eliminate the power of the Security Council to determine the existence of a threat to the peace. Since this determination was not strictly an enforcement measure, it might be subject to the domestic jurisdiction clause, and any nation with an internal situation which constituted a threat to world peace might claim exemption under that clause. MR. DULLES thought, however, that the limitation of the power of the Security Council would apply only to matters that were entirely under the jurisdiction of any state.

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POWERS OF THE STEERING COMMITTEE

THE SECRETARY explained to Mr. Hiss, who had arrived several minutes previously, the objections which had been raised with respect to the decisions of the Executive Committee on the previous day. The chief objection was that there was no over-riding body with full authority and there was no assurance that the technical committees or the four commissions would accept the recommendations of the Steering Commitee. THE SECRETARY informed Mr. Hiss about Commander Stassen's suggestion that the Steering Committee should have final jurisdiction before the open Plenary Session. MR. HISS replied that until the decision of the Executive Committee, the Steering Committee had been empowered to conduct such a final review. Mr. Hiss was afraid that the Delegation was too late, and remarked that he had informed the Delegation sometime previously about Mr. Rolin's lobbying to reduce the status of the Steering Committee. Mr. Hiss declared that approximately ninety percent of the powers of the Steering Committee had been salvaged. . . .

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The meeting was adjourned at 10:05 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 16

*Minutes of the Sixteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 6, 1945, 4:40 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (22); United Kingdom (5); Soviet Union (5); China (5); and France (6).]

THE SECRETARY called the meeting to order at 4:40 p. m. and said that Ambassador Gromyko had two items to bring before the group.

AMBASSADOR GROMYKO said that in the last meeting[40] he had informed the heads of delegations that he wished to communicate with his government on the suggested change in the sponsoring governments' amendment to Chapter VIII, Section C, paragraph 2. He wished now to inform the heads of delegations that the latest formula which was discussed as a compromise with the previous French proposal was not acceptable to the Soviet Union. He proposed that the language of the sponsoring governments' amendment, which had been agreed upon previously by the four sponsoring governments, be retained with the one change of the words "by consent" to "on request". In other words, he said, his delegation favored the change of words suggested at one of the earlier meetings when this matter was being considered, a change suggested by the American Delegation.[41] He indicated that he believed the change of that one phrase expressed the main idea of the French Delegation.

MR. DEJEAN questioned why the draft of the French amendment of May 23, 1945[42] was not accepted. Was there an important reason for not accepting this formula? He pointed out that this formula had been accepted by all but the American Delegation.

SENATOR VANDENBERG stated that the draft to which Mr. Dejean referred could not be accepted by the American Delegation.

MR. DEJEAN said he would then like to suggest another formula which he believed might be acceptable to the United States. This formula would read (beginning at the end of the second sentence) "until such time as the Organization may, on request of the governments parties to the arrangements referred to above, be charged with the responsibility for preventing further aggression by a state now at war with the United Nations". He pointed out that all the delegations were in agreement on the change of the words "by consent" to "on request".

MR. STETTINIUS stated that Mr. Dejean's final comment was correct and that, therefore, it was proposed that only that one change be made.

MR. DEJEAN said he would like to see the phrase "governments concerned" changed to read "governments parties to the arrangements referred to above".

MR. STETTINIUS said it was impossible for the United States Delegation to modify its position on this point. He hoped that an understanding could be reached since everyone was willing to change to the words "on request", which meant that we were 99% on the way to agreement. He wondered how this matter could be settled without referring the question back again to the governments.

[40] Five-Power Meeting, June 4, noon; for minutes of meeting, see p. 1145.
[41] See minutes of the twelfth Five-Power meeting, June 2, 10 a. m., p. 1094.
[42] Not printed.

MR. DEJEAN indicated that he was not quite clear what was meant by the phrase "governments concerned". He suggested it could mean Germany and Japan, since from one point of view they were the first nations to be concerned and were certainly interested parties.

MR. STETTINIUS replied that this interpretation was not a possible one and that in any event our interpretation of the phrase could be included in the minutes of the committee discussions. He said it was clear that the phrase meant the governments' standing guard over the enemy nations. MR. DEJEAN agreed that the interpretation that he had suggested was a bad one but thought it was also a possible one. He wondered whether, even with agreement on a text, there might not be two interpretations.

MR. STETTINIUS said he was very anxious to get on with the work of the Conference and hoped that this matter could be handled in a spirit of conciliation. He was convinced that the members of the group meant exactly the same thing and that it was a matter of having the committee agree upon an interpretation in its report to the commission.

SENATOR VANDENBERG felt the point could be taken care of by an interpretation of the phrase "governments concerned". He suggested however that perhaps the phrase "United Nations concerned" would be helpful.

MR. STETTINIUS said he would do anything in a spirit of conciliation to amend the language to meet Mr. Boncour. He did feel however that it was unwise to start rephrasing the language as this would necessitate its referral back to the governments. He indicated that the matter, which had already dragged on too long, must be settled today. MR. DEJEAN said he would like to hear from the heads of the other delegations. MR. SOONG said his position was the same as that of the United States.

AMBASSADOR GROMYKO said he had made his proposal. The French proposal to add the words suggested in the May 23, 1945 draft was acceptable to him if the French did not like the suggestion he had offered at this meeting. He said his Government was willing to accept the change suggested earlier if the French could not agree to his present suggestion. MR. STETTINIUS said that we could consider in the spirit of conciliation the words "on request of the United Nations concerned" rather than "parties to the arrangements". AMBASSADOR GROMYKO said that we had been looking for more precise language when we had adopted the phrase "governments parties to the treaties". He did not think we should now make this language more imprecise.

AMBASSADOR HALIFAX said he had another suggestion which he was not sure would commend itself. Mr. Dejean had suggested the phrase "on request of the governments parties to the arrangements

referred to above". This however the American Delegation did not like as it would prejudice the earlier words referring to Chapter XII, paragraph 2. AMBASSADOR HALIFAX wondered whether the phrasing "pursuant to arrangements under Chapter XII, paragraph 2" could not be added and then it would be possible to say simply "on request of the governments parties to those arrangements". AMBASSADOR HALIFAX felt that this matter should be settled now.

MR. STETTINIUS asked whether the phrase "on the request of the United Nations concerned" would not be acceptable.

AMBASSADOR GROMYKO questioned whether this was not too broad. It would mean that the request would have to issue from a very large number of countries.

MR. STETTINIUS indicated that everyone was willing to change the word "consent" to "request". The American Delegation was also willing to fully protect the French position by an interpretative note. He thought it was probably not possible to reach agreement on anything more. Many days had already been spent on this matter and we were holding up the Committee which had to finish its work. AMBASSADOR HALIFAX thought we were very close to an agreement. He felt that it would probably be best to change only this one phrase in the text "by consent" to "on request". When this change was brought forward in the Committee the appropriate persons could declare what was implied. MR. STETTINIUS indicated that this solution would be agreeable to the British, the Soviet Union, and the United States. AMBASSADOR GROMYKO said it was agreeable to him but he wondered whether this would satisfy the French. He questioned what the official interpretation would be. MR. STETTINIUS thought this could be presented in the Committee.

MR. DEJEAN said he was interested in speeding the work of the Conference and, if this solution of the problem was acceptable to all four governments, it would be acceptable to the French. He said however, that he would like the interpretation of the Soviet, the British, and the French included in the Committee report.

MR. STETTINIUS said he wished to express his appreciation for the spirit of cooperation and conciliation shown by Mr. Boncour and Mr. Dejean. He said he hoped that it could now be agreed to bring to a conclusion the consultations on this question. He added that he would like to see language in the Committee report that all the Five could agree to.

SENATOR VANDENBERG commented that we were right where we started. The crucial problem was the interpretation.

MR. STETTINIUS suggested that this group agree on the language before it, that is, the substitution of the words "on request" for "by consent" in paragraph 2, Section C, Chapter VIII. Then the experts

of the Five Delegations could meet to discuss a satisfactory interpretation for the final report. This procedure would not hold up the work of the Technical Committee. He wondered whether it was agreeable. AMBASSADOR GROMYKO pointed out that, while we might agree on the language of the Chapter, we might give a different interpretation. He asked what other interpretation there could be than the one so often given. We were talking in this paragraph about regional arrangements and parties to a treaty like the French-Soviet treaty. The governments concerned were certainly the parties to those treaties. What other interpretation was there. MR. STASSEN indicated that the phrase "governments concerned" referred back not merely to the regional arrangements but also the measures provided under Chapter XII, paragraph 2. MR. BONCOUR suggested that what we had in mind was the signatory states of the treaties. He wondered what possible objection there could be to this interpretation. MR. PASVOLSKY asked whether it was in fact the signatory states alone, or also the states responsible for action against enemy states under Chapter XII, paragraph 2. MR. BONCOUR said that "on request of the government concerned" could mean only the parties to treaties. AMBASSADOR HALIFAX asked why we could not say explicitly what we meant, which was "may on request of the governments concerned in the business of Chapter XII, paragraph 2 or in regional arrangements referred to above". MR. BONCOUR asked why we could not say "signatory states". He objected to referring also to measures under Chapter XII, paragraph 2.

AMBASSADOR HALIFAX pointed out that Mr. Stassen wanted to cover and include the states responsible for measures against enemy states under Chapter XII. Therefore, he had proposed a wording which would include reference to the states involved under Chapter XII. MR. STASSEN said that this was not his individual position but rather the position of the United States Delegation. He thought that, if an interpretation was worked out in detail, it could be agreed upon among the five delegations. He thought, however, that it would be important to agree upon an interpretation if the words "governments concerned" were used in the text, in order to avoid confusion.

MR. PASVOLSKY stated that the phrase "'governments concerned" includes the governments signatory to the regional arrangements and those involved under paragraph 2, Chapter XII. MR. BONCOUR indicated that the French Delegation believed that only the signatories of the special agreements were involved—parties to such treaties as the French-Soviet alliance. It was they alone, he said, that would be in a position to appreciate when the Security Council should take over the responsibilities under those treaties. The parties to the

arrangements under Chapter XII should not have a say in this matter. MR. BONCOUR asked whether this was Ambassador Gromyko's view also. AMBASSADOR GROMYKO agreed that only the parties to the agreements would decide when the Security Council would take over the responsibilities provided for in those agreements.

MR. STETTINIUS referred to paragraph 2 of Chapter XII of the Dumbarton Oaks Proposals and read as follows:

"2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the governments having responsibility for such action."

AMBASSADOR GROMYKO stated that the second half of the sentence of paragraph 2, Chapter VIII, Section C related only to the states parties to treaties—to regional arrangements and not to the states under Chapter XII which were covered by the first half of the sentence.

MR. BONCOUR said that, as he understood the draft, the signatories to the treaties would themselves be the judges of whether or not the Security Council was able to preserve international peace and security.

AMBASSADOR HALIFAX indicated that he thought it was agreed that the final judgment as to the capacities of the Council would rest on both the powers referred to in Chapter XII and on the signatories to the agreements. He did not think that either of these groups could be ignored.

MR. STETTINIUS asked Mr. Pasvolsky for a statement of the steps leading up to the present position.

MR. PASVOLSKY explained that the problem of interpreting this paragraph first arose in connection with the question of treaty arrangements directed against the renewal of aggression by enemy states. As a result of the provisions of paragraph 2, Chapter XII, it is obvious that the Security Council cannot be charged with the responsibility for the prevention of aggression by enemy states or for the control of enemy states without the agreement of the governments having responsibility for such action as a result of the present war. If the question of these regional treaty arrangements had never arisen, the situation would still be that the Organization could not take over the functions placed outside its jurisdiction by the provisions of Chapter XII, except upon agreement between the governments concerned under Chapter XII and the Organization. When the question of treaty arrangements came up it was apparent that in addition to the arrangements under Chapter XII for preventing aggression by enemy states, certain states were desirous of entering into special treaties for the same purpose. We agreed to the exception of these treaties from the general rule that no enforcement action should be taken under regional arrangements or by regional agencies without

the authority of the Security Council. The American Delegation considered this exception sympathetically, in particular because the functions involved in these arrangements were not in the hands of the Organization.

It was perfectly clear, however, from the language finally agreed upon for paragraph 2, Section C, Chapter VIII that the parties to these regional arrangements were not alone in a position to decide the time when the Organization would take over the functions relating to the prevention of further aggression by the enemy states. We are willing to agree that these functions cannot be transferred to the Organization without the consent of the parties to the regional arrangements. This does not mean, however, that these parties alone can be the judge of the time when these functions should be transferred to the Organization. Therefore, it is our view that the phrase "governments concerned" includes both the parties to regional arrangements directed against renewal of aggressive policy on the part of enemy states and also includes the governments responsible for action in relation to enemy states under paragraph 2, Chapter XII.

MR. BONCOUR asked whether this interpretation meant that the decision implied in the last sentence of paragraph 2 would not be made on the request of the states signatory to the treaties. AMBASSADOR HALIFAX, MR. STETTINIUS, and MR. PASVOLSKY agreed that there would have to be the request but that in addition there was the vote in the Council in which any one of the permanent members would have a veto. MR. STETTINIUS pointed out that the French would actually be protected in two directions: They would be among the states having to join in the request to the Security Council. Also they would have a veto on the action of the Security Council. MR. DEJEAN said that the interpretation given by Mr. Pasvolsky was satisfactory. MR. STETTINIUS asked whether the interpretation was generally acceptable. AMBASSADOR GROMYKO indicated that he now understood that the phrase "governments concerned" related to the governments involved under Chapter XII and parties to regional arrangements. This, he said, was agreeable to him. AMBASSADOR HALIFAX also expressed agreement with the interpretation.

MR. STETTINIUS indicated that the next item to be discussed was the calling of a conference for the review of the Charter. He said Ambassador Gromyko had asked to have this question put on the agenda.

AMBASSADOR GROMYKO said that this matter had been discussed at the last Committee meeting [43] and that he would like Mr. Armstrong to inform the group of developments since that time. MR. ARMSTRONG

[43] Committee I/2 agreed on May 29 that a special subcommittee I/2/E of 15 members be appointed to consider the proposed amendments and to report to the Committee (Doc. 683, I/2/48, May 29, UNCIO Documents, vol. 7, p. 154); record of meetings not printed.

explained that nothing had happened. The Committee had met on other matters. There had been no meeting of the Subcommittee which was expecting the heads of the five delegations to make up their minds before it met again. MR. ARMSTRONG stated that the proposal under discussion in this group was a dual one. (Copies of Chapter XI, Amendments, Paragraph 3, June 3, 1945 [44] were distributed). MR. ARMSTRONG said that the first proposal was to change the vote of the General Assembly for calling the conference from "three-fourths" to "two-thirds". It was also proposed to add to paragraph 3 the sentence: "If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly." This provision, he said, would not bind anyone to anything. It would merely indicate our willingness to hold a conference at about the tenth year if the general feeling favored such a conference. This, he said, was definitely preferable as an alternative to the setting of a specific date.

MR. STETTINIUS remarked that the four delegations had agreed to the addition of this provision but that Ambassador Gromyko had asked for further time to consider it.

MR. ARMSTRONG stated that at an informal meeting among the representatives of the five governments serving on Committee I/2 it had been agreed that this matter was worthy of discussion among the Big Five.

AMBASSADOR GROMYKO asked what had happened in the Technical Committee. SENATOR CONNALLY indicated that Mr. Evatt still had in the background his proposal that a conference should be held definitely in the fifth year. To prevent a vote on this proposal we had been attempting to work out a harmless compromise. MR. ARMSTRONG noted that under our proposal the Assembly would be free to decide whether or not it wanted a conference.

AMBASSADOR GROMYKO stated that, if it was necessary to get approval of the sponsoring governments' amendment in other respects, he was ready to agree to the change in the vote from "three-fourths" to "two-thirds". However, this agreement would be on condition that all the five delegations favored the sponsoring governments' amendment for ratification of the recommendations of the conference, that is, that ratification would require the unanimous vote of the five permanent members.

MR. ARMSTRONG stated that the problem of ratification was not in question as far as the unanimity of the permanent members went. MR. ARMSTRONG added that the sentence being suggested for paragraph 3 was relatively innocuous. In discussions with Mr Zarapkin

[44] Not printed.

it had been felt that this kind of provision might be better than nothing and might perhaps carry the day.

AMBASSADOR GROMYKO thought it was better not to mention putting the general conference on the agenda of the tenth meeting of the Assembly. He felt this procedure tended to give the Organization a temporary character and would encourage states to regard the present charter as temporary. MR. ARMSTRONG stated that, if this was the view of the Soviet Delegation, then all that could be done was to fight the matter out without this provision and take the consequences.

MR. STETTINIUS stated that the five representatives would have to do the best they could on the Technical Committee. MR. SOONG agreed. MR. STETTINIUS indicated that agreement had been reached on the change of the vote from "three-fourths" to "two-thirds". While the American Delegation preferred the inclusion of the additional sentence, it now appeared that the last sentence would have to be dropped and the vote taken on the paragraph with only the one change.

SENATOR VANDENBERG said that the additional sentence, in his view, worked in just the opposite way from the one Ambassador Gromyko had suggested. If it was certain that a conference for the review of the Charter would be held at some time probably very few amendments would be put up and states would withhold amendments in the hope of securing their consideration at the conference. If the states did not feel that such a conference would be held, it is possible that there would be a flood of amendments during the first years. SENATOR CONNALLY pointed out that the additional sentence would not make mandatory the calling of the conference; it would merely mean that the conference would be put on the agenda of the tenth meeting of the Assembly. Since the calling of the conference could be put on the agenda at any time anyway, he did not feel anything very serious or important was involved in the addition of this provision. MR. STETTINIUS agreed with Senator Connally, but suggested that, since the Soviet Ambassador could not accept our view, we should proceed on the basis of doing the best we could without proposing this additional sentence.

MR. ARMSTRONG said we would make a statement in the Subcommittee that we were prepared to concede on the vote for the calling of the conference.

MR. STETTINIUS suggested that the procedure for handling this matter be decided upon later. AMBASSADOR HALIFAX thought there was little chance of holding off an adverse vote if we offered only one concession. The second concession meant nothing in practice but might make just the necessary difference in the vote. AMBASSADOR HALIFAX said he would greatly prefer to go before the Technical Committee with

the two concessions. He added that the addition of this provision might actually mean the putting off of a general conference and in his view did not alter the situation for the worse. AMBASSADOR GROMYKO said that the public as a whole would tend to interpret the Charter as a temporary affair. AMBASSADOR HALIFAX thought the situation would be worse if a conference was held in five years. AMBASSADOR GROMYKO said that the Soviet proposal was not to make any mention of the time for holding the conference. MR. STETTINIUS said we might be voted down but that all we could do was to fight off a defeat.

AMBASSADOR GROMYKO indicated that he wished to bring forward a new proposal and put it on the agenda for discussion. MR. STETTINIUS said that, if there was no further discussion of the previous matter, and since the Ambassador did not feel able to accept the second concession, it might be best to proceed to a discussion of other matters.

AMBASSADOR GROMYKO stated that the Soviet Delegation desired to include in the Charter a provision for withdrawal. He pointed out that there would be amendments to the Charter and quite possible certain countries would not wish to accept them. In such a case he felt that the countries should have a right to withdraw. AMBASSADOR GROMYKO noted that the Soviet Constitution provided for withdrawal from the Soviet Union, and that he wanted to mention this as one example of a provision for withdrawal.

SENATOR VANDENBERG asked the Ambassador whether he had a text to propose. THE AMBASSADOR replied in the negative. MR. STETTINIUS suggested that the delegations might study this matter and place it on the agenda of the next meeting. He asked if there was to be more discussion on this point. No further discussion was indicated.

AMBASSADOR HALIFAX said he would like to present the matter of domestic jurisdiction. Some people were greatly concerned over the wording of the sponsoring governments' amendment for paragraph 7, Chapter II. Some of those concerned had been in touch with the American Delegation. He thought it would help to be informed of the view of the American Delegation on the suggestion made by the Australians that paragraph 7 of Chapter II be amended.

MR. STETTINIUS called on Mr. Dulles to present the proposed amendment. MR. DULLES stated that the United States was agreeable to the amendment for paragraph 7, Chapter II, suggested by the Australian Government. He understood this amendment to involve the addition of the phrase "of enforcement measures under" following the word "application" in paragraph 7. The entire paragraph would then read: "Nothing contained in this Charter shall authorize the Organization to intervene in matters which are essentially within the

domestic jurisdiction of the state concerned or shall require the members to submit such matters to settlement under this Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VIII, Section B." MR. DULLES explained that the United States was agreeable to this amendment on the assumption that it would be agreeable to the other four delegations.

AMBASSADOR HALIFAX said the new wording would be agreeable to the British Delegation also, if agreeable to the other four delegations. He said he would like to say a word on this matter. He had no doubt that those who criticized the sponsoring governments' amendment were fully appreciative of the importance of this whole provision. He felt it was important, if possible, to meet the criticism. After giving the question some thought he had reached the conclusion that it might be better to leave out the words—"but this principle shall not prejudice the application of Chapter VIII, Section B". If the words "enforcement measures" were inserted, it might appear that we were excluding the Security Council from any action but enforcement. We might get into the position where we would bar the Security Council from any action with respect to a situation, until it could take enforcement action. If the whole sentence was left out, it could be argued that the Security Council retained all its powers with respect to a situation that potentially threatened the peace. AMBASSADOR HALIFAX said he thought the argument could be sustained, if these two lines were omitted that once a matter became a threat to international peace and security it would cease to be essentially within domestic jurisdiction. The Security Council would have its full powers the moment a matter threatened international peace and security. AMBASSADOR HALIFAX said he would prefer this method to the introduction of words which might be interpreted to disbar the Security Council from anything but enforcement action.

MR. STETTINIUS said he was sorry to have to ask to be excused from the meeting but he had a very important engagement awaiting him. He suggested that Ambassador Gromyko preside in his absence. Before leaving he indicated that he hoped he would be permitted to make a brief statement to the press to the effect that agreement had been reached among the Five on the French amendment, and that the question of voting procedure had not been discussed.

MR. DEJEAN said that he shared the opinion of Ambassador Halifax that it was not satisfactory to include the words in paragraph 7, Chapter II, "enforcement arrangements under". He favored keeping the paragraph as it stood. AMBASSADOR GROMYKO indicated that this whole question of domestic jurisdiction had been discussed at Dumbarton Oaks where it had been agreed that a provision should be included in the Charter. It had been decided then that there

might be such an internal transformation in a state as to involve a danger to the maintenance of international peace and security. Whereas such a situation would arise originally within the domestic jurisdiction of a state, if there was a danger to the maintenance of peace, then the Security Council should be free to take the necessary measures to maintain international peace. Although the causes might be internal, he said, they might involve a threat to the peace.

MR. DEJEAN repeated that he preferred not to add the words "enforcement measures under". AMBASSADOR HALIFAX asked if he would be willing to omit the two lines altogether. MR. DEJEAN asked if Ambassador Halifax did not think it was dangerous to omit those two lines. He pointed out that Mr. Boncour believed those two lines very important. AMBASSADOR HALIFAX explained that with the two lines left out the Security Council could still decide when a matter ceased to be essentially within the domestic jurisdiction of a state. When a situation threatened the peace it would cease to be essentially within domestic jurisdiction and all powers would revert to the Security Council.

MR. DULLES said he would like to make the position of the United States Delegation quite clear. The Delegation prefers the language as it stands. Some of the British Dominions, however, are worried that, if the second sentence of paragraph 7 is left as it stands, the Security Council could make recommendations under Section B dealing with such questions as immigration. MR. DULLES said he had told Ambassador Halifax and Lord Cranborne that, if the Australians were agreeable to the inclusion of the words "enforcement measures under", provided the other four delegations were also agreeable, we would go along with this change. He said he saw now that Ambassador Halifax did not agree with this change. He added that the Australians took the position that, even after the Council had found that a threat to the peace existed, it should not make recommendations with respect to domestic matters.

AMBASSADOR HALIFAX said he would like to add that there was a case to be made for the addition of the words "enforcement arrangements under", if, by the addition of those words, the whole matter could be settled. If this proved to be the situation he would associate himself with the position of the United States Delegation.

MR. SOONG said that the matter had been brought to his attention for the first time at this meeting and that he would have to take time to consider it.

AMBASSADOR GROMYKO stated that the Soviet Delegation would like to have the text as it stood without change. He preferred to stand on the sponsoring governments' amendment. MR. DULLES agreed that

this was also the first choice of the American Delegation. MR. DEJEAN also expressed a preference for the four-power formula.

LORD CRANBORNE stated that the Australians preferred omitting the final sentence. MR. DULLES questioned whether they would prefer the omission if they heard Ambassador Halifax' definition of the result, namely, that by dropping out this sentence the Security Council still would have full powers under Chapter VIII, Section B to take action in the event that a situation threatened the peace. LORD CRANBORNE suggested that Mr. Evatt had been agreeable to either compromise and had been willing to accept the addition of the words "enforcement measures under".

AMBASSADOR HALIFAX stated that this matter was likely to be raised in the Technical Committee the following day, and that the British Delegation found itself in a difficult position. In loyalty to the four-power amendment, it would be difficult to vote against Australia. On this question the British Delegation felt in great sympathy with Australia. In view of the fact that the Chinese had asked for further time to study, and since time was not available to reach agreement, he questioned whether we should try to agree on this matter. He wondered whether it would be possible for the British Delegation, without damage to the general cooperation, to have liberty of voting on this question. AMBASSADOR GROMYKO suggested that Australia had voted against the British on a number of occasions. AMBASSADOR HALIFAX said that most of the proposals made by Australia were not vital to her, but that on this particular question all parties in Australia were agreed. AMBASSADOR GROMYKO said that, if we stood on this amendment by Australia, it would mean that we were shifting from the four-power amendment. He thought this was extremely undesirable.

AMBASSADOR HALIFAX noted that it was always possible to abstain although on this question he would not like to do it very much. AMBASSADOR GROMYKO asked what we should do. Would we have agreement among the three powers or could we have agreement among the four powers? MR. BONCOUR thought it would be difficult to take agreed action on this matter. He was in favor of the paragraph as it stood and said he saw danger in omitting the last two lines.

AMBASSADOR HALIFAX said he could only repeat that he found himself in a position of great difficulty. He thought the other members of the group would agree that his Delegation had done its utmost to preserve unanimity on as many points as possible. He did not feel, however, that the United Kingdom could vote against Australia on a matter of such vital concern to Australia. He added that he was most reluctant to depart from an agreed position with the other

powers, and that he would consider the British position with Lord Cranborne and maybe some solution could be found. Perhaps abstention would be possible although he would find it difficult to abstain.

AMBASSADOR GROMYKO asked whether paragraph 7 should be defended as an amendment of the sponsoring governments and France or as an amendment of four governments in another combination. AMBASSADOR HALIFAX stated that this was an amendment agreed to by the four governments. However, the United Kingdom Delegate would have to say that a difficulty with the amendment had come to light so that, while his Government had joined in putting forward the amendment, he felt bound to reserve his position on it or to abstain or to take some action of this type.

AMBASSADOR GROMYKO asked whether Ambassador Halifax would defend the Australian amendment. AMBASSADOR HALIFAX said he would have to be quite frank. He might say that, on closer examination of the four-power amendment and in view of the points made by Australia, he would not wish to oppose the Australian amendment. AMBASSADOR GROMYKO asked what should be done then as a result of this situation.

AMBASSADOR HALIFAX said there was nothing to be done but to note the differences in the positions of the five governments and, if the United Kingdom voted differently from the other four governments, he hoped the United Kingdom would not be judged harshly. SENATOR CONNALLY said he did not think we could hold the Ambassador to the four-power amendment, but he hoped that this would not be a precedent. The Ambassador was in a peculiar position on this matter and we would not interpret his position as a breach of good faith. Senator Connally said that Ambassador Halifax had been frank and open in the presentation of his position. AMBASSADOR GROMYKO stated that the issue was then closed and the consultations on this matter ended. MR. SOONG said he would also like to reserve his position on this whole question.

Ambassador Gromyko adjourned the meeting at 6:45 p. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 17

*Minutes of the Seventeenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 7, 1945, 3 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (21); United Kingdom (5); Soviet Union (4); China (3); and France (5).]

MR. STETTINIUS convened the meeting at 3:00 p. m., and asked Ambassador Gromyko to make a statement that he had wished to make at this time.

AMBASSADOR GROMYKO stated that this group had discussed the question of the voting procedure in the Security Council at several previous meetings [45] and he wished at this time to make a statement on this subject. In connection with the statement on voting procedure in the Security Council worked on by the delegations of the four sponsoring governments, he wanted to say that the Soviet Government continued to consider the Yalta agreement as binding. This meant that unanimity of the five permanent members was required in decisions of the Council, with the exceptions provided for in paragraphs 2 and 3 of Section C, Chapter VI. Nevertheless, in the interests of unanimity and in order to speed up the work of the Conference, the Soviet Government would agree to an exception for the vote on the question of considering and discussing a dispute under paragraph 2, Section A, Chapter VIII. This, he said, should be handled by an adaptation in the text of the statement of May 26, 1945,[46] in order to prevent attempts to secure exceptions on other paragraphs of Section A or on other questions of voting.

AMBASSADOR GROMYKO indicated that the amendments which the Soviet Delegation wished to submit would be distributed. He emphasized that these amendments were to the draft statement of May 26, 1945.

The following document was then distributed by Ambassador Gromyko: Amendments Submitted by the Soviet Delegation to the Draft of the Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council Dated May 26, 1945:

"1. To omit two last sentences of Paragraph 1 which read as follows:

'The Security Council will also be charged with many other functions. Here, too, a distinction needs to be made, in the application of the Yalta voting formula, between the decisions which will be governed by a procedural veto and the other decisions which will require a qualified vote.'

"2. To omit the last sentence of Paragraph 2 which reads as follows:

'It is likely that several other important decisions of the Council will also be governed by a procedural vote.'

"3. To insert into the first sentence of Paragraph 3 after the words 'consideration and discussion' the following words:

'under Paragraph 2, Section A, Chapter VIII'

[45] Minutes of Five-Power meetings, May 26, 9:15 p. m., p. 926; May 29, 11 a. m., p. 968; June 1, 9 p. m., p. 1071; and June 2, 10 a. m., p. 1094.

[46] Not printed.

"Thus the first sentence of Paragraph 3 should read as follows:

'No individual member of the Security Council can alone prevent a consideration and discussion by the Security Council of a dispute or situation brought to its attention under Paragraph 2, Section A, Chapter VIII.'

"4. To replace in Paragraph 1, Section II the words 'should be mentioned' by the words 'are mentioned'."

The meeting then broke up into small groups to study the draft.

AMBASSADOR GROMYKO explained that, when point 4 on the draft submitted by the Soviet Delegation had been prepared, the Soviet Delegation had not had the English text before it. Therefore, the word "mentioned" had been used instead of "contained", although the words "are mentioned" were considered to be the equivalent of the word "contains" used in the Soviet redraft of the four-power statement of June 1, 1945.[47]

AMBASSADOR HALIFAX asked for clarification on point 3 in the memorandum submitted by the Soviet Delegation. The Soviet Delegation then proposed to insert into the first sentence of paragraph 3 of the May 26 statement the words "under paragraph 2, Section A, Chapter VIII" following the words "consideration and discussion". No suggestion is made as to the omission of the phrase "since the Council has the right by a procedural vote to decide its own rules of procedure." AMBASSADOR HALIFAX asked if it was intended to include this opening phrase.

AMBASSADOR GROMYKO replied that it had been agreed at a previous meeting to omit the beginning of the sentence in paragraph 3 of the May 26 statement and to begin that paragraph with the words: "No individual member of the Council can alone prevent . . ." MR. PASVOLSKY indicated that a new paragraph 3 had been subsequently drafted in the Subcommittee of Five that began somewhat differently.

Following this statement, informal consultations were held for a few moments among the members of the different delegations.

MR. STETTINIUS said that the gentlemen present would recall that the Subcommittee of Five had spent many days and nights discussing this problem and working on this statement. He thought it would be helpful if Mr. Pasvolsky would give an interpretation of the amendments to the May 26 draft presented in the paper submitted by the Soviet Delegation. He said he would also ask Mr. Pasvolsky to discuss fully the relation of these amendments to the provisions in the Charter.

MR. PASVOLSKY stated that the key to the whole question was contained in the paper marked "II" of May 28, 1945.[48] The purpose

[47] Not printed.

[48] U.S. Und. 49*a*, concerning an answer to question 19 (Doc. 855, III/1/B/2(*a*), June 8, UNCIO Documents, vol. 11, p. 707), not printed.

of the statement in this paper was to indicate that, since the Charter would contain an indication of the matters requiring a procedural vote, it was unlikely that questions of a seriously controversial nature would arise as to what was procedural or not procedural. Therefore, it was proper to have, and no one should be concerned over, the provision in paragraph 2 of that statement that the question as to whether a matter was procedural or not would have to be settled by a non-procedural vote.

MR. PASVOLSKY stated that this meant that the Charter had to be clear on the area of questions to be decided by a procedural vote and on questions to be decided by a unanimous vote. He pointed out that the statement as it had been presented to the group would handle this matter in the form of an interpretation. He said, however, that it would be an advantage to indicate in the Charter itself that questions under Section D of Chapter VI would be settled by a procedural vote and also to say that any consideration which arises out of cases brought to the attention of the Council under paragraph 2, Section A, Chapter VIII, should also be covered by a procedural vote.

MR. PASVOLSKY pointed out that two other specific cases had been agreed to, that would be indicated in the Charter, for which a procedural vote would be specified. These were the election of judges and the convocation of a conference for the review of the Charter. MR. PASVOLSKY added that one interesting question might arise as to whether or not a case brought before the Council by the Secretary-General would fall outside the suggested exception for cases brought forward under paragraph 2, Section A, Chapter VIII. He wondered whether a question might not arise on this point, since the Secretary-General was empowered to call matters to the attention of the Security Council.

AMBASSADOR GROMYKO indicated that, if any question arose as to whether a decision should be taken by a procedural or non-procedural vote it would have to be decided by a vote of seven members, including the five permanent members.

MR. PASVOLSKY stated that we would have to be prepared for the kind of question he had just mentioned and should know the kind of answer we were going to give. Since we would be saying in the interpretative statement that the procedural vote was indicated in the Charter for various functions of the Council, would we be willing to specify that the procedural vote applied to questions under Section D, Chapter VI and with respect to discussion of matters brought to the attention of the Security Council under paragraph 2, Section A, Chapter VIII and by such other methods as are provided in the Charter.

AMBASSADOR GROMYKO replied that it was clear that Section D of Chapter VI of the Dumbarton Oaks Proposals included questions of a procedural character. Besides, he said, we agreed that the convocation of the conference for the review of the Charter should be called without the concurring votes of the permanent members, and we also agreed that the election of judges would not need the concurring votes of the permanent members. If the question was raised in the future as to whether a question should be decided by a procedural vote, it had been agreed that the Security Council would have the right to decide whether a question was procedural by a vote of seven, including the five permanent members.

Further informal consultations were held among the members of the delegations.

MR. PASVOLSKY said that he had raised this question only because it would probably be put to us and he thought we should think about it and probably meet it when it comes up, if such a question is actually raised.

AMBASSADOR GROMYKO commented that, if such a question was raised, it would be easy to give an answer from the interpretation. MR. PASVOLSKY was not sure this would satisfy the questioners. He added, that he thought that with the indication of the question he had given that would probably be asked, he believed the statement of May 26, should be accepted with the Soviet amendments.

MR. STETTINIUS asked if Ambassador Halifax was ready to make a statement.

AMBASSADOR HALIFAX replied that he could certainly make a comment expressing his warm appreciation of the efforts the Ambassador had made to help in assuring the success of the common effort. He was sure that all his colleagues felt as strongly as he did. He said he could not make a final comment, but after the study of the words he felt that most of the changes proposed were changes in drafting to make the sense of the May 26 statement clear.

AMBASSADOR HALIFAX indicated that the main comment he had to make followed from what Mr. Pasvolsky had stated. If there was agreement on the main point at issue, he felt it would be desirable and necessary to include in the Charter the provision that discussion under paragraph 2, Section A, Chapter VIII, would take place on the basis of a procedural vote. What we might answer to a question on this matter was not now in the Charter and he believed that the answer should find its place in the Charter.

AMBASSADOR HALIFAX stated that the second point he would like to make was that while the British Delegation was hopeful and had no reason to believe that the Soviet suggestions did not solve the diffi-

culty, it wished to have a closer look at the amendments in order to satisfy itself that they carried out the general line of approach. He indicated that the British Delegation would like this opportunity to give the amendments further study.

MR. PASVOLSKY stated that he wanted to say that this interpretation, as amended by the Soviet Delegation, clearly indicated what the four delegations had in mind. We knew that certain questions would be raised and we could prepare ourselves to answer them. In his opinion, however, the interpretation quite clearly gave us what we wanted.

MR. STETTINIUS said that he and Ambassador Gromyko had had a private conversation prior to this meeting and, because of the wide speculation in the public press, he and the Ambassador had felt that it would be the common desire to hold a meeting of the Steering Committee and make a statement to that Committee before there would be opportunity for wild speculation on the outcome of this meeting. He requested the authority as Chairman to make a statement to the Steering Committee as to the exact situation. He noted that a meeting of the Steering Committee had been called for 4:30 p. m. and suggested that, in order to focus the minds of the members of the group on a particular statement, he would read to them a draft just prepared:

ALTERNATIVE

"Consultations among the four sponsoring powers and France have resulted in agreement on the interpretation of the Crimea provisions for voting in the Security Council.

"The agreement reached preserves the principle of the unanimity of the permanent members of the Council in all actions taken by the Council, while at the same time assuring freedom of hearing and discussion in the Council, before action is taken. We believe both are essential to the success of the World Organization.

"Under the terms of the agreement, unanimity of the permanent members of the Council is required in all decisions for enforcement action and—except as to parties to disputes—in all decisions for peaceful settlements. But this requirement of unanimity does not apply to the right of any nation to bring a dispute before the Council as provided by Paragraph 2, Section A, Chapter VIII, and no individual member of the Council can alone prevent a consideration and discussion by the Council of a dispute or situation thus brought to its attention.

"The successful conclusion of discussions of this matter among the four sponsoring powers and France offers a new and heartening proof of the will and the ability of the nations which have fought the war in Europe to a successful conclusion to construct, upon the strong foundations of their victory in that war, a workable and effective and lasting peace in which they will labor side by side, with mutual understanding and a common purpose.

"The same spirit which has now been so effectively demonstrated by the powers which have taken part in these conversations will, I

feel certain, motivate the entire Conference and make possible the speedy and successful conclusion of its task in which I for one have always had an unwavering faith and confidence."

Copies of the above statement were distributed. (Most of these copies were not corrected with the most recent changes which are included above).

MR. STETTINIUS then stated that he had not officially spoken for the American Delegation on this matter either with respect to the general proposition or as to the detail of the public statement.

MR. STETTINIUS then asked Mr. Boncour to give his views on the question under discussion. MR. BONCOUR said that he agreed with the proposals made by Ambassador Gromyko and in addition favored a statement to the Steering Committee along the lines suggested by Mr. Stettinius.

MR. STETTINIUS then called on Ambassador Koo. AMBASSADOR KOO replied that the statement by Ambassador Gromyko was of great importance in that it met the chief point under discussion, that is, the character of the vote for the discussion and consideration of disputes brought before the Council. He said he would like, however, in order to have a fuller appreciation of how the changes fitted into the May 26 statement, to have a text of that statement prepared with the changes inserted.[49] He thought it would be a great help to have such a draft circulated in order that all would understand exactly what had been agreed to. This feeling, he said, did not prevent him from expressing his warm appreciation of the efforts made by the Soviet Delegation, in this regard.

As to the second point, AMBASSADOR KOO said he saw the expediency of making a statement to the Steering Committee, but that, since the statement had just been laid before him, he would like to go over it.

AMBASSADOR HALIFAX indicated that he wanted to say that, if the statement presented by Mr. Stettinius was agreeable to the Soviet Ambassador, as no doubt it would be, he would be quite prepared to have the British Delegation associated with it. He said he thought the statement was a fine one and that the appeal was to the heart as well as to the head, as it should be. AMBASSADOR HALIFAX added that, if there were any minor points of interpretation of the statement of May 26 as amended by the Soviet Delegation, those might be left to be examined after Mr. Stettinius had made his statement. Any delegation might raise questions that they had. He thought that we should go forward in the spirit shown by Ambassador Gromyko and by Mr. Stettinius in the statement that he had just read.

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[49] Soviet text of the Four-Power statement, with minor changes proposed and agreed to at the Five-Power meeting on June 7, not printed; text similar to the final June 7 statement, UNCIO Documents, vol. 11, p. 711.

Brief informal consultations were then held by the members of the delegations.

MR. BONCOUR said he was sorry he had been so long in giving his reply on the Soviet proposal, but he had had to take time to compare the texts. He believed that a great effort had been made at conciliation and he was very grateful to the Soviet Delegation for having made this effort.

MR. STETTINIUS indicated that Mr. Foote now had the text of the draft statement with two minor changes suggested by the Soviet Government that did not involve a change in meaning. He asked if the members of the group wished to be informed of these two minor changes.

AMBASSADOR KOO commented that he had two suggestions to make on Mr. Stettinius' statement to the Steering Committee: (1) In the beginning of the third paragraph the words "relating to enforcement action" should be substituted for the words "for enforcement action". He thought this change was more in line with the purpose that had been agreed upon. (2) In the fourth paragraph AMBASSADOR KOO suggested that the words "upon the strong foundations of their victory in that war" should be omitted, since another war was still going on and the use of that phrase might give the wrong impression. He proposed also that the phrase "which have fought the war in Europe to a successful conclusion" be omitted so that the sentence would read ". . . the ability of the United Nations to construct a workable and effective and lasting peace . . ." AMBASSADOR GROMYKO indicated that "the United Nations" would not be altogether appropriate at this point. AMBASSADOR HALIFAX suggested ". . . allied nations which have fought together in the war to construct a workable and effective and lasting peace . . .".

MR. STETTINIUS asked whether the statement could be left in his hands to polish off. AMBASSADOR HALIFAX said he would like to hear the two minor changes suggested by the Soviet Delegation. MR. STETTINIUS indicated that they were simply the omission of the phrase "interpretation of the Crimea" in the first paragraph and the addition of the phrase in the beginning of the third paragraph "provided by the Crimea agreement" following the word "required".

There was then a brief time in which the members of the delegations consulted informally with each other.

MR. STETTINIUS stated that the statement that he had read expressed what was directly in his heart and mind concerning the successful conclusion of the Conference. He wished to express his deep personal appreciation to Ambassador Gromyko and to the other members of the group on the successful outcome of these discussions.

AMBASSADOR HALIFAX suggested that the group of experts meet on the voting statement that evening so that tomorrow the work of the

Committee could go forward and the progress of the Conference be expedited. This plan to hold a meeting of the Subcommittee of Five to prepare the final draft of the interpretative statement on voting was generally agreed to.

AMBASSADOR GROMYKO indicated that he had one further point he would like to make. He noted that one question that had been left open concerned the seat of the proposed preparatory commission. He would like to inform the heads of delegations that the Soviet Delegation was agreeable to London as the seat of the commission.

AMBASSADOR KOO indicated that he was also agreeable to this decision. MR. STETTINIUS stated that the question was then agreed to among the Big Five.

MR. STETTINIUS closed the meeting at 4:15 p. m. stating that the members present should go promptly to the meeting of the Steering Committee [51] without indicating before arrival at that Committee the substance of the decisions taken at this meeting.

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RSC Lot 60–D 224, Box 96 : US Cr Min 66

*Minutes of the Sixty-Sixth Meeting of the United States Delegation, Held at San Francisco, Friday, June 8, 1945, 9:02 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (37) present at meeting.]

The Secretary convened the meeting at 9:02 a. m.

ANNOUNCEMENTS

THE SECRETARY reported that there was to be a meeting of the Executive Committee at 10:30 a. m.[52] for the purpose of completing the agenda of the previous day.[53] At the previous day's meeting, the Executive Committee had decided to recommend to the Technical Committee that it reconsider the question of expulsion, with a view toward reinserting a provision for expulsion in the Charter.

GENERAL ASSEMBLY'S POWER TO CONSIDER REPORTS

THE SECRETARY declared that at that morning's meeting the Executive Committee would consider the power of the General Assembly to consider reports by the Security Council, as embodied in Chapter V, Section B, paragraph 8. THE SECRETARY thought that there was no need for discussion of this by the Delegation because the Delegation's position had already been made clear. However, SENATOR VANDENBERG thought that when this matter was returned for the consideration of Committee II/2, that body would reassert its previous posi-

[51] Doc. 847, ST/12, June 7, 1945, UNCIO Documents, vol. 5, p. 244.
[52] Doc. 860, EX/22, June 8, *ibid.*, p. 508.
[53] Doc. 859, EX/21, June 8, *ibid.*, p. 498.

tion that the General Assembly should be granted power to consider such reports and would adopt the phraseology which had been opposed by the Delegation. THE SECRETARY remarked to Mr. Rockefeller that Ambassador Velloso had voted against resubmitting the question to the technical committee after he had committed himself to support the motion. MR. PASVOLSKY remarked that there were quite a few of the Latin American states which had voted against the U.S. position and THE SECRETARY thought it would be necessary for him to speak to them.

MR. ROCKEFELLER explained that in view of the prohibition against making clear to the smaller powers the issues which were under consideration, there had been a great deal of uncertainty among the Latin American states. As a result they had fallen prey to Mr. Evatt's argument that any attempt to have the Steering Committee reverse the decisions of the lesser bodies was an evidence of power tactics.[54] THE SECRETARY thought that this situation had been clarified by the decisions of the Executive Committee several days previously providing that the Steering Committee had power only to make recommendations to the technical committees. MR. ROCKEFELLER declared that he was somewhat concerned over Mr. Velloso's action and he hoped that everything would move smoothly from that time on.

THE SECRETARY declared that there was to be a meeting of the Steering Committee that afternoon [55] for the purpose of considering the decisions of the Executive Committee.

MR. PASVOLSKY returned to the question of the General Assembly. He thought that, inasmuch as this matter had been considered by two committees, Committee III/1 and Committee II/2, and since the Committee dealing with the Security Council had voted down the proposal that the General Assembly be permitted to review the reports of the Security Council, whereas Committee II/2 dealing with the General Assembly had passed the motion,[56] the matter should be referred to a joint subcommittee of the two technical committees. MR.

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[54] Doc. 806, EX/17, June 6, UNCIO Documents, vol. 5, p. 461.

[55] Doc. 893, ST/14, June 9, *ibid.*, p. 252.

[56] Committee III/1, at a meeting of May 23, 8:45 p. m., adopted the following text as a final sentence to paragraph 1, sec. B, chapter VI: "The Security Council shall submit annual, and if necessary, special reports to the General Assembly for its consideration." (Doc. 555, III/1/27, May 24, *ibid.*, vol. 11, p. 377). At a meeting of Committee II/2, May 30, 8:35 p. m., the report of Subcommittee B on the redraft of paragraph 8, section B, chapter V was adopted (Doc. 707, II/2/36, May 31, *ibid.*, vol. 9, p. 115). At a meeting of the Executive Committee, June 8, 10:30 a. m., the Secretary General stated that action by Committee III/3 at a meeting of May 15, 3:40 p. m., in rejecting a New Zealand amendment (Doc. 2, G/14(*f*), *ibid.*, vol. 3, p. 488) requiring the concurring vote of the General Assembly in decisions of the Security Council involving the application of force, was inconsistent, in principle at least, with the action taken by Committee II/2 (Doc. 355, III/3/17, May 17, *ibid.*, vol. 12, p. 326).

SANDIFER declared that the matter was being referred by the Steering Committee to Committee III/1. COMMANDER STASSEN agreed with MR. PASVOLSKY's suggestion that a joint subcommittee of the two technical committees should be appointed. MR. DUNN reported that the Chinese had been persuaded to take the initiative in presenting this question, thus taking the load off the Delegation.

THE SECRETARY reported that the Steering Committee meeting that afternoon would consider the morning's decisions of the Executive Committee. At the afternoon meeting Marshal Smuts would make an appeal that the work of the technical committees be brought to an early conclusion. THE SECRETARY declared that he was going to have a talk with Mr. Dunn to determine how to handle Mr. Evatt and the Filipinos. He also thought that he should have a talk with Mr. Rockefeller to determine what course of action should be followed with regard to the Latin American delegations.

### AMENDMENT PROCEDURE

MR. ARMSTRONG observed that Mr. Evatt's proposition would come before the 10:30 meeting of the subcommittee of Committee I/2 on amendments.[57] MR. ARMSTRONG declared that "the bloom had been taken off the peach". REPRESENTATIVE BLOOM moved that this statement be reconsidered. MR. ARMSTRONG explained that wide publicity had been given to the fact that the Delegation was willing to accept a two-thirds instead of a three-fourths vote for the calling of a special conference to revise the Charter. It had also been made known that the Delegation did not feel very strongly against the setting of a definite date or time period for such a conference. In view of the fact that the Delegation's bargaining position was weakened by the fact that its position was known, MR. ARMSTRONG suggested that he should state in the Committee meeting exactly what the United States was willing to do and that he should move the appropriate amendment to the amendment proposed by the Canadians. If the United States were beaten on this matter in the subcommittee, the question could be reopened in the full committee. MR. PASVOLSKY ventured that a decision to reconsider the withdrawal provision would help somewhat in the controversy in Committee I/2. THE SECRETARY declared that he had every confidence in Mr. Armstrong and declared that he was willing to let Mr. Armstrong use his discretion in handling the matter.

### YALTA FORMULA CONTROVERSY

THE SECRETARY reported, for the benefit of those members of the Delegation who had not been present at the previous day's meeting

[57] Minutes of fourth meeting of Subcommittee I/2/E, June 8, 10:30 a. m., not printed.

of the Steering Committee, that his statement concerning Russian acceptance of a procedural vote for the discussion and consideration of disputes had been received very favorably in the Steering Committee meeting. The meeting had been short and there had been no controversies. A press meeting held at the end of the Steering Committee meeting had been most satisfactory also. THE SECRETARY reported that he had reported to the President on the Russian decision, and the President had been most gratified at the outcome and had asked that his best wishes and congratulations be conveyed to each member of the Delegation. THE SECRETARY remarked that the Steering Committee had seemed very pleased at the rapidity and frankness with which the outcome of the controversy had been made known to it. THE SECRETARY declared that the Big Five meeting at which the Russian decision was made known had been concluded at 4:15 p. m. and the Steering Committee had been convened fifteen minutes later. The press had also seemed very pleased by the fact that a meeting was held with them at 5 p. m., just forty-five minutes after the close of the Big Five meeting. There had been, THE SECRETARY declared, a feeling of "warmth, sympathy and confidence" evident in the meeting with the members of the press.

### FINAL DATE

THE SECRETARY reported that he had had a conversation with the President recently. The President had indicated his desire that there be established a definite plan for concluding the Conference and that a definite date be set for the final Plenary Session. . . . The Secretariat, he declared, had been thinking in terms of June 20 as the final date. This, THE SECRETARY thought, would be most difficult for the President, and THE SECRETARY remarked that he had assured the President that every effort would be made to finish on June 16th.

. . . MR. NOTTER observed that one absolute conditioning factor about which nothing could be done was the need for approval from Moscow for all compromises worked out between the Russian position and the position of the other nations. MR. DULLES remarked that there were still four matters concerning which there was a conflict between the position of the U.S.S.R. and the rest of the delegations. SENATOR CONNALLY declared that despite the agreement which had been reached concerning the veto power among the Big Five powers, the discussion was still not finished in Committee III/1. It would still be necessary to gain acceptance for the Four Power statement of interpretation. MR. WILCOX remarked that the question was being referred to a subcommittee. THE SECRETARY remarked that he had been of the impression that the matter would be referred to the full committee for its consideration inasmuch as he had declared definitely

in the Steering Committee meeting on the previous day that the decision of the Big Five should be referred to "the appropriate committee". MR. SANDIFER observed that the subcommittee was, according to the established procedure, the appropriate body to consider this matter.

THE SECRETARY urged that each member of the Delegation must do everything within his or her power to play down the diplomatic defeat which had been suffered by the Russians, and the victory which had been won by the United States. The Secretary urged that stress be laid on the mutual confidence and faith which had made possible an agreement between the conflicting powers. The Secretary declared that he had been very much disturbed by the radio and news reports he had heard which had stressed the tragic defeat which had been suffered by Russia. The element of conciliation and agreement were the items which should be stressed, The Secretary thought. MR. MACLEISH declared that that was exactly the line which the press relations officers had been following and he declared that Mr. Rockefeller had with him a statement which had been released to the press. SENATOR CONNALLY observed that, in fact, the compromise had been worked out through a process of conciliation and there had actually been no decisive victory of one side over the other. THE SECRETARY agreed with this observation by Senator Connally.

### SIGNING THE CHARTER

THE SECRETARY declared that he had been thinking for some time about the procedure for signing the Charter, and added that he would like to have the opinion of the Delegation on a suggestion which he had to offer. THE SECRETARY thought that provision should be made for each delegate of the nations represented to sign the Charter instead of having only the Chairmen of the various delegations ratify the document. Such a procedure he said would have sentimental and historical value. He urged that the Delegation accept his proposal that all the delegates be permitted to affix their signatures to the Charter. This could be done on the afternoon before the final Plenary Session. The hours from three to six o'clock could be set aside for this purpose and each Delegation could be asked to appear at ten minute intervals. Each delegation would then sign en masse. Then on the following day the signed Charter could be presented to President Truman. The Delegation agreed unanimously to this procedure. . . .

### TITLE OF THE ORGANIZATION

THE SECRETARY asked whether there was any more urgent business. DEAN GILDERSLEEVE replied that at the previous day's meeting

of Committee I/1 the title "The United Nations" had been adopted by acclamation[58] after the French delegate had made a stirring speech. MR. NOTTER remarked that Dean Gildersleeve had made the deciding speech and had done a fine job.

PROCEDURE[59]

. . . . . .

EXPULSION

SENATOR CONNALLY thought that a survey would be necessary of those matters which were still open. The position of the United States Delegation on these questions should be made clear, he declared. Senator Connally reported that in the previous day's meeting of the Executive Committee the United States position had been upheld and the question of expulsion had been submitted to the Steering Committee. This matter, Senator Connally thought, was not a vital one and the United States would probably have to concede on it. THE SECRETARY remarked that the political officers of the Delegation would have to go into action and declared that he himself would be willing to meet with anyone whom the political officers thought should speak to him in the Penthouse. The Secretary reiterated that he was willing to speak firmly whenever the political officers thought it was necessary.

SENATOR CONNALLY said that in his opinion the United States should recede on the question of expulsion. He pointed out that the United States was secure because it had a veto over expulsion proceedings. The smaller nations, however, not having the veto, were wary of the reinsertion of a provision making expulsion possible. REPRESENTATIVE EATON observed that if the provision were included in the Charter making possible involuntary withdrawal, there should also be a provision for voluntary withdrawal. . . . MR. ARMSTRONG declared that that morning's meeting of the subcommittee was likely to be important and he expressed the opinion that the matter of withdrawal should be connected with the amendment procedure. SENATOR VANDENBERG declared that he was opposed to the establishment of any relation between withdrawal and amendment procedure. He declared that if any withdrawal clause were written at all it would be better to write a frank clause making withdrawal possible without any conditioning factors.

. . . . . .

REPRESENTATIVE BLOOM agreed with the position established by Senator Vandenberg a few moments previously that if any provision

[58] Doc. 856, I/1/32, June 8, UNCIO Documents, vol. 6, p. 380.

[59] See Doc. 177, ST/5, May 9, *ibid.*, vol. 5, p. 197, and Doc. 243, ST/8, May 11, *ibid.*, p. 222.

for withdrawal were permitted it should be a complete withdrawal clause. SENATOR VANDENBERG declared that any clause making possible withdrawal because of the passage of an unacceptable amendment would open the door to other nations but closed it to the United States. MR. HACKWORTH thought that any such clause would apply to the United States equally. SENATOR VANDENBERG replied that the United States had a veto over amendments and therefore the situation could not possibly arise where an amendment would be passed which was unacceptable to this Government. Therefore the withdrawal provision would not apply to the United States. Furthermore SENATOR VANDENBERG thought that any specific withdrawal clause would destroy the sense of the general statement made by Congressman Eaton for inclusion in the records of Committee I/2.[60] MR. DULLES observed that it had been his understanding that the Delegation had agreed to settle on the inclusion of an additional statement to be added to Representative Eaton's earlier explanation. MR. ROCKEFELLER agreed that this was the case but pointed out that the Russians had indicated a desire to incorporate a specific provision in the Charter. SENATOR VANDENBERG declared once more that if any withdrawal clause were to be included in the Charter, it should be a complete withdrawal clause. MR. PASVOLSKY thought that if the United States were to insist upon this position, it would tie up the Conference and SENATOR VANDENBERG replied that in that case he would not include any withdrawal clause in the Charter at all. MR. PASVOLSKY declared that the matter might be settled by the statement prepared by Mr. Dulles for addition to Representative Eaton's earlier statement. SENATOR VANDENBERG said that this was agreeable to him and the Delegation agreed to this procedure.

MR. ROCKEFELLER asked which committee report would be chosen as the appropriate place to include the statement under consideration. MR. DULLES declared that it would be included in the records of Committee I/2 in which Representative Eaton's earlier statement had been made. MR. ARMSTRONG declared that he hoped he would be able to ward off a specific withdrawal clause by this procedure. THE SECRETARY observed that it would be necessary first to consult with the Russians. SENATOR CONNALLY declared that he would go along with this decision, although he was doubtful as to the force and effect of

[60] For statement made by Representative Eaton at a meeting of Committee I/2 on May 21 (summarized in Doc. 501, I/2/30, May 23, UNCIO Documents, vol. 7, p. 73), see minutes of executive meeting of the United States delegation, May 22, 10:50 a. m., p. 847.

At a meeting of Subcommittee I/2/C on May 22, 3:30 p. m., Representative Eaton moved that a two-paragraph statement by the delegate of Belgium (Rolin) which offered a compromise, recognizing the right of withdrawal in principle without incorporating it in the Charter, be inserted in the report of the rapporteur; the Subcommittee agreed in principle to the insertion. (US I/2/C Doc. 1; Doc. 529, I/2/33, May 23, *ibid.*, pp. 87–88.)

a statement included in the records of Committee I/2. THE SECRETARY declared that it seemed to be the sense of the Delegation that it would go along with this procedure. However, if it did not prove acceptable, advisers should report back to the Delegation. REPRESENTATIVE BLOOM agreed with this position, but asked whether a state which withdrew from the Organization would be able to gain readmission. THE SECRETARY declared that such a state could be readmitted. MR. ARMSTRONG observed that the question would come up that morning [61] and asked what course of action he should follow. MR. NOTTER replied that Mr. Armstrong should have the formal report of the subcommittee held up. MR. DULLES asked whether it would not be possible for the question to be removed from Committee I/2 on the grounds that it was being dealt with by another committee, but MR. NOTTER replied that Committee I/2 was the appropriate committee. COMMANDER STASSEN thought that Mr. Armstrong should attempt to maintain the amendment procedure, with the concession of a two-thirds vote for the calling of a revisionary convention. If a request were made for a withdrawal provision, Commander Stassen suggested that Mr. Armstrong should ask that time be permitted for study of the provision. MR. ROCKEFELLER agreed with this strategy and added that in this way it would be possible to hold a Big Five meeting and determine the policy of the larger powers.

### TRUSTEESHIP

COMMANDER STASSEN declared that the trusteeship committee, Committee II/4, was to meet that evening [62] for the first time in a week. Commander Stassen declared that he would not know until a few minutes before the meeting that evening whether there would be any widening in the area of agreement among the major powers. Commander Stassen declared that he had told Ambassador Gromyko what the position of the United States would be if there was no agreement before the Committee meeting. Commander Stassen declared that this position had been decided upon by the Delegation at a previous meeting. Still to be decided among the Big Five were the questions of paragraph 5 [of section B] which the Russians wanted to delete completely, the language of the Atlantic Charter, "freely expressed will of the people" in paragraph B, 2, (*b*), and the question of membership on the Trusteeship Council.

THE SECRETARY suggested that Commander Stassen speak to Ambassador Gromyko before the meeting that evening. The Secretary

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[61] Subcommittee I/2/E was expected to consider the question of the right of withdrawal on any points raised in discussing the question of voting procedure in the revision conference (US I/2/E).

[62] Doc. 877, II/4/35, June 9, UNCIO Documents, vol. 10, p. 513.

thought that the Big Five conversations on trusteeship [63] should be brought to an end soon. SENATOR CONNALLY was of the opinion that a great deal of personal attention should be paid to Ambassador Gromyko. The Russian Chairman, he declared, had developed an inferiority complex as a result of having to wait for instructions from Moscow on every issue. Senator Connally thought that the United States could be generous as a result of its victory with respect to voting procedure. Senator Connally thought that the United States should defer to Ambassador Gromyko whenever it could afford to do so.

MR. DUNN asked if the Delegation would not agree to authorize Commander Stassen to tell Ambassador Gromyko "in a nice way" exactly what his position would be if agreement were not reached. COMMANDER STASSEN declared that he had already told Ambassador Gromyko the position which this Government would take. MR. DUNN added that he had intended to set a time limit of Monday. COMMANDER STASSEN thought that it was possible that the strategy of the Delegation might fail because Ambassador Gromyko might want to make a play on the matter of self-determination even though he might be defeated.

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TRUSTEESHIP

COMMANDER STASSEN presented to the Delegation The Revised United States Redraft of Section A, Paragraph 1 (taking into account the Australian revised amendment and the United Kingdom Draft Thereof), of June 5, 1945.[64] Commander Stassen reported that the French had been opposed to the adoption of this new Section A. The French had argued that the Dumbarton Oaks Proposals had included no provision on dependent territories and the Yalta Agreement had provided only for consideration of a trusteeship system. The present conference, for these reasons, could not consider broad principles for all dependent territories. Ambassador Naggiar had called Commander Stassen that morning to indicate the French concern over the proposed amendment. Ambassador Naggiar had expressed the fear that the Filipinos would take up this amendment and make an important issue of it.

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[63] Preliminary consultations on trusteeship by representatives of the Five Powers (April 30–June 18). The ninth meeting was held to try to reach agreement among the Five before the meeting of Committee II/4 scheduled for 8:30 p. m.

[64] Neither the revised United States redraft of section A, paragraph 1 (U.S. Und. 82*a*), nor the Australian revised amendment (U.S. Und. 80), nor the United Kingdom draft (U.S. Und. 72) is printed; for text of Australian proposal, see Doc. 575, II/4/12(*a*), May 25, UNCIO Documents, vol. 10, p. 695; also, for text adopted by the Subcommittee on June 1, see *ibid.*, p. 707.

SECRETARY STETTINIUS declared that he wanted to interrupt the discussion to read a message which he had received from Senator Vandenberg's "friend", Secretary of the Interior Ickes.[65] The statement read as follows:

"I ask that you advise the United States Delegation that in my opinion it is vastly important that the United States sponsor a declaration of general policy respecting all dependent territories which will be a part of the Charter of the United Nations Organization. Unless we do this and unless a declaration is an effective and progressive statement, we will prejudice our moral and political leadership in the world and particularly with the millions of dependent peoples of the world who form an increasingly important segment of world opinion and power.

"Specifically, the declaration should reiterate historic commitments to the rapid political, economic and social advancement of dependent peoples to the objective, first, self-rule and second, independence, to the assurance of their basic rights and freedom.

"I think that it is also of great importance that an effective system be provided for reporting to the Organization and to the people of the world concerning the administration of the trust which is implied in the relation of the dominant country to the dependent areas. Any substantial problems which arise from a military necessity to avoid disclosure of security information can, I am sure, be met by appropriate language and by qualifications and reservations, and should be kept to the minimum really necessary for security purposes."

THE SECRETARY asked Mr. Taussig whether he wanted to throw any light on this situation. He asked Mr. Taussig if Mr. Ickes knew anything about this letter which Secretary Stettinius had received. MR. TAUSSIG declared that Mr. Ickes knew that the message had been sent and Mr. Taussig added that a situation had developed with respect to the position of the United States Navy which Mr. Gates might be better suited to explain.

### VOTING PROCEDURE

SENATOR CONNALLY declared that he would like to interrupt the meeting for a moment because the subcommittee dealing with voting questions was going to meet at 11 o'clock that morning.[66] He asked whether the Delegation would favor his presenting the Four Power interpretive statement and suggesting that it would be unnecessary to answer the questionnaire in detail. SENATOR CONNALLY thought that the United States should drive through at that time and avoid a long involved controversy. Senator Connally thought that the Four Power statement could be pushed through. THE SECRETARY

[65] Memorandum by the Secretary of the Interior to the Secretary of State, June 8.

[66] Minutes of second meeting of Subcommittee III/1/B, June 8, not printed.

thought that this was an acceptable procedure and the Delegation agreed unanimously.

THE SECRETARY remarked that he would like to add a footnote to the discussion on voting procedure. The Secretary declared that "the ball was now in our court" and it was up to the United States to show leadership from that point on, and to throw its weight around. SENATOR CONNALLY declared that he intended to go beyond the presentation of the Four Power Agreement. He intended to declare firmly that the United States favored acceptance of the rest of the Yalta formula, and he declared that it was his intention to tell the small powers that the United States considered the adoption of the wording of the Charter essential if it was to join the Organization.

MR. PASVOLSKY declared that this procedure was acceptable to him. He had a brief thirty second report to make to the Delegation and Secretary Stettinius gave Mr. Pasvolsky the floor. Mr. Pasvolsky declared that the Big Five had held a meeting on the previous evening and had made one additional change in the Four Power statement. The third paragraph, Mr. Pasvolsky declared, had been completely unrelated to the preceding paragraph. For this reason it had been decided to add the word "further" at the beginning of the third paragraph. This would tie in the third paragraph with the preceding paragraph, dealing with matters which would be considered by procedural voting. The Russians had agreed to this suggestion. Mr. Pasvolsky remarked that the Four Power statement would be distributed to the members of the Committee at its meeting that morning. He suggested that Senator Connally state that this was the interpretation of the Yalta Formula which had been agreed upon, and Mr. Pasvolsky thought that there would be no more difficulty.

THE SECRETARY declared that he would have to leave the meeting shortly inasmuch as he had three important meetings before the 10:30 session of the Executive Committee. The Secretary declared that he had given Senator Connally a copy of the Russian statement [67] explaining the Russian agreement on the veto question. The Secretary hoped that Senator Connally would read this statement to the Delegation.

### REPORT TO THE PRESIDENT

DR. BOWMAN asked the delegation to consider a question which had arisen with respect to the report which was being prepared for submission to the President. The authorship and organization of the report had been decided adequately, by that time, but there was

[67] For text of statement, see p. 1210.

one question which was still bothering the editorial board. It had been presumed by the board that this report was to be submitted to Congress by the President and made public. Dr. Bowman wanted to know if this was the feeling of the Delegation. MR. DUNN agreed with Dr. Bowman that the report should be prepared in such a way that it might be made public at some future date. THE SECRETARY declared that he too favored this procedure . . .

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At this point MR. HACKWORTH declared that he would have to leave and he wanted to report that Committee IV/1 had completed the Court Statute at 12:30 the previous evening.[68]

SENATOR CONNALLY urged that the Four Power interpretation and the Yalta Formula be made public soon. SECRETARY STETTINIUS declared that the question could not be made fully public soon enough for him. Mr. PASVOLSKY thought that this should be delayed until after the meeting of the subcommittee. [At this point in the evening (*meeting?*), the Secretary, Mr. Pasvolsky, Dean Gildersleeve and Mr. Hartley left the meeting.][69]

COMMANDER STASSEN declared that he was opposed to the Delegation making an official secret report to the President. He thought that the report should be made by the State Department to the President. SENATOR CONNALLY asked why the Delegation should not make this report; whether or not it should be public was a matter for the President to decide. COMMANDER STASSEN declared that the Delegation should not label any report of its own secret because of the fact that the Delegation represented the people even though it had been appointed by President Roosevelt. SENATOR CONNALLY declared that this was not his interpretation. He thought the Delegation was appointed by the President and therefore was intended to serve the President and represented the people only indirectly. COMMANDER STASSEN remarked that he did not think a report could be made to the President that the latter should not be free to reveal to the people. Commander Stassen declared that he himself would not be a party to any secret reports. DR. BOWMAN declared that his Committee had given a great deal of thought to just this question. The Committee agreed with Commander Stassen that no secret report should be sent to the President from the Delegation; however, any member of the Delegation, any citizen in fact, could make a secret report to the President. DR. BOWMAN thought that any secret materials should be made available to the President by the Secretary of State. Dr. Bowman asked whether there would be need for a secret report. He wondered

[68] Doc. 864, IV/1/71, June 8, UNCIO Documents, vol. 13, p. 296.
[69] Brackets appear in the original.

whether the entire report should not be made by the Delegation. SENATOR VANDENBERG declared that in his opinion there should be no Delegation report at all. It should be, he thought, a report by the Secretary of State as Chairman of the Delegation. Senator Vandenberg declared that he did not want to be confronted at some time in the future by a report written by someone else to which Senator Vandenberg had become a party. DR. BOWMAN agreed that this position was absolutely sound. SENATOR CONNALLY thought that any report made should concern everything and that it would be impossible to submit a partial report to the President. [At this point, 10:15 a. m., Senator Vandenberg left the meeting.] [70]

TRUSTEESHIP

COMMANDER STASSEN returned to the question of the revised amendment to Section A, paragraph 1. He reported that the British and French had indicated that they were not willing to accept the part of this document dealing with independence. Commander Stassen declared that he agreed with the Secretary of the Interior Ickes that a United States position should be established, but Commander Stassen pointed out that this was an international agreement and the United States position could not be written into the Charter. REPRESENTATIVE BLOOM thought that Secretary Ickes' letter should be acknowledged and referred to the appropriate committee.

MR. KANE remarked that if this amendment, originally presented by Australia, were to be pressed by the United States, there were a few things which the Navy thought should be taken into account. Mr. Kane declared that he was willing to leave the matter to a future meeting or to dispose of it entirely at that time. Mr. Kane ordered [*opined?*] that the situation was that Australia favored the amendment while the French did not. If the Delegation decided not to press the Australian amendment, the Navy would be entirely satisfied. However, the Navy favored Section A as it appeared in the working paper at that time.

COMMANDER STASSEN expressed the opinion that the Delegation should not make any decision until the disputing Departments got together and worked out an agreement. The Delegation he declared should not act as referee in an interdepartmental dispute. MR. KANE asked whether it was Commander Stassen's impression that any department had advanced this amendment. He had been of the opinion that it had been an Australian proposal. COMMANDER STASSEN replied that it would appear that Secretary Ickes' message indicated a difference of opinion between the Department of Interior and the Navy Department. ADMIRAL HEPBURN agreed that the matter should be settled in Washington before the Delegation took any action.

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[70] Brackets appear in the original.

MR. TAUSSIG reported that he had had a telephone call that morning from Mr. Fortas. The latter had been discussing parts *g* and *h* of Section A, paragraph 1 with Secretary Forrestal and with Mr. McCloy. Opposition had been raised to these clauses by both Mr. McCloy and Mr. Forrestal. However, Mr. Forrestal had expressed the hope that an agreement would be possible some time during the day. Mr. Taussig remarked that the War and Navy Departments were anxious for the incorporation of some safeguard for the security rights of this country. COMMANDER STASSEN expressed his approval of Mr. Taussig's remark, but he urged that the Delegation should not referee any dispute between the Government departments. He thought that the Delegation should wait until agreement was reached by the various departments concerned.

### RUSSIAN STATEMENT ON VOTING AGREEMENT

SENATOR CONNALLY read the statement of the Russian Delegation concerning the veto question, as requested by Secretary Stettinius. The statement reads as follows:

"It is time that world realizes that Soviet Union wishes this conference to be a success and that a real foundation for future security is laid in San Francisco. We have not fought together to win a war and immediately after to lose the peace. Once more we proved our sincerity by showing our good will. Our policy has never been inflexible; we know this to be a favorite opinion but it is completely without foundation. If a point is proved to us with which we disagree and we see and feel that it is based on good will and justified desires, we agree to it.

"Exactly this happened now. You have convinced us and we agreed. We shall find solutions to all remaining problems in the same spirit of good will and mutual understanding. There has never been a desire on our part to handicap this conference in any way. If there have been differences it was just as well to air them instead of suppressing them and to present outward unity torn by discord inside. After all a conference like this with a historic mission would [not?] serve its purpose had there not been differences of opinion resulting in final mutual understanding. Today we are more optimistic than ever that this conference will not only write a world charter but this charter will become the true foundation of a world of peace and security.

"We have often been accused of delaying this conference. But is it really delaying it when questions which have to be solved and which need discussions and pondering take time before they find form in a charter destined to become the foundation of lasting peace? In a year's time or later nobody will remember if the conference lasted four or eight weeks. What will be there, however, will be the charter and the international organization of the United Nations and this will count. We never looked at our watches in San Francisco wondering how much longer this conference would last. But we knew that we

would work out our charter and that nations would not leave San Francisco empty handed. And this is what counts and is going to count in the long run."

The Delegation received this statement very favorably.

The meeting was adjourned at 10:22 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 18

*Minutes of the Eighteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 8, 1945, 9:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (15); United Kingdom (4); Soviet Union (3); China (3); and France (2).]

AMBASSADOR KOO opened the meeting at 9:35 p. m., stating that Mr. Stettinius was unable to attend and had asked him to serve as Chairman. He added that the agenda for the meeting consisted of some questions that had been discussed at previous meetings. He asked Mr. Armstrong to make a statement on the question of the holding of a general conference to review the Charter, since he understood that some new developments had taken place in connection with this question.

MR. ARMSTRONG said that this matter had been under discussion in the Subcommittee meeting for most of the day.[71] The Subcommittee by a vote of nine to six had adopted a provision for the calling of a special conference to review the Charter under Chapter XI, which specified that the conference must be held within a period of five to ten years. He added that in the morning our concession of a three-fourths to a two-thirds vote in the calling of the conference had been accepted, but that shortly thereafter this other provision was written in for the mandatory calling of a special conference.

MR. DULLES asked if definite language had been adopted. MR. ARMSTRONG explained that no specific text had been adopted, but that in principle it was agreed that a conference must be held within five to ten years. AMBASSADOR HALIFAX said he understood the situation to be that the Subcommittee had voted by nine to six that there should be a conference within a period of five to ten years. He asked whether the two-thirds rule did not hold in the vote of the subcommittees. MR. ARMSTRONG replied that unfortunately the subcommittee was a packed

[71] Minutes of fourth meeting of Subcommittee I/2/E, June 8, 10:30 a. m., and fifth meeting, 3:30 p. m., June 8, not printed.

committee. In addition to the five powers there were a majority of states that were critical of the sponsoring governments' amendments, including Belgium, Costa Rica, and Saudi Arabia.

MR. ARMSTRONG added that Australia, Canada, and Ecuador support the proposition that, when the conference is called, it should be left freedom of choice to determine its own rules of procedure and that this freedom should extend to determining the methods of procedure for ratification. He indicated that this might very well have the effect of eliminating the provision for ratification of amendments by the permanent members. Mr. Armstrong stated that in this connection the Ecuadorian delegate had made the request that the issue of withdrawal be considered. It is apparent that a number of the Latin American countries have provisions in their constitutions which do not let amendments come into effect without ratification of the amendments by those countries. These countries, he said, are now concerned about the possibility of withdrawal. Mr. Armstrong added that withdrawal was raised in connection with the amendment process.

AMBASSADOR HALIFAX asked if the governments mentioned by Mr. Armstrong were asking for a free right to determine the procedure of the conference to review the Charter and also the procedure of ratification. MR. ARMSTRONG and COLONEL CAPEL DUNN indicated that this was the case. SENATOR VANDENBERG asked whether the last proposal mentioned by Mr. Armstrong had been voted. MR. ARMSTRONG replied in the negative. MR. TOMLINSON noted that the Australians had proposed a variation of this proposal, that a three-fourths vote would be required at the conference to determine the rules of procedure and the method by which ratification would take effect. This was assumed to be a concession to us.

AMBASSADOR KOO pointed out that apparently the committee had accepted our concession and then had proceeded to adopt a decision for the calling of a conference within five to ten years that would be allowed to fix its own rules of procedure and adopt the method by which the amendments would come into force. COLONEL CAPEL DUNN pointed out that this last provision had not yet been taken.

MR. ARMSTRONG said that just before he had come to this meeting he had received a request to postpone tomorrow's meeting of the Subcommittee.[72] The Australians wanted to wait until Monday pending the question under discussion in Senator Connally's Committee on the veto problem.[73] The Australians felt that a decision on this matter would affect the decision on amendments.

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[72] The sixth meeting of Subcommittee I/2/E was held June 12, 8:30 p. m.

[73] For a summary statement on the status of the work of Committee III/1 with respect to chapter VI, section C, see Doc. 897, III/1/42, June 10, UNCIO Documents, vol. 11, p. 430; for Australian statement on this subject, see *ibid.*, p. 440.

Mr. Armstrong said it was quite evident that the forces desirous of changing the veto provision were concentrating their efforts on the problems in his committee. He said they were making a very strong argument, and added that we had also made a strong argument. They had argued that they could not be asked to go into an organization in perpetuity that had all the disadvantages of a dictatorship of the Big Five. They said they would have to ask at least that they have an opportunity to review the Charter at a certain time. We argued that this provision would give the Organization a transitional aspect, and tend to make it a temporary organization. We said the proposal came at a bad time and would add to the uncertainty of the future of the Organization. We were willing to modify the method by which the special conference is called, but we do not feel we can go beyond that.

SENATOR VANDENBERG wondered whether the earlier proposal we had made, that the calling of a conference be placed on the agenda of the Assembly after ten years, would help the situation now. MR. ARMSTRONG thought that this position had now been overpassed and that this proposal by itself would not satisfy the other powers. COLONEL CAPEL DUNN agreed with Mr. Armstrong's statement.

SENATOR VANDENBERG asked whether there was a roll call of the vote in the Subcommittee. MR. ARMSTRONG stated that the five permanent members and Norway had voted on one side and that the opposition included Brazil, Ecuador, Venezuela, Chile, Mexico, Belgium, Canada, and Australia. He indicated that the most active members were Canada, Australia, Ecuador, and Mexico.

AMBASSADOR GROMYKO asked what impression had been caused by our proposal for a change from a three-fourths to a two-thirds vote in the calling of a general conference. MR. ARMSTRONG replied that this proposal had been well received and had been used as the basis for later arguments. We had claimed that it was better to leave the calling of the general conference to the discretion of a two-thirds vote of the General Assembly rather than to limit the Assembly and require that the calling of a conference shall be at a specific time or within a specific period of time.

SENATOR VANDENBERG asked if the full committee had been surveyed to see how the members on that committee would stand. MR. ARMSTRONG replied that the situation on the full committee would probably be somewhat better than on the Subcommittee. He said Mr. Notter had made a survey of the situation and thought that we were just short of the votes we would need on the Committee.

MR. DULLES said it was incredible that we could not block a two-thirds vote on this matter. MR. ARMSTRONG replied that it was difficult to get a two-thirds vote for what we wanted. MR. DULLES pointed out that the opposition in the Subcommittee would need a two-thirds

vote of the whole committee. MR. ARMSTRONG agreed that they would need a two-thirds vote for approval of the Subcommittee report.

AMBASSADOR HALIFAX said the situation was that we had made a proposal to change the vote from three-fourths to two-thirds and that that had not gotten us very far. Gratitude, he said, does not look back. The amendment for the calling of a conference within five to ten years had been carried in the Subcommittee. The attack now was focused on the method of the ratification of amendments. Also, a claim for the rights of withdrawal was being made. On these two questions we could expect keen debate.

Ambassador Halifax thought that if we were thinking of any priority in these claims, all our minds would be at one in the feeling that the desire to leave the future conference free to determine the procedure for the ratification of amendments, which would presumably lead to the omission of the provision for the concurrent votes of the permanent members, with [*was*] a more serious demand than the right of withdrawal. If indeed the opposition obtained what they wanted in the way of a modification of the amendment process, they would greatly weaken their own case for withdrawal. The question facing us, he said, was whether, if the difficulty continues to develop as it has been developing, we should trade the right of withdrawal in order to strengthen our position in opposition to giving the conference freedom of action to determine the ratification procedure on amendments coming from the Conference. If there was any force in his argument, he wondered if it would be possible to say: We, the sponsoring powers and France are bound to stand firm on the necessity for the concurring votes of the permanent members for the coming into force of amendments. We realize, however, the difficulty that this position evidently creates. Therefore, we should be prepared to consider the right of withdrawal in the event that an amendment is considered so unpalatable by a state as to change the Charter beyond what that state can accept. SENATOR VANDENBERG stated that everything depended on the way this matter was done. He asked whether the states would be satisfied in the event that the withdrawal provision, associated with amendments, was identified in the committee report rather than in the Charter. MR. ARMSTRONG replied that possibly some of the Latin American states would accept this.

SENATOR VANDENBERG stated that we had been proceeding on the theory that with no barrier to withdrawal in the Charter the right of withdrawal was left open. This interpretation would be stated in a committee report. If, however, the limited right of withdrawal in connection with amendments was written into the Charter, this would destroy the earlier theory of a general right of withdrawal. It would then only be possible to withdraw from the Organization un-

der Chapter XI. This would remove the right of withdrawal of the permanent members, who, in any event, have to consent to amendments. This, he said, we could not do. It was possible, he said, to include at the end of the committee report a statement to the effect that the absence of any express right of withdrawal did not preclude the right of a member to withdraw if that member found an amendment impossible to accept. He said that the right of withdrawal could be written into the Charter only if it was a complete right. AMBASSADOR KOO stated that under the suggestion offered by Senator Vandenberg there would then be no provision in the Charter for withdrawal and withdrawal would be treated on an *ad hoc* basis. SENATOR VANDENBERG indicated that the agreement would be embodied in the committee report, and that his argument was that, if a partial right of withdrawal was agreed to in the Charter, the general right of withdrawal would then be destroyed.

MR. ARMSTRONG said he would like an appraisal of the situation from the Soviet viewpoint. He said he, Mr. Zarapkin, and Colonel Capel Dunn had made very strong statements in committee. He had taken the position that the adoption of a provision giving freedom of action to the Conference to decide its rules of procedure would make it difficult for us to ratify the Charter. SENATOR VANDENBERG said it would be practically impossible for us to ratify the Charter with that provision in it.

AMBASSADOR GROMYKO said it was clear that some delegations wished to provide for the calling of a conference within a certain period of time and that it was obvious that these delegations considered the present Charter as temporary. They wanted to make the Organization temporary, and did not like to listen to logic. Acceptance of their proposal would in fact mean that the Charter was a temporary document, which is exactly what we are desirous of avoiding at any cost. They had also included a proposal that the next conference when convoked should adopt provisions which would exclude the necessity of unanimity in the adoption of amendments. If this proposal was accepted and included in the Charter, the document would look even more temporary. Ambassador Gromyko said the only thing that remains is to stand absolutely firm and try at all costs to convince the other delegations that it is not in the interests of maintaining international peace and security to accept these proposals. It is not in the interests of a stable charter which is necessary to achieve the maintenance of international peace and security. Only on such a stable document can we have a stable organization.

Ambassador Gromyko commented, with respect to the provision for the calling of a conference within ten years, that we had already made a concession on the calling of the conference by supporting a two-

thirds vote. With respect to the adoption of amendments, he said we would have to stand on the position of the four-power amendment.

AMBASSADOR GROMYKO said he was not at all certain that the opposition would win on their proposals since to win they would have to have a two-thirds vote. If they failed to get such a vote, their proposal would not be accepted. Ambassador Gromyko thought that it would be possible to win the position he had stated, but he thought it would be well for the representatives on the committee to have the vote postponed so that the question could be considered here again.

AMBASSADOR GROMYKO said he would prefer not to make a concession at this immediate moment which would "worsen" the Charter. He thought that at the next meeting the five delegations should send proper representatives to make an explanation of our position and to convince the opposition. We should take the position that in the interests of all nations we are trying to achieve a stable peace, a stable organization on the basis of which we can work.

AMBASSADOR GROMYKO said with respect to the proposal on withdrawal that, as he had said at the last meeting,[74] the Soviet Government wished to make a proposal and was convinced that a provision would be necessary in the Charter. This provision should not be tied up with the question of the unanimity of the five powers but rather with the general question of amendments. Rather than draw attention to the fact that the five powers would have to agree to any amendment, the proposal should be tied to the general amendment process.

AMBASSADOR HALIFAX said he was not presenting the argument he had made for use before the public, but was rather giving an indication of his own thought on the subject.

AMBASSADOR GROMYKO expressed belief in the value of a provision for withdrawal in the Charter. He thought that, if amendments were passed by the five permanent members and a majority of the other members of the Organization that were not acceptable to certain members of the Organization, it would be unreasonable and unfounded to keep such members in the Organization against their will. The Organization should be based on voluntary membership. To force members to stay in would result in the decay of the Organization from within. It would not strengthen but rather would weaken the Organization. Not to provide for voluntary withdrawal would mean keeping members forcibly in the Organization. AMBASSADOR GROMYKO stated that he had asked the views of the heads of the four delegations on this proposal at the last meeting.

SENATOR VANDENBERG asked that he be permitted to read the specific language agreed upon without dissent in Subcommittee I/2/C on

[74] See minutes of the sixteenth Five-Power meeting, June 6, 4:40 p. m., p. 1176.

May 22. This statement would be included in the committee report.[75] SENATOR VANDENBERG then read as follows:

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfill its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent of all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

SENATOR VANDENBERG indicated that this statement had been agreed to in the committee up to this point. He wondered whether the committee would be satisfied if, to the above language, was added the following statement:

"The Committee is also of the opinion that the absence of any express right of withdrawal does not preclude the right of any member to withdraw if the Charter is changed by amendment in which that member has not concurred and which amendment that member finds it impossible to accept."

MR. ARMSTRONG thought this latter statement would satisfy a number of the Latin American states including Ecuador and Brazil. COLONEL CAPEL DUNN thought Belgium also would be satisfied.

MR. ARMSTONG wondered whether it would be possible to get the right of amendment considered separately from the problem of withdrawal. He thought the two should be separated and then perhaps the opposition would be weakened.

AMBASSADOR HALIFAX stated that so far as the British were concerned, if the Soviet, French, and Chinese Delegations agreed to accept the addition suggested by Senator Vandenberg, the British would accept it. If the five powers did agree on this, he said he would have thought that, with a united approach, the proposal to put through amendments without the concurrent votes of the permanent members could be defeated. He said he would bet we could get through this proposal if we were united on it. AMBASSADOR GROMYKO asked Senator Vandenberg to explain whether the proposal he had just read would be included in the report of the Subcommittee only or also in the

[75] Doc. 529, I/2/33, May 23 (UNCIO Documents, vol. 7, p. 86), and Doc. 606, I/2/43, May 26 (*ibid.*, p. 120).

report of the Committee to the Commission. He indicated that his proposal was to put the provision for withdrawal in the Charter. He said he would agree with our proposal if it was suggested to include in the report of the Subcommittee to the Committee and in the final report of the Committee to the Commission a proposal that a provision for withdrawal be included in the Charter. He said he would have difficulty, however, if it was intended to substitute a statement in the Committee report for a formal provision in the Charter.

SENATOR VANDENBERG indicated that, if the other four delegations agreed, we should stop short of putting a provision for withdrawal in the Charter. The difficulty, he said, is this: We have been proceeding on the theory that a withdrawal provision would not be included in the Charter. We have provided that so long as the Charter was silent on the question, withdrawal was not foreclosed. SENATOR VANDENBERG said it seemed to him that, if the provision for withdrawal in connection with the amendment process was written into the Charter, we would have robbed ourselves of the general position for withdrawal. He asked Mr. Dulles whether this interpretation was correct.

MR. DULLES replied that he thought the view was correct, and that it represented the view of the American Delegation. According to a great body of international law, if a multilateral treaty is silent on the question of withdrawal, then the law implies the right of withdrawal under extraordinary circumstances. If the treaty deals at all with withdrawal a limited right would imply the disappearance of the general right. Therefore, if there were in the Charter an express right of withdrawal in connection with the amendment process, since there would be no implied right if the provision for withdrawal in connection with the amendment process was included, we would have to recognize the fact that the position of the permanent members would be less satisfactory than it would be under an implied general right of withdrawal, since there would be no opportunity for withdrawal for permanent members. Therefore it would be our position, that, if there was any withdrawal provision, it should be in a general form along the lines that any state might withdraw on one or two years notice. However, because we did not want to raise the whole matter of withdrawal, we were attempting to cover the question in the Committee report where it would attract less attention.

AMBASSADOR HALIFAX asked if the difficulty was that, if the right of withdrawal was granted in connection with amendments, this would bestow on the non-permanent members a right which the permanent members did not have. Would this create political difficulties in the United States? SENATOR VANDENBERG said he could speak only for himself, but that if this was the situation he would have to go into the Senate and say that there was no way for the United States to re-

tire from the Organization except as an outlaw, regardless of how impossible the circumstances became. He thought this would be fatal deficiency. He asked Senator Connally for his views on this matter. SENATOR CONNALLY said he agreed in part with SENATOR VANDENBERG. The proposal would be a difficult one to define and explain. There would be resistance to the idea of joining an Organization if we could never extricate ourselves. SENATOR CONNALLY said this was his personal reaction and that he was not speaking for the Delegation.

AMBASSADOR GROMYKO asked what the status was of the report on withdrawal which Senator Vandenberg had read. SENATOR VANDENBERG replied that the full committee had adopted the position on withdrawal that he had read earlier,[76] and he was wondering whether the addition of the extra sentence he had proposed would satisfy those states looking for some relief. He pointed out that it was the opinion of some of the delegates serving on the Subcommittee that the matter could perhaps be settled satisfactorily in this way and that it would be better to include the statement on withdrawal in the report than in the text of the Charter. He felt there would be a fatal difficulty with the proposal to include in the Charter a provision on withdrawal limited to amendments.

MR. DEJEAN said he was greatly impressed with the positions stated by the United States, the Soviet Union, and the United Kingdom. He thought the situation would be quite impossible if the general conference to review the Charter had the right to provide for the adoption of amendments without the vote of the permanent members. He added that he understood the pressure for the addition of a provision for withdrawal. He asked why there was reluctance to subscribe to a provision for withdrawal in the Charter if withdrawal was favored. SENATOR VANDENBERG indicated that there was no real reason against a full and frank statement of the general right of withdrawal in the Charter. He said he was only expressing his personal point of view, but he did not think such a general provision would weaken the permanent character of the Organization. Our point was that we would not consent to a partial right of withdrawal spelled out in the Charter as this would destroy the general right.

AMBASSADOR KOO stated that the immediate question was the line of tactics we should pursue the next day. MR. ARMSTRONG said that, on the request of the Australians that debate be adjourned until the results were known of the vote on the veto power, the meeting the next day had been postponed and debate would be adjourned until Monday. SENATOR VANDENBERG said that we confronted two choices: either to add an additional sentence to the committee report along

[76] Doc. 538, I/2/34, May 24, UNCIO Documents, vol. 7, p. 95.

the lines he had read earlier or to write a general provision for withdrawal in the text of the Charter.

AMBASSADOR HALIFAX asked if the League of Nations Covenant did not include a provision for withdrawal. AMBASSADOR HALIFAX then read Article 1, paragraph 3: "Any member of the League may, after two years' notice of its intention to do so, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal." This provision for flat withdrawal DR. KOO pointed out was supplemented by the provision in Article 26 that "no such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League." AMBASSADOR KOO noted that both voluntary and compulsory withdrawal were provided under the League Covenant.

SENATOR VANDENBERG indicated that he had been presenting only his personal views, but that he did think he should say that the American Delegation recommended the addition to the committee report of the sentence he had read earlier and that the other comments he had made on other proposals were entirely personal. He said he did not wish to foreclose other statements by his colleagues.

AMBASSADOR KOO indicated that, in view of what had been said regarding the difficulty that would be created with respect to the right of general withdrawal if the limited right was recognized, he thought the proposed sentence to be added to the committee report would probably meet the situation. He said this addition might give satisfaction since it would induce a feeling that a state could escape.

SENATOR VANDENBERG remarked that it would be necessary to make plain at some time that the five powers cannot accept a provision for adoption of amendments that did not include the unanimity of the five powers. This, he said was absolutely out—period. AMBASSADOR HALIFAX said he associated himself with this sentiment. SENATOR VANDENBERG indicated that the position of the United States was that to add this sentence to the committee report was the least objectionable way of handling the problem.

AMBASSADOR HALIFAX stated that he was attracted to this statement. He did not want to make withdrawal easy and he realized the force of what was argued here. On balance, he thought that, if the words suggested by Senator Vandenberg were added to the Committee report, we would have a platform on which we could stand without too much difficulty. He hoped that the Soviet Ambassador would feel that his essential point was reasonably met so that we could all stand together.

For a few moments the members of the delegations talked informally with one another.

SENATOR VANDENBERG thought that to include the statement in the Committee report would avoid the possible suggestion that this was not a permanent institution. He thought we could get everything we wanted without including the provision in the Charter. Moreover, to include the statement in the report would not bring it so much to the fore; it would not be an invitation to withdraw, but just a safety valve.

AMBASSADOR GROMYKO stated that the question was so important that it was worth mentioning in the Charter. It was next in importance to the question of admission and expulsion. He added that, in the Soviet view, withdrawal and the amendment provision were linked. MR. ARMSTRONG said he did not wish to get the discussion off the subject, but he wanted to make it perfectly clear that the concessions we were talking about would not meet the principal attack by Australia, Canada and New Zealand, and also the Netherlands and a number of the South American countries who were bent on somehow getting around the permanent veto of the five members. He did not think that their argument could be met on this line. They would fight their position through the committee, through the commission, and on to the floor of the plenary session.

AMBASSADOR GROMYKO asked what would be the opinion of the heads of the delegations of any proposal not to tie withdrawal to the amendment process, but to include the provision in a general form; for example, including in the Charter the right to withdraw for one or another reason along the lines of the League of Nations provision. He said he was asking this question for clarification.

SENATOR VANDENBERG indicated that he would have to present this matter to his Delegation, but that he could say the Delegation had already voted against a provision for withdrawal. He did feel that the only two alternatives were to do what Ambassador Gromyko had just suggested or to follow the procedure proposed by the United States Delegation. He asked whether Ambassador Gromyko preferred the general provision for withdrawal. AMBASSADOR GROMYKO replied that he preferred mention of withdrawal in the Charter and that he was only putting forward this other matter as a question. The Soviet proposal, he said, was to include withdrawal in the Charter in connection with the amendment process, but that, he added, he was ready to study this other proposal.

MR. DEJEAN said it was his personal opinion only, but that he thought it was impossible to reserve for the major powers the right of withdrawal. This would be to reserve the right to destroy the Organization, since the withdrawal of one of the major powers from the Organization would end its life.

AMBASSADOR HALIFAX suggested that to clear our minds, without taking final positions, he wondered which provision would be preferable to the Soviet Ambassador. If it was granted that provision on withdrawal should be included in the Charter—should it be a general right of withdrawal or a right limited to the amendment process? AMBASSADOR GROMYKO stated that his official proposal was that the right should be limited, and in connection with the amendment process. He said he had only put the question of the other possibility which might be studied.

SENATOR VANDENBERG suggested that if this Organization reached the point where one major power would not "play ball", then it was better to have a clear-cut divorce of that member from the Organization. A recalcitrant major power could destroy the entire Organization from within.

AMBASSADOR HALIFAX indicated that we also should consider, if a major power reached the point where it wanted to withdraw, how we could prevent it from withdrawing.

AMBASSADOR KOO stated that this had been a very interesting exploratory discussion, that the positions stated had not been final, and that he thought it was time to adjourn to think the problem over before another discussion was held.

SENATOR VANDENBERG indicated that, in view of Ambassador Gromyko's proposal to wait for 24 hours before further discussion in the Committee, he thought that another final meeting of this group should be held before Monday. AMBASSADOR KOO suggested that we discuss not only the question of withdrawal, but also the other point under discussion in the Subcommittee.

After brief discussion on the recommendation of Mr. Armstrong it was agreed that the next meeting of the Big Five would be scheduled tentatively for Monday at 11:00 a. m.

AMBASSADOR KOO adjourned the meeting at 11:10 p. m.

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RSC Lot 60–D 224, Box 96: U.S. Cr. Min. 67

*Minutes of the Sixty-Seventh Meeting of the United States Delegation, Held at San Francisco, Saturday, June 9, 1945, 9:02 a. m.*

[Informal Notes]

[Here follows list of names of persons (32) present at meeting.]

In the absence of Secretary Stettinius, SENATOR CONNALLY convened the meeting at 9:02 a. m.

TRUSTEESHIP

COMMANDER STASSEN declared that he had some good news to report on the question of trusteeship. Agreement had been reached the pre-

vious day [77] on the important outstanding items which had been under consideration by Committee II/4. The Big Five had reached agreement on the questions of membership on the Trusteeship Council, paragraph 5, and the use of the language of the Atlantic Charter with respect to self-determination. In the meeting ending at 6:30 p. m. all three of these questions had been considered, and had then been approved by Committee II/4 in the 8 o'clock meeting the same evening.[78]

COMMANDER STASSEN observed that the only matters which might still require consideration were the Australian amendment to Section A, paragraph 1 and a possible Philippine demand that some questions be reopened. There was also the possibility of an Egyptian amendment. MR. ROCKEFELLER declared that he had been at the previous night's meeting of II/4 and thought that Commander Stassen had done a splendid job. COMMANDER STASSEN declared that he had been told before the meeting by two Latin American representatives that they wanted to help him on pushing through the Big Five agreements. THE COMMANDER declared that he had been most surprised.

### PREAMBLE

DEAN GILDERSLEEVE reported that personally she was in a difficult situation with respect to the Preamble. Someone had submitted to the press a draft which had been agreed upon by Committee I/1 [79] and had attributed it to Marshal Smuts and Dean Gildersleeve. DEAN GILDERSLEEVE declared that, as a professor of English, she protested against having this draft attributed to her. MR. PASVOLSKY remarked that the Coordination Committee had decided to discuss the Preamble after it had completed its business with respect to the other matters on the agenda. MR. PASVOLSKY assured Dean Gildersleeve that the Preamble would be revised.

[Here follows discussion of a question of procedure.]

### SOVIET PROPOSAL FOR A WITHDRAWAL PROVISION

SENATOR VANDENBERG reported to the Delegation that Lord Halifax had called him that morning and had indicated that, after studying the Russian proposal that provision be included in the Charter for withdrawal, the British had decided that they would prefer the addition of a sentence making clear the right of a State to withdraw from the Organization if an amendment were passed which it could not

[77] At the ninth Five-Power preliminary consultative meeting on trusteeship, June 8, 5:30 p. m.; minutes of meeting not printed.

[78] See Doc. 877, II/4/35, June 9, UNCIO Documents, vol 10, p. 513.

[79] For draft preamble, see Doc. WD 62, I/1/A/18, May 31 (*ibid.*, vol. 6, p. 694); for report of rapporteur, Subcommittee I/1/A, to Committee I/1, June 5, see Doc. 785, I/1/28, June 5 (*ibid.*, p. 358); and for report on consideration of the preamble by Committee I/1, June 5, 8:30 p. m., see Doc. 817, I/1/31, June 6 (*ibid.*, p. 365).

accept. LORD HALIFAX declared that the British would prefer such a course of action to the addition of a statement making this position clear in the report of Commission I. The British, Lord Halifax had declared, were opposed to a general withdrawal provision, but Lord Halifax had indicated that the British understood why the United States could not accept a partial withdrawal provision.

MR. DULLES asked whether it was thought that the Latin American States would accept a provision for total withdrawal, and MR. ROCKEFELLER replied in the affirmative. MR. DULLES said that he could not understand why Ambassador Gromyko could press for such a clause. MR. ARMSTRONG declared that Ambassador Gromyko's position had been to support having a clause linking withdrawal to amendments but that he had announced that he would accept a general withdrawal provision. MR. PASVOLSKY declared that he was also unable to understand the motives underlying this Russian position, but he was certain that there was something behind it. MR. HICKERSON remarked that the Russians were probably favoring a complete withdrawal clause because it was the popular position to take at that time in view of the probably strong support which such a proposal would gain. MR. ARMSTRONG felt that the Russians were willing to support a general withdrawal clause because the smaller states would have more to gain than the United States. SENATOR VANDERBERG thought that the Delegation should be prepared with a position if Ambassador Gromyko were to stand pat on a position opposing the inclusion of a statement in the report of the Commission and were to support instead a clause similar to that in the Covenant of the League of Nations. SENATOR CONNALLY observed that to oppose any such proposal by the Russians would have the effect of neutralizing any statement which might be incorporated in the report of the Commission. DR. BOWMAN agreed with Senator Vandenberg that the United States should prepare an answer in view of the fact that this Government would undoubtedly have to meet the argument that internal decay would result if too many States were desirous of withdrawing from the Organization and were not able to do so.

MR. HACKWORTH thought that there was another consideration. If such a statement were to be included in the report of the Commission, MR. HACKWORTH observed, it would not be much different in practical effect from incorporating the wording in the Charter itself. Incorporation of an interpretative statement in the Commission's report would not stop much short of actual phraseology in the Charter, MR. HACKWORTH thought. MR. DULLES was of the opinion that there was an important difference between the two procedures. If a clause, similar to the withdrawal provision in the Covenant of the League of Nations, were to be incorporated in the Charter, it would make

possible withdrawal by any nation at any time it wanted. The intention had been originally to make possible withdrawal from the Organization only on adequate grounds. As a result of the interpretative statement which Representative Eaton had incorporated in the records of Committee I/2,[80] there was no right of withdrawal unless the Organization should fail to fulfill its functions adequately. If the Organization were to become an instrument of oppression or were to fail in its function of preserving peace, then a state should have the right to withdraw. This intention, however, which had been embodied in Congressman Eaton's statement could not be phrased in League language suitable for inclusion in the Charter. MR. HACKWORTH thought that there was a question raised by this condition imposed by Mr. Dulles. MR. HACKWORTH wanted to know who would be authorized to decide when a state had just grounds to withdraw from the Organization. MR. DULLES did not think that this question was really relevant. The great difference was a psychological one, MR. DULLES declared. MR. HICKERSON remarked that Mr. Dulles' position fell short of the demands of the small states for a complete withdrawal clause, in view of their objections to the amendment procedure which was to be subject to the veto power of the major powers.

MR. DULLES observed that Mr. Rockefeller had made certain that the Latin American Governments would accept a withdrawal clause which was tied to the question of amendment, by which a state could withdraw from the Organization, if an amendment, to which a member state could not adhere, were passed in accordance with the constitutional processes established for the Organization. MR. ARMSTRONG declared that it had been his impression that a number of the Latin American countries had not been in favor of a universal withdrawal clause. MR. ROCKEFELLER remarked that Ecuador for one had reversed its position because of the major powers' insistence on retention of the veto over the ratification of amendments.

COMMANDER STASSEN expressed the opinion that the matters of withdrawal, expulsion and suspension, and amendment procedure constituted one complete picture, and Commander Stassen thought that these interrelated items should be considered as part of a whole. Commander Stassen thought that the Delegation should write in a qualified withdrawal clause; urge maintenance of the veto over ratification of amendment; and set no date for a revisionary convention. Commander Stassen declared that he had given considerable thought to this question of a revisionary convention, and he was opposed to setting a date because the drive for a special date was spearheaded by those nations which seemed to think that the Charter was inade-

[80] For text of statement, see minutes of meeting of the United States delegation (executive session), May 22, 10:50 a. m., p. 847.

quate. COMMANDER STASSEN thought that it would be impossible to attempt to force through an amendment procedure whereby the permanent members of the Security Council would have the power of veto or to press for inclusion of provisions for expulsion and suspension in the Charter, unless provision were made for withdrawal. Commander Stassen thought that a clause permitting withdrawal if the Organization should fail in its functions should be included in the Charter. MR. DULLES agreed that the right to withdraw should be qualified by a reference to the inability of the Organization to perform its functions adequately or to a situation whereby the Organization should become an oppressive agency. COMMANDER STASSEN declared that he could see no real difference between the inclusion of such a provision in the report of the Commission or in the Charter itself. Commander Stassen reported that it was his understanding that Representative Eaton's statement for inclusion in the record of Committee I/2 [81] had been defeated.

SENATOR CONNALLY was of the opinion that the Delegation would not be facing the issues if it were to favor inclusion of an interpretative statement in the report. Senator Connally said that his personal opinion was that there should be a specific provision in the Charter for the right of withdrawal. Any member, Senator Connally declared, should have the right to withdraw from the Organization, if it so desired. Senator Connally pointed out that if a nation did not want to belong to the Organization, it could not be of much assistance in carrying out the functions of the Organization. DEAN GILDERSLEEVE remarked that as a result of the discussion the previous evening there seemed to be a strong case for including in the Charter a general provision for withdrawal. SENATOR VANDENBERG announced that he was also in favor of Senator Connally's position and declared that he had supported a general withdrawal clause since the preliminary conversations held in Washington. The situation, SENATOR VANDENBERG thought, would be indefensible without such a provision. SENATOR CONNALLY asked who would be the responsible authority to determine when extraordinary circumstances existed which would make possible withdrawal from the Organization. MR. HACKWORTH thought that the Organization would suffer in prestige if any nation were to withdraw.

SENATOR VANDENBERG declared that, if he wanted to defeat the Organization, he could think of no better phraseology to criticize than the two paragraphs proposed by Senator Rolin for inclusion in the report of Commission I. These two paragraphs read as follows:

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[81] For text of recommendation of the subcommittee (May 23) as adopted by Committee I/2, see Doc. 606, I/2/43, May 26, UNCIO Documents, vol. 7, p. 122.

"The Commission adopts the opinion of the inviting powers that the faculty of withdrawal of the members should neither be provided for nor regulated. Should the Organization fulfill its functions in the spirit of the Charter, it would be inadmissible that its authority could be weakened by some members deserting the ideal which inspired them when they signed the Charter, or even mocked by aggressor or would-be aggressor states.

"It is obvious, however, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice. On account of this risk, inherent to all human enterprises, the Committee abstains from inserting in the Charter a formal clause forbidding withdrawals."

SENATOR VANDENBERG declared that failure to include a provision for withdrawal in the Charter of the Organization was a confession of instability and would be an indication that the sponsoring governments were afraid to allow the Organization to be composed of free agents. MR. HACKWORTH declared that he too favored the adoption of a general withdrawal clause, and he asked the members of Congress present at the meeting how Congress would react if faced by a defective piece of legislation. MR. HACKWORTH wondered if Congress would cover up by making a statement in the report of the committee involved. SENATOR CONNALLY declared that any statement included in the report of Commission I recognizing the right of a state to withdraw under certain circumstances would not have any legal validity. MR. DULLES pointed out, however, that there was no prohibition of this right in the Charter. SENATOR CONNALLY thought that nevertheless there should be included in the Charter a provision permitting a State to withdraw. SENATOR CONNALLY was of the opinion that it would be impossible to force a State to do anything which it did not want to do.

SENATOR VANDENBERG attempted to point out how ridiculous it would be to attempt to meet this problem by including a statement in the report of the Commission. SENATOR VANDENBERG demonstrated for the delegation what might occur if, at a public meeting, someone were to ask whether the United States were free to withdraw from the Organization. SENATOR VANDENBERG declared that he could only answer by referring to the two paragraphs proposed by Senator Rolin, and he read these two paragraphs to the Delegation with a great display of emotion and with an outburst of histrionics. The Delegation greeted Senator Vandenberg's exhibition with applause.

SENATOR CONNALLY pointed out that at the previous night's meeting Senator Vandenberg had urged that the Russians accept Senator Rolin's statement. DEAN GILDERSLEEVE observed that everyone on

the Delegation seemed to be in favor of accepting a general withdrawal clause, and MR. HACKWORTH remarked that there seemed to have been an overnight reversal of opinion. SENATOR CONNALLY pointed out that in the League of Nations there had been two provisions for withdrawal, one connected with the amendment procedure and the other a straight withdrawal clause providing for only two years' notice.[82] MR. DULLES noted that Germany, Japan and Bolivia, among others, had withdrawn from the League. Russia had been expelled. SENATOR CONNALLY declared that the matter of withdrawal was a fundamental issue, and he thought that the Delegation should meet it squarely by proposing a general withdrawal clause. DR. BOWMAN declared that he was in agreement with this position and supported explicit mention of the right of withdrawal in the Charter of the Organization.

MR. ARMSTRONG declared that he thought there were two points which should be made. The first was that the five power position had been that there should not be a withdrawal clause. For this reason, the United States would be on the right side of the argument if it were to stand on the Dumbarton Oaks proposals. The second point that Mr. Armstrong wanted to make was that the British were opposed to a general withdrawal clause. Mr. Armstrong observed that the Russian position involved a change in the previously accepted stand of the five major powers. Furthermore, Mr. Armstrong declared, Senator Vandenberg and Mr. Dulles had argued strongly against a withdrawal provision at the previous night's meeting. SENATOR VANDENBERG pointed out, however, that he had argued against a limited withdrawal and not against a general clause. REPRESENTATIVE EATON thought that to attach a withdrawal provision to the question of amendment would be a "complete flop." Representative Eaton agreed with Senator Connally and Senator Vandenberg that the issue should be faced squarely and that a plain withdrawal clause should be included. The only question, Representative Eaton thought, was how this should be accomplished, inasmuch as there appeared to be division among the major powers.

MR. PASVOLSKY observed that his position had steadfastly been one of opposition to the withdrawal clause. In his opinion it was not a good idea because it would weaken the Organization. Mr. Pasvolsky had favored the solution provided by the addition of the statement, concerning the right of any State to withdraw if it could not accept an amendment, to the statement that had already been incorporated in the record of Committee I/2 by Representative Eaton.

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[82] Art. 1(3) and Art. 26(2) of the Covenant of the League of Nations.

MR. PASVOLSKY thought, however, that the statement suggested by Senator Rolin was "a monstrosity". Rather than accept this monstrosity, Mr. Pasvolsky said he would favor a withdrawal clause, but Mr. Pasvolsky pointed out that it would be impossible for the Delegation to support such an amendment without obtaining the authorization of the President. MR. DULLES remarked that the President had stated his position as opposing United States support of a general withdrawal clause in a message which he had sent to the Secretary.[83] SENATOR CONNALLY said that in any event the Delegation would have to wait for the Secretary before it could make any final decision. COMMANDER STASSEN declared that the other questions which were related, such as amendment, should be considered also. Commander Stassen thought that an over-all agreement should be obtained among the small powers. MR. PASVOLSKY urged, however, that the United States could not join the Organization unless it had the power to control amendments. MR. ARMSTRONG declared that he had made a statement to that effect in the meeting of Committee I/2.[84] Mr. Evatt had seemed surprised and as a result had asked for a postponement of the subcommittee meeting in order that he might devote further study to the situation. MR. PASVOLSKY declared that Mr. Evatt could not have been surprised because he had been informed of this position of the United States several times. COMMANDER STASSEN declared that there was a most peculiar situation in that subcommittee. This committee was composed exclusively of all those States which had proposed critical amendments, plus the major powers.[85] COMMANDER STASSEN pointed out that on the question of representation of the permanent members of [*on*] the Trusteeship Council, Australia and Egypt had been opposed; but when Commander Stassen had used strong tactics the measure had been carried by a

[83] Text of the President's message to the Secretary of State not found in Department files. The delegation's attitude that there should be no explicit provision in the Charter either prohibiting the right of withdrawal or providing for voluntary withdrawal was first set forth in a statement by Representative Eaton to Committee I/2 on May 21; for text, see Conference Series No. 71: *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State, June 26, 1945* (Department of State publication No. 2349), p. 47.

[84] At the June 8 meeting of Subcommittee I/2/E, in course of discussion of a Mexican proposal concerning the method of voting in the revision conference and the way in which amendments adopted by it would enter into force, Mr. Armstrong stated that if there were any possibility that a revision conference were to change the responsibility of the major powers, and if a proposal for a revision conference which permitted such a change were to be placed in the Charter, it would prevent ratification by the United States (US I/2/E, Doc. 5, June 8, 3:30 p. m.). The Canadian delegate (Pearson) proposed that no vote be taken on the proposal under discussion because of the statement of the United States delegation and because this question was so closely tied to withdrawal; it was agreed that the Subcommittee proceed with the discussion of withdrawal at its next meeting.

[85] Doc. 683, I/2/48, May 29, UNCIO Documents, vol. 7, p. 156.

vote of 32 to 5.[86] MR. DULLES agreed with Commander Stassen's remarks concerning the composition of the subcommittee and urged that the matter be brought before the full committee as soon as possible. MR. ARMSTRONG agreed and thought that, in addition, every effort should be made to have the heads of delegations attend the meeting of the full committee which was to consider withdrawal and amendments. In this way better consideration of the matter could be insured. COMMANDER STASSEN agreed that the senior delegate of each delegation should be present at this meeting. SENATOR CONNALLY asked Mr. Dulles to consider a possible situation which might arise out of the adoption of the statement to be included in the report of the Commission. SENATOR CONNALLY thought that some country might in the future plead extraordinary conditions as a justification for its withdrawal from the Organization. SENATOR CONNALLY asked what would be the situation if the Organization were to disagree with the position of such a government. MR. DULLES declared that under the circumstances outlined by Senator Connally the nation in question could withdraw from the Organization unless the other members were prepared to use force to keep it in the Organization. SENATOR CONNALLY pointed out that this had been the situation with respect to the United States Constitution, and MR. DULLES thought it might be the wisest course in the long run. SENATOR CONNALLY pointed out that this was not made clear in the statement to be added to the Committee report.

MR. PASVOLSKY declared that the real problem was not whether a state had the right to withdraw from the Organization. Mr. Dulles was correct in his interpretation, MR, PASVOLSKY thought. The important matter, in MR. PASVOLSKY's opinion, was the terms or conditions under which a state might withdraw. MR. PASVOLSKY pointed out that the proposed Organization differed from the League of Nations in a number of respects, and for this reason it could not be

[86] For text of paragraph B, 11 of the working paper (Doc. 323) considered at the June 8 meeting of Committee II/4, see Doc. 877, II/4/35, June 9, *ibid.*, vol. 10, p. 516. The Australian delegate raised objection to the automatic inclusion of the members of the Security Council on the Trusteeship Council; the Egyptian delegate expressed fear of the "encroachment" of the Security Council on ordinary trusteeship questions. The Soviet Union had objected to the original wording of paragraph 11, providing for a Trusteeship Council divided equally between representatives of administering powers and those elected by the General Assembly, leaving it to chance whether the permanent members of the Security Council should also be members of the Trusteeship Council. Commander Stassen argued at the June 8 meeting that the permanent members of the Security Council resembled the administering states in that they were interested parties and that the peoples of the trust territories would be better protected if half the seats on the Trusteeship Council were held by elected members. The Egyptian proposal to amend paragraph 11 of section B(*c*) to read ". . . so that the total number of representatives is equally divided between elected and non-elected states" was lost 31–8; the remainder of the amendment proposed by Commander Stassen was passed unanimously, and paragraph 11, as amended, was adopted 38–2 (Doc. 877, II/4/35, June 9, *ibid.*, p. 517).

assumed that the same provision for withdrawal would be acceptable with respect to the present Organization as had been adequate for the League of Nations. For example, MR. PASVOLSKY urged, the United Nations Organization would have the authority to take action with respect to non-members of the Organization. This had not been the case with respect to the League of Nations. Therefore, the inducement to withdraw from the proposed Organization would not be so great as it was under the League of Nations. Under the League a nation could withdraw from the Organization and would by that action remove itself from the authority of the League in all matters. Under the proposed Charter, non-members of the Organization might be in a less advantageous position than had been the case under the League. MR. PASVOLSKY declared that he favored an addition to Representative Eaton's statement in the record of Committee I/2. In this way, the terms and conditions governing withdrawal from the Organization would have to be settled according to the circumstances attendant upon each situation as it might arise.

MR. HACKWORTH asked what would be the solution if the right of a state to withdraw were denied by the Organization and that state were then to declare that it would not cooperate with the Organization in its operations. MR. PASVOLSKY declared that in such cases the state concerned should be suspended or expelled from the Organization but should not be permitted to withdraw of its own volition. MR. HACKWORTH remarked that the state would still be out of the Organization. MR. HACKWORTH observed that, if no provision were made for withdrawal, the result might be to close the door to a number of nations with respect to joining the Organization. MR. HACKWORTH agreed with Mr. Pasvolsky's interpretation that some functions of the Organization, especially peaceful settlement, would apply to all nations regardless of their status as members of the Organization. MR. ARMSTRONG remarked that he had been asked at one time by a Norwegian Delegate whether he could explain the advantage which a small state would derive from joining the Organization. MR. PASVOLSKY replied that a small state would be able to participate in the decisions of the Organization. MR. ARMSTRONG remarked that the reply to that was that the small states could participate in the discussions but not in the decisions. MR. PASVOLSKY declared that this was not accurate, in as much as the small states would participate in the decisions taken by the General Assembly. Furthermore, he declared they would be able to participate in a revisionary convention to amend the Charter. MR. HACKWORTH added that there was always the possibility that a small state would receive a seat on the Security Council.

MR. PASVOLSKY suggested a procedure for the Delegation to follow. He thought that an attempt should be made to draft a withdrawal

clause. This clause should then be submitted to the Secretary for approval. The Secretary, he declared, would have to have a specific proposal to place before the President in order to get the President's decision on the matter. It would be for the Delegation, MR. PASVOLSKY thought, to make up its mind as to whether or not it wanted to adopt the League phraseology or whether it wanted to frame something new. MR. PASVOLSKY reiterated that the important matter was the terms or conditions under which a state might withdraw from the Organization. MR. PASVOLSKY thought that, if there were to be a specific clause in the Charter of the Organization, these terms must be stated specifically. However, if it were decided to make an interpretative statement in the record of Committee I/2 or in the report of Commission I, these terms should be left indefinite for future decision. SENATOR VANDENBERG expressed the opinion that the Delegation would be starting "a six weeks' dog fight" if an attempt were made to spell out the terms and conditions of withdrawal. He thought that the League language should be adopted. MR. PASVOLSKY pointed out that even the simple language of the Covenant established some conditions for withdrawal. MR. PASVOLSKY implied that lack of specific conditions was a condition in itself. MR. PASVOLSKY said the question for the Delegation to decide was whether the conditions of the Covenant were adequate for the new Organization. REPRESENTATIVE BLOOM observed that the League Covenant provided that a state could withdraw from the League of Nations two years after filing notice of its intention to withdraw, provided that it had fulfilled its obligations under the Covenant. CONGRESSMAN BLOOM thought that the Delegation should decide whether or not it wanted a clause providing for withdrawal from the Organization and then Mr. Pasvolsky could prepare a draft for consideration. MR. ARMSTRONG asked whether such a proposal would be "put forward" by this Delegation. MR. PASVOLSKY replied that the clause drafted would be one which the United States was willing to support. MR. PASVOLSKY thought that the United States should avoid making any proposal itself. SENATOR VANDENBERG thought that such a clause should be part of a total settlement, and COMMANDER STASSEN agreed that the Delegation should present a three or four point program. MR. PASVOLSKY outlined the four points which should be included in such a program as follows: (1) Voting, (2) Amendment, (3) Withdrawal, and (4) Expulsion. The Delegation agreed with this interpretation. REPRESENTATIVE BLOOM stated that he approved of this program on the basis which Commander Stassen had proposed, that withdrawal should be part of a broad program. The Delegation authorized Mr. Pasvolsky to draft a withdrawal provision.

MR. SANDIFER declared that the original intention had been to satisfy the demands of the smaller powers. MR. SANDIFER added that it was

his understanding that some of these nations were opposed to a general withdrawal clause. MR. NOTTER observed, however, that the smaller nations had switched their positions. MR. DULLES remarked that a few weeks previously he had circulated a draft withdrawal clause,[87] and he called the attention of the Delegation to this fact. MR. PASVOLSKY suggested that Mr. Sandifer should be responsible for preparing the draft clause, and it was agreed that Mr. Sandifer should work in cooperation with Mr. Dulles and Mr. Armstrong in the preparation of such a clause.

MR. ARMSTRONG declared that the focus of opposition would be the question of a revisionary convention. The small states seem to favor very strongly that a revisionary conference should have the right to fix its own rules of procedure, including the method of ratification. MR. PASVOLSKY declared that the United States would have to oppose any such suggestion. SENATOR VANDENBERG declared that he could not believe that there would be any further opposition if the United States were to declare emphatically that it could not accept such a provision. COMMANDER STASSEN urged that it was essential that the Australian and Belgian insurrection be brought to an end. COMMANDER STASSEN declared that representatives of these two governments had been saying, unofficially, in cloakrooms and similar meeting places, that the Charter was inadequate and that their governments could not join the Organization unless adequate provision were made for revision. COMMANDER STASSEN told the Delegation that he had told these gentlemen that if they were unable to accept the Charter they should not remain in San Francisco, rather than spoil it for everyone else. Furthermore, COMMANDER STASSEN declared these two delegations were circulating misrepresentations of the Charter. COMMANDER STASSEN thought that it was important to hit these two governments hard, and in order to do this he thought that a complete program would be necessary. MR. PASVOLSKY thought that a provision for withdrawal would weaken the Organization. SENATOR VANDENBERG remarked that he was not so sure of that.

MR. ROCKEFELLER thought that it would be helpful if the Delegation could give him some indication of the points on which it would want the Latin American delegates to withdraw. If he had such an indication, MR. ROCKEFELLER thought that he and Mr. Hickerson and the other political officers could work on the smaller countries over the weekend.

MR. NOTTER thought that the point made earlier in the meeting that discussion of this question should be undertaken in the full committee, rather than in the sub-committee, should be examined by the Delegation. MR. NOTTER pointed out that there was no possibility

[87] For text of Mr. Dulles' draft statement, see minutes of the meeting of the United States delegation, June 1, 6:04 p. m., p. 1056.

of convincing any of the other delegates on the sub-committee, and added that if this question were considered there first, it would be necessary to repeat the same arguments in the full committee. REPRESENTATIVE BLOOM wondered whether it would be possible to bring the Latin American countries into line, and MR. ROCKEFELLER said he thought this could be accomplished. MR. ROCKEFELLER pointed out that this Government had not presented any proposal to the Latin Americans, and hence, had not been able to force them to recede from their position. SENATOR VANDENBERG agreed that if a proposal were made which would meet some of the Latin American objections, the Latin Americans would come over. MR. ARMSTRONG asked Mr. Rockefeller whether, in the latter's opinion, a clause making provision for withdrawal from the Organization would satisfy the Latin Americans. MR. ROCKEFELLER said that this would depend upon the remainder of the program offered them.

COMMANDER STASSEN declared that he thought the Delegation should suppose [*support?*] the following program:

1. Support the insertion of a provision for withdrawal.
2. Support the reinsertion of provisions on expulsion and suspension.
3. Stand firm on a non-procedural vote for the ratification of amendments.
4. Support the provision which would place the question of calling a revisionary conference on the agenda of the General Assembly during the tenth year after the coming into effect of the Charter.

COMMANDER STASSEN thought that if agreement could be obtained among the major powers on such a program, it would be possible to wind up the business in short order. MR. ROCKEFELLER indicated his agreement with this position and declared that, although there would probably be some opposition, he was certain it could be handled. MR. HICKERSON thought that the question could not be settled over the week-end because of the need for obtaining the President's approval. He agreed with Mr. Rockefeller that a good deal of the opposition arose out of the inability of this Government to offer a program thus far. He thought that until such a program could be agreed upon, this Government should just make it clear that the United States could not join the Organization unless it were able to control the amendments which might be passed. He agreed that Commander Stassen's proposal was a good one. MR. ROCKEFELLER asked whether the Delegation accepted Commander Stassen's four points. COMMANDER STASSEN declared that final acceptance could not be achieved at that time, and SENATOR CONNALLY agreed that this was true, in view of the Secretary's absence.

MR. SANDIFER referred to Commander Stassen's earlier statement and reported that Representative Eaton's statement, to be added to the record of Committee I/2, had been approved by that Committee on May 23rd. However, it had not been approved, as yet, in the Rapporteur's report for Commission I. SENATOR CONNALLY thought that if a withdrawal clause were not inserted in the Charter, but were included in a committee report, the ultimate effect would be the same. Since this was true, SENATOR CONNALLY could see no reason why it should not be formally incorporated in the Charter, to give legality to the right to withdraw. MR. HACKWORTH agreed that if this matter were settled by reference to the right of withdrawal in a committee report, it would be declared that the Conference was too weak to face the issue and had to resort to innuendo. MR. DULLES declared that the essence of the matter would not be the report; the important fact was that the Charter was silent on the issue. MR. DULLES pointed out to the Delegation that the United States Constitution also was silent on the matter of withdrawal. He asked the Delegation whether it considered the Constitution to be a pusillanimous document for this reason.

PUBLIC ATTENDANCE AT GENERAL ASSEMBLY MEETINGS

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WITHDRAWAL

MR. SANDIFER asked if Mr. Armstrong, Mr. Dulles and the other members of the Delegation would cooperate with him in drafting a clause on withdrawal. MR. ROCKEFELLER asked what position he should take in facing the Latin American Governments, and MR. HICKERSON suggested that Mr. Rockefeller should stress that the United States could not join the Organization unless it had a veto power over amendment procedure.

The meeting was adjourned at 10:10 a. m.

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500.CC/6-945

*Memorandum of Conversation, by Mr. O. Benjamin Gerig, Member of the United States Delegation*

[SAN FRANCISCO,] June 9, 1945.

Participants: The Secretary of State; Commander Stassen; Mr. Gerig.

Subject: The Proposals of the Soviet Delegation Concerning Trusteeship.

Commander Stassen told the Secretary that he and Mr. Gerig had just had a conversation with Ambassador Gromyko and Mr. Novikov

of the Soviet Delegation,[88] in which the latter said that they could support the trusteeship document provided two conditions were met. First, that an additional sentence be added to Paragraph B 5, to be worded as follows:

"This paragraph should not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of the agreements for placing mandated and other territories, as provided for in paragraph 3, under the trusteeship system." [89]

Second, that it should be understood between the United States and Soviet Governments that in case the Soviet Government should be proposed as the administering authority of some suitable trust territory—though he had no specific territory in mind—the United States Government would support the Soviet Government as eligible for such a post.

Secretary Stettinius said he thought both these points were entirely reasonable and that we could accede to their request. He said the additional sentence to Paragraph 5 was merely a clarification of the implied intent of that paragraph, to which Commander Stassen and Mr. Gerig agreed. Commander Stassen went on to say that in the Soviet view it counterbalanced what the Soviets regarded as too much emphasis in that paragraph on maintenance of the *status quo* eternally. The Soviet Delegation wanted to make certain that the subsequent agreements for placing territories under the system would not be unduly delayed.

Mr. Stettinius suggested that the second Soviet proposal—Soviet eligibility as a potential administering authority—might be discussed with Mr. Dunn, and Commander Stassen said he would try to see him as soon as possible. When the matter was explained to Mr. Dunn, there seemed to be no objection to meeting the Soviet request on this point.

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RSC Lot 60D 224, Box 96 : US Cr Min 68

*Minutes of the Sixty-Eighth Meeting of the United States Delegation, Held at San Francisco, Monday, June 11, 1945, 12:06 p. m.*

[Informal Notes]

[Here follow list of names of persons (34) present at meeting, and preliminary announcements by Secretary Stettinius.]

ITALY

THE SECRETARY asked whether a background paper had been prepared on the Italian situation in order that the Delegation might

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[88] Memorandum of conversation, June 9, not printed.
[89] See Doc. 877, II/4/35, June 9, UNCIO Documents, vol. 10, p. 515.

evaluate the recent request transmitted by the Italian Ambassador to Washington for the admission of Italy to the present Conference. MR. HICKERSON replied that a paper had not been prepared on the question. THE SECRETARY declared that he wanted some one to present to the Delegation a factual analysis of the Italian request. The Delegation was referred to the text of the statement of the Italian Council of Ministers addressed to the San Francisco Conference, as follows:

"The Italian Council of Ministers deems it its duty to express the sense of deep disappointment of the Italian people at the exclusion of democratic Italy from a Conference destined to lay the foundation of a peaceful life among nations.

"The Council of Ministers recalls with deep emotion the words pronounced in June 1944 by the great President Roosevelt: 'We want Italy's help and we count on Italy's help for the building of a lasting peace.' [90]

"This help Italy has given for eighteen months and is still giving to the extent allowed her and with all the means at her disposal. This help she is ready to give also in the future, whenever the cause of democracy has still to win its battles. Her fleet, her air forces and her regular and partisan units have contributed to victory, and her people are organizing themselves under the rule of liberty and democracy, despite the tremendous destructions and the hard armistice terms still in force and binding. This help Italy is ready to give also in peace time, for the work of reconstruction to which President Roosevelt called her.

"On behalf of that help given and offered, on behalf of her millenary civilization, on behalf of the moral principles that the United Nations have written on their flags, democratic Italy, standing before all the United Nations, great and small, with many of which she has very close cultural and blood ties asks for the right and reaffirms her will to take part in the work for world reconstruction, whose foundations are now being laid in San Francisco".

REPRESENTATIVE BLOOM asked whether the Italian request might not be the result of propaganda originating within this country favoring the admission of Italy to the Organization. MR. HICKERSON declared that he would present a brief oral analysis of the background underlying the Italian request. THE SECRETARY requested Mr. Hickerson to do this but remarked that he would have thought that a memorandum would have been prepared. MR. HICKERSON remarked that the Delegation had discussed the question of Italy briefly in its meeting of May 19.[91] THE SECRETARY thought, however, that Mr. Hickerson

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[90] For radio address by President Roosevelt on the occasion of the liberation of Rome by the Allies, June 5, 1944, see *United States and Italy, 1936–1946: Documentary Record* (Department of State publication No. 2669), p. 84.

[91] See minutes of the forty-seventh meeting of the United States delegation, May 19, 9 a. m., p. 803.

should go back further and explain the history of Italo-American relations since the fall of the Mussolini Government.[92]

MR. HICKERSON explained to the Delegation that a most anomalous situation existed between the two countries. The United States and Italy, Mr. Hickerson declared, were still technically at war in view of the fact that no treaty of peace had been consummated. THE SECRETARY added that Italy was under military occupation and MR. HICKERSON agreed that this was true, adding that the United States and the United Kingdom exercised joint control over Italy. However, there was a legitimate Italian Government which the United States had been trying to bolster. The Italians had declared war on Germany and had been fighting with the Allies against the Axis since September, 1943. MR. HICKERSON reported that President Roosevelt had been holding out a helping hand in strengthening the Italian Government and in attempting to broaden its base. At the beginning of the Conference, the Italian Government had indicated a desire to participate in the work of establishing a world organization. However, the United States had discouraged this attempt on the grounds that the United States, even though it was a friend of Italy, would be unable to be of assistance and Italy was urged not to press the matter because it would redound to her disadvantage. The Italian Ambassador had dropped the matter for the time being.

SENATOR VANDENBERG asked how it was possible for the Italians to have an Ambassador to Washington.[93] MR. HICKERSON replied that this was an anomaly and as far as he knew was entirely unprecedented. The Italian Ambassador was the personal representative to this Government of the Italian Government in Rome. Similarly, the United States was represented in Italy by Ambassador Kirk. SENATOR VANDENBERG asked whether Ambassador Kirk had been confirmed by the Senate and MR. HICKERSON declared that he had been confirmed. Mr. Hickerson reiterated that a most unusual situation existed inasmuch as the United States was still technically at war with Italy but nevertheless exchanged ambassadors with her. In reply to a question, Mr. Hickerson declared that he thought that the Italians also had an Ambassador to London. Mr. DULLES remarked that there was nothing technical about the fact that Italy was still under joint control of the United Kingdom and the United States.

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[92] The resignation of Prime Minister Benito Mussolini and his Cabinet was announced by King Victor Emmanuel on July 25, 1943. For documentation on the situation in Italy in 1943, see *Foreign Relations*, 1943, vol. II, pp. 314 ff.

[93] Formal diplomatic relations between the United States and Italy were resumed December 7, 1944, but the Italian Ambassador did not present his credentials until March 8, 1945. For documentation on this subject, see *Foreign Relations*, 1944, vol. III, pp. 996 ff. For remarks of Ambassador Tarchiani upon presentation of his letters of credence, March 8, see Department of State *Bulletin*, March 11, 1945, p. 422.

MR. HICKERSON remarked that the decision the Delegation would be called on to make that morning would not require any background material. The only matter before the Delegation was a decision as to whether it should consider the Italian request. Mr. Hickerson reported to the Delegation that the Italian Ambassador had been informed that it would be necessary to obtain the concurrence of the other sponsoring governments for the issuance of any invitation. It had been carefully explained to the Italian Ambassador that a real setback to the advancement of the Italian cause might result if the matter were to be considered prematurely and if the reaction were very unfavorable. However, partly as a result of internal propaganda within the United States, the question had been raised again and the Delegation considered the admission of Italy briefly on May 29.[94] At that time Mr. Dunn had been authorized to undertake careful conversations with the other sponsoring governments with a view to sounding out the reception which might be tendered to a proposal to invite Italy to the Conference. Mr. Dunn had undertaken to carry out these conversations, and in line with the instructions of the Delegation, had approached the United Kingdom first on the matter, in view of their more immediate interest. Professor Webster had been completely uncommunicative and no answer whatsoever had been received. It had been decided as a result of this abortive attempt to sound out the British that communications should be undertaken with the State Department in Washington concerning the advisability of attempting to gain a position on this question from London. This was done and no answer had been received as yet.

On May 29, two notes[95] had been received by the Secretary, one in his capacity as Chairman of the Delegation and one asking that he circulate the memorandum in his capacity as President of the Conference, from the Italian Ambassador in Washington. SECRETARY STETTINIUS asked what action was taken with respect to these messages. MR. HICKERSON replied that he and Mr. Dunn had talked over the matter and had decided at that time to await the results of Mr. Dunn's attempt to discover the attitude of the other sponsoring governments. Mr. Hickerson declared that Mr. Dunn and himself had been at a loss as to what reply to give the Italians. A most important consideration was the fact that, despite many disagreements, the Italo-American groups in this country were in complete agreement that Italy should be invited to the Conference. These groups were represented at the Conference by Mr. William Allen of the A. F. of L. MR. DUNN spoke to Mr. Allen on this question and expressed the opin-

[94] Minutes of the fifty-seventh meeting of the United States delegation, May 29, 9 a. m., p. 954.

[95] Neither printed.

ion that a presentation of the Italian paper to the Conference would affect the Italian cause adversely. Mr. Allen had spoken to the Italian representatives and attempted to persuade them to recede from their position.

MR. HICKERSON reported that it had become necessary for Mr. Dunn and himself to ask Mr. Hiss to circulate this paper among the various Delegations of the Conference while the Secretary was away for the weekend. This sudden decision had been necessitated, Mr. Hickerson avowed, by the fact that the Italians had indicated that they were going to release their statement in Rome and, as a matter of fact, they did release the statement. Therefore, Mr. Hickerson thought, there was no alternative to circulating the memorandum as the Italians had requested. THE SECRETARY declared this action of Mr. Hickerson's in authorizing circulation of the Italian request opened the entire question to full consideration by the Conference. THE SECRETARY thought if it had been held over some agreement might have been reached. However, MR. HICKERSON asked how it would have been possible to hold up the Italian request in view of the fact that the Italians had threatened to publish the text in Rome. THE SECRETARY thought that it would have been possible to state that the sponsoring governments were considering the question and for this reason were not willing to have it circulated at that time. MR. HICKERSON pointed out, however, that the Italians had specifically requested through their Ambassador in Washington that this memorandum be circulated at the Conference. Mr. Hickerson thought that this Government's hand had been forced. He added, however, that in his opinion it would not be a good idea to raise the matter at that time and he thought that Mr. Allen had been convinced of this. REPRESENTATIVE BLOOM remarked that it was not Mr. Allen who was behind the legislation currently before the Congress.

MR. HICKERSON declared that the action taken on behalf of Secretary Stettinius in circulating the Italian request did not in any way affect the Secretary in his capacity as Chairman of the United States Delegation. This request could very well have been forwarded directly to Secretary-General Hiss, and the Secretary had merely acted as International Chairman. THE SECRETARY asked Mr. Hickerson what course he would recommend that the Delegation follow, and MR. HICKERSON replied that the Delegation had to make a decision as to what it would do. THE SECRETARY asked Mr. Hickerson again what he would recommend as an appropriate course of action and MR. HICKERSON replied that personally he should like to see Italy invited to attend the Conference, but because of existing circumstances he could not recommend such a course of action. Mr. Hickerson's recommendation to the Delegation was that it take no action whatsoever.

REPRESENTATVE BLOOM thought that as a result of the act of circulating the Italian request, Secretary Stettinius had practically sponsored the Italian desire. MR. HICKERSON said that this was not true inasmuch as the request had been circulated without any recommendation. THE SECRETARY thought, however, that the mere act of submitting the request under his name gave the movement "a nice lift". There would have been no harm he thought if the request had been submitted over Mr. Hiss' signature but since it was submitted over his own name he thought that the impression would be created that he favored inviting Italy. MR. DULLES asked who was responsible for this action. THE SECRETARY declared that since he had been out of town Mr. Hickerson and Mr. Dunn had acted rightly in taking the matter into their own hands. MR. HICKERSON asked on what grounds it would have been possible to decline to transmit the memorandum as requested by the Italians. THE SECRETARY declared that if he had been present he would have called a meeting of the Steering Committee to consider the matter. MR. HICKERSON thought however this would have the effect of giving more importance to the matter than it deserved. It was much better he thought merely to have circulated the document. THE SECRETARY asked whether each member of the Delegation had received a copy of the Italian statement and MR. SANDIFER replied that this Delegation had received no copies as yet. THE SECRETARY asked that this statement be duplicated immediately in order that the Delegation might study the Italian request.

REPRESENTATIVE BLOOM remarked that the Italian question had arisen in connection with the Delegation discussion on inviting Denmark to the Conference. At that time it had been urged that the United States Delegation should be prepared for the raising of the Italian question.

MR. HICKERSON reiterated that Secretary Stettinius had received the memorandum in his capacity as President of the Conference and that it had been distributed to the United States as well as to all the delegations. REPRESENTATIVE BLOOM asked how the United States could possibly refuse to sponsor an invitation to Italy. Representative Bloom pointed out that Congress was at that time considering legislation requesting the President to take action to permit the acceptance of Italy on equal basis with the United Nations. Representative Bloom thought that it would be impossible to refuse to support the Italian request, especially in view of the large Italo-American population. THE SECRETARY asked Mr. Hickerson on what ground he based his belief that Italy should be invited to the Conference. MR. HICKERSON said that he wanted to make it clear that he did not recommend this course of action. The admission of Italy,

he declared, could not be recommended without the support of the United Kingdom and Mr. Hickerson did not think it would be possible to get that support. It was essential, Mr. Hickerson thought, that the United Kingdom and the United States move together on this issue in view of the fact that they were in joint occupation. The United States had been trying for some time to influence the British to take a more liberal position with respect to Italy because of the fact that the present repressive policy would throw the country into the arms of the Italian Communists. It had been this Government's policy to support the existing Italian Government on the grounds that this would save the country from Communism. REPRESENTATIVE BLOOM asked how any proposal to invite Italy to the Conference would be received by Greece and Yugoslavia and some of the other nations of Europe. MR. HICKERSON replied that there was no doubt that these two nations particularly would oppose violently any invitation to Italy. THE SECRETARY remarked that if Italy were to be considered for invitation, the question of Albania and Korea and the other matters which the Delegation had been trying to avoid might come up. MR. HICKERSON agreed with the Secretary's position and declared, for this reason, it would be impossible for the United States to support an invitation to Italy. REPRESENTATIVE BLOOM asked how the Delegation could "lay down the torch" at that time in view of the fact that the Italian memorandum had been circulated over Secretary Stettinius' signature. MR. HICKERSON replied that this had been done in the Secretary's international capacity as President of the Conference and for this reason no one "was carrying the torch". MR. HICKERSON declared, however, that the United States could support the Italian cause if it wanted to. THE SECRETARY then conducted an imaginary conversation which was concluded by the Secretary being asked what he had done to follow up on the Italian situation. MR. HICKERSON remarked that the Secretary could reply in such an event that he had asked that conversations be held with the sponsoring governments with a view to determining their reactions to inviting Italy. This, Mr. Hickerson declared, had been done and he did not think that concurrence would be obtained from the other sponsoring governments for extending an invitation to Italy. Mr. Hickerson observed that the Secretary would have been in a worse position if the Italians had published their memorandum in Rome, together with a statement that the Secretary had been asked to circulate the memorandum and had not done so. THE SECRETARY declared that he would have called for a meeting of the Executive Committee if he had been there. MR. HICKERSON replied that the Italians had not asked for any such thing and had requested only that their paper be circulated among the other delegations at San Francisco. The

Italians, he declared, would have made public a statement in Rome to the effect that their memorandum had been submitted to the Secretary for circulation, if the paper had not been circulated at the Conference.

SENATOR VANDENBERG remarked that there was nothing that could be done about circulating the paper since this had already been accomplished. The question before the Delegation, SENATOR VANDENBERG thought, was what action the Delegation should take since the Italians' request had already been circulated. MR. ARMSTRONG asked whether Mr. Hickerson thought that the Russians would oppose a move to invite Italy to the Conference. MR. HICKERSON declared that one of his chief fears was that the Russians might jump at the proposal and attempt "to carry the ball". REPRESENTATIVE BLOOM declared that he was personally willing to follow out the Secretary's instructions on this question, no matter what they were, but he was afraid that the A.F. of L. would get all the credit for pressing this issue, whereas it was not they who were responsible at all.

THE SECRETARY requested Mr. Hickerson to prepare a paper outlining all the background material that would be necessary sometime that afternoon and if necessary call the Department in Washington to have the paper prepared. THE SECRETARY declared that he wanted all the facts of the situation and that he thought that all the members of the Delegation should be acquainted with the situation. THE SECRETARY then asked Mr. Hickerson what his immediate recommendation would be. The latter replied that he thought the Delegation should do nothing at all. MR. HACKWORTH thought that the situation was not so serious as it had been made out. MR. HACKWORTH pointed out that the Secretary had acted in a ministerial capacity, and thus had undertaken no obligation whatsoever. He added that if an organization such as the A.F. of L. had asked the Secretary to circulate a memorandum, there would have been no question about it. THE SECRETARY declared that all previous circulation had been done by Mr. Hiss. MR. HICKERSON repeated that the Delegation should take no action and he expressed once again the fear that the Russians might take up the proposal and make political capital of it. MR. ROCKEFELLER pointed out that the Secretary had an advantage in the fact that he was Chairman and, as Chairman, would be able to present the question to a meeting of the Executive or Steering Committee without taking any position on the matter one way or the other. MR. HACKWORTH repeated that the Secretary had acted in a ministerial capacity and MR. HACKWORTH remarked that this sort of thing happened all the time. He said that he himself frequently passed on matters to the Conference. THE SECRETARY declared that it seemed

the recommendation to the Delegation would be to do nothing at that time. THE SECRETARY declared that he wanted an analysis of the situation as soon as possible encompassing the relation of the present situation to the surrender terms and explaining all the other intricacies of the situation. THE SECRETARY declared that this was a situation the Delegation could not act on itself without the approval of the President, the Joint Chiefs of Staff, and other interested parties of the Government. SENATOR VANDENBERG agreed that the Delegation could not make a decision and he declared that he personally wanted to have nothing to do with the Italian situation. MR. PASVOLSKY added that, in his view, the Secretary should take no action whatsoever in his capacity as Chairman. He thought that the Secretary should wait for some other state to raise the question or ask that it be put on the agenda.

REPRESENTATIVE BLOOM then read the Resolution which had been introduced in Congress by Representative Vito Marcantonio on May 24, 1945. The Resolution read as follows:

"Requesting the President to use his good offices to the end that the United Nations recognize Italy as a full and equal ally.

"1 Resolved by the Senate and House of Representatives
2 of the United States of America in Congress assembled,
3 That the President of the United States be, and he is hereby
4 requested to use his good offices to the end that the
5 United Nations recognize Italy as a full and equal ally".

REPRESENTATIVE BLOOM declared that there had been a previous resolution introduced. Representative Marcantonio had requested that Italy be recognized as an Ally for purposes of lend lease, and the like. SENATOR VANDENBERG thought that the resolution read by Representative Bloom proved conclusively that this question was not the business of the Delegation. REPRESENTATIVE BLOOM replied that whether it was or not the Delegation was faced with the immediate question.

At this point, 12:27 p. m. Senator Connally arrived at the meeting.

## COORDINATION COMMITTEE

THE SECRETARY remarked that he was certain that Mr. Pasvolsky would be happy to hear that from that time Mr. Pasvolsky could spend all his time working with the Coordination Committee and he would be excused from future meetings of the Delegation. The Secretary thought that the only hope of bringing the Conference to a close during the middle of the following week would lie in the Coordination Committee working day and night.[96] The Secretary declared

[96] See memorandum entitled "Conference Procedure on Drafting Final Charter", approved by the Steering Committee on May 10 (Doc. 243, ST/8, May 11, UNCIO Documents, vol. 5, p. 222).

that there were certain reasons why the Conference would have to end during the middle of the following week. SENATOR VANDENBERG thought that the most important reason for bringing the Conference to a speedy conclusion was the very health of the Conference. Senator Vandenberg thought that the Conference should not be allowed to "dawdle". Senator Vandenberg remarked that all the Delegations were getting very tired and were getting cross with each other and as a result all the committees were bogging down. Senator Vandenberg reported that Senator Styles Bridges [97] had made a very bad speech in the Senate that morning expressing the belief that the Conference could not succeed. SENATOR CONNALLY thought that the rest of the work of the Conference would be done by the heads of delegations and he urged that pressure should be brought on them and that conversations should be held with all heads of delegations to stress the necessity for getting the work done. THE SECRETARY declared that he had been thinking of inviting all the heads of delegations to a talk without their advisors and in this conversation discuss future remarks [*reforms?*] of procedure and other questions bearing upon speeding up the work of the Conference. SENATOR CONNALLY remarked that there were a number of insignificant things holding up the work of the Conference whose elimination would speed up the work of the Conference immediately.

MR. PASVOLSKY remarked that the speed with which the Coordination Committee could accomplish its job would not depend upon him. The work of the Coordination Committee he declared depended upon the technical committees finishing their tasks. The work of the Coordination Committee had not been detailed [*delayed?*] by too few meetings but rather by the fact that the Coordination Committee did not have enough material to work on. It was obvious, MR. PASVOLSKY thought, that the Coordination Committee must have material to work on before it could accomplish anything.

### VOTING

THE SECRETARY asked Senator Connally whether he had anything to report to the Delegation on the question of voting. SENATOR CONNALLY replied that he had been having a difficult time in Committee III/1. Saturday morning he had been fortunate in having the Subcommittee of III/1 [98] report the four-power interpretative statement to the full Committee as an adequate answer to the questionnaire. The full Committee had met at 8:30 p. m. Saturday evening [99] but it had been thought unwise to insist on a vote at that time because there had

[97] Senator from New Hampshire.
[98] Doc. 883, III/1/B/4, June 9, UNCIO Documents, vol. 11, p. 823.
[99] Doc. 897, III/1/42, June 10, *ibid.*, p. 430.

been a great deal of debate on the matter. Senator Connally declared that he was handicapped by the fact that Mr. Evatt released all his statements to the press whereas the United States did not. Senator Connally declared that he had been told that the Chairman of the Committee had authorized the release to the press of a résumé of the four-power position, but Senator Connally declared that he had not seen any reference to this résumé in the press.

It had been decided not to force a vote at the Saturday meeting. SENATOR CONNALLY declared that he had opened the meeting with a strong appeal which had received a favorable reception. However, Senator Connally thought that Mr. Evatt's speech, delivered shortly after, had received greater applause than his had. Senator Connally declared that a number of the small Latin American Countries had been making trouble in the Committee. Senator Connally declared that he intended to deliver a strong speech in which he would make clear to the small states the position of the United States. Senator Connally declared that it was imperative that the votes of the small states be lined up on this issue. Senator Connally thought that finally it would be possible to defeat the opposition but he did not think there would be a vote on this question that day. It was possible he thought that two more meetings would be required. Senator Connally declared that he had been trying not to seem to be using steam-roller tactics, and excellent support had been received from the British and other large powers. In addition, Norway and South Africa had sided with the great powers on this issue. Belgium, however, had been strongly opposed to accepting the four-power statement. THE SECRETARY asked how many Latin American states were opposed to acceptance of the statement. SENATOR CONNALLY declared that he thought many of them were applauding one way and would then vote the other and MR. ROCKEFELLER agreed with this interpretation. SENATOR CONNALLY observed that Mr. Evatt was a big stumbling block in the work of the Committee. REPRESENTATIVE BLOOM asked what the position of El Salvador was and SENATOR CONNALLY replied that they were "off the reservation" because they claimed that one of the questions had not been answered. THE SECRETARY declared that he understood that Colombia and Cuba would vote against the Yalta language. MR. WARREN declared that they might abstain from voting but would not vote against acceptance. MR. ROCKEFELLER declared that there were five Latin American countries which would abstain from voting on the Australian amendment. This, Mr. Rockefeller thought, was as good as a favorable vote. Mr. Rockefeller declared he had not pressed the Latin American countries on this position with respect to the Australian amendment because he did not want to give the appearance of an

inter-American bloc, inasmuch as a number of those states had expressed themselves against the Yalta formula. Colombia and Cuba, he declared, would abstain from the final vote on the adoption of the language of the Yalta formula. MR. ROCKEFELLER thought that the Latin American countries had shown great integrity and great statesmanship in recognizing the need for renouncing their earlier positions. MR. PASVOLSKY thought that abstentions were not at all satisfactory inasmuch as they would reduce the number of votes necessary to carry the Australian amendment. He pointed out that if ten states abstained from voting, six less favorable votes would be required than if those 10 had voted. However, MR. ROCKEFELLER replied that abstention was better than a negative vote. MR. ROCKEFELLER declared that he had taken the position, with which he was certain the Secretary was in agreement, that the United States did not intend to club the small powers into line. THE SECRETARY said that the time had come for Mr. Rockefeller to take more vigorous action and MR. ROCKEFELLER replied that he was taking the course which was in his opinion best suited to the interest of the United States in the long run.

THE SECRETARY asked whether the Latin American countries were going to abstain from voting on this matter even after the concession by the United States on the question of regional arrangements. MR. ROCKEFELLER remarked that this concession had really been in the interest of the United States. He thought that the agreement by some of the Latin American countries to abstain from voting was really a tremendous concession on their part in view of their domestic situations and in view of the fact that they had pledged to support the Australian amendment. THE SECRETARY declared that he had not known there was such a pledge and MR. ROCKEFELLER replied that about three weeks previously the Australians had succeeded in gaining commitments from a number of the Latin American countries to support the Australian proposal. MR. ROCKEFELLER thought, however, that the Yalta formula would be carried by a wide margin. THE SECRETARY declared that he wanted a consolidated list of how the various countries were expected to vote on this question. MR. HICKERSON urged that only one copy be prepared of that list because it would be embarrassing to Mr. Dunn and himself if the tabulation were to become public. THE SECRETARY declared, however, that he wanted Senator Connally to see the tabulation prepared and MR. HICKERSON declared that this would be acceptable to him. MR. HICKERSON remarked that among the European countries the Netherlands was opposed to the Yalta formula. However, MR. HICKERSON thought that the Netherlands may have been influenced to abstain from voting. THE SECRETARY asked the Delegation whether it thought it would be harmful or whether it might be misunderstood if he were to invite

the fifty heads of delegations to the Penthouse for a glass of sherry and a short discussion. MR. ROCKEFELLER declared that he would be opposed to such a movement. THE SECRETARY, he said, had made an excellent presentation to the Latin American countries several days previously and there had been no objection voiced since that talk by the Secretary. THE SECRETARY declared, however, that he wanted to take a different tack this time. He had succeeded in holding together the Latin American countries at the lowest point in the development of the Conference. Now he intended to point out that the Conference had been going on for about seven weeks and it was important that the work be finished shortly. THE SECRETARY declared that he would point out that a great risk would be run if the Conference were to be prolonged longer. THE SECRETARY added that he and the President had plans for the future and it was essential that the Conference be completed in the least possible time. MR. ARMSTRONG pointed out that there were some matters on which the Delegation had not fixed its position and the question of withdrawal which would become the focus of all the dissatisfaction about the veto question was one of these. MR. ROCKEFELLER urged that there were only four countries which were speaking out strongly against the veto and it would be necessary only to speak to the representatives of these four nations. SENATOR CONNALLY thought that the Secretary had been thinking in terms of talking to the heads of delegations on other matters besides the veto. MR. DULLES remarked that although a meeting of all the heads of delegations might be useful it couldn't accomplish very much. He thought that in addition to such a meeting the Secretary should make the United States position very clear to those three or four who were obstructing the progress of the Conference. In this connection, MR. DULLES mentioned Mr. Evatt, Senator Rolin, Mr. Fraser and the Egyptian Delegate.[1] MR. DULLES thought that the Secretary should tell these four groups very clearly that they were jeopardizing the success of the Organization. MR. DULLES thought that perhaps the Netherlands might be added to that group. DR. BOWMAN interposed that these people should be met individually, not as a group. THE SECRETARY declared that the alternatives seemed to be meeting all of the heads of delegations for a glass of tea for a half-hour at the Penthouse or to see a few individuals at fifteen minute intervals. MR. DULLES and DR. BOWMAN both agreed that the latter course would be advantageous. THE SECRETARY thought that if this were not successful that afternoon he could still attempt the other procedure on the following day.

[1] Pasha Badawi.

WITHDRAWAL

THE SECRETARY asked whether there were any recommendations on the subject of withdrawal. MR. DULLES presented the following draft which had been approved by Mr. Dulles, Mr. Armstrong and Mr. Pasvolsky:

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to cooperate within the Organization for the preservation of international peace and security. If, however, a Member for good and sufficient reasons feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization. It is obvious that if contrary to our hopes and expectations and those of mankind the Organization proved itself unable to maintain peace consistent with the principles of justice, some possibility of withdrawal would become inevitable.

"While the fact that the Charter is silent on the question of withdrawal does not eliminate the possibility of withdrawal, that possibility would have to be determined in any particular case in the light of the surrounding circumstance of the time. It would, in any event, be incumbent upon the Member State desiring to withdraw to make a full statement to the world of its record in the performance of its duty to cooperate in the preservation of peace and security. Also, the absence of any express right of withdrawal would not prevent a Member withdrawing if its rights and obligations as a Member were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept".

THE SECRETARY read the draft to the Delegation. MR. PASVOLSKY observed that the draft had been done very quickly and he thought that the last sentence of the first paragraph should be dropped and the last sentence of the second paragraph substituted for it. THE SECRETARY thought that the Delegation should not consider drafting matters at that time but should consider broadly whether it wanted a clause on withdrawal in the Charter, or whether it wanted to adopt the course of incorporating a statement in the report of Committee I/2. MR. PASVOLSKY, however, thought that the change he had suggested was very important. THE SECRETARY declared that the fundamental issue was whether the Delegation wanted to include a withdrawal clause in the Charter. MR. DULLES agreed with the Secretary that the drafting could be worked out by the advisers once the Delegation's position had been set. The heart of this draft was the language which had been suggested by Mr. Hull, to whom Mr. Dulles had spoken over the week-end. Mr. Hull's suggestion was to be found included in sentences 2 and 3 of the first paragraph. SENATOR VAN-

DENBERG remarked that this was certainly quite different from the draft considered by the Delegation at the previous meeting.[2] MR. ARMSTRONG observed that the sentence to which Mr. Pasvolsky objected had been taken from the previous draft prepared by Senator Rolin. The intention had been to attempt to meet Senator Rolin's objection by using his own wording and make the Belgian feel that this was merely an adaptation of his proposal. MR. HACKWORTH agreed with Mr. Pasvolsky that the sentence in question was a poor one because it implied the breakdown of the Organization. MR. DULLES observed that this sentence had already been adopted by Committee I/2. MR. ARMSTRONG thought that an attempt should be made to have the sentence omitted. If this were impossible, it would have to be left in.

SENATOR VANDENBERG remarked that at a previous meeting the Delegation had decided to support an honest withdrawal clause. Senator Vandenberg had notified Lord Halifax to this effect. Now he wondered if he should tell Lord Halifax that the Delegation had reversed its position. MR. PASVOLSKY replied to objections raised by some members of the Delegation that the method under question incorporating an interpretative statement in the report of the Committee was subterfuge and declared that the question really was one of emphasis. If the language were to be incorporated in the Charter it would constitute a specific authority for a State to withdraw from the Organization. This, MR. PASVOLSKY thought, was stronger than a recognition of this right under certain circumstances in an interpretative statement accompanying the Charter itself. MR. DULLES remarked that he would have preferred a withdrawal clause in the original Dumbarton Oaks Proposals. However, he thought that an attempt to incorporate such a clause at this stage of the Conference would create great difficulties. However, MR. DULLES declared that if the temper of the Conference were found to be favorable to the inclusion of a real withdrawal clause he would strongly favor such a course. MR. DULLES thought that the Delegation might have guessed wrongly with respect to the position of the other Delegations. SENATOR VANDENBERG remarked that it would appear that the Russians favored a full withdrawal clause and MR. DULLES indicated his satisfaction with this. SENATOR VANDENBERG declared that in his opinion, candor was preferable to subterfuge but he told the Secretary that if agreement were reached on subterfuge it would be acceptable to him. SENATOR CONNALLY declared that it had been his interpretation that the Russians had tied in their proposal for withdrawal with the amendment procedure but MR. ARMSTRONG declared

[2] See minutes of the sixty-seventh meeting, June 9, 9:02 a. m., p. 1222.

that at the end of the meeting in question the Russians had seemed to favor a universal withdrawal provision. MR. HICKERSON declared that the Canadians had taken the position that they would not object to a clause allowing a state to withdraw from the Organization if it could not accept any amendment passed according to the procedure established. However, the Canadians had indicated that they would favor a provision allowing a state to withdraw from the Organization if one of the major powers were to block an amendment.

### ABSTENTION

THE SECRETARY remarked that Lord Halifax had indicated a desire to hold a Big Five meeting for the purpose of agreeing on an interpretation with respect to abstention from any vote. MR. PASVOLSKY agreed that this matter would have to be talked out among the Big Five. SENATOR CONNALLY remarked that the position had been held that if one of the major powers, party to a dispute, were not permitted to vote on a decision concerning the dispute in which it was involved that would constitute a block upon the unanimity necessary among the five powers. THE SECRETARY declared that this was a ridiculous interpretation and urged that an exception had been established with respect to unanimity, in a case where one of the major powers was party to a dispute.

MR. PASVOLSKY declared that there was another question which should be considered before the Secretary left the meeting. The four questions which had been referred by the Steering Committee to the Technical Committee were coming up for a vote shortly. Mr. Pasvolsky thought that the Delegation should consider the necessity for lining up a vote if it did not want to be defeated. MR. ROCKEFELLER remarked that the Latin American vote had been assured on all these matters but MR. HICKERSON declared that the outlook was not so encouraging with respect to the European nations. THE SECRETARY declared that there would be a meeting of the Big Five at 3:00 p. m. that afternoon. At this time, 1:10 p. m., the Secretary left the meeting.

### WITHDRAWAL

MR. HACKWORTH observed that the Delegation seemed to have agreed to omit the last sentence of paragraph 1 of the new text on withdrawal. He asked what the situation was with respect to the last sentence in paragraph 2. MR. DULLES agreed with Mr. Hackworth's observation concerning the sentence to be omitted but pointed out that the Delegation was dealing with an item which had already been accepted by Committee I/2. However, if the position of the Committee could be changed it would be acceptable to Mr. Dulles to

drop the last sentence in paragraph 1. MR. ARMSTRONG thought it should be dropped from the draft under consideration at that time. Mr. Armstrong thought he should speak first with Senator Rolin before submitting the draft for the consideration of the Committee.

MR. HACKWORTH referred to the second sentence in paragraph 2 and declared that in his opinion it would be the Organization rather than the State withdrawing from the Organization which should make a full statement to the world. MR. DULLES observed that the intention of this sentence had been to require adequate justification if a state wanted to withdraw from the Organization. SENATOR CONNALLY, however, pointed out that if a state were required to justify its conduct it would leave the Organization open to a great deal of criticism. In such a situation the state involved would have sufficient reason in its own view to withdraw from the Organization. However, in order to justify its position it would probably search for all the excuses it could find and would criticize the Organization unduly. MR. PASVOLSKY remarked that the intention had been to make withdrawal from the Organization as difficult as possible. Mr. Pasvolsky thought that if a state had to make a declaration of its reasons for withdrawing from the Organization it would be less likely to withdraw. MR. DULLES thought that in view of the uncertainty which existed in the Delegation it would be best to omit the sentence.

SENATOR VANDENBERG declared that the question was still a "floating nimbus." Senator Vandenberg declared that he was afraid of the reaction of the American people and the Senate to this unrealistic way of recognizing the right of withdrawal. MR. DULLES remarked that there might very well be a Senate reservation to the Charter making the right of withdrawal more explicit. SENATOR VANDENBERG remarked that the sentence under consideration seemed to make the right of withdrawal more definite and remarked that it would seem as if he should support it for that reason. MR. SANDIFER reported that this sentence was an attempt to control the type of statement which would be made in view of the fact that any state withdrawing from the Organization would have to make a statement of some sort anyhow. SENATOR CONNALLY thought the difficulty could be resolved by adding a clause making possible a statement by the Organization. DR. BOWMAN pointed out that both the Organization and the withdrawing state would have the right of making a public statement in any event. For this reason, he thought that the sentence could very well be omitted. MR. DULLES agreed with this omission and the Delegation agreed to delete the second sentence in paragraph 2.

MR. ARMSTRONG observed that the question would come up that afternoon. He said that it seemed that the smaller powers would be

willing to accept this solution as part of a general program in which the United States had made a two-thirds concession.

[At this time, 1:17 p. m., Commander Stassen arrived at the meeting.][3]

DR. BOWMAN observed that the Delegation had already agreed to stand by the four point program proposed by Commander Stassen[4] at a previous meeting. MR. ARMSTRONG thought, however, that the Delegation had not agreed to the method of handling the withdrawal question which it had just considered. SENATOR VANDENBERG asked whether the Delegation would authorize him to tell Lord Halifax that it was the Delegation and not Senator Vandenberg which had changed its position. MR. ROCKEFELLER thought that Mr. Armstrong had made a good point and he suggested that the Delegation clarify its position with respect to the four point program. MR. PASVOLSKY asked how much pressure there was evident in the Conference favoring a withdrawal provision. Mr. Pasvolsky was certain that there was a great deal of opposition among the Latin American countries to such a proposal. MR. ARMSTRONG declared that he could not answer this question. He did know, however, that the Russians had made a proposal that a specific withdrawal clause be incorporated in connection with amendment procedure. MR. ROCKEFELLER declared that he could understand Mr. Pasvolsky's interest in the amount of pressure developing. Mr. Rockefeller declared that although a number of the Latin American nations had taken a strong position opposing the withdrawal clause the veto question had caused them to feel that the Organization should develop as had the United States Constitution. There was also a domestic question involved. In order to obtain ratification for the Charter a number of the Latin American countries wanted to substitute a withdrawal provision for liberalization of the veto power. MR. PASVOLSKY declared that it was important to draw the distinction between a general withdrawal clause and a limited clause connected closely with amendment procedure. MR. SANDIFER reported that Mr. Tomlinson, who had been working on the problem, was of the opinion that there was no sentiment whatsoever favoring a withdrawal provision. In fact, MR. SANDIFER declared, Mr. Tomlinson thought that the introduction of such a proposal might create an unfavorable reaction. SENATOR CONNALLY said that it was his feeling that the small nations wanted to be able to withdraw from the Organization if an amendment were passed with which they were not in agreement. MR. ROCKEFELLER urged that the statement for

[3] Brackets appear in the original.

[4] See minutes of the sixty-seventh meeting of the United States delegation, June 9, 9:02 a. m., p. 1222.

inclusion in the records of Committee I/2 would be a safeguard acceptable to the smaller powers. MR. DULLES thought that if it proved to be necessary to insert a withdrawal clause in the Charter the Delegation would favor such a move. SENATOR VANDENBERG declared that Ambassador Gromyko was opposed to using the method of incorporating a statement in the Committee report.

### REGIONAL ARRANGEMENTS

SENATOR VANDENBERG declared that Committee III/4 was meeting [5] for a final decision on the Rapporteur's report.[6] Senator Vandenberg declared that the Latin Americans might go along with this report because of a statement which had been made by the head of the Colombia Delegation, Alberto Camargo, and also because of an interpretation presented by Senator Vandenberg. However, the last meeting of the Committee had ended on a note interjected by the Russians that individual interpretation carried no weight whatsoever.[7] SENATOR VANDENBERG wanted to know whether there was any rumor of an attempt by the Latin Americans to insert an interpretation in the Rapporteur's report. MR. ROCKEFELLER replied that he had no knowledge of any such movement. MR. HICKERSON declared that Mr. Lleras Camargo had asked that his interpretation be included in the record of Committee III/4 [8] and thus it was already in the Rapporteur's report. SENATOR VANDENBERG declared that the Russians could not raise any complaints about this but he was worried about the possibility of a revolution in the Committee.

MR. PASVOLSKY declared that there was a potentially dangerous situation created by Mr. Camargo's interpretation. SENATOR VANDENBERG replied that he had made every effort to keep in the clear and had made certain that his interpretations had been labelled as unilateral interpretation and he thought that in this way all others would receive the same significance. MR. ROCKEFELLER thought the entire matter could be allowed to pass quietly by. MR. PASVOLSKY observed that if Mr. Camargo's interpretations were to be allowed to get into the Rapporteur's report a bad situation would be created. SENATOR VANDENBERG declared that he would meet the question as it arose.

### COMMANDER STASSEN'S PROGRAM

MR. ROCKEFELLER asked where the Delegation stood on Commander Stassen's four point program. He pointed out that the amendment question was very "hot" at that time. MR. DULLES remarked that the

[5] Doc. 916, III/4/15, June 12, UNCIO Documents, vol. 12, p. 730.
[6] Doc. 904, III/4/13(1), June 11, *ibid.*, p. 737.
[7] Doc. 889, III/4/12, June 9, *ibid.*, p. 704.
[8] Doc. 576, III/4/9, May 25, *ibid.*, p. 680.

entire matter would have to be dealt with that afternoon. MR. ROCKEFELLER thought that it would be possible to effect an understanding on the basis of the paragraph considered by the Delegation with respect to withdrawal in exchange for settling a specific date for the calling of a revisionary convention. Mr. Rockefeller thought that the Delegation would be very fortunate if it could get away with a reference to placing a revisionary convention on the agenda of the General Assembly during its tenth year of operation. Such a matter could be placed on the agenda anyhow without specific provision being made. COMMANDER STASSEN thought that in the final analysis this solution for the withdrawal problem would be accepted if it were to be tied in with the rest of the program. However, Commander Stassen thought that there was no point in gaining a concession on one issue only to have the small powers shift their attack to some other point. Commander Stassen insisted that it would be necessary to maintain a cohesive program. MR. DULLES declared that it was unfortunate that the willingness of the United States to concede on the vote required for the calling of a revisionary convention and on the question of the time period had been made public without any bargaining advantages having been derived from it.[9] MR. ROCKEFELLER thought that the text on withdrawal would balance off the other obligations of the smaller powers.

MR. ARMSTRONG asked Representative Bloom's advice on the best procedure to insure acceptance of the counter proposition on withdrawal. Mr. Armstrong pointed out that the Subcommittee would report its approval of the proposal advanced by Senator Rolin. REPRESENTATIVE BLOOM declared that the proper procedure would be to ask for an amendment to the report of the Subcommittee and attempt to have that amendment considered first. Another possibility would be to offer a substitute proposal in place of the Subcommittee report. In either event, it would be necessary to have the United States proposal prepared for distribution at the start of the meeting. MR. ARMSTRONG thought that the Subcommittee report would be considered as a whole and would be voted on as a whole. This, Mr. Armstrong thought, would preclude the introduction of an amendment to part of the report by the United States. However, REPRESENTATIVE BLOOM thought that the Committee could not possibly consider the Subcommittee report as a whole and he indicated that it would be necessary for a vote to be taken on each paragraph individually.

COMMANDER STASSEN declared that he thought the Delegation's position was clear with respect to the program it would present to the Big Five. This program included the withdrawal language just

[9] See minutes of the sixty-sixth meeting of the United States delegation, June 8, 9:02 a. m., p. 1197.

approved by the Delegation; a proposal for reinserting the power of expulsion; a proposal that the calling of a revisionary convention be placed on the agenda of the General Assembly after ten years; insistence upon maintenance of unanimity among the permanent members of the Security Council for ratification of amendments.

ITALY

REPRESENTATIVE BLOOM asked whether there was any possibility that the question of inviting Italy to the Conference might arise in the Big Five meeting. MR. PASVOLSKY declared that there was that possibility in view of the fact that the Italian statement had been circulated.

The Delegation agreed to meet at 9:00 a. m. the following morning. The meeting was adjourned at 1:34 p. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 19

*Minutes of the Nineteenth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 11, 1945, 3 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (17); United Kingdom (3); Soviet Union (5); China (3); France (3); and the International Secretariat (1).]

MR. STETTINIUS opened the meeting at 3:00 p. m.

MR. STETTINIUS announced that there were three special matters to discuss, the first of which was the authorization of the Secretariat to take up informally with the members of the Executive Committee the draft on the Interim Arrangements of June 9, 1945.

SENATOR CONNALLY said he would like to say a word before he had to leave for the Technical Committee meeting of III/1.[10] Probably there would be no vote today on the interpretation of the voting procedure. It was such a vital matter, however, that he hoped all of us could exert our influence to gather up votes and put over the interpretation that we had labored at so long and finally arrived at.

MR. STETTINIUS stated that there was nothing more important. He said each one of the delegations should do what was in their power to line up countries and win the position taken by the Big Five on voting procedure. He felt we should let it be known that, unless this voting formula was accepted, there would not be an organization at all. We should go into action on this.

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[10] Doc. 922, III/1/44, June 12, UNCIO Documents, vol. 11, p. 454.

MR. STETTINIUS said he had taken inventory of the time table for closing the Conference and that, if the present tempo was continued, some committees would not finish this week. Since the Coordinating Committee could not finish drafting until the committees had finished their work, there might be some delay. The work of the Coordinating Committee was an important one which needed great care. Moreover, the Charter would have to be reviewed to be sure all delegations were content. There were the problems of translation, duplication, and the cabling of the entire text to the home governments. He was getting concerned, he said. The low point had been reached last week, and now it was necessary for the sponsoring governments and France to exert a strong leadership in order to conclude the Conference with success.

[Here follows discussion of ways to speed up the work of the Conference Committees.]

MR. STETTINIUS called on Ambassador Koo to present his views.

AMBASSADOR KOO indicated that he agreed with the other members of the group that the work of the Conference must be pushed to a successful conclusion. He questioned whether it would do much good to get the chairman of the committees together and get their views on how to expedite the work of the Conference. He would prefer having the Chairman make a suggestion as to how to hurry the work along.

MR. STETTINIUS proposed that the chairmen of committees and the four presidents of commissions be invited to his apartment to discuss this question. AMBASSADOR HALIFAX suggested that it was most important to have the chairmen of the committees that had not finished their work, come. MR. ROCKEFELLER pointed out that, if we could get a real settlement of the amendment problems in this group, then Committee I/2 would be able to end its work promptly. MR. STETTINIUS agreed that this was one of the steps that was necessary. He added that he assumed that, after the committees completed their work, it would be necessary to have a number of commission meetings. He asked Mr. Hiss how long this stage would take. MR. HISS replied that the commissions would have to approve the Coordination Committee texts and that no final plenary session was possible until the commissions had finished their work. AMBASSADOR HALIFAX asked whether it was expected that issues settled in committees would be opened again in the commissions. MR. HISS replied that the statements in the commission meetings would be primarily for the record. He thought that any issues raised would go to the Steering Committee rather than to the technical committees. AMBASSADOR HALIFAX wondered whether there would be a plea in the Steering Committee to refer matters back to the technical committees. He thought that

from the action already taken by the Steering Committee it would not be permitted to constitute itself a court of last appeal. MR. HISS pointed out that it was only the action in the Executive Committee that had cast doubt on the powers of the Steering Committee and that unquestionably the right to review the Charter remained as an unimpaired power of the Steering Committee.

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MR. STETTINIUS asked if there were any objections to the June 9 draft of the preparatory commission (Interim Arrangements Concluded by the Governments Represented at the United Nations Conference on International Organization, June 9, 1945).[11]

MR. BONCOUR said he had no objections to this draft. AMBASSADOR GROMYKO said this draft had not been discussed by this group before. MR. PASVOLSKY suggested that the Subcommittee of Five had discussed this draft and had suggested that it be submitted for discussion to other members of the Executive Committee. It was felt, however, that authority to start discussing the draft informally with other members of the Executive Committee ought to come from the heads of the five delegations. AMBASSADOR HALIFAX said it was satisfactory to him to have the draft discussed. MR. STETTINIUS said the United States was agreeable to placing the draft before other members of the Executive Committee for discussion. AMBASSADOR GROMYKO and AMBASSADOR KOO indicated their approval of this procedure.

MR. STETTINIUS then called on Mr. Pasvolsky to present the second item on the agenda—abstention from voting in the Security Council.

MR. PASVOLSKY said that the question had been raised as to what abstention of the permanent members meant in counting the vote on the Security Council. This he said was a question of interpretation which had been discussed at great length at Dumbarton Oaks, at which time consideration had been given to the possibility of including a special provision on abstention. Following careful consideration it was decided, however, not to allow abstention for the permanent members, but to require that all vote on all important matters. He said that our understanding of paragraph 3 of the Yalta formula was that abstention was equivalent to a negative vote. If abstention of the permanent members was permitted, then it would be possible for the Council to take a decision with only a few of the permanent members voting. This question had now been asked the major powers, and since it was a matter that raised questions of interpretation, it had been thought wise to bring the matter up for discussion at this meeting. MR. STETTINIUS asked Mr. Pasvolsky what his recommendation was. MR. PASVOLSKY indicated that he would prefer to stand

[11] Not printed; see draft of June 11, UNCIO Documents, vol. 5, p. 514.

on the interpretation that abstention by a permanent member is equivalent to a negative vote. MR. GOLUNSKY indicated that this would not be true when a permanent member was party to a dispute under Section A, Chapter VIII. MR. PASVOLSKY replied that of course he had not been talking in terms of automatic abstention under Section A, Chapter VIII. He had been speaking, he said, only of cases in which abstention was not required.

AMBASSADOR GROMYKO indicated that the understanding by the Soviet Delegation of this issue was similar to that presented by Mr. Pasvolsky, and that abstention should be regarded as a negative vote. AMBASSADOR HALIFAX indicated his agreement. He thought this must be the interpretation unless the voting clause was going to be redrafted. Since this was not possible there was no doubt in his mind that we should stand on the interpretation that, if one of the permanent members abstained, it would block action. Under those conditions it would not be possible to have the necessary concurring votes of the five permanent members. MR. HOO agreed with this interpretation.

MR. BONCOUR disagreed and stated that in no parliament in the world would abstention mean a negative vote. If a state abstains, he said, it means simply that they did not wish to give an opinion on a matter.

MR. PASVOLSKY pointed out that the fact was that there was no provision for abstention in the document as it stood. Abstention was equivalent to obstruction. The theory was that the permanent members should take positive responsibility for decisions.

AMBASSADOR HALIFAX pointed out that there was a difference between parliaments and the Security Council. If abstention was permitted, he said, it would be possible for the Security Council to take action without the complete unanimity of the Five Powers. He pointed out that we would be cutting away the ground from under the position we had taken in justifying the veto power, namely, that all important decisions required the unanimity of the Five Powers.

MR. BONCOUR stated that, if a state does not vote negatively, it should not be interpreted to have voted negatively. If a state abstained it was not expressing its opinion in opposition to the issue. If a state wanted to vote negatively it could.

MR. PASVOLSKY indicated that the vote for the Security Council was based on the principle that a certain number of members, including the five permanent members, was necessary in order to constitute the majority. There was no provision that the vote should be taken by a certain majority of those present and voting. He pointed out that the special provision in the Yalta formula for the concurrence of the five permanent members meant that abstention by the permanent members was not contemplated. MR. BONCOUR asked

then whether abstention was definitely suppressed for the permanent members. AMBASSADOR GROMYKO indicated that abstention meant a negative vote. MR. PASVOLSKY agreed and said that the basic theory of the Dumbarton Oaks document was that abstention was not possible for the permanent members. Abstention by a permanent member meant that the Council could not proceed.

MR. STETTINIUS stated that there was no such thing as abstention for the permanent members, in effect, but only the absence of an affirmative vote.

MR. BONCOUR said that he would agree with the others as long as it was understood that there was no right of abstention for the permanent members and so long as it was clear that the Security Council could proceed in the settlement of disputes when a permanent member party to a dispute abstained.

MR. STETTINIUS called on Mr. Armstrong to present the third item on the agenda, the problem of withdrawal.

MR. ARMSTRONG said that a serious question had arisen in Committee I/2 that was known to all the delegations. He wished to suggest that it was important to consolidate the position of the Five in order to ward off opposition. In the first place, there was the problem as to whether we wanted to deal with the question of withdrawal from a general point of view or linked with amendments. The second problem was to make sure that the special conference called to review the Charter was not left free to determine its own rules of procedure and the method of ratification. Third, the question still had to be dealt with as to the time for the holding of the conference in view of the vote already taken in the subcommittee that the conference be held within a five- to ten-year period. In the fourth place, the question of the retention of a provision for expulsion remained open. MR. ARMSTRONG explained that it was agreed that all these questions were interlocked and that it was time to adopt a procedure that would make it possible for us to get the most that we wanted.

MR. ARMSTRONG stated that this matter had been thought over and discussed by the American Delegation at considerable length. The views of the five delegations were not yet fully clear with respect to the matter of withdrawal. The United States Delegation had put forward the suggestion that the date for the calling of the conference might be handled by placing the subject on the agenda of the tenth Assembly if previous to that time a conference had not been held. Moreover, he said, it was understood that some states wished to link the withdrawal clause to the amendment procedure by a statement in the committee report. In the light of this possibility a statement had been prepared. (This statement was then distributed to the mem-

bers of the group, *Withdrawal: Suggestion for Text of Committee Report*, June 11, 1945.[12])

AMBASSADOR GROMYKO said he would prefer to consider the two questions separately. In connection with the question of withdrawal he had already proposed that a withdrawal provision be put in the Charter, tied up with the amendment process. He said that he had been asked whether he would agree to including a general withdrawal provision in the Charter. He had explained that this question was a new question, a new angle, and that he would have to think it over. At that same time the other delegations had said that they were not ready to express their final opinion. He said he would like to hear their opinion at this time. He did not feel that the questions of withdrawal and amendments were necessarily tied together.

MR. ARMSTRONG explained that it was important to get a basis for the general settlement of the questions under consideration in Committee I/2. The United States Delegation thought that the question of withdrawal played an important part in such a general settlement. Although some Latin American states had indicated a desire for a withdrawal provision in connection with amendments, there was evidence that they were strongly opposed to a general withdrawal provision. In fact some of them had favored an amendment to prohibit withdrawal. MR. ARMSTRONG stated that the most important thing was to defeat the attempt to override the veto provision on amendments and also to defeat the setting of a definite date for the calling of the conference to review the Charter. These defeats could not be accomplished, he said, unless an integrated proposal was developed.

MR. STETTINIUS said he agreed with Mr. Armstrong's presentation of the problem and asked how the heads of the other delegations felt. AMBASSADOR GROMYKO said he had suggested that a general withdrawal provision be included in the Charter and asked that he receive some reply on this question from the other delegations.

AMBASSADOR HALIFAX said he recognized that the questions were inter-connected and that he was quite prepared to express his view on either withdrawal or amendments or on both of them. He thought that the only effective way to handle the withdrawal problem was to include some reference to it in the report of the Committee. He said he had given a good deal of thought to this question and definitely did not want a withdrawal provision in the Charter. If the withdrawal provision had to be included in some form, he said he would much prefer it in the Committee report. He was afraid that a pro-

[12] See minutes of the sixty-eighth meeting of the United States delegation, June 11, 12:06 p. m., pp. 1236, 1249–1251.

vision for fixed review of the Charter together with an express withdrawal provision, would certainly give the impression that the Charter was impermanent. The British Delegation view was clear, he said, that two such provisions would give the organization a temporary character. If it was necessary to put a provision for withdrawal in the Committee report, then AMBASSADOR HALIFAX said that the text before the group struck him as an improvement over the earlier text. It was simpler and more direct. However, he said he did not like the last sentence which blurred the clarity of the rest of the statement.

MR. STETTINIUS said he was very grateful that Ambassador Halifax felt that the major portion of the statement was agreeable to him. This was the way the United States Delegation also felt about the text and it agreed that to put a provision for withdrawal in the Charter would tend to give the Organization a temporary character. He indicated that the United States Delegation did not attach great importance to the last sentence which could easily be dropped. MR. ARMSTRONG explained that the text before the group was a suggested text to be substituted for the one already adopted by the Committee. The earlier text had in it considerable flamboyant language and this sentence represented only the little that had been retained in order to please the original author.

AMBASSADOR GROMYKO indicated that he would like to hear from Mr. Hoo and Mr. Boncour.

MR. HOO said he agreed with Ambassador Halifax and also felt that the last sentence was unsatisfactory.

MR. BONCOUR said he did not see the utility of the last sentence. He did not see how if a state wanted to leave it would be possible to prevent it. The two-year notice provision in the League Covenant was no use, he said.

AMBASSADOR GROMYKO agreed that the proposal was worth attention, but in the Soviet view it was not enough. The Soviet Government would have to reserve its right to act in accordance with its own views. Whereas the Delegation had no definite text to offer on withdrawal for the Charter, such a text would be easy to get.

AMBASSADOR HALIFAX said he hoped that, if the Soviet Ambassador reserved his right, he would not use it.

AMBASSADOR GROMYKO asked why, if the heads of the other delegations agreed in principle with the right of withdrawal, a provision on withdrawal should not be put into the Charter. AMBASSADOR HALIFAX said it would have been one thing to introduce a provision for withdrawal at the time of the Dumbarton Oaks Conversations. To introduce it now however would sow doubt in the minds of the public. He hoped very strongly that no effort would be made in this direction.

AMBASSADOR GROMYKO said it was impossible to keep a state that wanted to withdraw, in the Organization. He would have to reserve the right to act according to his views. MR. ARMSTRONG said that in this event there was nothing to do but to go ahead in the Committee on this basis.

AMBASSADOR GROMYKO asked what chance there was to avoid mention in the Charter of a definite date for the calling of a conference. MR. ARMSTRONG replied that something would have to be offered if we were going to get a reversal on the five- to ten-year period and that is why the United States Delegation favored the putting of the calling of the conference on the agenda of the tenth Assembly.

MR. STETTINIUS stated that it would create a bad impression if any indication was now suddenly given that a state might want to get out of the Organization. AMBASSADOR GROMYKO pointed out that the question of withdrawal had been mentioned at Dumbarton Oaks. MR. ARMSTRONG explained that, if an amendment for the inclusion of a provision for withdrawal was now brought forward, the public would interpret it as a sign that the major powers were suspicious of each other. This would create great uncertainty. MR. STETTINIUS agreed it would be a bad development. AMBASSADOR GROMYKO commented that the inclusion of such a provision in the Charter would not alter the situation, as under the interpretative statement states had the right to withdraw anyway.

MR. DULLES indicated that the matter had to be approached from the psychological standpoint. The Dumbarton Oaks Proposals were silent on the question of withdrawal. They neither permitted it nor forbade it. Without changing the general psychological situation the Committee report permitting withdrawal had been adopted. In adopting this interpretation the omission of a provision for withdrawal from the Charter had been deliberately decided upon. Once an effort was made to actually change the text of the document, however, the whole world would focus on this problem and the world would question why this last minute development. He said it was perfectly consistent with our earlier position to interpret the existing text. If a change was made in the Charter, it would be difficult not to draw the conclusion that something had happened to cause this change.

AMBASSADOR GROMYKO said that the Soviet view was that any mention of the time for holding a general conference should be avoided, so that the only change in paragraph 3 of Chapter XI would be the change from a three-fourths vote to a two-thirds vote in the calling of the conference. (The document Chapter XI, Amendments, Paragraph 3, June 11, 1945,[13] was distributed at this time.)

[13] Not printed.

MR. ARMSTRONG stated that we had been defeated on the position stated by Ambassador Gromyko. This position by itself, he said, would not work and was unrealistic.

AMBASSADOR HALIFAX said it was very important for the Five Powers to stand together on these questions, and that for his part, if Ambassador Gromyko would come along on the withdrawal interpretation, he would not greatly mind taking his luck on the fight against the five- to ten-year term. He said he would be with the Ambassador if the Ambassador would come with us. MR. STETTINIUS commented that this was a case of secret deals openly arrived at.

MR. ROCKEFELLER stated that we already had to reverse two votes, on expulsion and on the deputy secretaries general. He wondered whether it would not be wise to make some moderate concession in order to improve our position. Such a concession, he felt, would be the provision for putting the calling of the conference on the agenda of the tenth Assembly. This concession would create a beneficial reaction as indicating that we were quite willing to compromise. AMBASSADOR GROMYKO said he definitely preferred the four-power amendment on the general conference. He indicated, however, that he would agree to the proposal for putting the calling of the conference on the agenda of the tenth Assembly if the other delegations would agree with him on his withdrawal proposal.

MR. ARMSTRONG said that we would have to stay in this meeting until these issues were settled as they were becoming in a dangerous way the focus of the revisionist forces. MR. ARMSTRONG said that in large part the problem was now one of tactics.

REPRESENTATIVE BLOOM indicated that if the Subcommittee report came up to the Committee in an adverse form it was important to have an alternative to present when the report came to a vote. MR. ARMSTRONG agreed that we should be in the position of offering a substitute for the report of the Subcommittee to the Committee, particularly since it was quite likely that the Subcommittee report would not obtain a two-thirds vote in the Committee. In addition to our concession of a two-thirds rather than a three-fourths vote in the calling of a conference to review the Charter, he said we might make two other concessions: (1) the placing of the calling of the conference on the agenda of the tenth General Assembly, and (2) addition to the Committee report of a statement on withdrawal.

MR. BONCOUR questioned whether the provision for placing the calling of a conference on the agenda of the tenth Assembly was really a concession since it was clear that under the existing provisions, such a conference could be called anyway at any time. He wondered whether it would not give greater hope to those who wanted such a

conference if no date at all was indicated, since then the Conference could be called earlier.

REPRESENTATIVE BLOOM urged that we would have to formulate a program so that we would have something concrete to offer as an alternative to the Subcommittee report when that report failed to obtain a two-thirds vote.

MR. BONCOUR urged that, if no date was fixed, new hope would be stirred that the conference could be called at an early date. He thought we should put ourselves in the place of the small states.

AMBASSADOR HALIFAX pointed out that the Committee had already voted in favor of a provision for the calling of a conference within a five-to ten-year period.[14] The real danger now was that the Committee would vote to leave the conference free to decide its own procedure and to determine the procedure of ratification. This, he said, we could not accept. Therefore, he felt it was ordinary prudence to include a provision with respect to the agenda of the tenth Assembly. We would be getting away with something without giving much. As had already been said the Assembly had it in its power to call the conference at any time anyway. MR. STETTINIUS said he agreed with Ambassador Halifax and MR. BONCOUR also expressed agreement.

AMBASSADOR GROMYKO said it was desirable to defend the four-power amendment on paragraph 3 of Chapter XI, with the change to a two-thirds vote. He would agree, however, if circumstances turned out to be unfavorable and if it looked as though it would not be possible to exclude the provision for a five-to ten-year period, that we should then act according to the circumstances. We could then decide on the spot what we should do. He preferred, however, not to act on the additional sentence of paragraph 3 in a hurry.

REPRESENTATIVE BLOOM said he wished to make himself clear. He felt it was very important not to present our proposed amendment to the Subcommittee until we knew how the Committee would vote on the report. MR. ARMSTRONG agreed that it was well not to make the concession now but to hold it in abeyance as an alternative to a bad report from the Subcommittee.

AMBASSADOR GROMYKO indicated that this was a matter of tactics. REPRESENTATIVE BLOOM urged that we had to have something in our hand to win with. AMBASSADOR GROMYKO said he would authorize the use of this additional sentence under paragraph 3 as a counter-proposal, if necessary. When the report was discussed before the Committee he thought we should defend the whole amendment, and then,

[14] Subcommittee I/2/E, at a meeting on June 8, 10: 30 a. m., approved a proposal that a revision conference be held between five and ten years after entry into force of the Charter; the vote of 9 to 6 included Norway and France with the Sponsoring Governments in the negative. (US I/2/E Doc. 4)

only if the situation became unfavorable, put forward a counterproposal. He suggested that we should not become softer at this moment. MR. STETTINIUS said he understood that all the group was in agreement on this tactic.

AMBASSADOR GROMYKO said he had read in the *Chronicle* a story stating that the Soviet Delegation had issued a statement on the voting procedure in the Security Council and that this statement had been given over the radio on June 9. Ambassador Gromyko wanted to make it clear that this statement was a complete fiction and that the only statement made by the Soviet Delegation on this question had been made here in this group before the heads of the other four delegations.

MR. STETTINIUS said he had not known the details of this situation but would ask Mr. Stevenson to investigate it. AMBASSADOR GROMYKO said Mr. Poynton had called to ask whether the Soviet Delegation had issued a release and had been told there was no such release. Ambassador Gromyko indicated that he wished to make it clear that this release was a complete fiction.

SENATOR VANDENBERG remarked that he had an important announcement to make. Committee III/4 had completed its labors unanimously.[15] Upon the unanimous acceptance of the rapporteur's report, he said, he had taken the liberty of suggesting that he hoped this unanimity was a good omen that the United Nations would learn to live together under the new Organization in spite of differences.

The meeting was adjourned by Mr. Stettinius at 5 p.m.

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RSC Lot 60–D 224, Box 96 ; US Cr Min 69

*Minutes of the Sixty-Ninth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 12, 1945, 9 : 05 a. m.*

[Informal Notes]

[Here follow list of names of persons (31) present at meeting, announcements by Secretary Stettinius on problems of concluding the Conference and handling publicity, and discussion of Secretary Ickes' telegram which was presented at the sixty-sixth meeting of the delegation, June 8, 9 :02 a. m., page 1197.]

WITHDRAWAL

The Delegation next considered the document *Withdrawal: Suggestions for Text of Committee Report.*[16] MR. ARMSTRONG reported that the five powers suggested that the last sentence of this document,

[15] Doc. 916, III/4/15, June 12, UNCIO Documents, vol. 12, p. 730.

[16] Not printed ; see minutes of the sixty-eighth meeting of United States delegation, June 11, 12 :06 p. m., pp. 1236, 1249–1251.

"in general, the possibility of withdrawing would have to be judged in any particular case in the light of the surrounding circumstances of the time", be omitted. Mr. Armstrong said that Lord Halifax had suggested this change [17] and the Chinese had supported it. There had been no strong opposition by the United States. The Delegation agreed to omit the sentence under consideration.

MR. ARMSTRONG reported that the major powers had been agreed on the interlocking program proposed originally by Commander Stassen. REPRESENTATIVE BLOOM asked how this program would be presented. THE SECRETARY asked Mr. Armstrong to present the whole program to the Delegation and to outline Ambassador Gromyko's proposals. MR. ARMSTRONG declared that the chief objective of the United States had been stated to be the prevention of complete freedom of a revisionary convention to determine its own rules of procedure. In order to attain this end and in order to meet the desires of the Latin American countries for a withdrawal clause linked with the question of amendment Mr. Armstrong had suggested that at the end of the discussions the major powers should propose an alternative which would include the paper under consideration as a substitute for Senator Rolin's draft and including also an amendment to place the question of a revisionary Conference on the agenda of the General Assembly in its tenth year.

Ambassador Gromyko had opposed making any concessions except as a last ditch measure. MR. ARMSTRONG thought that Ambassador Gromyko intended that concessions should be made only when the amendment procedure was being considered by the Committee and when a vote was about to be taken. Mr. Armstrong thought the best procedure would be to indicate the opposition of the major powers to the amendment language and declare that, if defeated, the major powers would present Commander Stassen's program. REPRESENTATIVE BLOOM thought that it would be necessary to present the integrated program before a vote was taken. MR. ARMSTRONG declared that although he was not so familiar with committee procedure as Representative Bloom, he thought that the proposal he had made would give the major powers the advantage of the vote. He thought that if the program of Commander Stassen's were to be presented before the vote as the alternative, the opposition might not be able to gain the necessary two-thirds vote. REPRESENTATIVE BLOOM thought that the vote would have to be taken by sections, and, therefore, it would be necessary to present the program before a vote was taken. MR. ARMSTRONG urged that there was a possibility that the

[17] See minutes of the nineteenth Five-Power meeting, June 11, 3 p. m., p. 1256.

Chairman might close the matter after the vote was taken and permit no reopening of the question. REPRESENTATIVE BLOOM thought that this was another argument for presenting the program before any decision was taken. THE SECRETARY then declared he thought the time of the entire Delegation should not be taken with these details but that procedural matters should be worked out among the interested members of the Delegation. SENATOR VANDENBERG asked whether it would be possible to bring in the ringleaders of the opposition on a high level to influence them to change their position. It was pointed out that Ambassador Gromyko had refused to adopt this course of action. THE SECRETARY thought that the entire question should be left in Mr. Armstrong's hands and indicated that then Mr. Armstrong should report back to the Delegation. MR. ARMSTRONG declared that he would keep in touch with Commander Stassen and Representative Bloom on the procedure which should be adopted. MR. ROCKEFELLER reported that there was a rapidly growing sentiment favoring the adoption of a withdrawal clause. THE SECRETARY urged that the time had come for the United States Delegation to make a statement of its position. SENATOR VANDENBERG asked whether the Secretary was referring to Saturday's or Monday's position.[18] COMMANDER STASSEN read to the Delegation that section of the Russian constitution providing for freedom of secession by the constituent republics[19] and COMMANDER STASSEN thought this might constitute an explanation of the Russian position. MR. PASVOLSKY thought that it was very ominous to have the Russians become interested in withdrawal at that stage of the Conference. SENATOR CONNALLY thought, however, that the situation was becoming more favorable and declared that the opposition to the Yalta formula might break up any moment and that Committee III/1 might be able to take a vote that evening.[20] COMMANDER STASSEN declared that several of the Latin American countries had come through and added that the Norwegians had made a fine speech. One of the members of the Delegation wondered what position Panama was taking, and SENATOR CONNALLY declared that if the Panamanians did not come through he thought he ought to know about it.

The meeting was adjourned at 9:35 a. m.

[18] Minutes of the meetings of the United States delegation, June 9, 9:02 a. m., and Monday, June 11, 12:06 p. m., pp. 1222 and 1236, respectively.

[19] Article 17, chapter II, Constitution of the U.S.S.R., December 5, 1936.

[20] Doc. 956, III/1/47, June 13, UNCIO Documents, vol. 11, p. 486.

RSC Lot 60-D 224, Box 99: UNCIO Cons Five Min 20

*Minutes of the Twentieth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 12, 1945, 6 p. m.*

[Informal Notes—Extracts]

[Here follows list of names of participants, including members of delegations of the United States (18); United Kingdom (5); Soviet Union (3); China (3); and France (6); and the International Secretariat (1).]

MR. STETTINIUS said that he had invited the Presidents of the four Commissions to be present [21] to review with the representatives of the Five Powers the question of expediting the work of the Conference and bringing it to an early close. . . .

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. . . He said that a number of suggestions had been made at the afternoon meeting for expediting the Conference. He asked Marshal Smuts to summarize the suggestion he had made during the afternoon.

MARSHAL SMUTS said that he thought by forced measures we might finish the work of the Committees and Commissions early next week. . . . The principal cause of further delay would be the preparation of the five-language texts. On this point he had the following suggestion to make. The Conference should not plan to sign the five-language texts on the closing day. It should sign the English and take time to get the texts in the other languages prepared in proper form. It should be agreed to sign here in one language with the understanding that the text to be signed subsequently in the other languages would be equally authentic. If this schedule were followed he thought the Conference could close on June 23.

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MR. HISS pointed out that under the regulations adopted on May 9 by the Steering Committee,[22] a procedure along the lines suggested by Marshal Smuts had been envisaged. It was contemplated at that time that if time did not permit preparation in five languages prior to signing, the texts in other languages might be prepared and signed at a later date. He referred to the agreement to establish language panels [23] and said that if agreement were actually reached on texts

[21] The presidents of Commissions I, II, and IV were present: Mr. Rolin (Belgium), Field Marshal Smuts (South Africa), and Mr. Parra-Perez (Venezuela), respectively. The president of Commission III was not present.

[22] Doc. 177, ST/5, May 9, UNCIO Documents, vol. 5, p. 197.

[23] WD 222, CO/98, June 8, *ibid.*, vol. 18, p. 651; approved by the Coordination Committee on June 11, WD 288, CO/116, June 13, *ibid.*, vol. 17, p. 77; for lists of persons on the panels, see Doc. 1014, EX-SEC/17, June 15, *ibid.*, vol. 2, p. 625.

before the final signing, all the texts could be signed. It was clearly understood, he said, that each of the five language texts would have equal authenticity. . . .

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. . . MR. GROMYKO agreed with the desire to speed up the work of the Conference but he thought this should not be done at the expense of the quality of the Charter to be concluded. He said that he could not associate himself with the suggestion for signing in English only. He thought that it would still be possible to prepare the final document in all five texts before the day of signing. There were on the staff of the Secretary-General experts in all five languages who would be able to prepare the final text in the five languages. It would be premature at this point to take a decision not to sign all five texts. The panels could start work as soon as the texts come from the Coordination Committee. If any changes were made subsequently, the language texts could be revised.

MR. GROMYKO emphasized that he would greatly prefer signature of the final text in all five languages. If this proved impossible, a decision could be made later as to whether signature should take place in one language only, or in such languages as might have been completed on the day fixed for the final session.

AMBASSADOR KOO said that the normal procedure would be to have the five texts signed at the same time. However, there was also circumstances in this case which might make a definite procedure necessary. He thought there was some force in Ambassador Gromyko's suggestion that we set the date for signing and that to sign at that time such texts as were ready. He thought it was desirable to set a fixed date.

LORD HALIFAX said that his suggestion would be in line with that of Ambassador Koo's, that is to fix a date for the closing of the Conference and to plan to sign at that time such texts as had been completed. He did not think that anyone could contemplate with satisfaction waiting in San Francisco for two weeks to get a final text in all five languages.

MR. STETTINIUS said that of course the United States delegation would prefer that all five texts be available for signing here. However, for many reasons the Conference must be brought to a conclusion not later than June 23.

MR. HISS said that the principal problem was one of authentication of the final text by the delegations. He thought that it would be possible to prepare the actual texts. Language panels were being established to carry out the authentication. These delegations not having language experts would have to agree to accept certifications

by the panels. If this were agreed to, the five texts might be ready. In this case the proposal of Marshal Smuts, as amended by Ambassador Koo, might be accepted. If a date were not fixed immediately for a closing and if the language panels were not accepted, authentication by the several delegations might take several weeks. MARSHAL SMUTS suggested fixing the date of Friday, June 22, such texts as were ready to be signed at that time.

AMBASSADOR GROMYKO said that he would agree to this if this were the only practicable procedure. . . .

MR. STETTINIUS said that it was necessary for him to leave to meet an important engagement and that he would ask Ambassador Gromyko to preside. He understood that there was general agreement on the procedure suggested by Marshal Smuts, and amended by Ambassador Koo, that the Secretary-General would study the whole procedure and present it to this group at a later date.

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AMBASSADOR GROMYKO took the chair and the Presidents of the three Commissions withdrew from the meeting.

The first question under consideration was on domestic jurisdiction. AMBASSADOR GROMYKO said that the Chinese delegation had asked for a further consideration of this question and asked Ambassador Koo to make a statement.

AMBASSADOR KOO recalled the discussion of the Five Powers at the meeting last Wednesday,[24] and the proposal by Lord Halifax. At that time the Chinese delegation had reserved its position. He recalled also that at that meeting M. Boncour had not been favorably impressed with the suggestion to modify the Four-Power Amendment. The only item in question was the last clause of the Four-Power Amendment, which provided that the domestic jurisdiction principle should not prejudice the application of Chapter VIII, Section B, of the Dumbarton Oaks Proposals. AMBASSADOR KOO said he understood that Lord Halifax's suggestion was to add the underscored words "enforcement measures". AMBASSADOR GROMYKO thought the British proposal was to delete the clause and that the suggestion for the addition of the words came from the Australian delegation. AMBASSADOR KOO said that it was the view of his delegation that the proposed addition would further enlarge the scope of the domestic jurisdiction exception. His delegation was very much concerned about the effect of this upon the enforcement action of the Council under Chapter VIII. They were concerned particularly as to whether the term "enforcement measures" had reference only to paragraphs 3 and 4 of Chapter VIII, B. They were afraid that the ex-

[24] Minutes of the sixteenth Five-Power meeting, June 6, 4:40 p. m., p. 1176.

ception as proposed would break the chain of the enforcement action. Also, they feared that the Council might be thrown into enforcement action without sufficient opportunity for prior consideration of a situation. THE AMBASSADOR feared that the proposed change might shake the whole foundation of the security action under Chapter VIII, B.

MR. DULLES said with regard to Ambassador Koo's question, that Section B involved two sets of measures—first, the determination of threats to or breaches of the peace; second, recommendation of measures to be taken. Under the Australian proposal it would not be possible for the Council to make recommendations in matters of domestic jurisdiction. The intention of the provision as redrafted was to preclude recommendations on matters of domestic jurisdiction. The position of the United States delegation has been that it does not feel strongly on this matter. We have told the Australian delegation that we would not sponsor the proposed change, but that if other members of the Big Five support it, we would accept the change.

M. BONCOUR said that this was a very delicate point. The provision with the proposed change might protect states against intervention in cases in which internal conditions threaten the peace. It was always a problem to balance the independence of states against necessary intervention to enforce the peace. He thought the proposed limitation was an unhappy one and might impair the effectiveness of security action. LORD CRANBORNE said that the British delegation would support the change proposed by Australia both on the merits and because of the United Kingdom's special relations with Australia. His delegation found its position extremely difficult because of the Four-Power Amendment. Nevertheless, it would not be possible for the United Kingdom delegation to vote against the Australian proposal.

AMBASSADOR GROMYKO said that his delegation had studied the proposed change and had decided that the change would not be of great importance. They would not object to the inclusion of the words "enforcement measures" in the last clause of the domestic jurisdiction paragraph.

AMBASSADOR KOO reiterated the concern of his delegation with regard to the effect of the proposed change upon the action of the Security Council. They feared that the amended provision would limit the Council to action in matters which have developed into a threat to or breach of the peace. There was danger that it might limit the power of the Council to determine the existence of threats to or breaches of the peace.

MR. DULLES thought that the interpretation given to the provision by Ambassador Koo was possible and that it was not one generally

accepted. He said the general fear of those supporting the proposed change was that a recommendation by the Council might extend to domestic questions involving such matters as immigration or tariff policy.

LORD CRANBORNE pointed out that there was clearly a difference of views on this question and asked whether this was not a case where we might vote as we wish. M. BONCOUR suggested that in view of the delicate position of the British delegation, that delegation be left free to vote as it pleased. LORD CRANBORNE suggested that all delegations be free.

AMBASSADOR GROMYKO said that it looked as though there was not agreement among the Five Powers and that therefore the only thing to do was to allow each delegation to act independently. Freedom of action was accordingly agreed upon.

AMBASSADOR KOO said that he fully appreciated the delicate position of the United Kingdom delegation. He would like to reserve the position of his delegation and, if it saw fit, to explain its point of view when this matter came up for consideration in the technical committee.

There was general agreement that the five delegations should be free to act independently.

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RSC Lot 60–D 224, Box 96: US Cr Min 70

*Minutes of the Seventieth Meeting of the United States Delegation, Held at San Francisco, June 13, 1945, 9 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (29) present at meeting.]

THE SECRETARY convened the meeting at 9:00 a. m.

ANNOUNCEMENTS

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THE SECRETARY also announced that he had received a statement from President Truman on two important subjects: (*a*) the Charter will be sent to the Senate immediately after the close of the Conference; and (*b*) the President is planning to go abroad shortly and will take the Secretary of State with him.

THE SECRETARY expressed the appreciation of the Delegation to Senator Connally for the successful outcome on the vote the previous evening on the Australian amendment to Chapter VI, C.[25] . . .

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[25] Doc. 956, III/1/47, June 13, UNCIO Documents, vol. 11, p. 494.

AMENDMENT AND WITHDRAWAL

COMMANDER STASSEN observed that now that the veto question apparently had been settled, the attack of the smaller nations was shifting to the provision on ratification of amendments. MR. ARMSTRONG agreed, saying that the subjects of amendment and withdrawal had now become the main battle. MR. HICKERSON thought we were in trouble on the amending procedure and said that the attack of the smaller powers had begun to shift three days ago and came out in the open the day before yesterday and at last night's meeting of Committee III/1. The small powers, he said, are agreeable to the ratification procedure as it now stands but want to be able after ten years to make a complete review of the Charter without the veto being applicable. COMMANDER STASSEN said that the smaller powers were under a misunderstanding when they said that the present draft of the amending procedure freezes the Charter. This, he said, is not true. You cannot freeze the world and as long as you have the necessary machinery you can meet any situation which arises. He pointed out that the Covenant of the League of Nations did not say that the Organization could be terminated nor did the Statute of the World Court [26] say that seventeen members could be removed and a new beginning made. Yet, in effect, exactly this had happened. MR. ARMSTRONG agreed that in fact this was true but that it had been accomplished only as the result of a terrible war and that we cannot say to these other states that in order to effect any change in the future, they will have to scrap the Organization. COMMANDER STASSEN made a further observation to the effect that the Charter as now drafted is not terrible, as so many people have tried to insist.

MR. HICKERSON pointed out that we had told our people that the United States could not sign the Charter unless we could pass on future amendments. He foresaw trouble with the smaller powers on this subject and suggested that, if possible, something be done to revise the amending procedure. MR. ROCKEFELLER remarked that we had told the Latin American States that the United States could not accept the Charter without a veto on future amendments.

MR. DULLES thought that we should reconsider liberalizing the amendment procedure. He did not think this beyond human resourcefulness. REPRESENTATIVE BLOOM commented that, if we should open the door an inch, the other countries would open it wide in one way or another. To this, MR. HICKERSON observed that we might have to consider the possibility that they, the other states, might "take the

[26] For text of Statute of the Permanent Court of International Justice, as amended by the Protocol of Sept. 14, 1929, see Conference Series No. 84: *The International Court of Justice* (Department of State publication No. 1491), p. 1.

door off the hinges". MR. NOTTER thought the problem a technical one and that, if we should change our position on the amending procedure, we would have to supply a good reason. He suggested that the change be made in the withdrawal clause rather than in the amending procedure. REPRESENTATIVE BLOOM and MR. DULLES both suggested that we not take the initiative on this, but wait for the proposal to come from the other States.

MR. ARMSTRONG said that the Soviets had stated [27] that they do not consider that there was any agreement on withdrawal or amendment in the Big Five meeting the other morning. SECRETARY STETTINIUS remarked that there apparently was some misunderstanding. MR. ARMSTRONG said that the Soviet views he had reported were those of their Ambassador. The issue, he declared, was a fundamental one now before the Conference and inasmuch as he and several others were going at 11 o'clock to a meeting of Committee I/2 [28] at which the subject would probably be discussed, he wished instructions on the matter. At this point, THE SECRETARY asked to be excused, saying that he had to call the President in three minutes and that he expected to return.

### CHAPTER XII, PARAGRAPH 1

With reference to the draft on "Chapter XII, Transitional Arrangements" SENATOR CONNALLY and MR. PASVOLSKY observed that this new draft, dated June 12, prepared by the Little Five, would have to go back to the technical committee for consideration. The matter, MR. PASVOLSKY said, would be brought up at the Big Five meeting at 2:30 that afternoon.

### DOMESTIC JURISDICTION

The Committee turned next to a discussion of the "Australian Proposal on Domestic Jurisdiction" dated June 12, 1945,[29] which would limit the exception clause of the paragraph on domestic jurisdiction to "enforcement measures under Chapter VIII, Section B". MR. DULLES remarked that the United States Delegation would have to vote for this Australian amendment. COMMANDER STASSEN contested this view inquiring if we should go along on complete freedom of action. MR. DULLES said that, although he hated to vote for Australia against China, nevertheless, the more we limit the field of domestic jurisdiction, the more police power is given to the Security Council. He recalled to Senator Connally a recent meeting attended by the Senator, the Secretary of State, Lord Halifax, Dr. Evatt, and him-

[27] See minutes of the Five-Power meeting of June 11, 3 p. m., p. 1256.
[28] Seventh meeting of Subcommittee I/2/E, June 13, 11:00 a. m.; minutes not printed.
[29] Not printed.

self (Mr. Dulles) in which the United States representatives had given the impression that, if free to do so, they would accept the Australian amendment. In view of this commitment, SENATORS CONNALLY and VANDENBERG and COMMANDER STASSEN expressed agreement to support the Australian amendment, although Commander Stassen thought that on its merits the Australian proposal was wrong. MR. SANDIFER said that it should be made clear that they were pushed on the subject by the British. MR. PASVOLSKY said he thought acceptance of that amendment a terrible recession, while MR. HACKWORTH said that the British actually were against it and would like to have us say that we would not recede. Now, however, that the question has been opened up they would have to vote with the Australians.

MR. DULLES pointed out that the Australians were apprehensive lest the Security Council under Section B of Chapter VIII should repeat the Munich deal or the Hoare–Laval Agreement;[30] that is, they might try to avoid war at the expense of the smaller powers. The purpose of their amendment accordingly was to make clear that recommendations under Chapter VIII, Section B will not be such as to impair domestic integrity following a finding that a threat to the peace exists. MR. PASVOLSKY repeated his belief that the document would be weakened by the adoption of this language and thought that the Australians were trying to accomplish through charter language something which will be possible only if the big powers behave. SENATOR VANDENBERG thought that the Australian amendment was totally sound.

It was finally decided that the Delegation would not lend positive support to the proposed Australian amendment but that we would vote for the amendment when it came up.[31] COMMANDER STASSEN predicted that it would be presented to the Committee as a United States proposal.

### MILITARY STAFF COMMITTEE CONSULTATIONS WITH REGIONAL AGENCIES

It was pointed out that the phrase "after an exchange of views" contained in the June 12 draft paragraph entitled Military Staff Committee,[32] which was before the Delegation, had been developed the previous day in the Little Five meeting. MR. HICKERSON pointed

[30] For text of the Franco-British proposals for a settlement of the Italo-Abyssinian dispute (agreement between Sir Samuel Hoare, British Foreign Secretary, and Pierre Laval, French Minister for Foreign Affairs), December 10, 1935, see League of Nations, *Official Journal*, January 1936, p. 39; for documentation on this subject, see *Foreign Relations*, 1935, vol. I, pp. 699 ff.

[31] Doc. 976, I/1/40, June 14, UNCIO Documents, vol. 6, p. 494.

[32] Draft prepared by the Five-Power Deputies, thirty-fifth meeting, June 12, not printed.

out that several Latin American Delegates had originally wanted the phrase "after agreement with", but that this had been changed to "after consultation", and in that form had been adopted by the technical committee. After originally agreeing to this latter phrase, the Soviets had decided that they did not like it and MR. HICKERSON thought that, if we reopen the question now, we may have trouble. The Soviets, he said, wanted to add a sentence to the effect that the paragraph did not in any way limit the freedom of action of the Military Staff Committee or of the Security Council. They were afraid that the word "consultation" might be interpreted to mean "agreement" and so would provide opportunity for obstruction. Neither MR. KANE nor GENERAL EMBICK saw any objection to use of the phrase "after an exchange of views" but thought it undesirable to reopen debate on the matter. It was *agreed* to accept the phrase "an exchange of views" if this language were found agreeable to the Five Powers and if it proved acceptable to Peru and others concerned so that it would not have to be put to a debate in the Committee. It was suggested that, if this were generally acceptable, the change could be handled as a matter of drafting in the Coordination Committee.

TIME OF REMOVAL OF "RESTRICTED" FROM CONFERENCE DOCUMENTS

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PROVISION FOR WITHDRAWAL

The Delegation returned to a discussion of the provision for amendment of the Charter and withdrawal from the Organization, MR. ARMSTRONG saying that the meeting of the Big Five had left the situation with respect to withdrawal unclear.[33] The American Delegation, he recalled, had hoped that the smaller nations would not press for a withdrawal clause but that their desire in this connection would be satisfied by the insertion of an interpretive statement in the record. The Soviet Delegate, he said, intends to push for incorporation of a general withdrawal clause in the Charter. He also reported that after the second part of paragraph 3 of Chapter XI (a four power amendment) had been adopted by the subcommittee of Committee I/2 the previous evening, the Delegate of Canada had remarked that his Delegation would have to press for a withdrawal clause.[34] The smaller powers, MR. ARMSTRONG remarked, are inclined to consider the proposal for a revision conference a mere front in view of the present provision for the operation of a veto in the acceptance of amendments proposed by such a conference. Australia

[33] See minutes of the June 11, 3 p. m., meeting, p. 1256.

[34] Minutes of sixth meeting of Subcommittee I/2/E, June 12, 8:30 p. m., not printed.

and Mexico, he said, supported Canada in their intention to press for a withdrawal provision.

MR. ARMSTRONG further reported that, at the meeting referred to, M. Rolin of the Belgian Delegation had proposed that the ordinary amendment clause in the Dumbarton Oaks Proposals be changed to provide that such amendments would come into effect only when approved by two-thirds of the members of the organization including the five permanent members, which motion was adopted by a subcommittee vote of 6–5. Such a provision, MR. ARMSTRONG stated, was regarded by the small powers as an added protection to themselves. The Soviet Delegation, however, had insisted in standing on the letter of the text of the Dumbarton Oaks Proposals and we joined them in voting against this change. Observing our opposition to his proposal, M. Rolin then changed his position with regard to the four power amendment providing for a Permanent Member veto on special conference amendments and although he had previously moved to accept this clause, he withdrew that motion and abstained on the final vote. This four power amendment, MR. ARMSTRONG reported, was approved in the subcommittee by a vote of 7–5, Costa Rica and Norway voting with the United States. MR. ARMSTRONG also reported that the statement was made last night that the Organization now being created is a temporary one to last for five or ten years. MR. PASVOLSKY suggested that in view of the opposition which was developing, a draft provision providing for a special review conference in five or ten years should be prepared as soon as possible. MR. ARMSTRONG said that the Soviets would not accept such a proposal.

With reference to a provision for withdrawal, SENATOR CONNALLY said that he thought every member of the American Delegation had voted for the inclusion of such a clause in the Charter. MR. SANDIFER pointed out that that position had been reversed in the U.S. Delegation meeting on Monday.[35] To an inquiry by Mr. Notter whether it would be better to put the provision in the Charter or in the record, SENATOR CONNALLY said he would prefer incorporation of such a clause in the Charter. COMMANDER STASSEN thought that the smaller powers will certainly require either a clause in the Charter or a statement in the record.

Although no decision was taken, it appeared to be the sense of the Delegation to await developments on the question of withdrawal and to recede on our present position only if necessary.

SENATOR CONNALLY referred at this point to the pressure which had been put on him to make a public statement with reference to the voting procedure which had been under consideration in Com-

[35] Meeting of June 11, 12:06 p. m., p. 1236.

mittee III/1. He asked that he be free to make such comments as he thought necessary. MR. STEVENSON thought this perfectly agreeable and MR. DULLES supported him saying that he thought it desirable that we should release a correct statement on the matter.

TRUSTEESHIP

The Delegation proceeded to consideration of the Exploratory Revised U.S. Redraft of Section A Paragraph 1 of the Chapter on Trusteeship dated June 12, 1945.[36] In this draft, COMMANDER STASSEN pointed out that an attempt has been made to incorporate several of the Australian amendments. In addition, the phrase "to assist them in the development of free political institutions" was incorporated to meet the desire of General Romulo.[37] The draft, he said, steers clear both of the word "independence" and of "self government". MR. TAUSSIG reported that Mr. Fortas was agreeable to this redraft. MR. GERIG remarked that both the British and French find it difficult to accept paragraph (*d*) of the draft and that we have had to press them hard to gain their acceptance thereof.

MR. HICKERSON inquired if it would not be possible to get the British and French to accept inclusion of the word "political" as one of the types of information required to be transmitted to the Secretary General. COMMANDER STASSEN said that he was against the addition of this word. MR. HICKERSON replied that he did not have in mind a report on the entire political situation in any territory but rather reports on such subjects as suffrage. MR. TAUSSIG supported Mr. Hickerson in this matter saying that this whole Section A constituted a tremendous advance and that inclusion of the word "political" would make it a paragraph of even more importance. As an example, he pointed out that the British have granted a new constitution to Jamaica and that in the Anglo-American Caribbean Commission they have made a great deal of information on this and related subjects available to us. COMMANDER STASSEN remarked that he believed it was best to leave this matter on a voluntary basis. MR. STONE suggested that the word "civic" might reflect the intentions of Messrs. Hickerson and Taussig better than the word "political". Asked for his opinion, MR. GERIG said that he saw no objection to the use of the word "political".

As a substitute MR. TAUSSIG suggested insertion of the words "and the political status of said territories". He said that this would include progress of the individual territories towards self-government.

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[36] Not printed; text transmitted by Mr. Stettinius to the Under Secretary of the Department of the Interior (Fortas) in telegram 7, June 13, not printed.

[37] Brig. Gen. Carlos P. Romulo, Resident Commissioner of the Philippines to the United States; Chairman of the Philippine delegation.

COMMANDER STASSEN said that he feared a debate in Congress were any of these suggested words or phrases added and thought that nothing was needed in the text to obtain the information desired. CONGRESSMEN BLOOM and EATON and DEAN GILDERSLEEVE agreed that the word "political" should not be included. MR. NOTTER suggested ending the paragraph after the word "nature".

MR. KANE remarked that the text of the redraft looked satisfactory to him but he thought the Congressional members of the Delegation should be prepared to discuss the whole subject with the Military Affairs committees of the two branches of Congress as well as with the committees on Insular Affairs. He reiterated the objection of the Secretary of the Navy to giving too much freedom to territories over which we exercise sovereignty. Secretary Forrestal, Mr. Kane said, had been informed on this whole matter.

MR. GERIG remarked that Under Secretary Grew should be instructed to send the text to the Department of Interior. MR. TAUSSIG said that the Department of Interior approved the entire Section A of the draft under consideration although in paragraph C it would prefer to see the reference to "regional advisory bodies" reinserted.

COMMANDER STASSEN explained that this whole matter was still under consideration with the other members of the Big Five and therefore requested that no information on it be released at the present time.

The Delegation meeting adjourned at 10:30.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 21

*Minutes of the Twenty-First Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 13, 1945, 2:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (23); United Kingdom (4); France (6); China (3); and the Soviet Union (4).]

MR. STETTINIUS called attention to the tentative conference schedule, and said that everything possible was being done to bring the conference to an end on June 23, 1945. . . .

. . . He said that there had been some misunderstanding yesterday afternoon regarding the decision reached with respect to the language texts. He had understood that there had been agreement on the Smuts-Koo proposal to end the conference on June 23,[38] all delegations to sign the English text, and to sign such other texts as were available

[38] See minutes of the twentieth Five-Power meeting, June 12, 6 p. m., p. 1266.

on that date. Mr. Boncour had given assurance that the French text would be available. He wished to say again that such a procedure involved no change in the decision of the conference that there should be five official languages. Such texts as were not signed here could be signed later in Washington.

AMBASSADOR GROMYKO said that agreement had not been reached yet. AMBASSADOR GROMYKO said that his recollection of the agreement was not entirely in accord with Mr. Stettinius' statement. Instead of saying that if the several texts were ready, they could be signed, it was his understanding that it had been agreed to give instructions to the Secretariat to have the five texts ready. His suggestion had been to give instructions to the Secretary General to prepare the official versions in five languages. The Soviet Delegation would give all possible assistance so that the Russian version would be ready by the end of the conference. He thought it was quite possible to do this.

MR. STETTINIUS remarked that it would have been helpful if this could have been made entirely clear yesterday. We thought that agreement had been reached on the other procedure. If the other four official texts were not ready, the signature would proceed on June 23.

AMBASSADOR KOO agreed with Mr. Stettinius' version of the agreement.

MR. HISS said that the principal problem was whether the fifty delegations would accept the texts prepared by the Secretariat and reviewed by the language panels.

AMBASSADOR GROMYKO remarked that if other states did not agree they could sign later. MR. STETTINIUS inquired whether the Ambassador would be willing to accept the International Secretariat text and sign the Spanish and Chinese texts without having them checked by his own experts. THE AMBASSADOR replied that he thought that a sufficient check could be made in San Francisco to satisfy his delegation.

MR. HISS inquired whether it might be possible to sign the English and French texts in San Francisco, to hold the other text[s] open here for signature by those willing to sign, having other states sign later in Washington.

LORD HALIFAX inquired what would happen if his government found fault with the text. He thought that there ought to be agreement to finish on June 23, and that the Secretariat should be instructed to do its utmost to have the five texts ready.

AMBASSADOR GROMYKO agreed not to fix a rigid rule at present. MR. STETTINIUS thought that we must either set a schedule to finish on June 23, or contemplate the possibility of having the conference run on for two weeks longer.

By way of résumé, MR. HISS suggested the following:

1. June 23 should be set as the date.
2. The English and French texts should be ready by that date.
3. The text in the three other official languages should be completed and checked so far as possible by that date.
4. If any state refused to sign a text, then there should be a decision as to the method of signature. There might be either a partial signature or no signature at all.

MR. STETTINIUS suggested that agreement be reached to fix June 23 as the closing date, and that the Secretariat be instructed to produce five texts. All states should sign the English and French texts. We would hope to sign the other three, but if some states wanted to check and sign later in Washington they should be permitted to do so.

AMBASSADOR GROMYKO said that he did not want a procedure which would divide the text in two groups. He thought that the goal should be to have all five texts ready for signature. MR. STETTINIUS suggested by way of conclusion that all delegations be invited to sign all five texts. If any asked for further time to check any one of the five texts, they could sign later. This was agreed to.

LORD HALIFAX pointed out that if some delegations were unwilling to sign, it would be difficult for other delegations to introduce changes. Perhaps in such event the changes proposed by a delegation could be submitted and circularized to all the others.

MR. STETTINIUS said that he thought the discussion had clarified the agreement. He wished to announce that the Technical Committee had approved the Yalta voting procedure by a vote of thirty in favor and two opposed, with fifteen abstaining, and three absent.[39] He wished to pay personal tribute to Senator Connally for handling this matter for the United States.

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### 1. CHAPTER XII, PARAGRAPH 1

MR. STETTINIUS said that this item on the agenda had to do with transitional arrangements and read the text of Chapter XII, paragraph 1. He asked Mr. Pasvolsky to comment on this question. MR. PASVOLSKY said that this matter had been referred by the Five Powers to the subcommittee of five. Differences had arisen concerning the interpretation of the language of the Dumbarton Oaks text. The subcommittee had agreed yesterday on a text with the understanding that it would be placed before the several delegations. The text is as follows:

"Pending the coming into force of ~~the~~ such special ~~agreement~~ ~~or~~ agreements referred to in Chapter VIII, Section B, paragraph 5, as

[39] Doc. 967, III/1/48, June 14, UNCIO Documents, vol. 11, p. 518.

in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Chapter VIII, Section B, paragraph 4, the States parties to ~~and in accordance with the provisions of paragraph 5 of~~ the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of ~~the states parties to~~ that Declaration, ~~should~~ consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

"No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action."

SENATOR CONNALLY thought that the proposed draft would meet all of the complaints made in the committee. He said that there had never been any divergence on the substance but a wide difference on the language of the text.

MR. BONCOUR found the text fully acceptable, as did also LORD HALIFAX. MR. STETTINIUS, for the United States Delegation, confirmed the view stated by Senator Connally.

AMBASSADOR GROMYKO said that this matter was very important and he would like to study the text and communicate with his government.

AMBASSADOR KOO indicated his agreement with the text.

MR. STETTINIUS inquired when Committee III/3 could complete its labours. SENATOR CONNALLY said this was the one remaining item on the Committee's agenda. MR. STETTINIUS accordingly asked Ambassador Gromyko to communicate with his government as promptly as possible. THE AMBASSADOR said that he thought that he might have an answer in a day or two.

### 2. MILITARY STAFF COMMITTEE CONSULTATIONS WITH REGIONAL AGENCIES

MR. PASVOLSKY said that the question here was whether the word "consultation" implied approval or disapproval.[40] It was the view of the United States, United Kingdom, the Chinese and the French Delegations that the approval or disapproval was not implied. The Soviet Delegation thought there might be an implication of approval or disapproval. Accordingly, the subcommittee of five had agreed on the words "an exchange of views" as a possible substitute for "consultation." MR. PASVOLSKY said it was the opinion of the political advisors on the American Delegation that opening this question in the Technical Committee would cause very great difficulty.

[40] See minutes of Five-Power meeting of June 4, noon, p. 1145; see also Doc. 881, III/3/46, June 10, UNCIO Documents, vol. 12, p. 512.

AMBASSADOR GROMYKO said that the word "consultation" does not necessarily mean agreement. It would be quite possible that the result of consultation would be disagreement. The Soviet Delegation would like to have a draft which would show clearly that the final decision rests with the Military Staff Committee. In his view, the present text left the matter in some doubt and uncertainty. He would like to see an improvement in the language. He suggested the possibility of adding "however, this consultation does not interfere with the right of the Military Staff Committee to make a final decision."

MR. DEJEAN said that his Delegation would have no objection to the additional language.

LORD HALIFAX assured the Soviet Ambassador that he would not conceive the word "consultation" to imply any possible doubt of the final authority of the Military Staff Committee. As to the proposed addition, he saw no objection. However, if the matter were reopened now, considerable time would be wasted and he thought it was not worth the effort.

MR. STETTINIUS said that for the United States Delegation he wished to say that he felt to reopen the matter would be most unwise and embarrassing.

AMBASSADOR KOO had no doubt of the final meaning of the word "consultation." AMBASSADOR GROMYKO thought "exchange of views" would be an improvement.

MR. HICKERSON said that the Latin-American states had accepted the word "consultation" and that they knew what it meant. He wished to enter a plea that the subject not be reopened in a Technical Committee.

MR. STETTINIUS inquired whether it would be possible to have the meaning of the word made clear at the time the Committee reported to the Plenary Session.

AMBASSADOR GROMYKO said that this procedure would be satisfactory if the rapporteur or Chairman made a statement in the Plenary Session as to the meaning of the word "consultation." He added this would not change the Soviet view that the word was not clear. It was his understanding that the rapporteur or Chairman should say that the present text means that final decision shall be taken by the Military Staff Committee.

3. RIGHT OF THE GENERAL ASSEMBLY TO DISCUSS ANY MATTER WITHIN THE SPHERE OF INTERNATIONAL RELATIONS (CHAPTER V, SECTION B, PARAGRAPH 1)

AMBASSADOR GROMYKO said that his Delegation attached great importance to this provision. If the phrase "within the sphere of international relations" were retained it would give the Assembly too

broad a power of discussion.[41] The Assembly could discuss not only matters relating to peace and security, but any matter within the whole sphere of international relations. Such a provision would serve no useful purpose and might cause considerable harm. He would like a reconsideration of the matter by the proper Committee.

MR. STETTINIUS said he would like to call attention to the emphatic action of the Technical Committee on this provision.[42] It represented only a minor concession to the small nations and he thought that to reopen it would cause the greatest resentment. He asked Senator Vandenberg to make a statement for the American Delegation.

SENATOR VANDENBERG said that he and Professor Webster were members of the Technical Committee. Frankly, in his opinion no question of substance was involved. The Four-Power amendment had provided for the discussion of any situation regardless of origin. The Committee had repeatedly been assured that it was free to discuss anything, and that it was in effect the "town meeting of the world." As a matter of strategy and morale he thought to reopen this matter would be a terrific error.

MR. BONCOUR agreed with Senator Vandenberg's statement and LORD HALIFAX inquired what the Soviet Ambassador had to say in view of the facts recounted by Senator Vandenberg.

AMBASSADOR GROMYKO said that the principal purpose of the Organization is to maintain international peace and security. If the phrase in question were included there would be no limits upon the Assembly. As to the question of reconsideration in the Technical Committee, he pointed out that this had been done in other cases.

PROFESSOR WEBSTER asserted that there was no chance of the Committee altering its view. He thought that there would be no difference in result if the restricting words were added, as he regarded paragraph 6 as broad as the provision in paragraph 1. On the verge of the struggle on the questions of amendment and revision it would be a great mistake to reopen the matter. MR. STETTINIUS endorsed Professor Webster's statement saying that we still had a great hurdle to get over on the question of unanimity on amendments. To open this matter now would be "full of dynamite."

AMBASSADOR KOO agreed that it would be impolitic to reopen the matter.

AMBASSADOR GROMYKO expressed the view that the provision was in conflict with the domestic jurisdiction provision. There would be no limit on the discussion of any question.

MR. STETTINIUS said that we were going over ground discussed at great length and that he could not agree to support the reopening of the question.

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[41] See minutes of the Five-Power meetings of June 3, 4 p. m., and June 4, noon, pp. 1120 and 1145, respectively.

[42] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 108.

LORD HALIFAX said he hoped that after hearing the discussion, the Soviet Ambassador would not find it necessary to reopen the matter in the Technical Committee. He was impressed with Mr. Stettinius' statement concerning amendments and thought the fight on this question would be serious. As to the question of domestic jurisdiction, he thought that the Soviet Ambassador would be able to make his position clear on this point.

AMBASSADOR GROMYKO announced that he would raise the question in the Executive Committee and in the Steering Committee.

MR. STETTINIUS said that the United States position was clear. It could not associate itself with the Soviet view. LORD HALIFAX agreed, as also did MR. BONCOUR and AMBASSADOR KOO.

MR. STETTINIUS said that the five Delegations had, therefore, agreed to disagree, and each would be free to follow its own course. Consultations on this matter were ended. AMBASSADOR GROMYKO said that he had nothing to add. He regretted that it had been impossible to reach an agreement. He would be obliged to take the matter up in the Executive Committee and the Steering Committee.

LORD HALIFAX reiterated his hope that the Soviet Ambassador would not find it necessary to do this. He hoped that he might find it possible to make his view known in a public meeting at an appropriate time, and that he would not press for its consideration in the Executive and Steering Committees.

### 4. WITHDRAWAL

MR. ARMSTRONG reviewed the discussion in the subcommittee[43] on the subject of withdrawal with relation to the question on amendment. He recalled the statement which had been included in the Committee report on motion of Mr. Rolin.[44] It had been agreed to handle the question of withdrawal by an interpretative statement. The debate had been full, careful and exhaustive. When the Chairman had been about to put a vote on the question of amendment, MR. ARMSTRONG said, he had brought forward the proposal with respect to the statement linking withdrawal with amendments. This had had a favorable reception.

MR. ARMSTRONG said that Mr. Rolin had agreed to accept the statement as rephrased in the draft before the group dated June 13, 1945, reading as follows:

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the

[43] Seventh meeting of Subcommittee I/2/E, June 13, 11 a. m. (US I/2/E, Doc. 7).

[44] Doc. 538, I/2/34, May 24, UNCIO Documents, vol. 7, p. 95.

nations which will become Members is to cooperate within the Organization for the preservation of international peace and security. If, however, a Member for good and sufficient reasons feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization. ~~Also, the absence of any express right of withdrawal would not prevent a Member withdrawing if its rights and obligations as a Member were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept.~~

"Nor would it be the purpose of the Organization to compel a Member to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept.

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

MR. ROLIN had said that the body of the statement had represented a more concise statement of his views and he would be willing to present the matter to the Committee. The Soviet Delegate had said in the subcommittee that he would prefer a formal withdrawal clause. MR. ARMSTRONG had told the Soviet Representative at the end of the meeting that he had not understood that the Five Powers had agreed to separate action on this matter.

LORD HALIFAX said that he recalled that when this matter had last been discussed,[45] the Soviet Ambassador had reserved his position, and said he was prepared to review the question in view of the position of the other Delegations. He thought the draft now before the group represented an improvement and he liked it. He did hope that the Soviet Ambassador could associate himself with this draft. LORD HALIFAX himself did not regard the matter as of great importance.

AMBASSADOR GROMYKO said that it was his understanding that when this matter had been discussed previously, the Five Powers had not reached agreement. The Soviet Government had reserved its position.

AMBASSADOR KOO said he had been left under the impression that the matter would be considered further by the Five Powers.

LORD HALIFAX said that he recalled saying to the Soviet Ambassador "you have your freedom now, but I hope you will not use it."

AMBASSADOR GROMYKO said that his Delegation would back any Delegation which supported or brought forward a formal withdrawal clause.

MR. STETTINIUS said that this closed the consultation on this subject and that each government would have freedom of action.

[45] See the minutes of the Five-Power meeting, June 11, 3 p. m., p. 1256.

AMBASSADOR GROMYKO agreed with his statement, but he still thought that a formal withdrawal provision would be preferable.

MR. ARMSTRONG said that the debate showed that it was the intention of many to make the Organization a fluid and temporary one. He thought that a formal withdrawal provision would give support to those who took this view. He understood that the Five Powers would now have freedom of action. MR. STETTINIUS confirmed this view.

MR. STETTINIUS said that for any one of the Five at this late date to bring forward a withdrawal clause would be a very serious matter. He thought it would have a very adverse psychological effect on the conference. LORD HALIFAX agreed.

MR. STETTINIUS adjourned the meeting at 3:45 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 71

*Minutes of the Seventy-First Meeting of the United States Delegation, Held at San Francisco, Thursday, June 14, 1945*

[Informal Notes]

[Here follows list of names of persons (37) present at meeting.]

ANNOUNCEMENTS

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THE SECRETARY declared that he wanted to report that he had had a serious conversation with Mr. Padilla.[46] In the frank discussion which they had held the Secretary had expressed disappointment over the voting record of the "good neighbor to the south." Padilla had called a meeting of the Foreign Ministers and The Secretary declared that he could assure the Delegation that it could have Latin American votes when they were needed. This applied specifically, The Secretary said, to the question of amendments. Mr. Padilla now had a thorough understanding of the situation and was aware that the United States could not join the Organization unless it had a veto over the amendment process. The Secretary remarked that Mr. Hickerson and Mr. Rockefeller were going to have a meeting to consider what the overall voting situation was.

The Secretary called the attention of the Delegation to a statement made in the Senate on the previous day by Senators Burton and Fulbright.[47] Appreciation had been expressed for the service performed by the Delegation and each member of the Delegation had been singled out for individual praise. The Senators had praised the Charter as

[46] Memorandum of conversation, June 13, not printed.

[47] Senator Harold H. Burton, of Ohio, and Senator J. W. Fulbright, of Arkansas.

representing the highest common factor of the divergent views which came together at San Francisco. Senator Burton particularly defended the veto power as it had been passed by Committee III/1 on the previous day.[48] However, Senator Burton had expressed the hope that the large powers would waive the right of veto on matters of peaceful settlement. Senator Fulbright had stressed the need for future amendment of the Charter to bring it into line with changing situations and Senator Burton agreed to this position. Senator Burton thought that the unanimity rule with respect to amendments should be restricted to amendments on that part of the original Charter which dealt with the veto of major powers.

In strictest confidence The Secretary reported to the Delegation that the situation with respect to inviting Italy to the Conference was under control and that it would not be necessary to discuss the matter any further in the meetings of the Delegation.

### Tentative Conference Schedule

The Secretary reported that it had been tentatively decided that the Conference should end on Saturday, June 23. In order to meet this deadline the Secretary outlined the following requirements:

1. The closing session must be held on Saturday afternoon, June 23.
2. The signing of the Charter must take place in the afternoon and evening of Friday, June 22, and during the morning of Saturday, June 23. The Secretary remarked that the President was anxious to be present at the time the Charter was signed. This would be impossible, the Secretary thought, in view of the fact that eight hours might be required for the entire process of signing the document. The minimum time, the Secretary thought, would be three hours and forty minutes. However, the United States Delegation could affix its signatures in the presence of the President on Saturday morning, June 23. The Secretary remarked that he wanted to consult with the Delegation concerning the program tentatively established for the President's stay in San Francisco.
3. The last working Plenary session would have to be held on the morning of Friday, June 22.
4. The Steering Committee would have to conduct its final review of the Committee on Thursday, June 21, taking the entire day if necessary.
5. The final meetings of the four commissions would have to be held not later than Wednesday, June 20.
6. The final drafts of the Coordination Committee's texts would have to be ready by Tuesday, June 19.
7. All the technical committees must finish their work by Friday evening, June 15. The Secretary explained that it had been agreed that there should be permitted a twenty-four hour time lapse between the conclusion of the work of the committees and the consideration of

[48] Doc. 967, III/1/48, June 14, UNCIO Documents, vol. 11, p. 512.

their reports by the four commissions. The Secretary reported that the following committees still had to finish their work:

*a.* Committee I/2, for which Commander Stassen was the United States Delegate, had to consider the expulsion, amendment, withdrawal, and connected topics.

*b.* Committee II/1, for which Representative Bloom was United States Delegate, would have to reconsider the question of the election of the Secretary-General after Committee III/1 concluded its deliberations on this subject.

*c.* Committee II/4, for which Commander Stassen as the United States Delegate, would have to conclude its consideration of Section A of the trusteeship chapter.

*d.* Committee III/1, for which Senator Connally was the United States Delegate, would have to complete its consideration of the problem of the election of the Secretary-General.

*e.* Committee III/2, for which Commander Stassen was the United States Delegate, would have to conclude its deliberations on the pacific settlement of disputes.

*f.* Committee III/3, for which Senator Connally was the United States Delegate, would have to conclude its work on Chapter XII.

MR. DULLES thought that Committee I/1 should be added to this list because it had not completed its consideration of the domestic jurisdiction clause, although it had voted in favor of the Australian amendment.[49] THE SECRETARY observed that in order to finish the work of the technical committees on schedule it would be necessary for the Delegation to go into action in small groups in order to reach decisions on the outstanding issue[s]. THE SECRETARY thought that these matters could not be left to open debate in the committees because such a procedure would consume too much time. THE SECRETARY declared that he was at the disposal of the Delegation and would be glad to help on any issues that might arise. REPRESENTATIVE BLOOM remarked that some of the Committees had not been scheduled to meet that day and he thought that if the work of the committees was to be finished by the following evening it would be necessary to call meetings for that day and the next. MR. PASVOLSKY remarked that the committees would still have to answer a number of questions which might be submitted to them by the Coordination Committee. THE SECRETARY declared that the Committee of Jurists and the Coordination Committee must have concluded their work by June 19. This, THE SECRETARY declared, might mean joint consideration by the two groups on some of the questions which they had to

[49] Doc. 976, I/1/40, June 14, UNCIO Documents, vol. 6, p. 494; see also memorandum by Mr. Evatt (Doc. 969, I/1/39, June 14) which was circulated at the meeting of Committee I/1, June 11, 8:45 p. m. (Doc. 926, I/1/36, June 12), *ibid.*, pp. 436 and 421, respectively.

consider in common. The Coordination Committee might also have to work with the Chairmen of the technical committees and with the Secretariat in order to expedite its work. The translations would have to be undertaken simultaneously with the work of the Coordination Committee and the Charter would have to be set in type by sections even before it was finally approved if the Conference was to meet the deadline as it has been established. [At this time, 9:20 a. m., Senator Connally arrived at the meeting.][49a]

SECRETARY STETTINIUS declared that the Secretariat seemed to think the Conference could be concluded by June 23, but they were of the opinion that it would be an awfully tight situation. THE SECRETARY declared that nothing could be allowed to go wrong because with the situation "as tight as a drum" any untoward developments would throw the entire Conference off schedule. THE SECRETARY declared that he realized that this was an unreasonable schedule for the Coordination Committee and observed that a tremendous burden would be placed on that group. MR. PASVOLSKY remarked that he hoped that this schedule would not be unreasonable to the Charter. He thought that the Coordination Committee would require at least one additional day if a good Charter were to result. MR. PASVOLSKY declared the Secretary could have no idea of the enormity of the job to be faced by the Coordination Committee. MR. PASVOLSKY thought that the Coordination Committee must have until Wednesday night to finish its work and, even then, some of the steps would have to be telescoped.

THE SECRETARY declared that he had asked Mr. Hiss to join the meeting to discuss this situation with the Delegation. He declared that it had been his understanding that meetings of all the committees had been called in order that they might finish their work by the deadline established. MR. NOTTER thought that it would be necessary to bring tremendous pressure to bear on the Latin American states on all the issues still before the Conference if the Conference deadline were to be met. THE SECRETARY suggested that Mr. Warren outline the situation for the Delegation. The latter declared that he did not subscribe completely to Mr. Notter's observations. MR. WARREN thought that the vote would turn out favorably on the question of the Secretary-General and also on the matter of domestic jurisdiction. The only difficult problem, MR. WARREN thought, would be the question of the unanimity rule with respect to the ratification of amendments. On this question MR. WARREN was certain that the Latin American states would go along with the big powers and would even vote as a hemisphere bloc if necessary.

[49a] Brackets appear in the original.

SECRETARY-GENERAL

SENATOR CONNALLY declared that Committee III/1 had cleaned up all the items on the agenda with the exception of procedure for recommending the Secretary-General for election by the General Assembly.[50] Senator Connally remarked that Ambassador Gromyko had been putting pressure on him to speak in favor of the unanimity procedure. Senator Connally declared that Professor Webster had spoken for the British and that Ambassador Gromyko had spoken in favor of the unanimity rule and that the French Delegation had spoken in favor as well.

SENATOR CONNALLY pointed out that this question had been considered originally by Committee II/1[51] and that Representative Bloom had voted in favor of a strictly procedural vote for the nomination of the Secretary-General. However, it had been decided that Committee II/1, dealing with the General Assembly, would not have the authority to decide the voting procedure whereby the Security Council would nominate the Secretary-General. As a result, the matter was now before Committee III/1 for its decision. REPRESENTATIVE BLOOM pointed out to the Delegation that he had taken his instructions from the Delegation and hence had voted in favor of the procedural vote.[52] SENATOR CONNALLY declared that this was correct and that the Delegation had reversed its position. REPRESENTATIVE BLOOM remarked that he had made his mistake in going along with the Delegation on this question. SECRETARY STETTINIUS thought that the United States Delegation would have to stand by the five-power position. SENATOR CONNALLY remarked that small powers were disturbed by the outcome of the veto question and were taking this opportunity to attempt to win a victory over the major powers. COMMANDER STASSEN thought that the Delegation would have to support Senator Connally. Any change of position by the Delegation would be viewed seriously by the other major powers, especially in view of the fact that Russia had been defeated on the matter of the deputy Secretaries-General and would undoubtedly be unable to reverse the decision. SECRETARY STETTINIUS said that Mr. Warren and Mr. Hickerson would go into action and THE SECRETARY said that he presumed that the Delegation would not want to change its position.

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[50] Doc. 975, III/1/50, June 14, UNCIO Documents, vol. 11, p. 545.

[51] See report of the Rapporteur of Committee II/1, Doc. 666, II/1/26(1)(*a*), May 30, *ibid.*, vol. 8, p. 452.

[52] Doc. 328, II/I/13, May 16, *ibid.*, p. 331; see also minutes of the meetings of the United States delegation, May 14, 9:05 a. m., *ante*, p. 707; May 15, 6 p. m., p. 740; and May 17, 8:30 a. m., p. 768; see also reports of the drafting subcommittee of II/1, Doc. 471, II/1/A/1, May 21, UNCIO Documents, vol. 8, p. 532, and Doc. 560, II/1/A/2, May 25, *ibid.*, p. 540.

REPRESENTATIVE BLOOM asked why it was necessary for him to consider this question of the Secretary-General and MR. HICKERSON pointed out that the question would undoubtedly be referred once again to Committee II/1 after Committee III/1 had reached its decision. MR. HICKERSON observed that some of the smaller powers had served notice that if they were defeated in their opposition to the unanimity rule for the nomination for the Secretary-General, that they would reopen the question of the term of office of the Secretary-General when the whole matter was referred back to Committee II/1. MR. WARREN asked why it was not possible to have the Steering Committee consider this matter in view of the jurisdictional conflict between the two committees. REPRESENTATIVE BLOOM observed that as he understood the matter he would not be required to do anything until Senator Connally's Committee finished its deliberations.

### AMENDMENT PROCEDURE

THE SECRETARY asked whether there was any emergency business to be considered by the Delegation. COMMANDER STASSEN declared that he should like to bring up the matter of amendment procedure and related problems which were likely to become the pressing focus for attack by the opposition. Commander Stassen urged that Mr. Armstrong, who had been working with the problem involved more closely than he had, present the question to the Delegation.

MR. ARMSTRONG declared that he wanted to make clear that he had not been handling the problem at all but merely had been helping Commander Stassen. Mr. Armstrong then reported that Mr. Evatt had called him that morning and had indicated that there was a certain amount of support for the proposal to insert in the report of Committee I/2 the statement which had been discussed at the meeting of the Big Five the previous afternoon.[53] The Mexican Delegate had indicated that he would not oppose the wishes of the United States on the unanimity rule with respect to the veto power. The Mexican Delegate had indicated that his proposal to omit any mention of procedure with respect to amendment was intended to simplify the question for the big powers as well as for the smaller states. However, MR. ARMSTRONG thought that the report of Committee I/2 was likely to run into "hot water". Mr. Evatt had urged that there be incorporated in this report a statement that every nation was free to withdraw from the Organization if an amendment were accepted by the General Assembly but failed of ratification because of the exercise of the veto power by one of the Big Five.[54] Colonel Capel-

[53] See minutes of the Five-Power meeting, June 13, 2:30 p. m., p. 1280.

[54] Summary report of eighth meeting of Subcommittee I/2/E, June 13, 10:15 p. m., not printed.

Dunn had seemed to approve of this suggestion. He had suggested as an appropriate wording "or if an amendment duly accepted by the necessary majority in the Assembly fails of ratification necessary to bring it into effect."

MR. ARMSTRONG declared that the smaller powers appeared to be worried about China, which might break up into a group of small segments controlled by war lords or might fall completely under Soviet domination. Mr. Evatt had told Mr. Armstrong in the telephone conversation that morning that he had received instructions from his own government to stand for a revisionary convention which would be free of any restraining veto power whatsoever. However, Mr. Evatt had indicated that it would not be necessary to hold such a convention within five years and had indicated that ten years would be soon enough.

MR. ARMSTRONG declared that Mr. Evatt had told him that his proposal to add to the Committee report a statement establishing the right of a member state to withdraw from the Organization if an amendment failed of ratification was "off hand and incidental" and was not to be considered as the Australian position on this question. Mr. Evatt had thought that the entire question should be handled in the text of Chapter XI, paragraph 3. However, Mr. Evatt indicated that the Australians did not want to raise any big issue at this stage of the Conference, and for this reason would not press for inclusion of phraseology making clear the right of withdrawal in the Charter itself. Mr. Evatt had asked Mr. Armstrong whether he did not think that it would be worse to incorporate a clause in the Charter or include a statement in the Committee report making clear the right of withdrawal than to permit a Revisionary Convention to make its own rules of procedure.

[Here follows discussion of the time schedule and future progress of the Conference.]

WITHDRAWAL

COMMANDER STASSEN urged that the Delegation grant to him and to Mr. Armstrong and to such other members of the Delegation as might work on the problem of withdrawal freedom of action to work out a satisfactory solution. Commander Stassen pointed out that, as a result of the failure of the major powers to reach agreement, the United States now had freedom of action, and he thought that it was essential that he be granted license to work out an appropriate solution. Commander Stassen declared that it might even be necessary to adapt Senator Rolin's draft statement to be included in the report of Commission I. Commander Stassen thought it might even be necessary to concede if all the other nations seemed to want specific

language in the Charter in order to gain acceptance for the other parts of the Four Point Program which he had outlined for the Delegation at previous meetings. Commander Stassen declared that the Delegation should make a decision as to whether it would accept such a solution. The Commander pointed out that the United States might be forced into a situation where it would lose on the question of withdrawal and at the same time lose the initiative on the other parts of the program. Commander Stassen suggested that the United States:

(1) Press strongly for the re-insertion of a clause on expulsion.
(2) Press strongly for the ratification of amendments according to the unanimity procedure.
(3) Attempt to get the Soviets to agree to ratification by a two-thirds majority, plus the five major powers, rather than a mere majority plus the five major powers as had been the occasion originally. Commander Stassen pointed out that this was a problem of chief concern to the smaller states, and he thought that the United States should allow them to make this decision or should at least not bring pressure to bear against whatever decision they might reach.
(4) Press for a clause providing for placing a Revisionary Convention on the agenda of the General Assembly after ten years.
(5) Attempt to revise Senator Rolin's statement on withdrawal and, if necessary, even accept the insertion of wording in the Charter itself.

MR. ARMSTRONG observed that he was not certain that it would be necessary to give in on the question of withdrawal. COMMANDER STASSEN agreed with Mr. Armstrong but said that he thought the small states should be given complete freedom of action with respect to the right of withdrawal. By this he meant that the United States should not attempt to influence the decision reached. Commander Stassen thought that the United States should not attempt to force through its position if by so doing it would prejudice a successful outcome with respect to the other closely related issues. Commander Stassen pointed out that there was no five-power position on withdrawal. Apparently the USSR favored a clear statement of the right of withdrawal. However, there was no clear position among the smaller powers.

MR. ARMSTRONG asked what the situation would be if the last half of paragraph 3 of Chapter XI were to be omitted. Specifically, Mr. Armstrong wondered whether the ratification of amendments passed by a Revisionary Convention would be provided for under the original amendment procedure of the Dumbarton Oaks draft. There was general agreement that the original language would cover amendments passed by a Revisionary Convention, but COMMANDER STASSEN pointed out that any change in the Four-Power Amendment would require referral to Moscow. Commander Stassen thought that in any event,

if a suitable solution could not be worked out that day in the Committee, it might be necessary to submit the question to a higher level on the following day. MR. ARMSTRONG declared that he would favor giving some consideration to Mr. Evatt's proposal that the right of withdrawal be recognized when an amendment failed of ratification as well as when an amendment is passed which a state was unable to accept. MR. DULLES agreed that Mr. Evatt's proposal, although it had since been withdrawn, was an excellent suggestion. MR. PASVOLSKY pointed out, however, that the question required careful consideration. He asked what would be the case if the United States refused to ratify an amendment by which additional responsibilities and obligations would be imposed upon the United States. Under Mr. Evatt's proposal any state could withdraw from the Organization under these circumstances, and upon the United States would fall the onus of having broken up the Organization. MR. PASVOLSKY expressed the opinion that too much of a "smoke screen" was being laid with respect to the ability of China and France to assume the obligations of big powers. COMMANDER STASSEN thought that the question should be considered realistically. Commander Stassen pointed out that in his opinion if there were sufficient pressure in the Organization to cause a breakup, the Organization would dissolve. This would be true with respect to the situation which Mr. Pasvolsky had outlined. Commander Stassen thought that the United States could not insist on acceptance of all its demands and still attempt to force the other members of the Organization to remain in the Organization. MR. HICKERSON agreed that, if the United States opposed an amendment which all the other nations were in favor of, then the United States, under Mr. Evatt's scheme, would have to bear the responsibility for smashing the Organization. COMMANDER STASSEN thought that Mr. Evatt's proposal was a sound one in as much as it constituted a kind of sanction by the United Nations on the use of the veto power by the major powers. He thought it was a completely unobjectionable provision. MR. PASVOLSKY asked Commander Stassen whether he thought acceptance could be gained for the elimination of the last part of paragraph 3, leaving only the first sentence thereof. COMMANDER STASSEN thought that acceptance would be gained but that it would probably require two weeks of negotiation and approval. MR. PASVOLSKY thought that, if the second half of the paragraph were to be dropped, there could be no doubt of the applicability of the original phraseology of the Dumbarton Oaks Proposals. COMMANDER STASSEN urged, however, that there would be little chance of gaining approval for such a revision in less than a week, but MR. PASVOLSKY replied that approval would have to be gained for the other alternatives also. THE SECRETARY remarked that the closing days of

the Conference were approaching, and he thought it was necessary to give latitude to Commander Stassen and his associates. THE SECRETARY thought that there had been adequate discussion by the Delegation to acquaint Commander Stassen with the position of the American group. Therefore, he suggested that the entire matter be put in Commander Stassen's hands and that Commander Stassen be permitted to work out a solution within the broad lines of the discussions in the Delegation meetings.

SENATOR VANDENBERG asked whether Mr. Evatt was the key to the difficulties. MR. DULLES pointed out in reply that the Australian amendment to the domestic jurisdiction clause in Chapter II, paragraph 7 had been carried solely as a personal tribute to Mr. Evatt. MR. ARMSTRONG thought that an attempt should be made to reach an agreement with Mr. Evatt to drop the second part of paragraph 3 of Chapter XI,[55] and then the decision should be pushed through among the other major powers. However, COMMANDER STASSEN pointed out that this change could not be made without submitting the entire matter to Moscow.

SENATOR CONNALLY asked what the result had been on the question of the Deputy Secretaries-General. MR. NOTTER replied that it had been decided by a vote of 30–1 to omit any reference to the Deputy-Secretaries-General. However, COMMANDER STASSEN corrected Mr. Notter and declared that the vote had been 20–19 on a roll call.[56] SENATOR CONNALLY thought that the best solution might be to maintain the veto with respect to the nomination of the Secretary-General and to allow that official to appoint his own deputies.

In SENATOR CONNALLY'S view, a straight withdrawal clause was to be desired. However, he declared that he would accept the insertion of a statement in the records of the Committee. Senator Connally declared that it had always been his opinion that the Delegation should meet this issue "face to face". REPRESENTATIVE BLOOM asked what kind of withdrawal clause Commander Stassen was being instructed to adopt. COMMANDER STASSEN replied that there were two alternatives. It had been suggested that a complete withdrawal clause be included in the Charter. It had also been proposed that reference be made in the Commission report to the right of a state to withdraw from the Organization under certain circumstances. THE SECRETARY asked what conditions would be imposed under this second alternative. COMMANDER STASSEN declared that the state would be entitled to

[55] See amendments to chapter XI proposed by the four Sponsors and by Australia, UNCIO Documents, vol. 3, pp. 628 and 544, respectively; for consideration of chapter XI by Committee I/2 on June 14, 4:15 p. m., see Doc. 991, I/2/66, June 15, *ibid.*, vol. 7, p. 209.

[56] Doc. 974, I/2/64, June 14, *ibid.*, p. 204.

withdraw from the Organization if the Organization failed in the performance of its functions or if an amendment were passed with which a member state could not agree. THE SECRETARY asked whether the Delegation would be satisfied to permit Commander Stassen to attend the meeting of the Committee with full freedom to work out a solution within the limits set by the discussions of the Delegation.

MR. HICKERSON observed that it would be helpful to the Political Advisers to have a complete statement of the program of the absolute requirements of the United States. THE SECRETARY declared that he thought such a list would already have been available. MR. HICKERSON declared that such a list was not available and pointed to the question of amendment. It had been suggested that the Delegation accept the first sentence of paragraph 3 of Chapter XI, with the omission of the rest of the paragraph. THE SECRETARY asked whether there was any doubt that the United States must insist on a veto over amendments. MR. DULLES remarked that he was not in agreement with the Secretary and declared that he wanted his position clarified for the sake of the record although he knew there was no possibility of changing the position of the Delegation. MR. DULLES pointed to the statement of Senators Fulbright and Burton, which had been read to the Delegation earlier in the meeting. MR. DULLES thought that the inflexibility of the amendment procedure would be a focal point for attack. SENATOR VANDENBERG declared that the two Senators mentioned would vote in favor of the Charter even if "it gave the United States to Ethiopia". REPRESENTATIVE BLOOM thought that these two Senators had not thought the matter through completely.

MR. DULLES thought that the failure of the United States to maintain a veto over amendments passed by the Organization would not be very disastrous to this country because of the great prestige of the United States and because of the obvious necessity of the cooperation of the United States in making the Organization a success. However, it might be possible for China to oppose an amendment in which case the situation might be such that China could merely be permitted to drop out of the Organization. If such a situation were to arise, it would be possible to form a new organization just as the new World Court which was being formed eliminated some of the states which had been members of the previous court. MR. DULLES thought that it would be advantageous to find some way of expressing this possibility in the Committee report. It was important, MR. DULLES thought, to make clear that the "dead hand" of one of the major powers need not necessarily be continued in perpetuity. For this reason, MR. DULLES declared that he recommended Mr. Evatt's suggestion because it said in effect that a new organization could be formed at any time when one of the major powers was no longer capable of

exercising its responsibility. The world, MR. DULLES pointed out, is a living thing and cannot possibly be held by a "dead hand" in spite of the language of the Charter. Mr. Dulles urged that the present Conference was dropping Japan and Italy from the ranks of the Organization despite the fact that these two nations had held permanent seats on the Council of the League of Nations. Mr. Dulles thought that some way should be found to point to this fact and to point out that the Conference was not necessarily accepting the idea that the five major powers would retain a permanent veto power.

SENATOR CONNALLY asked whether pressure was still being maintained for the establishment of a fixed time period for holding a Revisionary Convention. COMMANDER STASSEN declared that there was still pressure for the establishment of a period between the fifth and tenth year of the operation of the Organization. Commander Stassen declared that the major powers were attempting to defeat this proposal, and he pointed out that Mr. Evatt had indicated his willingness to accept a ten year period. Commander Stassen thought that Mr. Dulles' presentation had been good, but he voiced the opinion that it would be impossible to make any reference such as Mr. Dulles had proposed in a Committee report. Commander Stassen then outlined the matters on which the Delegation had agreed as follows:

1. The Delegation had agreed to support re-insertion of provisions for expulsion in the Charter.
2. The Delegation had agreed on the unanimity requirement for the ratification of amendments. SECRETARY STETTINIUS pointed out that there was unanimity of the major powers on this subject.
3. The Delegation had agreed to propose a definite time period and to support a provision which would place the calling of a Revisionary Convention on the Agenda of a General Assembly in its tenth year of operation. COMMANDER STASSEN thought that the Soviet would come through on this question. MR. ROCKEFELLER disagreed with this, and COMMANDER STASSEN declared that, in that case, the United States would have to vote against the other members of the Big Five. MR. ROCKEFELLER thought that this was a realistic position. The United States had been voting consistently according to the Big Five positions and had gained a reputation for voting for things in which it did not believe. However, on the previous day the Russians had voted against the five power agreement.
4. The Delegation had still to decide whether it would grant to Mr. Armstrong and Commander Stassen latitude to work out a withdrawal provision in order to obtain acceptance for the remainder of the program.

SECRETARY STETTINIUS declared that he agreed with the position stated a few moments previously by Mr. Dulles. However, he thought this would take five months of negotiation, and he expressed the opinion that it would be impossible to obtain the agreement of the British

to such a proposition. MR. DULLES declared that he was not proposing a substantive change in the Charter. Mr. Dulles pointed out that the Russians were in favor of the recommendation of a general right of withdrawal, and he asked why a statement recognizing this right should not be placed in the record. COMMANDER STASSEN declared that his position would be to accept Mr. Evatt's proposal if agreement could be reached among the major powers. MR. DULLES thought that the United States should take a more positively favorable position on Mr. Evatt's proposal. MR. HICKERSON pointed out that Mr. Evatt had agreed to a provision for a vote on the question of calling a Revisionary Convention after ten years. MR. HICKERSON thought that Mr. Evatt would accept phraseology without any reference to a procedural vote. Mr. Hickerson thought that this Government could now sell any position it wanted to maintain. COMMANDER STASSEN thought that there had been a misunderstanding on the amendment question. He pointed out that there was nothing in the Charter which provided for a veto over a Revisionary Conference. The veto applied only to the ratification of an amendment passed by such conference. There had been, he thought, a great deal of misunderstanding about this question. However, the Delegation was unanimous that there must be a unanimity rule with respect to any amendment passed by the Organization. MR. HICKERSON declared that in this case it would be impossible to accept Mr. Evatt's proposal and COMMANDER STASSEN agreed. MR. HICKERSON declared that so long as this position was made clear to him, he could insure its acceptance by the smaller powers. [At this point, 10 a. m., Secretary Stettinius and Mr. Hickerson left the meeting.] [57]

EXPULSION

MR. HACKWORTH asked why the Delegation should stand so strongly for the re-insertion of the provision on expulsion. Mr. Hackworth pointed out that the Organization could suspend a recalcitrant member indefinitely. This, he thought, would have the same practical effect as expulsion. COMMANDER STASSEN declared that this was the Soviet position and no change could be effected without first clearing the question with Moscow. MR. ARMSTRONG asked whether the United States could not afford to lose on this question, but COMMANDER STASSEN replied that in his opinion the question could be carried. Commander Stassen thought that it would not be desirable to have Russia overturned too often during the last few days of the Conference. MR. NOTTER remarked that there had been no change in the Delegation's position as a result of that morning's meeting.

[57] Brackets appear in the original.

COMMANDER STASSEN asked what his instructions were. SENATOR CONNALLY declared that it was his understanding that Commander Stassen, Mr. Armstrong, and Mr. Dulles were authorized to work out an acceptable solution. However, SENATOR CONNALLY was of the opinion that the Delegation would prefer the insertion of a clause on withdrawal in the report of the Committee rather than a clause tied to amendment procedure. [At this point, 10:15 a. m., Mr. Pasvolsky and Mr. Hackworth left the meeting.] [57a]

### TRUSTEESHIP

COMMANDER STASSEN reported that there might be a slight modification in the draft of Section A of the Trusteeship Chapter, which the Delegation had considered on the previous day.[58] Commander Stassen remarked that he had been having difficulty with the French, the British, with Mr. Evatt, and with the Philippines. He declared that he would keep in touch with the military advisers and would make certain that the interest of the United States would be safeguarded. Commander Stassen pointed out that, if agreement among the disputing powers were not reached before the Committee met, there would be a "grand battle" in the final meeting of the Committee.

SENATOR CONNALLY asked the Military Advisers whether they were satisfied with the trusteeship draft and with the course of the discussions which were then underway. GENERAL FAIRCHILD replied that the Military Advisers had no reason to be dissatisfied since most of the questions they had considered were not military at all but were of a political nature.

[Here follow remarks by Mr. Rockefeller on the problem of lining up votes and remarks by Commander Stassen on the question of referring parts of the Charter to Congressional Committees.]

### DOMESTIC JURISDICTION

MR. DULLES declared that there would be a tremendous argument on the subject of domestic jurisdiction at that day's meeting of Committee I/1. MR. DULLES declared that, unless adequate support were obtained from Mr. Rockefeller, the major powers would be defeated. There was an attempt to re-insert in the paragraph on domestic jurisdiction the wording "disputes arising out of matters which by international law are solely within the domestic jurisdiction . . .". This wording had been in the original Dumbarton Oaks Proposals, and a great deal of support was being enlisted to re-insert it. MR. DULLES declared that he did not like the wording and thought it was nebulous. Mr. Dulles asked the Senators whether they thought it was essential that this phraseology be kept out of the Charter. SENATOR

[57a] Brackets appear in the original.
[58] Minutes of the seventieth meeting, June 13, 9 a. m., p. 1273.

VANDENBERG thought that there would probably be a reservation if the words were included.

MR. ROCKEFELLER declared that he was having a meeting with Commander Stassen at 2:30 that day to attempt to obtain an over-all picture of the entire situation. MR. DULLES asked if it would be helpful for him to present a memorandum stating the United States position on domestic jurisdiction and outlining the reasons for this position.[60] MR. ROCKEFELLER declared that such a statement would be very helpful and should be in by 2:30 p. m.

The meeting was adjourned at 10:23 a. m.

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RSC Lot 60D 224. Box 96: US Cr Min 72

*Minutes of the Seventy-Second Meeting of the United States Delegation, Held at San Francisco, Friday, June 15, 1945, 9 a. m.*

[Informal Notes]

[Here follow list of names of persons (29) present at meeting, announcement by Secretary Stettinius concerning a meeting of the heads of the five delegations, and prospects for completion of Committee work.]

AMENDMENT PROCEDURE

MR. STASSEN asked whether it would be possible for Senator Connally to come to the meetings of Committee I/2[61] while the question of amendments was under discussion. Whereas our position had been on the whole successfully defended in the Subcommittee, MR. STASSEN said that the American representatives were hitting a snag in the full Committee.

PREAMBLE

DEAN GILDERSLEEVE commended Commander Stassen and Mr. Dulles for their admirable work in the session of Commission I.

DR. BOWMAN stated that Mr. MacLeish's Preamble to the Charter[62] was a good one. He asked whether the Coordination Committee had the power to improve on the Preamble as adopted by Committee I/1.[63] In response, it was stated that this was definitely the understanding in that Committee, although MR. HACKWORTH said no change in substance would be permissible. MR. SANDIFER thought it would be wise for the Coordination Committee or its Subcommittee to take the present draft

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[60] For Mr. Dulles' explanation of the view of the four Sponsoring Governments on domestic jurisdiction, see Doc. 1019, I/1/42, June 16, UNCIO Documents, vol. 6, p. 507.

[61] Doc. 1015, I/2/68, June 15, *ibid.*, vol. 7, p. 219 and Doc. 1022, I/2/69, June 16, *ibid.*, p. 229.

[62] Not printed.

[63] Doc. 817, I/1/31, June 6, UNCIO Documents, vol. 6, p. 365.

of the Preamble as the basis for its work rather than one brought in from the outside associated with some name other than Field Marshal Smuts. MR. NOTTER thought that in view of the statement made by Dean Gildersleeve in Commission I [64] concerning the importance of revising the Preamble, and in view of the understanding of Committee I/1 when it voted on the Preamble, certain even [*very?*] minor changes in substance could be made in the Preamble by the Coordination Committee.

DR. BOWMAN suggested that a small subcommittee of the Coordination Committee be appointed to consider redrafting the Preamble. THE SECRETARY asked Mr. Sandifer to take up this matter with Mr. Pasvolsky and to see whether a subcommittee of the Coordination Committee could be established for this purpose.

### EGYPTIAN AMENDMENT ON TERMINATION AND TRANSFER OF TRUST AREAS

THE SECRETARY asked what the Army and the Navy representatives had on their minds in connection with the trusteeship document. Admiral Hepburn indicated that the one special problem was the Egyptian amendment on termination and transfer of trust areas.[65] SENATOR CONNALLY asked whether we could stay in the islands we had occupied in the Pacific until we got ready to turn them over. ADMIRAL HEPBURN replied in the affirmative. He added that the mandate rights under the League would remain intact under the present proposal except for the enemy possessions, particularly Japan's.[66]

### OPEN ITEMS IN COMMITTEE I/2

MR. ROCKEFELLER stated that it would be helpful if there could be a final and definite policy formulated with respect to the issues before Committee I/2. If such a policy was set down, he said that the political liaison officers could then undertake to line up the votes. MR. HICKERSON agreed that such a policy would be very helpful.

Discussion took place on the proper tactics to be employed in securing the approval of Committee I/2 of that aspect of the amending provision involving veto power over amendments recommended by a general conference. MR. DULLES pointed out that apparently the political liaison officers were hinting in their conversations with other Delegations that if there was a possibility of withdrawal from the Organization, we could get through the Senate the provision on amendments without a veto by the great powers.

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[64] Doc. 1006, I/6, June 15, UNCIO Documents, vol. 6, p. 19.

[65] Doc. 871, II/4/34, June 9, *ibid.*, vol. 10, p. 510.

[66] For text of convention between the United States and Japan with respect to former German possessions under a mandate to Japan, signed at Washington, February 11, 1922, see *Foreign Relations*, 1922, vol. II, p. 600.

THE SECRETARY stated that the situation is that the Soviets place great importance on the veto and that the American Delegation would have to go along with them because there is no time now to compromise. He wished to say that we cannot join an organization that does not include the power of veto on amendments. He added that he had been given the commitment that the whole Latin American vote could be depended upon if necessary to save the Conference.

MR. ARMSTRONG stated that he had made it plain in the discussions of Committee I/2 that we shall not go along without the veto provision on amendments. He felt that we had to stick to that line.

SENATOR CONNALLY stated that the agreement seems to be that we will stick by the veto and announce that anyone may leave the Organization by the back door. THE SECRETARY reminded the Delegation that the veto on amendments goes back to the Dumbarton Oaks Proposals and is not part of the Yalta agreement. MR. NOTTER added that Mr. Novikov had lost us a lot of votes the previous day by his statement in Committee I/2.[67]

THE SECRETARY directed those responsible for presenting the American position in Committee I/2 to confer with the appropriate political liaison officers in order to arrive at an agreed upon line of action with respect to the attitude of the Latin American countries. THE SECRETARY asked that he be given a statement concerning the position of the Latin American countries so that he personally could go into action with respect to them. MR. HICKERSON noted that Mr. Evatt and Mr. Fraser threatened to take the amendment issue to the plenary session.

The Secretary adjourned the meeting at 9:45 a. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 73

*Minutes of the Seventy-Third Meeting of the United States Delegation, Held at San Francisco, Saturday, June 16, 1945, 9:04 a. m.*

[Informal Notes]

[Here follows list of names of persons (34) present at meeting.]

THE SECRETARY convened the meeting at 9:04 a. m.

ANNOUNCEMENTS

THE SECRETARY reported that three Committees had still to complete their work. Committee I/2 had been progressing slowly, while Committee II/4 had been held up awaiting approval from Moscow on Section A of the Trusteeship Chapter. COMMANDER STASSEN declared that technically this was correct but actually the delay had

[67] Doc. 991, I/2/66, June 15, UNCIO Documents, vol. 7, p. 210.

been caused by the inability of the British and the Australians to get together on the new wording. THE SECRETARY went on to declare that Committee III/3 was awaiting the approval of the Russian government. The Secretary declared that there was to be a meeting of the five powers at 9:45 that morning[68] and that this was to be followed by a meeting among Ambassador Gromyko, Ambassador Koo and Secretary Stettinius. SENATOR VANDENBERG asked whether Committee II/2 should not be included on this list and he remarked that that Committee was scheduled to meet during the course of the day. MR. SANDIFER observed that there were no important matters before Committee II/2 but MR. PASVOLSKY declared that this Committee was considering the powers of the General Assembly. It was agreed that Committee II/2 should be added to the list of committees which had important decisions to make.

THE SECRETARY reported that he had had a meeting with three other presidents of the Conference on the previous day and it had been apparent at that time that it would not be possible to conclude the conference with a simple ceremony as had been planned originally. The Secretary reported that the Russian delegate wanted to make a speech and therefore it would be necessary to ask the Chairmen of the other sponsoring governments to speak also. Furthermore, it would be necessary to ask several representatives of the smaller nations to address the final session of the Conference before the President's speech. THE SECRETARY observed that it would be possible to hold down this preliminary oratory to a total of 45 or 50 minutes. He asked that the Delegation authorize him to negotiate with a view to establishing rules on time limits and the like in order that the final session might be made as short as possible.

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## REVISIONARY CONFERENCE

COMMANDER STASSEN observed that there seemed to be strong sentiment among the smaller nations for some more definite assurance of a date for calling of the revisionary conference. Commander Stassen declared that he personally felt strongly that it would be unwise to ignore at the end of the Conference such widely expressed sentiment on an issue which was not really crucial. He thought that some concession on this point would help in avoiding ending the Conference on a sour note. He suggested that discussions be undertaken with the other major powers. He suggested that some wording such as the following be adopted:

"If such a conference has not been called prior to the tenth year after the effective date of the Organization, and unless a majority of

[68] For minutes of the Five-Power meeting, see *infra*.

the members have indicated during the tenth year that they do not desire such a conference to be called, the Secretary-General shall call such a conference to be held at a convenient date between the tenth and twelfth years inclusive."

MR. PASVOLSKY thought that it was not within the powers of the Secretary-General to call a revisionary conference but MR. HICKERSON observed that specific authority would be provided in the Charter for this power if Commander Stassen's suggestion were adopted. COMMANDER STASSEN also suggested that Senator Rolin's proposal that a ⅔ majority, including the permanent members of the Security Council, be accepted in place of a simple majority, including the permanent members, as previously proposed. COMMANDER STASSEN reiterated that he thought it was important that a liberal attitude be maintained with respect to non-critical issues.

SENATOR CONNALLY observed that there had been a great deal of enthusiasm for Mr. Armstrong's amendment to the effect that a revisionary conference be placed on the agenda of the General Assembly during the tenth year.[69] MR. HICKERSON thought that this enthusiasm had been lost as the meeting progressed. Mr. Hickerson declared that he agreed with Commander Stassen that the Delegation should take a liberal attitude with respect to issues which were not vital. He pointed out that the newspaper headlines were quite unfavorable, emphasizing as they did the fact that the Big Five had opposed setting a definite date for the calling of a revisionary convention. Mr. Hickerson suggested a provision be inserted in the Charter that a revisionary convention be held every ten years. REPRESENTATIVE BLOOM pointed out that to his knowledge there was nothing in the Charter which would prevent having revisionary conferences periodically. MR. HICKERSON agreed that such conventions could be called at any time according to the desires of the member states and he observed that no real concession would be involved. Mr. Hickerson thought that it was the gesture that was important. COMMANDER STASSEN pointed out that there was a feeling among the smaller states that they had failed to attain the necessary ⅔ majority because of the votes of those states which customarily followed the lead of the U.S.S.R. and the United States. Because of this, they were somewhat doubtful of their ability to garner the necessary ⅔ vote for calling a convention in the future. In effect they were being told that a revisionary convention would be held in the future if ⅔ of the members of the Organization were in favor of such a convention immediately after they had failed in an attempt to achieve a ⅔ majority on this issue.

[69] Doc. 1015, I/2/68, June 16, UNCIO Documents, vol. 7, p. 220; see also Doc. 1022, I/2/69, June 16, *ibid.*, p. 229.

MR. HICKERSON observed that he was dissatisfied with the amendment presented by Senator Rolin. Mr. Hickerson thought that the more ratifications that were needed for any amendment, the weaker the Organization would be. Mr. Hickerson admitted that there was no immediate difficulty to the United States involved in a requirement for more ratifications because of the fact that the United States had a veto over any amendments passed. He reported that one delegate had told him that he was opposed to Senator Rolin's proposal but would vote for it because he was tired of being "kicked around by the Big Five".

SENATOR CONNALLY observed that he would have no objections to setting the tenth year as the date for holding a conference unless the Security Council and the General Assembly opposed such a convention by a majority vote. REPRESENTATIVE BLOOM pointed out that even if provision were made in the Charter for having a convention at a specific date, it would still be necessary to call such a convention by a procedural vote. MR. DULLES thought that Representative Bloom was technically correct unless there could be established in advance a definite date, hour, and organization for such a conference. However, Mr. Dulles thought that the question at issue was not a technical one, but was the broad matter of ending the conference on a decent note. The smaller states were not interested in technical questions. The delegation was dealing, Mr. Dulles said, with a psychological problem. SENATOR CONNALLY observed that Mr. Evatt wanted the convention to be called without any interference by the Security Council. THE SECRETARY thought that so long as the permanent members of the Security Council had ultimate control of the amendments that went into effect, the rest of the details could make very little difference. SECRETARY STETTINIUS suggested that the delegation settle on some formula. MR. DULLES observed that if the United States could negotiate on this question alone, choosing the appropriate time and taking advantage of the best possible strategy, the entire question could be settled in an hour's time. Mr. Dulles pointed out, however, that the United States was in partnership with the U.S.S.R. and with the other sponsoring governments. The greatest need, he said, was for flexibility but this would be impossible inasmuch as prior agreement was required among the sponsoring governments and France. The position of the Russian delegates was that all changes should be rejected. MR. ARMSTRONG pointed out that the Russians had given their approval to placing the convocation of a revisionary convention on the agenda of the General Assembly. A number of nations had spoken in favor of this solution and if it had been put to a vote, it would have been carried with approximately two abstentions. How-

ever, the Delegation had held up a vote because if it were decided that the United States could go further on the question it would soften somewhat the disappointment of the small powers over having to accept the veto over amendments. MR. ARMSTRONG did not think that the U.S.S.R. would go any further, but he expressed the opinion that the Russians would accede to Senator Rolin's proposal that 34 ratifications be required instead of 28. Mr. Armstrong declared that he was not in agreement with Mr. Hickerson on this point. The small powers, he said, wanted a voting procedure which would expedite the calling of a revisionary convention and at the same time would make passage of amendments adopted more difficult. SECRETARY STETTINIUS asked whether it was thought that Ambassador Gromyko would approve this proposal. MR. ARMSTRONG thought that he might if the United States pressed it strongly. MR. DULLES thought that Ambassador Gromyko had sufficient authority to accept this proposal because the Ambassador had suggested that the question be held over in order that the sponsoring governments might talk it over. Mr. Dulles thought that Ambassador Gromyko would not have made this suggestion unless he was empowered to concede. THE SECRETARY asked whether it was thought that the small nations would be satisfied by the placing of a revisionary convention on the agenda of the General Assembly in addition to Senator Rolin's amendment. COMMANDER STASSEN thought that it might be acceptable if provision were made for the calling of a conference by a majority of the Assembly plus a procedural majority of the Security Council. Commander Stassen asked whether the Delegation would recommend approval of Senator Rolin's proposal and the Delegation agreed to accept the provision requiring the ratification of ⅔ of the members of the Organization including the permanent members of the Security Council before an amendment passed by the revisionary convention would become effective. COMMANDER STASSEN asked next whether the Delegation would recommend advancing beyond merely placing the convocation of a revisionary convention on the agenda of the General Assembly. SENATOR CONNALLY declared that he would vote to grant liberty of action to the United States delegate to work out the most acceptable solution. MR. HICKERSON thought that in the event that it was impossible to obtain Ambassador Gromyko's agreement it might be appropriate to establish American latitude on minor matters before the Committees. If Ambassador Gromyko could be talked into abstaining from any position and reserving the position of his government the work of the Conference could be wound up. SECRETARY STETTINIUS urged that the consultations should be brought to an end that morning. COMMANDER STASSEN declared that the difficulty was that there was an

established four power position. If it was essential to close the consultations that morning, the net result might be that there would be no departure from this previous position. COMMANDER STASSEN thought that Mr. Hickerson's proposal likewise was not satisfactory because if Russia were to abstain, its abstention would "stick out like a sore thumb". Commander Stassen thought that the Delegation should agree to a proposal whereby a revisionary convention could be called by a majority vote of both houses of the Organization. SENATOR CONNALLY urged that it might be more appropriate to provide for rejection of such a convention by a majority vote and the Delegation agreed to this suggestion. COMMANDER STASSEN thought that it might be possible to gain clearance from Moscow before the Commission Session the following week. MR. PASVOLSKY indicated that he was in favor of Senator Connally's provision. He thought that an attempt should be made to have a revisionary convention in the tenth year. If the members should reject a convention by a majority, there would be no convention. If they did not reject such a convention the conference could be held between the tenth and twelfth years. MR. ROCKEFELLER declared that he wanted to go on record as supporting Commander Stassen in his emphasis on the important psychological effect of concession on this issue. He thought that if it would become necessary, the United States should reserve the right of independent action. Mr. Rockefeller pointed out that the Russians had taken such a step on another issue.[70] But COMMANDER STASSEN replied that no four power position had been established on the other question.

### DISCUSSION BY THE GENERAL ASSEMBLY OF ANY MATTER WITHIN THE SPHERE OF INTERNATIONAL RELATIONS

SECRETARY STETTINIUS asked Mr. Dulles to present to the Delegation the third item on the agenda. MR. DULLES referred the Delegation to the document, "The American Position on the Right of the General Assembly to Discuss any Matters Within the Sphere of International Relations," US Gen 267.[71] Mr. Dulles observed that at the previous meeting of the four presidents of the Conference, Ambassador Gromyko had taken advantage of the occasion to indicate that he could not accept the text of Chapter V, Section B, paragraph 1 as it had been accepted by Committee II/2.[72] AMBASSADOR GROMYKO had urged that there be held immediately a meeting of the Steering Committee and it had only been after considerable pressure that he had

[70] Agreement was reached at the Five-Power meetings on June 12, 6 p. m., and June 13, 2 : 30 p. m., on freedom of action with respect to the issues of withdrawal and domestic jurisdiction; for minutes of meetings of June 12 and 13, see pp. 1266 and 1273, respectively.

[71] Not printed.

[72] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 108.

agreed to consultations to work out compromise wording. He had been urged not to insist on a Steering Committee meeting on the grounds that the Soviet objection would probably be overruled and ill will would be created. MR. DULLES thought that it would be acceptable to the Big Five and to Committee II/2 to add at the beginning of paragraph 1 of Section B, Chapter V, the following wording:

"Within the purposes and in accordance with the principles laid down in the Charter, the General Assembly should have the right to discuss any matter within the sphere of international relations; . . ."

This additional wording, MR. DULLES thought, would eliminate the possibility of academic discussions. MR. GERIG agreed with Mr. Dulles that this wording could probably be accepted in view of the difficulty of opposing reference to the Purposes and Principles of the Organization. He admitted, however, that he had not been able to remain until the end of the meeting and hence was unable to gauge adequately the temper of the Committee. MR. CORDIER, who had been present for the entire meeting, declared that there had been no additional developments. THE SECRETARY pointed out that the sponsoring governments were bound by the original language but were not bound by the additional wording. MR. GERIG reiterated that it would be difficult to oppose this language because of its connection with previously accepted purposes and principles. SENATOR VANDENBERG, however, thought that the new language would be rejected by Committee II/2. MR. GERIG pointed out that there was no real limitation involved in this language because of the broad purposes and principles established. In reply to SECRETARY STETTINIUS' request for his recommendation, MR. DULLES declared that he would recommend that the Delegation acquiesce in the change. He thought that the Delegation should vote in favor of the new wording but should not take any responsibility for promoting its acceptance. THE SECRETARY asked whether he was right in understanding that the British would accept either phraseology and were willing to take the initiative in proposing the change. It was agreed that this interpretation was correct. SENATOR VANDENBERG observed that the United States had been gaining a sufficiently bad reputation and he declared that he would not have anything to do with promoting this change. SECRETARY STETTINIUS asked whether he would not vote for it without taking any more positive action. SENATOR VANDENBERG declared that he would have no objection to Mr. Cordier voting for it but he said that he would not vote, himself. MR. PASVOLSKY thought that this qualifica-

tion should not be related to the function of discussion but should be tied to the power to make recommendations. MR. DULLES, however, pointed out that the Russian intention had been to eliminate academic discussions. MR. PASVOLSKY declared that he had made a suggestion with a view to discussion among the various governments. SENATOR VANDENBERG thought that the United States should have no part of the suggestion and he asked why the Delegation should "stultify" itself just because Ambassador Gromyko wanted to "stultify" himself. THE SECRETARY remarked that Ambassador Gromyko had instructions to carry this question all the way up through the Conference, if necessary. COMMANDER STASSEN urged that the United States was in a position of mediation and would have to exert its influence to mediate. The Commander pointed out that this government should attempt to avoid any set opposition to the Soviet Union if a peaceful post war world were desired. REPRESENTATIVE EATON thought that this was a "laudable ambition" but he thought that it would be necessary to have the assistance of the Russians. SECRETARY STETTINIUS asked the Delegation whether it was willing to abide by Mr. Dulles' suggestion that the United States vote in favor of this amendment without taking any responsibility for it. The Delegation agreed.

### INTERIM ARRANGEMENTS

MR. PASVOLSKY reported that several changes had been suggested in the document "Interim Arrangements Concluded by the Governments Represented at the United Nations Conference on International Organization", Secretariat Document 902 (English).[74]

The first change suggested was the substitution of the word "appointed" for the word "detailed" in paragraph 3 concerning the personnel of the Preparatory Commission. MR. STONE thought that there was a disadvantage to the use of the word "appointed" inasmuch as it had the significance of fixed affiliation. He thought that the word "designated" would be better and the Delegation agreed to this substitution.

The other suggested change was the omission of part D of paragraph 4. MR. PASVOLSKY presented a substitute wording which he thought would be acceptable, as follows:

"Examine problems involved in the establishment of relationships between specialized intergovernmental organizations and agencies and the Organization".

This change, he declared, had the same effect as the original and the Delegation agreed to the proposed wording. SECRETARY STETTINIUS thought that Mr. Sandifer should present this change but MR.

[74] Doc. 902, EX/23, June 11, UNCIO Documents, vol. 5, p. 514.

SANDIFER said that since the revision had been made upon the suggestion of the Russians it was up to the Russians to present the new wording.

At this point, 9:45 a. m., the Secretary left the meeting.

### REVISIONARY CONVENTION

SENATOR CONNALLY asked that the Delegation return to the question of a revisionary convention. He thought that Mr. Armstrong should be given the credit for the amendment to place the calling of such a convention on the agenda of the General Assembly, which had been tendered an enthusiastic reception. He thought that the proposal might be liberalized further by including a provision allowing the Assembly to fix the date for the convention. COMMANDER STASSEN suggested that it be established that the convention be held between the tenth and twelfth years after the Organization came into operation. MR. HICKERSON declared that he agreed with Senator Connally's proposal. SENATOR CONNALLY said that such a proposal would fix the time and might satisfy the smaller powers. He thought that there could be no harm in permitting the holding of a conference at a fixed time. Senator Connally expressed the opinion that nothing very important would be adopted at such a conference in any event because of the division which would exist among the members of the Organization. MR. ROCKEFELLER suggested the wording "as soon as practicable" but MR. HICKERSON thought that the Assembly should be specifically authorized to set the date. MR. ROCKEFELLER asked what kind of vote would be required for the calling of a convention and SENATOR CONNALLY replied that a majority would be sufficient. COMMANDER STASSEN declared that he thought the advisors should draft some wording. MR. DULLES pointed out that under the language that had been considered it would be necessary to have the concurrent opposition [*consent?*] of both the General Assembly and the Security Council in order for a convention to be held. COMMANDER STASSEN thought the Assembly itself by majority vote should be permitted to block the holding of the convention. SENATOR CONNALLY declared that he had wanted to include the Security Council in this discussion because he could not see any point in calling a convention if the representatives of the Security Council were going to be opposed to the amendments considered. MR. ARMSTRONG declared that the immediate problem was to gain the approval of the Russians in five minutes and he wondered whether they would accept the solution offered. SENATOR CONNALLY declared that they had accepted the previous suggestions and so might accept this.

Senator Connally had a new suggestion. He thought that the convocation of a revisionary convention should be placed on the

agenda of the General Assembly and the actual calling of the meeting should be by a majority vote of the Assembly and a procedural vote of the Security Council. MR. HICKERSON thought that this would apply only to the tenth year. If a conference were not called during the tenth year, a ⅔ vote would be necessary to call a revisionary convention. It was thought, however, that no reference whatsoever should be made to this distinction and the Delegation agreed to accept Senator Connally's proposed wording.

The meeting was adjourned at 9:51 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 22

*Minutes of the Twenty-Second Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 16, 1945, 9:45 a. m.*

[Informal Notes]

[Here follows list of participants, including members of Delegations of the United States (17); United Kingdom (4); Soviet Union (3); China (2); and France (5).]

MR. STETTINIUS opened the meeting at 9:45 a. m., stating that this meeting was called at the request of the United States Delegation to discuss two items prior to the convening of the meeting of the four presidents which would consider the plans for the closing proceedings of the Conference.

MR. STETTINIUS stated that most of those present were familiar with the discussions concerning amendment procedure. The United States Delegation had just reviewed the whole matter in detail. MR. STETTINIUS called on Mr. Stassen to present suggestions which he said he hoped the other members of the group would find acceptable.

MR. STASSEN stated that, on the basis of the discussion in Committee I/2, two matters had arisen on which consultation seemed necessary in this group and on which the United States Delegation had formulated recommendations. The first item was the Belgian motion [75] providing for ratification of recommendations made by the general conference to review the Charter, by a two-thirds vote together with the concurring votes of the five permanent members, rather than by a majority vote together with the votes of the permanent members. This would increase the number of necessary ratifications from 28 to 34. He stated that the United States Delegation feels that, while ratification under this procedure would be more difficult, it would be well under the circumstances to go along on the Belgian amendment in view of the fact that we want above all to

[75] Doc. 1022, I/2/69, June 16, UNCIO Documents, vol. 7, p. 230.

insure that amendments can come into force only with the agreement of the five powers.

MR. STASSEN stated that the second matter on which he would like to present a recommendation was the South African motion which had been defeated by a vote of 28 to 17 only.[76] This vote was very close to a two-thirds vote and many states had very strong sentiments about this motion. He said he thought we should not overlook this sentiment as we tried to bring the Conference to a close. Therefore, he was suggesting that the following proposal be supported by the five delegations as an addition to the text of the sponsoring governments' amendment:

"If such a general conference has not been held before the tenth annual meeting of the General Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly, and shall be subject to adoption by the Assembly by a simple majority vote and by the Security Council voting by a procedural vote.

MR. STETTINIUS commented that in view of the fact that the five powers would have a veto on amendments and since the Assembly could in any event call a conference for the review of the Charter, he thought what we were discussing was a rather unimportant procedural question. He asked Mr. Boncour what he thought of Mr. Stassen's proposals. MR. BONCOUR indicated approval.

AMBASSADOR HALIFAX said he agreed on both points. He remarked that he had sat through much of the committee discussion and in his judgment the only way to get through with general good will and speed would be to follow the line suggested by Mr. Stassen. He thought, unless some good will was created, the effort to insure our veto on amendments might not succeed or in any event we might lose important votes.

AMBASSADOR GROMYKO indicated that Mr. Stassen's proposal would mean that we made three concessions in one day: a concession on amendments, a concession on the two-thirds vote for the ratification of the Charter and the inclusion of the calling of the conference on the agenda of the tenth assembly. AMBASSADOR HALIFAX indicated that half of these were made yesterday. MR. STASSEN said the proposal by Belgium was not for ratification of the Charter but for ratification of amendments only.

AMBASSADOR GROMYKO repeated that these proposals involved three concessions. He thought the concession on the Belgian motion in the draft before the committee would no doubt be welcomed. He was afraid, however, that it would create an additional difficulty in making it possible for a small group of states to block ratification.

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[76] Doc. 1015, I/2/68, June 16, UNCIO Documents, vol. 7, p. 220.

MR. STETTINIUS pointed out that the change in the number required for ratification was from 28 to 34. AMBASSADOR GROMYKO stated that there was a difference of six votes and that this difference might be the cause of blocking ratification of the revised charter. MR. DEJEAN asked whether our policy was to facilitate amendments or to make them more difficult. AMBASSADOR Gromyko replied that, if they were good amendments, acceptable to the five permanent members, then we would be interested in speedy ratification.

AMBASSADOR HALIFAX said that the whole course of the development of opinion showed that our problem was the likelihood of the smaller powers wanting to enforce amendments on us. Therefore, he said he was glad to see Mr. Rolin making it more difficult to get amendments through. He believed that the great problem would be the desire of the smaller powers to put through amendments that we would not want.

MR. STETTINIUS expressed agreement with Ambassador Halifax. AMBASSADOR GROMYKO said that the five major powers would be secure in any event because of the requirement of unanimity in the ratification of amendments.

MR. STASSEN said that unanimity had not yet been voted and that that was what we wanted to win. Since this most important problem was not yet decided he thought it might be well to make a concession and adjustment at this time. It would in any event be important not to rely on the fact that one of the major states could veto an amendment, since no one of us would like to be the only one blocking an amendment. He believed that neither the two-thirds or the majority vote was vital in ratification and that to agree to Mr. Rolin's proposal would put us in a better place to secure the ratification of the Five Powers for every amendment.

AMBASSADOR GROMYKO stated that no one in the Technical Committee had opposed the unanimous vote of the Five Powers in the ratification of amendments.

SENATOR CONNALLY indicated that he would like to address some remarks to Ambassador Gromyko and to the others present. He said that with the five permanent members in the driver's seat these members would not be concerned with the revision of the Charter. The pressure would come from the little countries that wanted amendments. He said that, in view of the tough battle that had to be waged in connection with the veto in Committee III/1 and in view of the feeling that was evident in this battle of opposition to the veto on amendments, he believed it would be very important to accept Mr. Rolin's proposal. Acceptance of this proposal he thought, would close the veto question, tie it up, and make it possible to go through and close the conference. Senator Connally said he wanted

to urge the Ambassador to accede to this proposal and to agree upon it. He felt that if the Five States could line up on this proposal and put it over they could assure themselves the veto on the ratification vote. AMBASSADOR HALIFAX indicated agreement with this position.

MR. BONCOUR said he did not understand why Mr. Rolin had made this proposal which made amendments more difficult. He thought, however, that since it had been proposed that we should take advantage of it. AMBASSADOR KOO remarked that the principal preoccupation of the Chinese Delegation as the Secretary knew was to get the veto power on amendments accepted. Those states that had been defeated in Committee III/1 were now putting their hope in the possibility of review of the Charter, and were therefore concentrating all their effort on Committee I/2. He believed that the Belgian offer provided the opportunity to get over the last hurdle. Both on psychological and substantive grounds he approved Mr. Stassen's proposal.

AMBASSADOR GROMYKO asked whether, if a concession was made on the placing of a conference for review of the Charter on the agenda of the tenth assembly, along the lines proposed by Mr. Stassen, we could not hold on to our position on the ratification of amendments and on the ratification of recommendations for a revisionary conference.

AMBASSADOR HALIFAX said this would be quite possible to do, but that it seemed to him to be rather small boys' stuff, and to have the character of horse-trading. He did not believe we would get any sort of credit for this approach. He thought that at this time we should make a big gesture which in fact would cost us nothing. We would be keeping everything that was vital. He said that we had all agreed on the point of keeping the Dumbarton Oaks Proposals as inviolate as we could, but in this case we could gain a lot by giving away very little.

MR. STETTINIUS said he was in accord with Ambassador Halifax' sentiments and believed we would be giving up nothing of substance, whereas we would create tremendous goodwill both among the small and middle powers. He suggested that Mr. Stassen's proposal be followed and that it would be a mistake to divide the issues and horse-trade on something that cost nothing.

MR. STASSEN explained that his proposal on the calling of the conference differed from the original South African proposal in that the conference would not be mandatory in the tenth year. He pointed out that the South African proposal for a mandatory conference had almost been adopted, the vote being 28 to 17, just short of two-thirds.

SENATOR CONNALLY remarked that, according to this proposal, the calling of a conference would merely go on the agenda and that, since the Assembly could call a conference at any time anyway, he could not see why it was a serious concession to make.

MR. STETTINIUS stated that all other questions in connection with this problem were incidental to the question of veto on amendments. He was afraid that we would jeopardize our chance if we did not take a broad and generous view of the two matters presented by Mr. Stassen.

MR. STASSEN indicated that another possible alternative would be to provide that, if such a conference has not been called before the tenth year, it would be called unless a majority of the Assembly did not wish to call it.

A draft of this proposal was then distributed:

"If such a conference has not been called prior to the tenth year after the effective date of the Organization, and unless a majority of the members have indicated during the tenth year that they do not desire such a conference to be called, the Secretary General shall call such a conference to be held at a convenient date between the tenth and twelfth year inclusive."

AMBASSADOR GROMYKO indicated that we had already agreed to the calling of a conference by a two-thirds vote of the Assembly. MR. STASSEN pointed out that this agreement had been made some time ago and did not really affect present negotiations.

MR. ROCKEFELLER noted that in view of the psychological situation in the Committee it might be very useful to return to the South African proposal, even if in some modified form. He thought it would please the majority of the Committee if the Big Five went back and indicated a real desire to meet the feelings of the smaller powers.

AMBASSADOR GROMYKO said that he would like to have a copy of the original South African proposal and a copy was handed to him.

AMBASSADOR GROMYKO said he wondered why Mr. Stassen's proposed modification of the South African proposal could not provide for the calling of the conference by a two-thirds vote rather than a majority vote. SENATOR CONNALLY pointed out that the two-thirds proposal was in the present text and that we were offering the majority vote as a concession to the states that might otherwise oppose the veto on amendments. He urged that a concession be made on the unimportant matters in order to assure victory on the important ones.

AMBASSADOR GROMYKO said that, in view of the fact that there was no agreement among the Five Powers on this question, he would say that he would not speak against the proposal brought forward by Mr. Stassen and probably would refrain from voting. He indicated that he wanted it clearly understood, however, that he would prefer to have the Five adhere to the sponsoring governments' amendment. If, however, this was not possible, then he would agree not to speak against this compromise proposal.

MR. STETTINIUS indicated that this decision would make it possible to bring our consultations on this question to a close with the understanding that we could speak and act individually.

AMBASSADOR HALIFAX remarked that he had been hopeful that an agreement could be reached, but that he understood the difficulty confronted by the Soviet Ambassador. He felt strongly that the present matter required some flexibility of handling and believed that the position taken by the Ambassador would be helpful in permitting such flexibility.

AMBASSADOR GROMYKO stated he wanted it fully understood that he would prefer the calling of the conference by a two-thirds vote.

AMBASSADOR HALIFAX said he did not know what the others thought but that he felt that it might be well to give more thought to Mr. Stassen's suggestion that the conference should be held unless opposed by a two-thirds vote of the Assembly. He thought this proposal would meet the views of the South Africans and the New Zealanders, and that it would come to about the same thing as the other proposal, since no conference could then be forced on an unwilling Assembly. MR. DEJEAN pointed out that Mr. Stassen had suggested a majority vote of the Assembly. AMBASSADOR HALIFAX replied that this was satisfactory to him.

MR. STETTINIUS suggested that consultations on this question be ended now and that each state vote according to its own convictions. He understood that Ambassador Gromyko did not intend to speak against the suggestion made by Mr. Stassen and would abstain from voting against it.

SENATOR CONNALLY explained that our proposal meant that at the end of a ten-year period the conference would not be automatically called, but would be called only if a majority of the Assembly and seven members of the Security Council wanted it called. By this arrangement the responsibility was put upon the states to decide positively whether they wanted a conference in contrast to the other proposal which would give the states the power only to oppose the calling of a conference. Since we had the veto on the results of the conference when they came up for ratification, he thought we could afford to hold out this concession to the smaller states and that it would go a long way to ease the situation.

AMBASSADOR HALIFAX agreed that on the whole Senator Connally was right that it was better to put the responsibility positively on the members of the Organization to call a conference.

MR. STETTINIUS asked whether each delegation was then agreeable to freedom of action on this question. The members of the other four delegations indicated that they were agreeable.

MR. STASSEN said that a decision was still needed on Mr. Rolin's proposal for a two-thirds vote for the ratification of amendments rather than a majority of the states other than the five permanent members on the Security Council. AMBASSADOR HALIFAX said it would be his pleasure to have the Ambassador agree with the rest of the group so that they could all go along together in accepting Mr. Rolin's proposal. If this was not possible, he said his second pleasure was to be free on this point to move as the delegations desired. He did not believe it was a point of great substance and he believed that the delegations could agree to differ on it.

AMBASSADOR GROMYKO asked why we had to make three important concessions at one time.

SENATOR CONNALLY urged that we were not taking these positions for ourselves but in order to make it possible to secure the veto that we had to have on amendments. This veto, he said, was the insides of this thing—the whole works. It was the liver, the stomach, the heart, and the lungs, and if we could not get it, the whole proposition would blow up. He pointed out that in Committee III/1 we had obtained acceptance of the Yalta formula [77] only after the most laborious, sweaty and almost bloody fight. We were not making these proposals now for the sake of others, he said, but for ourselves. We needed to continue to hold the driver's rein and, if we did not go along on some of these matters, we would lose the driver's seat. Where would we be, he asked, if we did not get the veto on amendments? AMBASSADOR GROMYKO indicated that he would agree not to oppose Mr. Rolin's proposal.

MR. STETTINIUS said it would now be possible to end our consultations on this question also, with each delegation free to act on all three points as it saw fit.

SENATOR CONNALLY then rose and went over to shake Ambassador Gromyko's hand, commenting that he thought it would be appropriate at this time to pause in order to baptize Ambassador Gromyko.

MR. STETTINIUS announced that there was still up for discussion the draft on interim arrangements and that Ambassador Gromyko also wished to discuss the question of the right of the Assembly to discuss any matter within the sphere of international relations. He suggested that Mr. Dulles introduce that latter problem.

MR. DULLES said that he understood this question was being raised on behalf of the Soviet Government which had not been satisfied with the text adopted by Committee II/2 providing that: "The General Assembly should have the right to discuss any matter within the sphere

[77] Doc. 967, III/1/48, June 14, UNCIO Documents, vol. 11, p. 518.

of international relations." [78] The Subcommittee that had worked on this question thought perhaps that the matter could be taken care of by the addition of a phrase in this sentence so that it would read: "The General Assembly, within the purposes and in accordance with the principles laid down in the Charter, should have the right to discuss any matter within the sphere of international relations." Mr. Dulles stated that the United States Delegation did not wish to take the initiative in proposing this change but would support the British Delegation if they proposed it.

Mr. Stettinius added that, as Mr. Dulles stated, the United States was willing to support this proposal. Ambassador Gromyko indicated that the Subcommittee decision as reported by Mr. Dulles was not in fact agreed to by the Subcommittee on which a member of the Soviet Delegation met with the representatives of the other four governments. Mr. Dulles replied that he had not been able to stay throughout the meetings of the Subcommittee, but that Mr. Gerig had given him to understand that the proposal that he had just suggested was generally acceptable.

Ambassador Gromyko stated that there was some misunderstanding, that the proposal was not acceptable, and that it did not change the meaning of the paragraph.

Mr. Dulles remarked that, as he understood the situation, the Soviet Government felt that the right of discussion of any matter might lead to academic discussion and debate on questions that need not come before the General Assembly. The thought was that this objection could be met if there was some requirement for relevancy between the discussion in the General Assembly and the purposes of the Organization.

Mr. Stettinius asked Ambassador Gromyko what he had in mind. Ambassador Gromyko replied that his proposal was to draft the paragraph to read: "Any member of the General Assembly should have the right to discuss any matter relating to the maintenance of international peace and security." He pointed out that mention of the purposes and principles did not meet his problem, since it would be possible to raise a question in the General Assembly which was not related to international peace and security, yet was in line with the purposes and principles of the Organization.

Mr. Dulles pointed out that the Soviet language was the original language but that the present text had been adopted by a vote of 27 to 9. He indicated that he had not attended the Technical Committee meetings, but that Senator Vandenberg had told him that it would be impossible for the Committee to reverse itself. Practically the only

[78] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 109.

opposition to the new language had come from the four sponsoring powers, France, and the two Soviet Republics. The Subcommittee had made an effort, he said, to find language that would not require the Committee to completely reverse itself.

AMBASSADOR GROMYKO indicated that the Committee was pretty troublesome and that already other erroneous decisions had been corrected.

MR. STETTINIUS stated that it would be bad at this late hour to go back and tell the little states that they would have to revise this paragraph. He was sure that if the Soviet Union raised this matter it would be voted down. He pointed out that what the Soviet Ambassador wanted was already written into the language as accepted by the Committee.

AMBASSADOR GROMYKO asked if the text did embody what he had in mind why his wording could not be used: "any matter affecting" or "any matter relating to the maintenance of international peace and security."

MR. BONCOUR said, if the Soviets preferred the text as Ambassador Gromyko had just stated it, then the French would be quite prepared to accept it.

AMBASSADOR HALIFAX said he did not think there was any substantive difference in the views of the five delegations, but, having respect for the history of the work in the Committee, he was not prepared to try and force the Five Power position on the rest of the Committee. While it was important for the Five Powers to work together, it was also important for them to win the confidence of the small powers. He felt that to go back on the earlier decision at this time would have a very unfortunate effect.

MR. BONCOUR stated that both Mr. Dulles' proposal from the Subcommittee and Ambassador Gromyko's proposal involved a reversal of the Committee so that the same objection applied in fact to both texts. He pointed out that it would be equally difficult in his view to get either of the texts accepted. AMBASSADOR KOO suggested that there was not much difference in the two texts proposed and that if the matter was raised his Delegation would not make an objection to the change. He felt, however, that raising this question at this time would certainly delay matters.

MR. STETTINIUS noted that, if one of the Five Powers asked that the decision of the Committee be changed by the Steering Committee, that power would certainly be voted down amidst disappointment and resentment. He pointed out that we were committed to the position that the General Assembly would be the town meeting of the world and that it could discuss any subject at any time. He felt it would

create an adverse psychological situation to give the impression, particularly at this time, that we were watering down free discussion.

MR. BONCOUR stated that the objections applied equally to both texts.

MR. DULLES agreed with Mr. Boncour and stated that he was not recommending that we go back on the decision of the Committee. He believed that the Committee would deal an overwhelming defeat to any suggestion for such a change. He suggested that, in view of the effort to wind up the Conference, it might be well, if this matter was to be raised at all, not to raise it today but perhaps to let it rest awhile until the relations with the small powers improved. He did not feel that this was now the moment to discuss the question. AMBASSADOR GROMYKO asked until when he should wait. MR. DULLES replied that, if the three questions pending in Committee I/2 could be cleared up today, then it might be possible to have a better atmosphere by Monday.[79]

AMBASSADOR GROMYKO asked for what he should wait.

MR. STETTINIUS replied that Mr. Dulles' point was that to raise this question in the Steering Committee today would lead to great difficulty and would be a mistake, whereas by Monday the Committee might be more amenable to a suggestion.

AMBASSADOR HALIFAX said he agreed with Mr. Dulles that it would be well not to raise this matter at this particular moment.

MR. HISS asked if the Ambassador wished to have the meeting of Commission II canceled in the light of the wish of the Ambassador to have a meeting of the Steering Committee before a meeting of the Commission.

AMBASSADOR GROMYKO stated that he would wait until Monday if the other powers would support him. He indicated that he attached great importance to the provision that he had suggested, because, if the Assembly could discuss any matter within the sphere of international relations, any member could raise any question regardless of its nature. The subject of immigration laws might come up for discussion. There would be certain connections between different countries affecting several countries that would come up for discussion. He said that the present provision contradicted the sovereignty of states and he wondered why we did not use precise language which clearly established that the General Assembly could discuss matters relating to the maintenance of international peace and security.

MR. HISS indicated that Commission II was scheduled to meet the following afternoon, and that, if Ambassador Gromyko wished, a Steering Committee could be called before the Commission meeting.

[79] June 18.

AMBASSADOR GROMYKO replied that he hoped agreement could be reached among the Five on language for this paragraph, but that, if not, he did not want to see this paragraph brought up to the Commission at this time.

MR. STETTINIUS stated that apparently there was to be no agreement on the language of this paragraph at this meeting.

AMBASSADOR HALIFAX wondered whether it would be possible to keep the reference on this particular subject out of the Commission report and then to raise it for discussion on Monday. He thought that it might be advisable to wait for a better atmosphere in the Steering Committee.

(Senator Vandenberg entered the meeting and THE SECRETARY briefly reviewed the course of the discussion for his benefit.)

MR. STETTINIUS urged that the Soviet Ambassador not raise this question at this time but postpone it until Monday until other questions were clarified. He asked Senator Vandenberg if he wished to comment on this problem from the point of view of his experience in the Committee. SENATOR VANDENBERG said that the limited proposal of the Ambassador had been voted down in the Committee on two occasions and that he had no idea that this limitation would be accepted by the Committee. He believed that, if Professor Webster was present, he would agree with this statement. He thought it would take an earthquake to change the point of view of the Committee and wanted to make it clear that he did not wish to be held personally responsible for doing what he believed to be impossible in the Committee. He added, however, that he had no objection to the postponement of the question until Monday.

MR. STETTINIUS stated that the right of free speech in the Assembly was fundamental and that no matter what language was used in the Charter the Assembly would still be free to discuss anything. SENATOR VANDENBERG commented that, if a suggestion was put forward for limiting the right of discussion, it could not possibly be successfully defended before the Committee.

AMBASSADOR GROMYKO stated that he would agree to postpone discussion of this question in the Steering Committee until Monday if the others thought this advisable, commenting, however, that no one should expect a change in the Soviet position between now and then and that he could only agree to this postponement on the condition that this question be omitted from the report of the Committee to the Commission.

MR. STETTINIUS asked Mr. Hiss to find out whether the Commission could be postponed and also the status of the report of Committee II/2.

MR. STETTINIUS suggested that in order to be sure to cover the matter of the preparatory commission there be discussion of this question at this time. He called on Mr. Sandifer to open the discussion.

The heads of the delegations had before them Interim Arrangements Concluded by the Governments Represented at the United Nations Conference on International Organization, Document 902 EX/23, June 11, 1945.

MR. SANDIFER stated that this draft had been discussed in a meeting of the Little Five the previous day and at that time Mr. Novikov had made two suggestions for changes in the text. He wondered whether Mr. Novikov would like to present these changes to the group at this time.

AMBASSADOR GROMYKO remarked that agreement by the Soviet Government had been reached on practically the whole text, but that he would like to propose the omission of the point under paragraph 4 relating to specialized organizations (4(*d*)): "formulate recommendations concerning the relationship to be established between specialized inter-governmental organizations and agencies and the Organization". AMBASSADOR GROMYKO added that Mr. Novikov had just noted there was one further change to be made: the substitution of the word "appointed" for the word "detailed" in paragraph 3.

MR. STETTINIUS said the United States Delegation preferred the word "designated".

AMBASSADOR GROMYKO asked whether this meant that the government or the commission itself had the final say in the appointment or designation of the staff. MR. SANDIFER replied that presumably each government would designate officials to serve on this staff following the invitation of the commission to designate a definite number of officials. The commission would invite, he said, and the governments appoint or designate. SENATOR CONNALLY agreed that in the last analysis the governments would determine what officials served on the staff.

MR. STETTINIUS indicated that he would be willing to accept the word "appointed". General agreement was expressed with this change.

AMBASSADOR GROMYKO asked whether the heads of the delegations thought the psychological situation would be improved if the Soviet Delegation agreed to the two-thirds vote rather than a majority vote for the ratification of amendments and for the ratification of revisions of the Charter. Did they think this would lead to an improvement in the situation so that it might be possible to get the language with respect to the powers of the General Assembly changed? MR. STASSEN thought that, if consultations were held meanwhile with the Belgians and the Australians, there might be some possible results from the Soviet Government's taking a different position.

AMBASSADOR GROMYKO indicated that what he was interested in was whether this would affect the position of the heads of the other delegations. SENATOR VANDENBERG replied that we had supported the Soviet Government before and that we would probably do it again. SENATOR CONNALLY questioned whether it was wise to reopen the question with respect to amendments that we had already decided.

MR. STETTINIUS thought it was better to stick to the agreement to go our separate ways and he hoped that the Ambassador would then not raise this question of freedom of discussion until Monday. He did not think it would be helpful to push this matter now. SENATOR CONNALLY replied that he did not believe the concession suggested by the Soviet Ambassador would gain very much for him since many governments were not vitally concerned with this particular change from a majority to a two-thirds vote.

AMBASSADOR HALIFAX indicated that he would like to see unanimity among the heads of the five delegations, but that he did not think that anything would be gained by altering the previous decision taken at this meeting. He thought, however, it might improve the general atmosphere if the Soviet Ambassador in the course of the next hour found it possible to rally to the general agreement reached on the other issues.

MR. STETTINIUS stated that he wanted to make it perfectly clear that the United States would not associate itself with any move to water down the right of free discussion in the General Assembly.

AMBASSADOR HALIFAX indicated that this was also his view and that in any event he hoped that the Soviet Government would not force a battle on the freedom of discussion. He was certain that the battle would be lost and in the course of it great harm would be done.

MR. STETTINIUS suggested that Mr. Hiss report on his findings concerning Commission II.

MR. HISS stated that the paragraph under discussion was the pivotal point in the report of the rapporteur in Committee II/2. He thought that, if any attempt was made to have this paragraph deleted from the report when it went to the Commission, a bad situation would be created. Moreover, if the report went to the Commission, he did not believe discussion of this point could be avoided. He suggested that the Commission should probably be canceled and the Steering Committee held first.

SENATOR VANDENBERG pointed out that the rapporteur's report had been presented that morning [80] and, on the motion of the Soviet representative, it was agreed not to read it but to get each delegation to read it on their own. He said that at the next meeting of the Com-

[80] Doc. 1028, II/2/54, June 16, UNCIO Documents, vol. 9, p. 217; for provisional text of report of the Rapporteur of Committee II/2, see Doc. 1008, II/2/52, June 16, *ibid.*, p. 196.

mittee there would be a vote on the report, and that, if an effort was going to be made to stop the vote, a good reason would have to be given.

AMBASSADOR GROMYKO asked whether the meeting of the Steering Committee then should not be postponed until Monday, until the atmosphere improved.

AMBASSADOR KOO suggested that when the Committee report came up for a vote the Soviet representative might make his proposition in the Committee. If it was not adopted, then the Soviet representative could still put a statement in the Committee records. MR. BONCOUR thought this was a good suggestion.

AMBASSADOR KOO said that the Chinese Delegation would not object to the Soviet representative presenting their amendment, and that, if the Committee refused to accept the amendment, the Soviet Delegation might still get satisfaction from a statement in the records.

AMBASSADOR GROMYKO said he could not agree to this procedure. He was ready, however, to postpone the meetings of the Committee and Commission.

SENATOR VANDENBERG pointed out that all the sponsoring governments had voted together on the original Soviet proposal but had been voted down 29 to 6. The statements in favor of the original Dumbarton Oaks Proposals wording were in the record but this position had been rejected.

AMBASSADOR GROMYKO asked, if the Soviet Delegation raised this question, whether it could get the support of the other four governments. SENATOR VANDENBERG said we would have to vote in support if the Soviet Delegation raised the matter. AMBASSADOR HALIFAX agreed that we would have to stand on the Dumbarton Oaks Proposals wording. He added that we would be voted down as we already had been twice defeated.[81] He would prefer, if the Soviet Delegate realized that the issue was not a profitable one, that an interpretation be put in the record. While he felt this was the wiser course, if the Soviet Delegation would raise the matter again, the British Delegation would support the Soviet. MR. BONCOUR preferred that a statement be made in the record, but said that, if the Soviet Delegation insisted, France would vote with them. AMBASSADOR KOO agreed that this was also the position of the Chinese Delegation.

AMBASSADOR GROMYKO asked whether the other governments would speak in favor of the Soviet position. MR. STETTINIUS replied in the negative and MR. BONCOUR said he would have no objection to stating his position in the meeting.

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[81] See reports of voting on two occasions, Doc. 443, II/2/19, May 19, UNCIO Documents, vol. 9, p. 60; and Doc. 686, II/2/34, May 30, *ibid.*, pp. 109–110.

AMBASSADOR GROMYKO said that, in view of the position of the other powers, he would have to ask for an Executive Committee meeting that day.

MR. STETTINIUS said that this policy would risk a great deal and he wondered why such drastic action was necessary.

AMBASSADOR GROMYKO stated that this was a very important matter and that he felt it necessary to express his views on it and get, if possible, an improvement in the language. MR. STETTINIUS thought that the Executive Committee would vote down the Soviet position. AMBASSADOR GROMYKO replied that we would see whether this happened and that he would raise the matter in the Steering Committee in any event. MR. STETTINIUS pointed out that the end of the Conference would seriously be postponed if this question was raised first in the Executive Committee and then in the Steering Committee. He was confident that there was no hope in achieving a change along the lines desired by the Soviet Delegation.

MR. BONCOUR suggested that there would be no difficulty in postponing the Commission. SENATOR CONNALLY saw no objection to the Soviet Delegation going before the Committee at this time on this matter and then the Executive Committee could be held Monday. MR. HISS suggested that the Soviets might say in the Technical Committee that they wished to refer the question to the Executive and Steering Committees.

AMBASSADOR GROMYKO remarked that he would have to raise this question in the Executive and Steering Committees before raising it in the Technical Committee. MR. STETTINIUS pointed out that it was quite possible that the Executive Committee would not consider the matter except as a procedural question. AMBASSADOR GROMYKO thought it was quite possible that the Executive Committee would discuss it as a substantive matter.

MR. STETTINIUS stated that the Executive Committee and the Steering Committee could be called for the following day.[82] He would like to make it clear for the record, however, that the United States reserved its position as to what action it would take in the Executive and in the Steering Committees. He could not pledge how the United States would speak or how it would vote. AMBASSADOR HALIFAX suggested that the Executive Committee should meet at ten a. m. and the Steering Committee at eleven a. m. AMBASSADOR GROMYKO thought that an hour was too little time. MR. STETTINIUS reminded Ambassador Gromyko that every effort should be made to push the Conference to a close. AMBASSADOR GROMYKO said any schedule the

[82] June 17; see Doc. 1063, EX/27, June 18, and Doc. 1061, ST/17, June 18, UNCIO Documents, vol. 5, pp. 522 and 264, respectively.

others wanted would be all right. MR. STETTINIUS said he would call the meeting of the Executive Committee at 10:00 a. m. and the Steering Committee at 11:30 a. m.

MR. STETTINIUS commented that he would like to consider again the draft on interim arrangements. He pointed out that the United States Delegation had a suggestion of a change in wording for paragraph (*d*) to which the Soviet Delegation had expressed objection. He suggested that this paragraph begin: "Examine the problems involved in the establishment of the relationship between the specialized organizations and . . ." AMBASSADOR HALIFAX, AMBASSADOR GROMYKO, AMBASSADOR KOO and MR. BONCOUR indicated that this change in wording was agreeable.

MR. HISS said the draft on interim arrangements would now be checked with the other members of the Executive Committee to point out the two changes made at this meeting and it would then go before the Steering Committee.

SENATOR CONNALLY asked whether the Soviet Government had yet received word on Chapter XII, paragraph 1. AMBASSADOR GROMYKO replied that he had not yet heard from his Government but that he expected an answer soon.

The meeting was adjourned at 11:15 a.m.

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RSC Lot 60–D 224, Box 96: US Cr Min 74

*Minutes of the Seventy-Fourth Meeting of the United States Delegation, Held at San Francisco, Saturday, June 16, 1945, 7:30 p. m.*

[Informal Notes]

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

CHAPTER V, SECTION B, PARAGRAPH 1

MR. STETTINIUS said that the meeting had been called for the purpose of establishing the position of the Delegation on the authority of the General Assembly under Paragraph 1 of Chapter V, Section B. He referred to the discussion of the matter earlier in the day and especially to the discussion in the second committee of Commission II.[83]

SENATOR VANDENBERG referred to the action of the Russian Delegate in Committee II/2 saying that he had introduced the qualifying clause upon which the Russians had been insisting "relating to the maintenance of international peace and security" at the end of the paragraph rather than in connection with discussion in the first part of the paragraph.[84] The effect was that the phrase had reference to recommendation rather than to discussion.

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[83] Doc. 1038, II/2/55, June 16, UNCIO Documents, vol. 9, p. 221.

[84] See provisional text of the Rapporteur's report of Committee II/2 (Doc. 1008, II/2/52, June 16), paragraph 33, Recommendation 1 (1), *ibid.*, p. 203.

THE SENATOR said that Canada had objected to the Russian motion and that the United Kingdom had supported it.[85] He said that the Chairman had adjourned the meeting without the discussion of the matter and that it looked as though the motion would be defeated.

MR. DULLES referred to the repercussion of the action in other committees of the motion introduced by the Russian Delegate in Committee II/2.

MR. HISS said that three Latin American countries had protested against the holding of the Sunday meeting of Committee II/2.[86] He said that a number of Delegates had left town who would oppose the Soviet proposal. This might affect the question of holding a Steering Committee meeting. There was a question of what to do both with the Steering Committee meeting and the meeting of Commission II. There was also the fact that the report of the Rapporteur had not been voted upon in Committee II/2. The usual procedure was not to distribute the report until after its approval by the Committee.

MR. DULLES thought that the Russians would not withdraw from the Conference on this issue. He thought it was best to let the matter be handled in the Steering Committee. SENATOR VANDENBERG endorsed this view and said it was best to let the Russians get a good "licking" in the Committee.

MR. STETTINIUS agreed with this view and asked whether we should support the Russian proposal in the Steering Committee. SENATOR VANDENBERG thought we need not necessarily support the Russians.

MR. STETTINIUS raised a question as to the power of the Executive Committee and the Steering Committee. MR. HISS thought it was clear that these committees had power to deal both with matters of procedure and substance. He thought that Ambassador Gromyko expected to ask for a reversal of the technical committee action.

SENATOR VANDENBERG thought it was desirable to have the matter settled on substance in the Steering Committee. However, he recognized the undesirability of having matters reopened once they had been voted upon in a technical committee.

MR. STASSEN asked if Mr. Evatt would accept the Russian proposal. MR. DULLES thought not. MR. STASSEN thought that an agreement with Evatt might be worked out. MR. HISS agreed that it was very desirable for the matter to be worked out outside the Committee before the Committee meeting.

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[85] United States delegate Vandenberg supported the Soviet proposal made that afternoon in Committee II/2 (so that the right of *discussion* would be left untouched but the right of *recommendation* would be limited to matters having to do with the maintenance of peace and security).

[86] At the request of Mr. Gromyko, Mr. Stettinius had called meetings of the Executive and Steering Committees for Sunday, June 17.

SENATOR VANDENBERG suggested that it be made clear in the Steering Committee that as a general rule it is not proposed to have such matters reopened in the Committee.

MR. STASSEN remarked that he thought that the Russian proposal was right. He thought that the Assembly should not have full power of recommendation on any matter within the sphere of international relations.

SENATOR VANDENBERG thought that we should not take any initiative in attempting to improve the Russian amendment. MR. STETTINIUS agreed.

MR. STASSEN reiterated his view that we should vote with the Russians if the matter came up in the Steering Committee.

MR. DULLES thought that the Russian proposal did not appreciably change the effect of the present provisions, particularly in view of Paragraph 6 of Chapter V, B.

MR. HISS suggested that the question was whether the Steering Committee should take jurisdiction of this particular item. MR. STETTINIUS agreed that this was the first question and said that the second was what position we should take on the Russian proposal.

MR. STASSEN suggested that Mr. Gerig be asked to find out what the Russian position would be, and that we should then attempt to mediate a position among the interested parties. He thought it was important to maintain our relations with the Russian Delegation in as friendly an atmosphere as possible.

MR. DULLES said that the first question in the Steering Committee should be, is this particular type of question one which the Steering Committee wants to review? Is this one of the rare and exceptional cases in which the Committee should use its power to review action taken by the Technical Committees? This would establish the general power of the Steering Committee but would at the same time make clear that it was only to be used in exceptional cases.

MR. STASSEN again stated that if the matter would come to a vote he thought we should vote with the Russians. We should vote for the Russian proposal as it had been introduced in Committee II/2 and vote against the original Russian proposal to delete the phrase "within the sphere of international relations" or to limit the scope of the Assembly's power of discussion. He agreed that Mr. Stettinius should use his discretion as to the vote of the United States Delegation on the question of the Steering Committee taking jurisdiction.

It was agreed that a statement along the lines suggested by Mr. Dulles should be prepared for use by the Secretary in opening the meeting of the Steering Committee.

RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 23

*Minutes of the Twenty-Third Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 17, 1945, 6 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (13); United Kingdom (2); Soviet Union (4); China (2); and France (2).]

AMBASSADOR GROMYKO stated that it had been agreed at a previous meeting [87] that he should have time to consult his Government on the wording of Chapter XII, Transitional Arrangements (as proposed in the draft of June 12, 1945). He wished at this time to inform the heads of the other delegations that the language as worked out was acceptable to the Soviet Government. MR. STETTINIUS indicated that this was very good news. AMBASSADOR HALIFAX indicated that he had thought Ambassador Gromyko had some good news to present.

AMBASSADOR GROMYKO stated that the second problem he wished to discuss related to the deputy secretaries general.[88] He said it had been agreed among the Five that the deputy secretaries general would be elected by the General Assembly on recommendation of the Security Council, in the same way as the Secretary General was elected. It was agreed that the deputies should be mentioned in the Charter. It was agreed first that there would be four deputies mentioned, and this was subsequently changed to five on agreement among the sponsoring governments and France. This change was thought desirable in order to make it possible to have a deputy secretary general from outside the group of the five permanent members of the Security Council. AMBASSADOR GROMYKO stated that as far as he knew, the Committee had not made a final decision on this question, although there was objection by some delegations to any mention of the deputy secretaries general at all.

AMBASSADOR GROMYKO stated that he was raising this question now since the Soviet Delegation thought that it would be desirable for all five delegations to support and defend the Four-Power amendment as agreed to in the beginning. He said he had the impression that the five delegations had not used fully their power and their influence in defending their original agreement.

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[87] See minutes of the twenty-first Five-Power meeting, June 13, 2:30 p. m., p. 1280.

[88] For previous Five-Power discussions on this subject, see minutes of meetings of June 2 and 3, pp. 1106 and 1120, respectively.

AMBASSADOR HALIFAX asked what the sponsoring governments' amendment on this question was. MR. STETTINIUS then read the amendment as follows:

"1. There should be a Secretariat comprising a Secretary-General, four deputies and such staff as may be required. ~~The Secretary General should be the chief administrative officer of the Organization. He should be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.~~ The Secretary-General and his deputies should be elected by the General Assembly on recommendation of the Security Council for a period of three years, and the Secretary-General should be eligible for re-election. The Secretary-General should be the chief administrative officer of the Organization."

REPRESENTATIVE BLOOM noted that at the time the sponsoring governments' amendment was drafted there had been no agreement on the eligibility for re-election of the deputy secretaries general. AMBASSADOR HALIFAX added that it was subsequently agreed among the Five that the deputy secretaries general would also be eligible for re-election.

REPRESENTATIVE BLOOM indicated that at the time the provision for re-eligibility was approved it was agreed that there should be not less than five deputy secretaries general. On the other hand, there was a feeling against a provision for the election of any deputy secretaries general in the Charter on the ground that the situation might be created where there would be four or five deputy secretaries general working at cross purposes.

AMBASSADOR HALIFAX asked what the present status of this paragraph was. MR. SANDIFER explained that the following text of paragraph 1, Chapter X, had been adopted by Committee I/2 on June 13:[89]

"1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization. The Secretary-General shall be elected for a term of three years. He shall be eligible for re-election."

MR. BONCOUR asked why the Committee had taken this decision. REPRESENTATIVE BLOOM replied that the Committee did not want to have deputy secretaries general mentioned. AMBASSADOR KOO explained that the Committee felt apparently that, if the deputy secretaries general were also elected by the General Assembly on the recommendation of the Security Council, like the Secretary General, the position of the Secretary General would be very difficult.

[89] Doc. 974, I/2/64, June 14, UNCIO Documents, vol. 7, p. 203.

AMBASSADOR GROMYKO remarked that he thought the decision was postponed until Committee III/1 had taken action on it. MR. EATON suggested that a call be put in to obtain the exact status of this matter from the Secretary of Committee I/2. MR. STETTINIUS suggested that MR. SANDIFER obtain this information.

MR. STETTINIUS asked whether, while we waited for the information, Ambassador Gromyko would like to present any other matter. AMBASSADOR GROMYKO replied in the affirmative. He noted that the group had previously discussed the Peruvian amendment [90] concerning consultation by the Military Staff Committee with regional agencies in the setting up of regional subcommittees. At the previous meeting [91] Ambassador Gromyko stated that it had been agreed among the Five Powers that there should be included in the report of Committee III/3 [92] an interpretation that the final decision on the creation of regional subcommittees should be taken by the Military Staff Committee. He explained that the representatives of the Five Powers had then negotiated with Peru, whose Delegation of course tried not to have a deviation made from the Peruvian language. The result was that no interpretation was included in the report. Therefore, he said, our Five-Power decision had not been carried out and the interpretation was not included because Peru objected. He said that, since Mr. Boncour was the rapporteur of the Commission, he would have great possibilities for helping us in this situation.

MR. BONCOUR explained that the report of the Committee had been approved by the Commission, and that the language of the Commission clearly implied that the final decision rested with the Military Staff Committee.

MR. JOHNSON stated that he had before him the pertinent part of the text of the report which indicated that subcommittees would be appointed by the Military Staff Committee only after consultation with the regional agencies. This, he said, implied clearly that the final decision rested with the Military Staff Committee. He suggested that it would be difficult at this stage to include an interpretation in the report of the Commission itself, since by general agreement it was understood that the rapporteur of the Commission would make only a short report in the form of a covering statement. Moreover, he said, since the rapporteur was a Paraguayan, he did not believe that the rapporteur would be willing to include an interpretation unless Peru accepted it.

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[90] Doc. 600, III/3/31, May 26, UNCIO Documents, vol. 12, p. 371.

[91] See minutes of the twenty-first Five-Power meeting, June 13, 2:30 p. m., p. 1280.

[92] Doc. 943, III/5, June 13, UNCIO Documents, vol. 11, p. 23.

MR. JOHNSON explained that a draft statement of the interpretation had been prepared but on consultation with Peru it was found that the final decision was not acceptable to Peru. Therefore, no interpretation had been put in the Committee report.

He noted that the question could be dealt with in one of two ways. It could be raised at the next meeting of Committee III/3 and an effort made to get the proper language inserted as an addendum to the report. If this was not acceptable a statement could be made publicly in the plenary session.

MR. BONCOUR suggested that the second solution was best and that the Five Powers might have a spokesman speak in the plenary session to the effect that the decision of the Military Staff Committee would be final. He thought that it would be unwise to reopen the discussion in the Committee since discussion would be endless and the matter would be given far too much importance.

MR. DULLES suggested that the final session would be marred if the practice of making declarations was permitted. He thought some better method should be found.

MR. BONCOUR stated that the rapporteur's report could not be changed and that he saw no other method than the statement in the plenary session. He said there was no doubt that the final decision on this matter rested with the Military Staff Committee. The text of the report provided that the regional subcommittees would be appointed only "after consultation" with the regional agencies. If the decision came only after consultation it was clearly implied that the Military Staff Committee made the decision.

MR. DULLES explained that another wording had been worked out at one time which it was felt might be substituted for the present wording by the Coordinating Committee. This change would involve the use of the words "exchange of views" in place of "consultation". MR. JOHNSON felt that if the text was reopened there would be an explosion.

AMBASSADOR GROMYKO agreed [*argued?*] that the statement should be included in the report of the Commission to the plenary session.[93] This statement, he felt, should read roughly: "The final decision on the creation of regional subcommittees should be made by the Military Staff Committee" or "The Military Staff Committee should have the right to make the final decision on the creation of the regional subcommittees".

MR. STETTINIUS asked Mr. Johnson what he thought of this proposal. MR. JOHNSON replied that he agreed with the statement by Ambassador Gromyko. The problem was, however, how to get the statement in. He believed that it was difficult and in fact impossible

[93] Doc. 1170, III/13, June 23, UNCIO Documents, vol. 11, p. 234.

to get a statement written into the report. Paraguay would oppose it. He suggested that it might be well to raise the matter in the Commission and request that the rapporteur's report be amended, then debate could take place in the Commission with the vote there. MR. STETTINIUS agreed that it would be best to avoid discussion in the final plenary session. MR. JOHNSON explained that he was not sure that an amendment to the rapporteur's report would be accepted. MR. BLOOM indicated that the report had not yet been approved as a whole. MR. JOHNSON agreed that there was still some business for the Committee to do, and at least the point could be made in the record even if it was not possible to have the amendment to the report accepted.

AMBASSADOR GROMYKO thought that the proposal if made by the Five Powers would be accepted by the Committee.

AMBASSADOR HALIFAX pointed out that even if it was not accepted the statement would be in the record, supported by the Five Powers, that the final power in the appointment of regional subcommittees rests with the members of the Military Staff Committee. AMBASSADOR GROMYKO asked why the Committee would not agree to the interpretation. If the opposition preferred uncertainty, it would seem to him that they perhaps thought that the regional agencies must be in agreement with the Military Staff Committee before the regional subcommittees could be appointed. Otherwise he wondered why the interpretation would not be accepted.

MR. STETTINIUS suggested that the matter should be left to the Technical Committee. MR. JOHNSON said he would certainly do the best he could to get the Committee vote approving the interpretation to the rapporteur's report. AMBASSADOR HALIFAX said he would leave the matter with Mr. Johnson to find proper language.[94]

MR. STETTINIUS asked whether there was any further business to discuss.

AMBASSADOR GROMYKO replied that he had made his statement at the Executive Committee and the Steering Committee to clarify his position on the scope of the right of discussion in the Assembly.[95] He noted that the Executive Committee and the Steering Committee had decided to appoint a subcommittee consisting of the Secretary, Mr. Evatt, and himself. This Committee had met already, had talked over the question, and there had been no movement forward. The Soviet Delegation believes that it would be best to stand on the Dumbarton Oaks Proposals, but would have no objection to providing that the General Assembly could discuss any matter within the sphere of international relations affecting the maintenance of international peace

[94] Doc. 1095, III/3/50, June 19, UNCIO Documents, vol. 12, p. 561.
[95] Doc. 1063, EX/27, June 18, *ibid.*, vol. 5, p. 522; Doc. 1061, ST/17, June 18, *ibid.*, p. 264.

and security. He indicated that he had hoped the Subcommittee would move in the direction of the Dumbarton Oaks Proposals and that he wished to make clear that the Soviet Delegation could not deviate from the agreement worked out at Dumbarton Oaks.

AMBASSADOR GROMYKO added that he had firm instructions on this matter. He said that any decision by the Committee that contradicted the ideas agreed upon at Dumbarton Oaks could not be accepted.

MR. STETTINIUS explained that the Committee on which he, Ambassador Gromyko, and Mr. Evatt were working was still in the middle of its consultations. The Committee had met at 12:00 a. m., at 4:00 p. m., and was planning to meet again at 8:30 this evening. The Subcommittee, he said, had not completed its work and he hoped Ambassador Gromyko would be willing to leave the matter in the hands of the Committee until the consultations were completed. He asked why it was necessary to call this matter to the attention of the four sponsoring governments and France at this meeting—before the work of the Subcommittee had been completed. While Ambassador Gromyko had said no progress had been made, MR. STETTINIUS indicated that he felt the progress had been distinct and definite.

AMBASSADOR GROMYKO replied that he raised this question at this time to avoid the possibility of a misunderstanding. He said he understood it was his duty to raise all important questions in this group first.

AMBASSADOR HALIFAX said he understood that Ambassador Gromyko was not asking us to express an opinion, but was merely reporting his impression of the progress in the consultations. He said that Ambassador Gromyko would no doubt concur in the hope that the consultations would end more fortunately than they had begun. He thought perhaps the matter should be left there for the moment.

MR. STETTINIUS remarked that the Subcommittee would meet at 8:30 p. m. and continue its work.

MR. STETTINIUS suggested that Mr. Sandifer now report on the status of the question of deputy secretaries general.

MR. SANDIFER stated that he had called Mr. Tomlinson, the technical expert of the United States on Committee I/2, who had gotten in touch with the international secretary of the Committee. The report was that on June 13 three votes had been taken. The first was on the proposal for five deputy secretaries general rather than four; the votes were 20 in favor and 19 against, and since a two-thirds majority was required the vote was lost. The second question concerned the amendment of the four sponsoring governments to include in the Charter provision for deputy secretaries general; 22 voted for this amendment and 18 against so that the vote was lost. The third question to be voted was the inclusion of the first two sentences of

the paragraph of Chapter X as it appeared in the Dumbarton Oaks Proposals; 44 [*40*] voted in favor of these two sentences and one against with one abstention. MR. SANDIFER indicated that this was the status of the question.

MR. BLOOM pointed out that with the Dumbarton Oaks language agreed to in the Technical Committee, it was possible to do what we wanted to do with the question of deputy secretaries general. Under this provision we could have any kind of staff we wanted.

MR. STETTINIUS asked Mr. Sandifer for his recommendation. MR. SANDIFER replied that, if he was making a recommendation, it would be to let the matter stand as it had been voted by the Technical Committee so that there would be no mention of deputy secretaries general in the Charter. MR. STETTINIUS indicated that this would be a satisfactory way of handling the matter. MR. BLOOM indicated that under this provision we were left free to do what we wanted with the deputy secretaries general.

AMBASSADOR KOO agreed that there should be no mention of deputy secretaries general. He explained that the opposition to their mention in the text derived from the feeling that they should not be elected by the General Assembly in the same manner as the Secretary General since this might lead to conflicts between the Secretary General and his deputies. AMBASSADOR HALIFAX agreed that we would be safeguarded under the present committee draft. The Secretary General would be elected by the General Assembly on the recommendation of the Security Council acting by a qualified majority. He would, therefore, have the support and the confidence of the permanent members. The permanent members would be able to trust the Secretary General to elect [*select*?] what staff he needed. Under the circumstances it would be difficult to conceive that the Secretary General, in the choice of his staff, would not have regard for the desires of the permanent members. He questioned the wisdom of reopening this issue as long as in effect we had what we wanted.

MR. BONCOUR agreed with the Ambassador's statement. MR. STETTINIUS also agreed and said that it would be harmful to reopen the issue at this time. MR. BLOOM indicated that the Secretary General would want to do things right. He would want to please, and gain favor with, the permanent members. We would have in effect "an upper hand" on the Secretary General.

AMBASSADOR GROMYKO remarked that in the opinion of the group there was apparently no possibility of agreeing to come out for the Four-Power amendment.

MR. STETTINIUS replied that we had been voted down on the amendment. MR. BLOOM said that we had fought valiantly and had been defeated.

MR. BONCOUR remarked that, even if we got our way with respect to the deputy secretaries general, it would not be a happy solution. It would not be satisfactory to have them elected by the General Assembly. We might find ourselves in the position as permanent members on the Council of having to veto the election of one of the deputies. As the Secretary General would have our support, he thought there were better safeguards in leaving the matter as it stood in the text agreed upon by the Committee.

AMBASSADOR GROMYKO indicated that, if the other heads of delegations did not feel they could raise this matter and carry out the Four-Power agreement, then his delegation would not take any steps.

MR. STETTINIUS asked whether Ambassador Gromyko had any further business to discuss at the meeting. AMBASSADOR GROMYKO replied that his military representative, Admiral Rodionov, who served on Committee III/3, had brought to his attention the fact that questions might be asked in the Committee discussions as to the countries implied in paragraph 2, Chapter XII, where reference was made to "governments having responsibility for such action". He wondered what countries would have responsibility under this paragraph for action in relation to enemy states. How did we interpret this phrase?

MR. STETTINIUS remarked that our military representatives were not at the meeting at this time. Moreover, he said, Mr. Pasvolsky had been asked to prepare a memorandum on this question and it had been under study and discussion in the Subcommittee of Five.

MR. JOHNSON indicated that he and Admiral Rodionov had talked about this matter the night before. He said that no difficulty was anticipated in getting the amendment to paragraph 1, Chapter XII, that had been agreed to here accepted by the Committee. Further, he did not believe there would be any difficulty in getting paragraph 2 accepted, provided we could give an agreed answer to the question of the meaning of the phrase "governments having responsibility for such actions".

MR. BONCOUR stated that he understood this phrase to mean the four sponsoring governments and France.

MR. SANDIFER questioned whether any final agreement could be reached on an actual definition of the phrase, and said that a general answer would probably be most appropriate. The phrase in question, he said, had generally been interpreted to mean the states responsible for action against enemy states under the surrender terms. MR. STETTINIUS thought it might be well for this question to be discussed on the technical level rather than in this group.

MR. STETTINIUS adjourned the meeting at 7:10 p. m.

RSC Lot 60-D 224, Box 96: US Cr Min 75

*Minutes of the Seventy-Fifth Meeting of the United States Delegation, Held at San Francisco, Monday, June 18, 1945, 9 a. m.*

[Informal Notes]

[Here follows list of names of persons (36) present at meeting.]

In the absence of Secretary Stettinius and Senator Connally who arrived at the meeting several minutes late, SENATOR VANDENBERG convened the meeting at 9:05 a. m.

. . . . . .

TRUSTEESHIP

COMMANDER STASSEN reported that he was scheduled to meet with the Soviet representative and with the other members of the Big Five sometime during the day to consider Section A of the Chapter on Trusteeship.[96] COMMANDER STASSEN declared that there would be no difficulties in this Chapter with respect to the United States Delegation since nothing was going to be added and the only possibility was that several clauses might be deleted. SENATOR VANDENBERG declared that he hoped paragraph 3 of Section B would not be deleted. REPRESENTATIVE BLOOM also expressed the hope that paragraph 5 would be permitted to remain. COMMANDER STASSEN assured the Delegation that Section B was a completely closed issue and no further revisions would be made.

OPIUM

MR. DULLES asked why the Delegation was "supporting the traffic in opium" and declared that he had received a letter from Representative Judd[97] protesting the fact that no reference had been made in the Charter to the opium organization. DEAN GILDERSLEEVE remarked that she had thought that sufficient publicity had been given to the public statement that the Delegation approved control over opium. SENATOR VANDENBERG asked what reason could be given for the failure to include specific reference to opium in the Charter. DEAN GILDERSLEEVE replied that there were no references whatsoever to specific organizations, including the International Labor Organization. MR. DULLES asked what action he should take with respect to Representative Judd. DEAN GILDERSLEEVE declared that she had sent Representative Judd a letter of acknowledgement enclosing a copy of the public statement to which she had referred. REPRESENTA-

[96] Minutes of eleventh Five-Power meeting on trusteeship, June 18, 2:45 p. m., not printed; for text, redraft of working paper, section A, see WD 390, II/4/42, June 19, UNCIO Documents, vol. 10, p. 570.

[97] Representative Walter H. Judd, of Minnesota.

TIVE EATON thought that Congressman Judd was a "distinguished troublemaker".

At this point, 9: 10 a.m., Secretary Stettinius arrived with Senator Connally. . . .

[Here follows a series of announcements by Secretary Stettinius on developments over the weekend.]

DISCUSSION BY THE GENERAL ASSEMBLY OF ANY MATTER WITHIN THE SPHERE OF INTERNATIONAL RELATIONS

SECRETARY STETTINIUS observed that, at the previous day's meeting of the Executive Committee, Ambassador Gromyko had protested the action of Committee II/2, granting broad powers of discussion to the General Assembly. Ambassador Gromyko made a long speech in which he declared that the USSR could not accept the wording which made possible discussion by the General Assembly of any matter within the sphere of international relations. Ambassador Gromyko indicated that his Government was worried about interference in domestic jurisdiction. Ambassador Gromyko had pressed for immediate consideration of the matter by the Executive and Steering Committees. However, the Secretary had prevailed upon him to accept the procedure of establishing a small committee consisting of Ambassador Gromyko, Mr. Evatt and Secretary Stettinius to consider the question. This subcommittee met three times and Mr. Evatt had displayed an attitude of conciliation and had proposed a draft which was acceptable to the United States and which Mr. Evatt seemed to think would prove satisfactory to the small states. The draft proposed by Mr. Evatt, US Gen 275, reads as follows:

"1. The General Assembly should have the right to discuss [any questions relating to the maintenance of international peace and security, or] any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of its organs or otherwise within the scope of the Charter; and, except as provided in paragraph 2 (*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

(NOTE—the adoption of this form would require some consequential alterations in paragraph 2 (*b*))".

SECRETARY STETTINIUS declared that the words appearing in brackets should be omitted. They had been submitted at the last moment by the United States and had not proved satisfactory to Mr. Evatt. AMBASSADOR GROMYKO had indicated that his position was final with respect to the discussion of matters pertaining to international peace and security. However, the Secretary had pressed the Russian Delegate to submit the new wording to Moscow. THE SECRETARY declared

that he told Ambassador Gromyko that the Russian position would never be passed by the Conference even with the votes which would certainly follow the USSR and the United States. THE SECRETARY remarked that the story written by James Reston which appeared in the morning's issue of the *New York Times* would not help the situation any. THE SECRETARY thought that whichever member of the Delegation had spoken to Mr. Reston did not perform any great service. The Russian Delegation, he declared, was of the impression that the United States was using the press as a means for bringing pressure to bear on the USSR. MR. DULLES expressed the opinion that there was nothing in Mr. Reston's article which could not have been implied from official statements which were issued. SENATOR VANDENBERG thought that Mr. Reston had obtained his information from Mr. Evatt and expressed the opinion that all the leaks had come from that source. SENATOR CONNALLY agreed that Mr. Evatt held a press conference each day and it would appear that he was responsible for all information given to the press.

THE SECRETARY reported that a meeting of the Executive Committee was scheduled for ten o'clock and that the Steering Committee would meet at ten-thirty. THE SECRETARY declared that he would report that he was sorry that it had been impossible for these bodies to meet on the previous evening. THE SECRETARY would then refer to Mr. Evatt's tentative draft and would ask the Australian to present the argument in favor of the new phraseology. Mr. Evatt would then announce his withdrawal from the prior position he had taken. MR. DULLES announced that he had just received word of a telephone message in which Mr. Evatt had declared that he would accept the language in brackets, although he had announced his opposition to this wording on the previous evening, but that he would not propose it himself. MR. DULLES pointed out that the wording had been included by the technical people, Professor Bailey and himself included. Mr. Evatt had called very late on the previous night to say that he would not accept this language. However, he had called again that morning and declared that he would accept it. MR. DULLES thought that Mr. Evatt should be permitted to introduce the draft, omitting the language in the brackets.

MR. ROCKEFELLER emphasized the importance of not releasing to the press the details of the negotiations. The Russians, he thought, would be very disturbed if the fact that a compromise wording had been sent to Moscow [98] were to become known.

SECRETARY STETTINIUS declared for the record that he had insisted very strongly that the Executive Committee and the Steering Commit-

[98] Telegram 5, June 18, to the Acting Secretary of State, for transmission to the Ambassador in the Soviet Union, p. 1353.

tee meet that morning.[99] The Russians had been anxious to postpone such meetings and had been prevailed upon to accept an earlier date. THE SECRETARY reported that Ambassador Gromyko had been insistent upon the previous day's meetings. THE SECRETARY declared that he would suggest, after the draft was presented to the Steering Committee, that the issue be referred back to the technical committee with the recommendation that no vote be taken for another day. MR. HICKERSON thought that the question should be referred to the Five Powers some time during the day in order to remove the Russians from the isolated position they held. MR. DULLES agreed with the Secretary that the technical committee should be asked to hold over a decision for an additional day.

THE SECRETARY then read the statement which had been prepared as an introduction to Mr. Evatt's presentation of the draft in the Steering Committee. REPRESENTATIVE BLOOM referred to that part of the Secretary's remark which suggested that the technical committee postpone consideration for "a day or so". He thought that it would be best to ask that the Committee wait until instructions were received from Moscow and he urged that the wording "a day or so" was too indefinite. He thought that the Committee should be asked to postpone a decision until notified that the sponsoring governments, France and Australia, had reached an agreement.

MR. PASVOLSKY declared that he had a suggestion to make He thought that if Mr. Evatt could not accept the draft under consideration, the following wording might be more appropriate: "The General Assembly should have the right to discuss any matter within the scope of the Charter". THE SECRETARY declared that Mr. Dulles and Senator Vandenberg had proposed exactly the same wording on the previous day. MR. PASVOLSKY thought that this language should satisfy everybody, but SENATOR VANDENBERG remarked that Mr. Evatt had not accepted it and probably would not accept. MR. PASVOLSKY observed that this language made it clear that the General Assembly's right of discussion would not extend beyond the frame of reference established in the Charter itself. He thought it should be made clear that Mr. Evatt could not expect to extend the General Assembly's powers beyond the terms of the Charter itself.

SENATOR VANDENBERG observed that he agreed with Representative Bloom's contention that the words "in a day or so" were inadequate. SENATOR VANDENBERG pointed out that the Delegation was pressing for an early completion of the Conference and he thought that the Delegation could not propose a delay on this matter.

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[99] Doc. 1108, EX/28, June 20, UNCIO Documents, vol. 5, p. 535, and Doc. 1107, ST/18, June 20, *ibid.*, p. 272.

MR. PASVOLSKY asked whether it was thought that the Russians would accept the language he had proposed and SENATOR VANDENBERG replied in the negative, saying that no one seemed to want to accept this language. MR. GERIG reported that, as he recalled the situation, the phraseology proposed by Mr. Pasvolsky had been drafted at the end of the four o'clock meeting on the previous day.[1] However, it had not been considered at the 8:30 meeting because Mr. Evatt had introduced his new phraseology. MR. PASVOLSKY thought that the short form which he had proposed was the only acceptable solution. Mr. Pasvolsky did not think that Mr. Evatt's suggestion was adequate and declared that it would spoil the whole article. MR. PASVOLSKY pointed out that the Coordination Committee was making a complete article out of this paragraph. MR. DULLES thought that, if agreement were reached on this wording, the Coordination Committee could boil it down to the wording proposed by Mr. Pasvolsky. He pointed out that the matter was still in a negotiating stage and he did not think there was any reason to object at that time to the language proposed by Mr. Evatt. MR. PASVOLSKY declared that if Mr. Evatt had the idea that anything beyond the terms of the Charter could possibly be involved in this paragraph, he had best forget it. MR. HACKWORTH declared that he would favor outvoting Mr. Evatt on the matter but Mr. Dulles replied that there was no reason to do this because the matter was still in the negotiating stage. COMMANDER STASSEN thought that the important point was that Mr. Evatt had withdrawn from his previous position but MR. PASVOLSKY pointed out that if Mr. Evatt were to present his language to the Steering Committee he would, in effect, be committed to it. MR. DULLES reiterated that all the parties to the discussion were in a negotiating position. There were, he declared, two states standing on antithetical positions. The important matter was to get these two opposing parties to withdraw from their insistence on a fixed phraseology. Mr. Evatt, he declared, had already indicated his willingness to compromise, by the mere fact of presenting a new wording. SECRETARY STETTINIUS declared that he thought Mr. Pasvolsky was correct but he urged that the matter would have to be referred to the technical committee for negotiation. MR. DUNN suggested that no specific language be used by the Secretary asking the Committee to postpone its consideration of the matter. He thought that the requirement could be met by speaking to the Chairman of the Committee and asking him not to call a vote.

[1] The Subcommittee met at noon, 4:30 p. m., and 8:30 p. m., June 17.

### Closing Date

The Secretary reported that the official closing date was still June 23. He urged that the members of the Delegation should not talk with anyone about it. The Secretary declared that he was conducting conversations on a high level to determine whether the deadline could be met.

At this time, 9:40 a. m., Secretary Stettinius, Senator Vandenberg, Mr. Pasvolsky, Mr. Gerig, Mr. Johnson, Mr. Raynor, and Mr. Hyde left the meeting.

### Progress in the Technical Committees

Senator Connally asked what action had been taken over the week-end by Committee I/2. Mr. Armstrong declared that Commander Stassen should speak on that matter because he had handled the negotiations. However, he declared that expulsion had been retained in the Charter and the matter of withdrawal was going to be handled in the Committee's report.[2] Mr. Armstrong thought that excellent results had been achieved as a result of the "olive branch" offered by the major powers in the form of a concession with respect to the convocation of a revisionary conference.[3] Mr. Armstrong remarked that the concession had been made after the vote had been taken on the veto power over amendments and hence was not a bribe. This action on the part of the United States was greatly appreciated by the smaller powers. The Committee had also accepted the procedure proposed by Senator Rolin that the approval of 34 instead of 28 nations be required for ratification of amendments. This action of the Committee had also pleased the smaller powers. They had been anxious to make the adoption of amendments more difficult and this proposal accomplished that purpose. Mr. Armstrong pointed out that the change would not greatly affect the United States but had the advantages of gaining the support of Senator Rolin. Both Belgium and Mexico had come over to the side of the major powers and as a result the veto had been carried, although by a narrow margin. The proposal to place the convocation of a revisionary convention on the agenda of the General Assembly during its tenth year and the provision for actually calling that agenda [*convention*?] by a majority vote had been accepted with great applause by the Committee. Mr. Armstrong reported that the provision on expulsion had been reinserted without a fight in view of the decision of a number of the states which had been opposed to abstain from voting in view of the desires of the major powers.

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[2] Doc. 1178, I/2/76 (2), June 24, UNCIO Documents, vol. 7, pp. 327–332.

[3] Doc. 1053, I/2/72, June 17, *ibid.*, p. 241; Doc. 1052, I/2/71, June 17, *ibid.*, p. 249

### Term of Secretary-General

Mr. Armstrong reported that a slight misunderstanding had arisen with respect to the Secretary-General of the Organization. The matter had been raised by the Dutch who had pointed to the action of another committee and had indicated a desire to reconsider that decision.[4] Ambassador Koo had declared that the Big Four had already discussed this matter and had decided favorably on the Dutch proposal and thought that there was no need for further discussion among the major powers. Mr. Armstrong remarked that the Dutch proposal to eliminate any specific reference to a term of office for the Secretary-General had appeared to be quite satisfactory and he thought that the United States had acted in good faith in favoring this proposal, in view of Ambassador Koo's statement. Mr. Armstrong declared that he had spoken to Mr. Zarapkin after the meeting and had indicated that if the Russians were to oppose the Dutch suggestion they would be defeated in the Commission. Mr. Armstrong declared that he had learned afterwards that Ambassador Koo had not been accurate in that the discussion in the Steering Committee had been related to the Deputy Secretaries General, not to the Secretary-General himself.

Senator Connally observed that the matter of withdrawal had been satisfactorily settled by the decision to include a statement in the report of the Committee.[5] Senator Connally thought that there had been almost unanimous support for this procedure and asked whether he was correct in that assumption. Mr. Armstrong thought that the U.S.S.R. had cast the sole negative vote. Mr. Rockefeller declared that he was very pleased with the results of the negotiations in this Committee. He said that because of the tactful manner in which Mr. Armstrong and Commander Stassen had handled the negotiations, trust and confidence had been restored. The reaction to Commander Stassen's closing talk[6] had been most friendly. . . .

### Progress of Other Committees

Senator Connally reported that Committee III/1 was finished and that Committee III/3 would have one more meeting in order to add the decision on Chapter XII, paragraph 1 to the report of the Committee. Commander Stassen reported that Committee III/2 had been wound up and that Mr. Eagleton had handled the situation in a fine manner. The report of this Committee was to go to the Com-

[4] Doc. 1087, I/2/78, June 18, UNCIO Documents, vol. 7, p. 279.

[5] The Committee adopted the commentary on withdrawal, to be included in the Committee's report to the Commission, by a vote of 38 in favor, 2 against, and 3 abstentions (Doc. 1086, I/2/77, June 19, *ibid.*, p. 267).

[6] For summary statement, see *ibid.*, p. 265.

mission that evening. COMMANDER STASSEN declared also that he hoped to wind up the work of Committee II/4 that day. MR. SANDIFER reported that Committee II/2 would have to consider some decisions taken the previous evening in different committees. Expulsion was a case in point. Committee II/2 would also have to consider the question of the General Assembly's power to discuss all matters within the sphere of international relations.

### TERM OF SECRETARY-GENERAL

SENATOR CONNALLY added that part of this language would have to be reconsidered by Committee II/1, on the subject of the term for the Secretary-General.[7]

SENATOR CONNALLY reported that Committee II/1 had decided to delete the specific term of three years which had previously been agreed upon. This had been the result of the Netherlands' amendment.[8] The text as it stood at that time provided only for the election of the Secretary-General by the Assembly on the nomination of the Security Council. Senator Connally declared that he was of the opinion that it was better not to have a definite term. Furthermore, there was no mention in the Charter of the Deputy Secretaries General and Senator Connally thought that this was appropriate because it left the decision on the matter to the Secretary-General himself.

[At this point, 9:55 a. m., Commander Stassen left the meeting].[9]

REPRESENTATIVE BLOOM declared that he was of the opinion that it had been decided in the Penthouse[10] that there should be a definite term of office for the Secretary-General. SENATOR CONNALLY declared that he had not known that at the time of the meeting and had accepted Ambassador Koo's avowal that it would be all right to accept the Dutch proposal. Senator Connally thought that the indefinite wording was to be preferred. DR. BOWMAN agreed with Senator Connally and declared that of necessity the relationship of the Secretary-General to the Security Council would have to be largely political. No set term of office could eliminate this real situation and he thought that to have an indefinite tenure would avoid a deal among the large powers that each should appoint the Secretary-General for one term. REPRESENTATIVE BLOOM asked what provision was made for reelection of the Secretary-General and SENATOR CONNALLY declared that under the new provision reelection would not be

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[7] See Rapporteurs' reports, Doc. 666, II/1/26(1)(*a*), May 30, UNCIO Documents, vol. 8, pp. 452 and 456–457; and Doc. 1071, I/2/74(1), June 18, *ibid.*, vol. 7, pp. 365–367.

[8] Doc. 1087, I/2/78, June 18, *ibid.*, vol. 7, pp. 279–281.

[9] Brackets appear in the original.

[10] See minutes of the second Four-Power consultative meeting, May 3, 10 a. m., p. 562; also, minutes of the twenty-third Five-Power consultative meeting, June 17, 6 p. m., p. 1331.

necessary and the original provision had been deleted. REPRESENTATIVE BLOOM thought that it had been decided in the Penthouse to retain the original Dumbarton Oaks Proposal. The recent Four Power decision had been concerned only with the matter of the Deputy Secretaries General. The matter of the Secretary General had been left as originally decided in the Four Power amendment. MR. NOTTER remarked that the Russians would probably raise this question again. REPRESENTATIVE BLOOM asked whether the Delegation would suggest that Committee II/1 accept the new language.

MR. ARMSTRONG declared that he would like to explain some of the arguments which had been proposed. It had been urged that if no term of office were set for the Secretary General, a good man could be maintained in office indefinitely. The establishment of a short term of office would mean political bargains and Mr. Armstrong thought that the new proposal was superior, administratively speaking. The Russians were in favor of an even shorter term than had originally been supported and were desirous of establishing a one-year tenure. They had opposed the deletion of the three-year term but it had been decided that it would be best to have no term whatsoever. SENATOR CONNALLY agreed with the point made previously that there would be a great deal of political trading at each election if a short tenure were established. MR. STONE agreed that the procedure should be left flexible. It was possible, he said, to get rid of an unsuccessful Secretary General without fixing a definite period of tenure. SENATOR CONNALLY thought that Commander Stassen had thought that this new decision would violate a Five Power agreement. However, SENATOR CONNALLY reported that he could not remember any such agreement. MR. NOTTER thought that the Delegation had taken the right action with respect to the substance of the proposal. However, Ambassador Koo had been confused about the character of the arrangements among the sponsoring governments. REPRESENTATIVE BLOOM thought that the representatives of the Delegation had been instructed to take the old position. MR. NOTTER urged that if the Russians did not raise the question there would be no difficulty. MR. SANDIFER agreed but added that if the Russians reopened the question the Delegation could not maintain the new position without first consulting the U.S.S.R. MR. ARMSTRONG declared that there had been a most unusual situation. Both the Chinese and Byelorussian Delegations had voted with the United States. MR. NOTTER thought that the solution was very satisfactory inasmuch as the Russian Delegate had had ample opportunity to be heard. REPRESENTATIVE BLOOM protested that he had been placed in a very embarrassing position. At first he had declared the decision of the Delegation was

"black." Then the Delegation had instructed him to say that he had not had his glasses on and that the Delegation really wanted "white." Now, he was in a position where he would have to say that in reality the Delegation wanted neither. SENATOR CONNALLY remarked, however, that Representative Bloom would not have to reconsider the question. MR. SANDIFER agreed and thought that the decision would just have to be incorporated in the draft Charter in accordance with the decision of Committee I/2, without any further discussion. MR. NOTTER thought that the Delegation should know before nightfall whether the Russians were going to make any objections. SENATOR CONNALLY did not think that a Russian objection was likely because their chief interest was the Deputy Secretaries General.

PROGRESS OF OTHER COMMITTEES

SENATOR CONNALLY declared that Mr. Hackworth had wanted to report that all the problems connected with the World Court and the legal problems of the Organization had been satisfactorily resolved. MR. SANDIFER declared that the meeting of Committee II/2, scheduled for that day, would be postponed. The status of Committee II/1 had been discussed. COMMANDER STASSEN had expressed the opinion that Committee II/4, dealing with trusteeship, could probably finish that day. MR. SANDIFER concluded by saying that Committee III/3 would accept paragraph 1 of Chapter XII and thus would be able to complete its business.

DEAN GILDERSLEEVE reported to the Delegation that there was a possibility that there would be further discussion in Committee I/1 on the subject of domestic jurisdiction.[11]

The meeting was adjourned at 10:10 a. m.

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RSC Lot 60–D 224, Box 99: UNCIO Cons. Five Min. 24

*Minutes of the Twenty-Fourth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 18, 1945, 12 noon*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (16); United Kingdom (2); Soviet Union (3); China (2); and France (4).]

MR. STETTINIUS of the United States presided. He stated that the purpose of this meeting was to discuss briefly the language with respect to the right of discussion to be enjoyed by the General Assembly, which

[11] For text of article 8, chapter II, adopted by Committee I/1 on June 13, see Doc. 1019, I/1/42, June 16, UNCIO Documents, vol. 6, p. 512; also, Doc. 1070, I/1/34 (1) (*d*), June 18, *ibid.*, p. 486.

had been suggested by Dr. Evatt of Australia and discussed in the Executive Committee and in the Steering Committee that morning. MR. STETTINIUS recalled that Dr. Evatt had brought the paragraph in question into the Subcommittee last night, and it had been referred to the Technical Committee for consideration. This paragraph read as follows:

"The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of its organs or otherwise within the scope of the Charter; and, except as provided in paragraph 2 (*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

M. BONCOUR stated that he had given very serious consideration to this question and to the position of the Russian Delegate that there must be a definite reference in this paragraph to the aims set forth by the Dumbarton Oaks Proposals, i.e., that this right of discussion should be limited to matters affecting international peace and security. M. BONCOUR believed that the Russian Delegate was quite right, and that the language suggested by Dr. Evatt did not achieve this purpose. He, therefore, proposed that Dr. Evatt's draft be changed to read:

"The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of its organs or otherwise within the scope of the Charter, the main purpose of which is the maintenance of international peace and security . . ."

AMBASSADOR GROMYKO stated that, as he had said yesterday, Dr. Evatt's language does not contain a reference to the maintenance of peace and security. The language in this draft, he thought, was as near as possible to the previous language. Referring to the phrase in the draft, "within the sphere of action of the United Nations", he observed that we are discussing what right the General Assembly is to have, what matters it may discuss, and what actions it can take. He thought that this phrase was unclear and that everything could be discussed under this formula.

MR. STETTINIUS thought that M. BONCOUR had made a very constructive suggestion in proposing the phrase to be added to the Evatt draft. LORD HALIFAX agreed with Mr. Stettinius and also thought we should be grateful to M. Boncour. He was disposed to agree with Ambassador Gromyko on his point with respect to the phrase "sphere of action of the United Nations". He thought those words were too

vague and had thought so when he first read the language. LORD HALIFAX proposed that this be changed to read: "sphere of action of the United Nations, as delimited by the Charter".

M. BONCOUR observed that it was necessary to consider the points of view of both parties and recalled that Dr. Evatt had insisted on this phrase because a similar phrase was contained in the Covenant of the League of Nations. He agreed, however, that this particular phrase is too vague, and that the fears of the Soviet Delegation are justified. He thought the word "Organization" should be used instead of "United Nations". MR. DULLES commented that the phrase "United Nations" was used here as the name of the Organization. M. BONCOUR thought it was better to state specifically "Organization". MR. STETTINIUS also thought that Dr. Evatt was referring to the Organization in using "United Nations". He asked for Dr. Koo's reaction.

DR. KOO stated that if M. Boncour's proposal were acceptable to the others, it was acceptable to him. He then observed that a vast range of matters came within the scope of the Charter and he wondered if there were any objection to discussion by the General Assembly of any matter within the Charter. He did not object to a specific reference to "maintenance of international peace and security".

AMBASSADOR GROMYKO thought that it could be stated that the General Assembly should have the right to discuss any matters relating to the maintenance of international peace and security, or to social, economic, educational, and cultural cooperation among nations and other questions affecting the maintenance of peace and security. He thought this would be a broad formula, but it would be exact and would be in accord with the Dumbarton Oaks Proposals. This formula would not permit the General Assembly to raise any question at all, which might in some cases not be in accord with the principle of sovereignty of states. He asked why we should not use the formula of the Dumbarton Oaks Proposals which we had agreed upon.

DR. KOO said that it seemed to him that we were very close on what the Ambassador had just said. MR. STETTINIUS said he felt so. DR. KOO inquired whether we could not say "discussion of any matter relating to the maintenance of international peace and security or otherwise within the scope of the Charter". This, he thought, would make it clear that matters relating to the maintenance of peace and security would not be the only matters that the General Assembly could discuss. AMBASSADOR GROMYKO suggested that we might say "any matter within the scope of the Charter affecting the maintenance of international peace and security".

MR. BONCOUR observed that from the logical point of view, the Soviet Delegate was right. However, in practice, he recalled that the

Technical Committee has now voted this formula three times, so that we should try to get as near to the Evatt formula as possible. Two changes had been proposed to the Evatt draft: (1) to substitute "Organization" for "United Nations"; and (2) to insert after the phrase "within the scope of the Charter" the additional words "the main purpose of which is the maintenance of international peace and security". He thought that these two changes in the Evatt draft would do what the Russian Ambassador wants.

AMBASSADOR GROMYKO thought that this change would not change the meaning of the phrase since Dr. Evatt means "Organization" by the term "United Nations". He thought there was a logical defect to this language, since we were talking about the rights of the General Assembly and what action the General Assembly should take. This formula says that the General Assembly should "take action within the sphere of action of the United Nations". He thought it would not make sense.

SENATOR VANDENBERG asked Ambassador Gromyko if there were anything named in the principles and purposes of the Charter that he was not willing to have the General Assembly discuss. AMBASSADOR GROMYKO said no. SENATOR VANDENBERG suggested that we say just that. He proposed language along the following lines: "matter relating to the maintenance of international peace and security, or any other matters covered by the purposes and principles of the United Nations or pertaining to the functions of its organs".

LORD HALIFAX approved this suggestion and thought that the reference to international peace and security should be put first. AMBASSADOR GROMYKO said he would like to see this language in written form; and MR. STETTINIUS asked Mr. Dulles to dictate this new language to his stenographer and have it brought in.

There was temporary recess until the new draft was brought in. MR. STETTINIUS read it aloud as follows:

"The General Assembly should have the right to discuss any matter relating to the maintenance of international peace and security or otherwise covered by the purposes and principles or falling within the scope of the Charter; and, except as provided in paragraph 2 (*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

MR. STETTINIUS asked for comment on this draft. M. BONCOUR stated that he personally was agreeable to this formula, but he feared that it went rather far from the Evatt draft and that there would be some difficulty getting Dr. Evatt to accept it. LORD HALIFAX said he had the same thought and he felt that there should be included in the paragraph the phrase referring to the organs of the United Na-

tions as Dr. Evatt attached importance to this phrase. He said that he personally would accept this draft otherwise.

AMBASSADOR GROMYKO observed that the phrase "scope of the Charter" would include matters relating to its organs. LORD HALIFAX thought that Dr. Evatt would, nevertheless, want his own language on this subject. DR. KOO thought that the question of the organs was essentially a matter of detail and that he would agree to this change if it were thought that Dr. Evatt would accept it more easily.

MR. STETTINIUS stated that the United States Delegation considered such language satisfactory. He was impressed by M. Boncour's remarks on this point, and he thought we should consider the inclusion of the reference to the "organs" in order to negotiate this matter. SENATOR CONNALLY thought that Ambassador Gromyko was correct in stating that the phrase "scope of the Charter" included matters relating to the organs of the United Nations. He thought that specific reference to the organs would not change the meaning of the draft and if this would make it easier for Dr. Evatt to accept the draft, it would be desirable to include such a reference. LORD HALIFAX proposed that there be inserted after the phrase "within the scope of the Charter" the following language: "or relating to the powers and functions of any of the organs of the Assembly". MR. DULLES thought an important point was involved here and it was necessary to say "powers and functions of any organ of the General Assembly", since the Security Council, which is an organ of the United Nations, is not a subsidiary body to the General Assembly. AMBASSADOR GROMYKO asked if this phrase was to go after the word "Charter". Lord Halifax repeated the proposed language: "or relating to the powers and functions of any of the organs of the Assembly".

MR. STETTINIUS said that if we limited this phrase to the Assembly, he was quite sure that it would not be acceptable to Dr. Evatt. He suggested instead the phrase "organs of the Charter". MR. SANDIFER thought the phrase should be "organs of the United Nations". SENATOR VANDENBERG proposed that we say "relating to the powers and functions of its organs". He thought we should get an exact text of the new draft.

MR. STETTINIUS stated that this group would have to study the matter further before deciding upon its position in the Technical Committee. He noted that four of the countries represented here had tentatively agreed to the new text, and that AMBASSADOR GROMYKO had asked for time to study the text. AMBASSADOR GROMYKO stated that he hoped to be able to give an answer on this matter either that evening or the next day.

The following text was then distributed:

"The General Assembly should have the right to discuss any matter relating to the maintenance of international peace and security

or otherwise covered by the purposes and principles or falling within the scope of the Charter, or relating to the powers and functions of any of the organs provided for in the Charter; and, except as provided in paragraph 2 (*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters".[13]

MR. STETTINIUS then adjourned the meeting.

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500.CC/6–1845 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, June 18, 1945.
[Received June 18—4:25 a. m.]

5. Please send the following telegram to Moscow as a personal message from me to Harriman:[14]

"You, of course, have the text of the Dumbarton Oaks Proposals. Gromyko is pressing for the original Dumbarton Oaks text of paragraph 1 of Section B of Chapter V in regard to the functions and powers of the General Assembly. When that text was considered in the appropriate committee of this conference, the committee decided to make what is substantially that paragraph as paragraph 2 of their text.[15] The committee added a new paragraph 1, and although the four Sponsoring Powers and France voted against this new paragraph it was by a large majority adopted by the committee.[16] The new paragraph 1 and the opening words of paragraph 2 read as follows:

'1. The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception embodied in paragraph 2 (*b*) of this section, to make recommendations to the members of the organization or to the Security Council or both on any such matters.

2. In particular, and without limiting the generality of the preceding paragraph, the General Assembly should have the right:

(*a*) To consider the general principles of cooperation in the maintenance of international peace and security,' et cetera, following the general text of the original paragraph 1 of the Dumbarton Oaks proposals.

The foregoing text was adopted by the appropriate technical committee of the conference on May 29 last. There were only eleven votes cast against this text, including those of the sponsoring powers. We are absolutely convinced that it would be impossible to reverse this

[13] This revised text, together with a report on the Five-Power meeting, was transmitted by Mr. Stettinius in telegram 7, June 18, to the Acting Secretary to be sent to Ambassador Harriman so that he might be kept fully up to date for his discussions of the problem with Foreign Minister Molotov; Mr. Stettinius also requested that President Truman be informed of the sense of the message. The message was repeated to Moscow as telegram 1337, June 19, 1 a. m. (500.CC/6–1845).

[14] Message repeated to Moscow as telegram 1332, June 18, 6 a. m.

[15] Doc. 601, II/2/B/4, May 26, UNCIO Documents, vol. 9, p. 407; and Doc. 630, II/2/B/7, May 26, *ibid.*, p. 401.

[16] Doc. 686, II/2/34, May 30, *ibid.*, p. 108; and Doc. 1008, II/2/52, June 16, *ibid.*, p. 196.

decision in the conference. The successful efforts which we have made to maintain the Yalta voting procedure and the veto power of the five permanent members on amendments to the Charter, both of which have not [*now?*] been approved by the appropriate committees of the conference, have created a situation in the conference which would make it even more difficult than that [which] obtained on the 29th of May when the texts mentioned above were approved.

We have known for several days that Gromyko was dissatisfied with the decision of the committee and yesterday he asked that a meeting of the Executive Committee and the Steering Committee be arranged in order that he might make a statement in regard to the question. Meetings of the Executive Committee and the Steering Committee were held today. The text of the statement which Gromyko made as well as the statement made by Manuilsky, Chairman of the Ukrainian Delegation, are being telegraphed to you in a separate message.[17]

Immediately after Gromyko's statement in the two committees, Evatt, the Australian Foreign Minister, made a strong statement defending the action of the Technical Committee. Evatt's statement was warmly applauded in the Steering Committee which, as you know, is composed of the heads of all delegations at the conference.

A subcommittee consisting of Gromyko, Evatt and myself was appointed to consider this matter. The subcommittee has held three meetings today. At the last meeting Evatt put forward informally a suggested new paragraph 1 to replace the approved committee text, reading as follows:

'1. The General Assembly should have the right to discuss any matters covered by the purposes and principles of the Charter or within the sphere of action of the United Nations or relating to the powers and functions of any of its organs or otherwise within the scope of the Charter; and, except as provided in paragraph 2(*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matter.'

Evatt said that he was prepared to sponsor this text; that he believed approval of it could be obtained.

Gromyko had expressed strong opposition to the phrase 'within the sphere of international relations' in the text approved by the committee on May 29. Evatt's new draft omits these words.

Gromyko had also expressed the fear that the wide powers of discussion in the committee draft might permit debate in the General Assembly of questions within the domestic jurisdiction of sovereign states. We believe that he is now satisfied that another provision of the Charter contained in the principles adequately covers this point. That article says that 'nothing contained in this Charter shall authorize the organization to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under this Charter . . .'

Gromyko stated that he would telegraph the Evatt proposal to Moscow and request instructions.

[17] Telegram 4, June 13, to the Acting Secretary of State, repeated to Moscow as telegram 1333, June 18, 7 a. m., not printed; see summary report of meeting of Executive Committee, Doc. 1063, EX/27, June 18, UNCIO Documents, vol. 5, p. 522.

Please see Molotov at once and discuss this whole matter with him. Please tell him the British, French, Chinese, and American delegations are absolutely convinced that it will be impossible to persuade the conference to reverse its decision and to adopt the original Dumbarton Oaks text. A bitter public debate on this subject in the final days of the conference would in our opinion be extremely harmful.

Earnestly hope that Molotov will find it possible to issue prompt instructions to Gromyko, authorizing him in the circumstances to accept the Evatt draft or the text which has already been approved by the committee. You may tell Molotov that since we are absolutely convinced that the original Dumbarton Oaks language cannot obtain the approval of the conference the American delegation is prepared to accept either of these texts. The British, French and Chinese delegations have indicated informally their willingness to accept the text approved by the committee. Since the new draft put forward by Evatt is an improvement, I am sure they would accept it.

Please tell Mr. Molotov we are, as he knows, endeavoring to wind up the conference in the next few days. It is essential that this be done because of the President's plans. It is equally essential that the President be enabled to transmit a Charter to the United States Senate at the end of this month in order to obtain prompt ratification by the Senate before it closes its sessions; otherwise, the Senate may well adjourn until September and the atmosphere for consideration of the document may be less favorable."

After sending the foregoing message, please inform the President of the main points of the message I have sent Harriman.

[STETTINIUS]

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RSC Lot 60–D 224, Box 96: US Cr Min 76

*Minutes of the Seventy-Sixth Meeting of the United States Delegation, Held at San Francisco, Tuesday, June 19, 1945, 9:03 a. m.*

[Informal Notes]

[Here follows list of names of persons (33) present at meeting.] The Secretary convened the meeting at 9:03 a. m.

MILITARY ENDORSEMENT

SECRETARY STETTINIUS remarked that before leaving Washington he had had talks with Secretary Stimson, Secretary Forrestal, General Marshall and Admiral King. Because of the long range implications of the Charter and because of the difficulty in drawing a line between its military and non-military implications, it had been agreed that the Army and the Navy should be represented on the American Delegation, and Mr. McCloy and Mr. Gates had come to San Francisco representing the Army and the Navy respectively. It had been thought that at the end of the Conference, the military branches of the government would make available a complete endorsement of the

entire Charter. THE SECRETARY reported, however, that this endorsement had now been narrowed to the specific military provisions of the Charter and to the strategic implications of the Charter as a whole. The Secretary asked whether the endorsement by the Army and the Navy would cover the non-strategic aspects of the Charter, such as the Economic and Social Council. MR. KANE replied that the military endorsement would cover all military considerations, and GENERAL EMBICK pointed out that the letter which was being prepared for submission by the Army and the Navy to the Secretary would say that the Charter was in accord with the strategic interests of the United States. GENERAL EMBICK observed that this was far stronger than a statement that the military branches of the government had no objections to the Charter.

SECRETARY STETTINIUS asked whether the letter which Mr. Kane was drafting would constitute adequate approval of the Charter; specifically, THE SECRETARY asked whether representatives of the Navy Department would appear before the Senate Foreign Relations Committee and support the Charter in the debates. GENERAL EMBICK replied that the military departments would support the Charter in its military aspects, but would not undertake to endorse sections which were not within the scope of their authority, such as the World Court or the Preamble. MR. KANE observed that the letter he had drafted had not been approved by Secretary Forrestal as yet.

### DISCUSSION BY THE GENERAL ASSEMBLY

THE SECRETARY reported that there was going to be a meeting of the five powers at 9:30 a. m., and he called on Mr. Dulles to explain the situation with respect to the power of the General Assembly to discuss matters within the sphere of international relations. MR. DULLES reported that agreement had been reached among the five powers on the draft of Section A, paragraph 1, of Chapter V, June 18, 1945, as follows:

"1. The General Assembly should have the right to discuss any matter relating to the maintenance of international peace and security or otherwise covered by the purposes and principles or falling within the scope of the Charter, or relating to the powers and functions of any of the organs provided for in the Charter; and, except as provided in paragraph 2(*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

This draft had been presented to Mr. Bailey of the Australian Delegation and he had expressed the opinion that it was satisfactory. Lord Halifax had spoken with the foreign ministers of the Dominions who had also indicated their approval. However, Mr. Dulles had received that morning a letter from Mr. Bailey indicating that the

draft was not satisfactory in its present form. This letter indicated that Mr. Evatt wanted to retain the phrase "within the sphere of action of the organization." Mr. Bailey's letter was circulated among the Delegation, and read as follows:

"My dear Dulles,

"I have just had the opportunity of discussing with Dr. Evatt the draft of which you gave me a copy for him this afternoon.

"Dr. Evatt feels strongly that it is unnecessary, because tautologous, to preface his own draft with any specific reference to the maintenance of international peace and security. He is nevertheless willing to accept the suggestion, on condition that his own draft is accepted, without any whittling away. He feels particularly that the omission of the phrase 'within the sphere of action of the Organization' may easily be misunderstood. These words, as you know, are taken directly from the Covenant of the League of Nations, and it would be easy to draw from their omission an inference adverse to the scope of the Assembly's powers.

"Dr. Evatt understands that some objection is felt to the phrase 'within the sphere of action of the United Nations', on the ground that the words might possibly suggest interference with national affairs. This objection however could not apply if the word 'Organization' were used. I think this mode of reference to the United Nations will be adopted in a good many places in the Charter.

"If the reference to 'international relations' is to be omitted, and the reference to the maintenance of peace and security inserted in the foreground of the paragraph, I think there is good reason for insisting on the utmost amplitude in the reference to the Charter.

"After careful consideration Dr. Evatt would be willing to accept the paragraph in the following form:

" 'The General Assembly should have the right to discuss any matters relating to the maintenance of international peace and security, and also any matters covered by the purposes and principles of the Charter, or relating to the powers and functions of any of the organs provided for in the Charter, or within the sphere of action of the Organization, or otherwise falling within the scope of the Charter; and, except as provided in paragraph 2(*b*) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such matters.'

"Regards—and in great haste
Yours sincerely, K. H. Bailey"

Mr. Bailey had apologized to Mr. Dulles for having presented Mr. Evatt's position after apparent agreement had been reached, and Mr. Dulles had reminded him that negotiations had been proceeding on the basis that the language of the June 18th draft had been acceptable to the Australians. Mr. Dulles pointed out to Mr. Bailey that it was hoped that approval of the language would be received from Moscow some time during the day. Mr. Dulles had observed to Mr. Bailey that if Russian approval was forthcoming, it would be necessary for the United States to return to Mr. Evatt and ask him to discuss the matter further. MR. DULLES told the Delegation that it would prob-

ably be possible to line up sufficient votes to beat Mr. Evatt on this matter. SENATOR VANDENBERG agreed and thought that the proper thing to do would be to have the chief delegates of each Delegation appear in Committee II/2 when this question was under discussion.

MR. PASVOLSKY asked whether the question would be settled during the day and THE SECRETARY replied that it would be considered at the 9:30 meeting of the five powers.

### TRUSTEESHIP

THE SECRETARY reported to the Delegation that the Trusteeship chapter had been accepted by Committee II/4 on the previous evening.[19] The Secretary thought that the Delegation owed a debt of gratitude to Commander Stassen for the fine job he had done during the negotiations on this very difficult chapter. COMMANDER STASSEN said that it was particularly gratifying to him that the meeting of Committee II/4 the previous evening had ended up most satisfactorily with all the delegates congratulating each other. Commander Stassen reported that Section A had been approved by the Committee as it had been agreed upon by the major powers and Australia. The vote in Committee II/4 was unanimous. COMMANDER STASSEN remarked that the Russians had displayed a very fine spirit because they had permitted the paragraph on reporting functions to be passed by the Committee although they did not approve it. This had been done as a concession to Mr. Evatt. . . .

### SPAIN

MR. HICKERSON reported that he had been told by the Greek Delegation that Foreign Minister Padilla intended to introduce a resolution that day which would bar Spain from participating in the Organization until it had overthrown the fascist Franco[20] Government. This resolution, Mr. Hickerson said, would require a vote in the Commission which dealt with membership. The Greeks had asked Mr. Hickerson how they should vote on this matter, and he had replied that it would be necessary to take the matter up in the Delegation. Mr. Hickerson had made it clear, however, that this Government did not like Franco Spain. MR. HICKERSON observed that his recommendation would be that the Delegate of the United States on Commission I be authorized to vote in favor of such a resolution if it were proposed. REPRESENTATIVE BLOOM urged that a more satisfactory course would be to use parliamentary procedure to have the matter thrown out without any vote being taken. MR. ARMSTRONG, however, submitted that any such attempt by the United States would

[19] Doc. 1090, II/4/43, June 19, UNCIO Documents, vol. 10, p. 561.

[20] Generalissimo Francisco Franco, Chief of State and President of the Spanish Government.

be construed by the press as indicating a favorable attitude toward Franco. REPRESENTATIVE BLOOM remarked that such a move by this Government could be construed only as a reliance on the established rules of procedure. THE SECRETARY declared that before the Delegation could take any action on this matter it would be necessary to see a copy of the resolution which the Mexicans were going to present.

MR. ROCKEFELLER observed that the question represented a delicate situation. Mr. Padilla was under great pressure from his own Government to introduce a measure on the question of Spanish participation. However, despite what Mr. Hickerson had said, the Mexicans did not intend to introduce a resolution. The plan was that Mr. Quintanilla was to make a brief declaration stating his Government's position on the question of Franco Spain participating in the United Nations Organization. If there should be any discussion on, or opposition to, this declaration, Mr. Quintanilla was prepared to make a speech supporting his position. MR. ROCKEFELLER expressed the opinion that the question might finally take the form of a resolution presented by some other Government. SECRETARY STETTINIUS asked why the Mexicans would not be satisfied by merely making a speech in the Commission session.[21] MR. PASVOLSKY observed that the rules of procedure provided that no resolutions could be considered by the Conference. However, MR. DULLES pointed to the fact that the Conference had adopted a resolution expressing the hope that Poland would soon be represented in the deliberations of the United Nations.[22] MR. HACKWORTH added that Committee IV/1 had also passed a resolution.[23]

MR. DUNN observed that the United States could not afford to be on the wrong side on this matter. He suggested that the Delegation should go along with a resolution or declaration presented by the Mexicans. MR. DULLES pointed out, however, that the Delegation did not have to go along with a violation of the rules of the Conference. He suggested that a statement should be made that the Mexican proposal was consistent with the beliefs of the Delegation, but that the Delegation could vote for the proposal only if it were the proper business of the Conference. He held the view that it should be made clear that if the Conference decides that it could properly entertain such a proposal, the United States would vote in favor of it. MR. ROCKEFELLER reiterated that no resolution would be offered but that the Mexicans would make a brief declaration. However, MR. HICKERSON remarked that the Greek Delegation had asked him how to vote

[21] Doc. 1167, I/10, June 23, UNCIO Documents, vol. 6, p. 124.

[22] Doc. 30, DC/5(1), April 27, *ibid.*, vol. 5, p. 96; Doc. 32, DC/7, April 27, *ibid.*, p. 118; and Doc. 20, P/6, April 28, *ibid.*, vol. 1, p. 168.

[23] Doc. 913, IV/1/74(1), June 12, *ibid.*, vol. 13, p. 392, and Doc. 870, IV/1/73, June 9, *ibid.*, p. 413.

on the matter, which would indicate that the Mexicans intended to present a resolution. REPRESENTATIVE BLOOM observed that the Delegation should prepare itself for any possibilities. If no resolution were offered, the United States would not have to take any position. If a resolution were proposed, REPRESENTATIVE BLOOM proposed that the Delegation should follow the course of action outlined by Mr. Dulles.

COORDINATION COMMITTEE

MR. PASVOLSKY reported that the Coordination Committee had prepared drafts for thirteen chapters. He added that there would be fifteen altogether. THE SECRETARY asked when the entire Charter would be in final shape, ready to be signed. MR. PASVOLSKY declared that the Coordination Committee could finish its work by Thursday.[24]

RECOURSE OF ENEMY STATES TO THE GENERAL ASSEMBLY OR THE SECURITY COUNCIL

REPRESENTATIVE BLOOM, who was then in the chair because of the departure of the Secretary and Senator Vandenberg, asked if there was any more business to be brought to the attention of the Delegation. MR. SANDIFER reported that Mr. Johnson had a matter which he wished to bring before the Delegation.

MR. JOHNSON reported that a question had arisen in Committee III/3 with respect to a proposal of the Greek Delegation that Chapter VIII, Section A, paragraph 2, should be amended to prevent the enemy states from having recourse to the Security Council, or the General Assembly.[25] This proposal had been approved in principle by Committee III/2 which had referred it to Committee III/3, as relating to paragraph 2 of Chapter XII. The Greek wording, as amended by the United States, read as follows:

"It is understood that the enemy states in the present war shall not have the right of recourse to the Security Council or the General Assembly ~~before the treaties which end this war have been made effective~~ until the General Assembly on the recommendation of the Security Council so decides."

MR. JOHNSON reported that this matter was now being considered in connection with the approval of the chapter on transitional arrangements. Mr. Johnson urged that this would be a difficult matter to defeat because the United States could not readily afford to place itself in opposition to the measure. MR. JOHNSON remarked that

[24] June 21; for texts of draft Charter of the United Nations and the Statute of the International Court of Justice, as finally approved by both the Coordination Committee and the Advisory Committee of Jurists on June 22, see Doc. 1159, CO/181, June 23, UNCIO Documents, vol. 15, p. 171 and Doc. 1158, CO/180(1), June 22, *ibid.*, p. 149.

[25] Doc. 1089, III/3/49, June 19, *ibid.*, vol. 12, p. 536.

this proposal did not really belong in the chapter on transitional arrangements. The question before the Delegation was chiefly whether it wanted to include the language in the Charter itself or whether it should be incorporated in a declaration. He reiterated that it would be difficult to take a stand in opposition to the Greek proposal. MR. JOHNSON declared that the language of the Greek proposal had not been good. He observed that the Greek wording "made effective" was not clear, and there was also no way of knowing how many treaties there would be ending the war. Therefore, Mr. Johnson had proposed the substitute wording which had been referred to the Delegation. (U.S. Gen 281 [26].) MR. JOHNSON remarked that the Greek proposal had been seconded by Ethiopia and appeared to be directed against Italy. MR. ARMSTRONG asked whether it would not be possible to ask Mr. Politis [27] to withdraw his proposal. MR. ARMSTRONG submitted that it might have been pressed by Mr. Politis personally, without the support of his Delegation. MR. JOHNSON did not think that this was accurate because of the fact that the matter had been referred by Committee III/2 to Committee III/3 [28] some time previously, and therefore Mr. Politis was not pushing it as a personal measure at the end of the Conference. COMMANDER STASSEN pointed out that when the matter had been considered in Committee III/2 it had been urged by some of the Delegates that Chapter XII was the appropriate place for the insertion of this proposal. THE CHAIRMAN had suggested that the Greek Delegate investigate the possibilities of incorporating the provision in Chapter XII, but there had been no formal recommendation. COMMANDER STASSEN reminded the Delegation that this suggestion would bring up the question of Italy and Finland as well. Neither of these countries would have the right of recourse to the Security Council or the General Assembly under the Greek proposition. MR. NOTTER asked whether Chapter XII did not leave this decision to the victorious powers. He was of the opinion that the Charter provided that the General Assembly and the Security Council would make the decision as to whether or not to receive a nation which was not an initial member of the Organization.

MR. PASVOLSKY held the view that this proposal was a counterpart of a previous Russian suggestion. Apparently, he declared, the Greeks wanted to keep Bulgaria and Italy from gaining friends in the General Assembly. REPRESENTATIVE BLOOM asked whether the Greeks would be satisfied with a declaration rather than the incor-

[26] U.S. Gen. 281 ("Recommendation to the United States Delegation, Committee III/3, The Right of Enemy States To Have Recourse to the Assembly or the Security Council", June 19), not printed.

[27] Ambassador John Politis, delegate of Greece.

[28] Doc. 321, III/2/9, May 15, UNCIO Documents, vol. 12, p. 24.

poration of language in the Charter. COMMANDER STASSEN declared that he was opposed to the Greek suggestion. He pointed out that the Charter provided for strict membership rules; the only denial involved in the Greek proposal was the right of a nation to call the attention of the Organization to a situation which might endanger the peace. COMMANDER STASSEN urged that this right should [not?] be abridged. MR. NOTTER pointed out that there was good ground for opposing this suggested amendment in view of the fact that recourse could be necessary only from the victor powers. MR. ARMSTRONG agreed that some of the smaller European nations did not trust the victorious powers. MR. ARMSTRONG proposed that the situation could be handled by presenting an explanation to the head of the Greek Delegation. Mr. Armstrong suggested that this explanation should be rendered by a sufficiently important member of the Delegation. COMMANDER STASSEN expressed the opinion that Mr. Hickerson was the appropriate officer. MR. HICKERSON, however observed that it might be more effective if one of the Delegates were to speak to the Greek Chairman. MR. PASVOLSKY proposed that Mr. Hickerson and Mr. Dunn should undertake to hold a conversation with the Chairman of the Greek Delegation.

MR. HICKERSON asked Mr. Johnson how strongly the Greeks had felt on this matter, and the latter replied that they had seemed to support the change rather strongly. COMMANDER STASSEN thought that this could not be true because the proposal had first been submitted six weeks previously and the Greeks had not pressed it very strongly. Commander Stassen suggested that the Greeks should be informed that their demand was adequately covered by the draft approved by Committee III/2. MR. ARMSTRONG observed that the matter should be handled before the Committee meeting and he suggested that Commander Stassen attend that meeting.[29] COMMANDER STASSEN observed that Committee III/3 was Senator Connally's Committee, but MR. JOHNSON pointed out that the Senator was out of town. MR. HICKERSON remarked that Mr. Johnson had done a good job and he thought Mr. Johnson should be allowed to handle the matter. MR. JOHNSON declared that he would appreciate Commander Stassen's coming to the meeting because, in addition to this question, consideration would be given to Chapter XII, paragraph 2. MR. JOHNSON observed that he did not speak with sufficient authority. Mr. Johnson remarked that there was a great deal of dissatisfaction with the Greek text. Mr. Berendsen of New Zealand had said of the Greek proposal that "A country lawyer in his cups could not have written a worse draft if he were buying a hen house." MR. ARMSTRONG main-

[29] Doc. 1111, III/3/51, June 20, UNCIO Documents, vol. 12, p. 546.

tained that this question should be settled in advance of the meeting. COMMANDER STASSEN asked whether it was true that the Committee had not yet finished its consideration of Chapter XII, paragraph 2. ADMIRAL TRAIN declared that Mr. Wrong of Canada planned to make a long speech on the matter that day. COMMANDER STASSEN declared that he would attend the Committee meeting but would not himself contact the head of the Greek Delegation. Commander Stassen was of the opinion that this should be done by a State Department Officer. REPRESENTATIVE BLOOM declared that Mr. Hickerson would see the Greek Ambassador.

PREAMBLE

MR. HACKWORTH reported that the Jurists were struggling over the Preamble wording "We the people of the United Nations".[30] The Jurists were attempting to find some formula whereby the governments of the United Nations would be made parties to the Charter. MR. HACKWORTH asked whether the word "We" was essential to the Charter and he pointed out that the problem of drafting would be greatly simplified if "We" could be deleted. COMMANDER STASSEN thought that the word "We" was important to the spirit of the Preamble. MR. HACKWORTH pointed out that the solution to the problem would be greatly simplified by saying merely "The People of the United Nations". MR. HACKWORTH declared that a formula had been proposed which, although not completely satisfactory, would meet the requirements of the situation; however, this formula would be much better if "We" were to be omitted. DEAN GILDERSLEEVE asked how the Preamble would end if the wording "The People", dropping "We" were to be adopted. MR. HACKWORTH declared that he did not remember the exact phraseology which would be used in this situation. However, he repeated that the omission of the word "We" would simplify the drafting problem. It had been concluded, however, that the word "We" was untouchable. DEAN GILDERSLEEVE observed that she should not think that it was true that "We" could not be dropped. Committee I/1 had recognized the difficulty involved in the constitutional requirements of some of the governments[31] and had had the expectation that both the beginning and the ending of the Preamble would be subjected to considerable consideration from a juridical standpoint. REPRESENTATIVE BLOOM asked whether the "punch" of the Preamble would not be destroyed if "We" were to be omitted. MR. HACKWORTH pointed out that this wording would make

[30] Doc. WD 268, CO/110, June 10, UNCIO Documents, vol. 17, p. 405; for text prepared by the Advisory Committee of Jurists at its fourth meeting, June 9, see WD 258, CO/93(4), June 10, *ibid.*, vol. 18, p. 106.

[31] Doc. 817, I/1/31, June 6, *ibid.*, vol. 6, p. 365; Doc. 944, I/1/34(1), June 13, *ibid.*, p. 449; and Doc. 1006, I/6, June 15, *ibid.*, pp. 18–21.

the people of the United Nations contractual parties to the Charter—an impossible situation. MR. PASVOLSKY pointed out that the document under consideration was a treaty and hence involved certain juridical situations which had to be taken into account. MR. PASVOLSKY outlined for the Delegation some of the history of the drafting of the Preamble. It had been sent to the Coordination Committee with unusual directives, one of which was that the Coordination Committee should consider the legal aspects of the phraseology. As a result of this instruction, a joint committee had been set up with the Jurists.[32] This was the committee which Mr. Hackworth had been talking about. The specific question at issue had been raised by the Dutch, who had been contending that "Peoples" could not enter into contracts. REPRESENTATIVE BLOOM remarked that it had been his impression that the peoples of the United Nations would enter into the Charter through the agency of their respective governments. MR. PASVOLSKY observed, however, that even this was an impossible situation for some governments. MR. HACKWORTH agreed with Mr. Pasvolsky, and pointed out that in some countries the power of government did not flow from the people, but came from above to the Crown. MR. NOTTER thought that the Delegation was confronted with a practical situation. The practical problem was how it could be arranged that the states represented at San Francisco could conceive the Organization. Mr. Notter declared that personally, he was sympathetic with those countries which were not ready to undergo an American Revolution. Even the words "The Peoples" represented a big concession for the Dutch. MR. NOTTER pointed out that much the same constitutional situation applied to the United Kingdom as applied to the Netherlands. REPRESENTATIVE BLOOM maintained that the people of the United States would be greatly disappointed if the word "We" were not included in the Preamble. MR. PASVOLSKY observed that this word would cause a much greater problem for some of the other Delegations than it would for the United States Delegation. He pointed out that some Delegations would be repudiated by their governments if they permitted the use of the words "We the Peoples". He declared that the Preamble should be worded in such a way that it would be recognized that the governments concerned were becoming parties to the Charter as a result of an expression of determination by the peoples of their respective countries. DEAN GILDERSLEEVE declared that she recognized the fact that the Charter would not be an American instrument, but would be an International Charter. She

[32] For discussion of the "Alternative Text of Preamble Presented by Joint Subcommittee of the Coordination Committee and the Committee of Jurists", in the June 20, 10 a. m., meeting of the Coordination Committee, see Doc. WD 435, CO/199, September 4, UNCIO Documents, vol. 17, p. 276.

declared that if it were necessary, in order to preserve the international character of the Charter, to drop the word "We", that procedure would be acceptable to Dean Gildersleeve. MR. HACKWORTH asked whether it would be necessary to submit any such change to Committee I/1 or to Commission I. DEAN GILDERSLEEVE replied that such a process would not be necessary, because Senator Rolin, as Chairman of the Commission, was prepared to take the responsibility for any change. MR. HACKWORTH reported that a wording which had been suggested to meet the constitutional and legal requirements was to come to a full stop at the end of the Preamble; then the document would proceed "accordingly the Governments . . .". MR. HACKWORTH expressed the opinion that this solution would work but that it was not perfect. The Netherlands Delegation had objected on the grounds that their government did not operate on the authorization of the people. COMMANDER STASSEN held the view that despite this constitutional situation, the Government of the Netherlands still represented the people. MR. HACKWORTH declared that the wording which had been considered was "accordingly (our respective) governments through their representatives at San Francisco . . .". MR. STEVENSON asked whether this wording would not be acceptable to the Dutch and MR. HACKWORTH replied in the negative. MR. PASVOLSKY submitted that the matter might be resolved by starting the Preamble with words such as "The Governments of the United Nations whose peoples are resolved . . .". REPRESENTATIVE BLOOM asked why the United States should retrogress. He urged that the governments with less advanced forms of government should be forced to go forward. COMMANDER STASSEN urged that the phraseology "We the Peoples of the United Nations" should not be looked at in a strictly legal light. However, DEAN GILDERSLEEVE pointed out that she had been unable to discover that this wording had any significance for the other Governments represented.

MR. HACKWORTH reported that a number of Delegates had been saying that the Preamble had been drafted by Dean Gildersleeve and that for this reason it had been supported by the United States. MR. HACKWORTH declared that his understanding was that the Preamble had been drafted by Marshal Smuts, with the assistance of Dean Gildersleeve. MR. HACKWORTH pointed out that the Chinese had declared that this was a United States draft. MR. NOTTER declared that the Chinese were correct insofar as the wording "We the Peoples of the United Nations" was concerned and that this language had been authorized by the Delegation. MR. PASVOLSKY remarked that Marshal Smuts was not in favor of this wording. COMMANDER STASSEN asked whether there was any serious opposition in the Committee to the

draft language, and DEAN GILDERSLEEVE replied that the Netherlands were strongly opposed. MR. BOWMAN asked whether the Delegation had ever approved the draft presented by Dean Gildersleeve.[34] MR. BOWMAN observed that his records indicated that the Delegation had never approved that draft. MR. NOTTER submitted that the Delegation had approved the use of the words "We the Peoples". MR. BOWMAN retorted that he was not talking to that point. The Delegation, he declared, had never approved Dean Gildersleeve's draft. MR. HACKWORTH contended that the Delegation, however, wanted the wording "We the People", but DEAN GILDERSLEEVE stated that she was willing to delete "We". REPRESENTATIVE BLOOM maintained that if this word were dropped, the people of the United States would ask why the action had been taken.

MR. PASVOLSKY remarked that the matter would be considered by the Coordination Committee. As Chairman of that Committee, Mr. Pasvolsky would be obligated to refer the matter to the Steering Committee. Mr. Pasvolsky thought that the United States would have to defend the use of the word "We" in that body.

MR. HACKWORTH reported that he had agreed on a draft with Mr. Golunski; however, the Dutch had expressed their opposition and had proposed a second phraseology. The two drafts would be submitted to the Coordination Committee. MR. HACKWORTH thought that his wording was better. COMMANDER STASSEN agreed that Mr. Hackworth's solution was good and he urged that this solution should be adopted, even if the Netherlands would have to make a reservation. MR. PASVOLSKY reiterated that if he were asked to do so, he would have to refer the question to the Steering Committee. MR. HACKWORTH remarked that the Netherlands was the only country which was opposed to his wording. MR. PASVOLSKY urged that there was an absurdity involved in the use of the words "We [the] Peoples", because "We the Peoples" would be establishing an organization to be known as the United Nations. MR. NOTTER reported that the British Delegate had told him that the United Kingdom would oppose the existing phraseology if the Dutch did not win their battle. REPRESENTATIVE BLOOM observed that Ambassador Loudon was a good friend of his and he asked whether it would be helpful for him to talk to the Chairman of the Dutch Delegation. MR. HACKWORTH replied that this course would not be helpful, because the Dutch were faced with an internal situation which they could not ignore. DEAN GILDERSLEEVE declared that personally she was willing to give up the word

[34] At the twelfth meeting of Subcommittee I/1/A, May 29, 10:30 a. m., Dean Gildersleeve presented an unofficial tentative draft preamble and explained that it had not been endorsed by the United States delegation (US I/1/A Doc 12, May 29, 10:30 a. m.); for draft text, see Virginia C. Gildersleeve, *Many a Good Crusade* (New York, Macmillan Co., 1954), p. 346.

"We". REPRESENTATIVE BLOOM declared that Mr. Hackworth's solution was satisfactory with him.

. . . . . .

COMMISSION SESSIONS

COMMANDER STASSEN asked what matters were going to come up in the Commission sessions that day. MR. NOTTER replied that Commission I would consider domestic jurisdiction.[35] The Dutch Delegate would make a speech expressing the hope that events would make possible a greater assumption of responsibility of [*by?*] the World Court in determining what constituted domestic jurisdiction. MR. NOTTER added that Commission II would consider the questions which had been considered by the Delegation that day.

The meeting was adjourned at 10:03 a. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 25

*Minutes of the Twenty-Fifth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 19, 1945, 9:30 a. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (12); United Kingdom (4); Soviet Union (5); China (2); and France (3).]

MR. STETTINIUS called the meeting to order at 9:30 a. m., explaining that this meeting had been called at the request of Ambassador Gromyko.

AMBASSADOR GROMYKO stated that before the Conference it had been agreed to consult on all important amendments submitted by the sponsoring governments or any other countries.[36] He wished now to discuss an important amendment being presented in connection with Chapter XII, paragraph 2, Transitional Arrangements. This amendment offered by Greece, he understood, was to prevent enemy states from having the right of recourse to the General Assembly and to the Security Council before the treaty [*treaties?*] ending the war became effective.[37] If inserted in Chapter XII, the enemy states would not have the right of appeal to the Security Council or to the General Assembly. Until now, he said, no provision of such a kind had been included. It was not included in the Dumbarton Oaks Proposals. The previous day, during the discussion in Committee III/3,[38] the

[35] Doc. 1167, I/10, June 23, UNCIO Documents, vol. 6, p. 108.
[36] See minutes of the second meeting of the Informal Organizing Group, April 10, 3 p. m., p. 235.
[37] Doc. 1089, III/3/49, June 19, UNCIO Documents, vol. 12, p. 536.
[38] *Ibid.*

Committee almost came to a vote on this question. AMBASSADOR GROMYKO said his representative had arisen to ask that the question be studied further before a vote was taken. AMBASSADOR GROMYKO stressed that this was a very important question.

SENATOR VANDENBERG did not think there should be such an amendment to the Charter. AMBASSADOR GROMYKO said he had taken it for granted until now that there should be no such amendment. AMBASSADOR HALIFAX indicated that the history of this proposal was that Committee III/2 had approved it in principle by a substantial majority [39] stating that the matter of enemy states required clarification. It was then referred to Committee III/3 as relating to paragraph 2 of Chapter XII. MR. JOHNSON explained that Committee III/3 had not finished its consideration of this question. The matter was referred to last night when the revision of paragraph 1, Chapter XII was proposed to the Committee. At this time, he said, the Greek Delegate offered his amendment.

MR. STETTINIUS asked if we wished to establish a common position with respect to this amendment. AMBASSADOR GROMYKO stated that it was not correct to grant the power of appeal to enemy states. If so, they would use this opportunity to raise many questions that should not come up before the Assembly. MR. STETTINIUS asked what the Greeks were asking for. MR. JOHNSON stated that the Greek amendment to paragraph 2 of Chapter VIII, Section A, read: "It is understood that the enemy states in the present war shall not have the right of recourse to the Security Council or the General Assembly before the treaties which end this war have been made effective." AMBASSADOR GROMYKO explained that when the treaties were made effective the enemy states would have the right of appeal.

MR. STETTINIUS asked Ambassador Halifax for his position on this matter. AMBASSADOR HALIFAX indicated that it would be difficult to open up this question at this time in the committees, but since it had already been raised, we should perhaps agree on some such wording as the following: "It is understood that the enemy states in the present war shall not have the right of recourse to the General Assembly or the Security Council until the General Assembly on the recommendation of the Security Council so decides." MR. STETTINIUS said he liked this proposal. MR. JEBB indicated that in any event the Coordinating Committee had been asked to prepare a definition of "enemy state." [40]

MR. DEJEAN said that in fact this amendment had nothing to do with Chapter XII, paragraph 2. The first thing was to disassociate

[39] Doc. 321, III/2/9, May 15, UNCIO Documents, vol. 12, p. 24.

[40] For a definition of this term, see report of Committee 3 to Commission III on chapter XII, Doc. 1095, III/3/50, June 19, *ibid.*, p. 560.

it from this Chapter. He said the French intended to move this. He suggested that, after consideration of paragraph 2, Chapter XII had been completed, the Greek amendment could be considered. This was a very important question with serious implications.

SENATOR VANDENBERG questioned whether anything on this matter should be said in the Charter. He thought it would be best to cross the bridge when it was ultimately reached.

MR. STETTINIUS said that the Conference must get on with its work. President Truman was leaving Washington that day and would arrive in the West tomorrow. It was necessary to proceed quickly in dealing with this question.

AMBASSADOR KOO pointed out that long discussion would be provoked if this amendment was considered now. He thought that paragraph 2 of Chapter VIII, Section A covered the question. If an enemy state brought a matter up, it was the responsibility of either the General Assembly or the Security Council to decide whether to consider it or not. For the time being AMBASSADOR KOO thought it would be a wiser course not to raise this question. He asked his colleagues if they would not be willing to drop it. AMBASSADOR HALIFAX said he had no objection to leaving the matter alone. It had been raised, however, and it might not be possible to get away without considering it. MR. JOHNSON stated that Mr. Hickerson had been instructed by the United States Delegation just this morning to try to get the Greeks to withdraw their amendment. There could then be a declaration in the Committee indicating that it was understood that the General Assembly and the Security Council would not receive appeals from enemy states under the present circumstances.

AMBASSADOR HALIFAX explained that there were three alternatives: (1) to drop the amendment altogether, (2) to include a declaration on the question in the Committee report, and (3) to amend the Greek suggestion as he had previously suggested. Of these three alternatives AMBASSADOR HALIFAX said he preferred the first.

AMBASSADOR GROMYKO asked whether Ambassador Halifax meant that the enemy states had the right of appeal.

MR. STETTINIUS suggested that it would be better not to include a formal reference to this matter in the Charter. We should instruct our representatives to try to get the Greek amendment withdrawn. If we failed, we might try to get an interpretation along the lines suggested.

AMBASSADOR GROMYKO stated his understanding was that enemy states should not have the right of appeal to the Security Council or to the General Assembly on matters under paragraph 2, Chapter XII. This would mean that any condition with which enemy states were not

satisfied could not be raised by them in the General Assembly. MR. STETTINIUS said this interpretation was satisfactory to him.

MR. DULLES stated that he concurred in the Ambassador's statement so far as it related to Chapter XII—to conditions under the surrender terms. He did not think we should say, however, that the enemy states, for example Italy, forever had no right of appeal to the General Assembly or the Security Council. AMBASSADOR KOO said that this interpretation was agreeable to him and AMBASSADOR GROMYKO agreed that it was the right solution. AMBASSADOR GROMYKO stated that his understanding was that enemy states should not have the right of appeal under the provisions in the Chapter on transitional arrangements. MR. DEJEAN and AMBASSADOR HALIFAX agreed with this statement.

AMBASSADOR GROMYKO indicated that the interpretation might provide that enemy states should not have the right to appeal to the Security Council or the General Assembly as long as they were under the special status imposed on them by the surrender terms or, alternatively, as long as they were subject to the control measures imposed on them as enemy states.

MR. STETTINIUS suggested that Mr. Johnson draft an interpretation to be submitted to the group for its consideration. He then asked if there were any other items to be raised at this time. MR. BONCOUR stated that Committee III/3, except for the Greek amendment, was finished with its work. He suggested that the Chairman of Committee III/3 should be asked to read his report today so that it could go before the Commission. Otherwise, there would have to be another meeting of that Committee.

MR. STETTINIUS stated that a message should be immediately sent to Committee III/3 requesting that the report be read today and the work of the Committee completed.

AMBASSADOR HALIFAX stated that there was one point which the Soviet Ambassador had brought to his notice that he thought should be made at this time. It concerned the unsatisfactory nature of the report in Committee III/1 on the veto chapter. He indicated that there was considerable pressure in the Committee to have this section of the report redrafted to correspond more exactly with the developments in the Committee.[41]

MR. WEBSTER stated that the report as it stood was quite unacceptable to the British Delegation. An effort had been made to amend it. It had been moved that a Subcommittee be established to put the draft in better form. It was not yet certain, however, that the changes

[41] Doc. 1085, III/1/60, June 19, UNCIO Documents, vol. 11, p. 630; for the Rapporteur's report relating to chapter VI, section C, see WD 359, III/1/55, June 16, *ibid.*, p. 604.

could be gotten through the full Committee. MR. STETTINIUS suggested that Mr. Rockefeller should see the Rapporteur who was from El Salvador [42] and ask for his cooperation in order to avoid holding up further the work of the Conference.

MR. STETTINIUS asked if there were any other points to raise. He asked whether there would be any other points that the heads of the Delegations would wish to bring up before the close of the Conference. AMBASSADOR HALIFAX said he had none to raise. AMBASSADOR GROMYKO remarked that for the time being he did not have anything to discuss but that it would be difficult to say whether he would have something later. He said he could not contemplate what might arise, noting that he had known nothing about this proposed amendment to Chapter XII until the previous evening. AMBASSADOR KOO said he had no further matters to raise.

MR. STETTINIUS stated that Mr. Pasvolsky had told him that twelve chapters were in draft and that, as soon as the questions on Chapter XII were settled, the remaining drafts could be completed, so that the Charter would be in draft form by the following evening.

MR. STETTINIUS said the Soviet Ambassador had advised him that he would need three days for clearance of the text with his Government. It was therefore very important to complete the work as soon as possible. He thought he might have more to say on this matter by the following afternoon.

AMBASSADOR HALIFAX indicated that there was likely to be some difficulty with the arrangements for speakers for the final session when this matter was discussed in the Executive Committee. He hoped some reconsideration of the arrangements could be given at a suitable moment.

MR. STETTINIUS stated that these arrangements had been discussed and he thought settled, in the meeting with the four Presidents and France. AMBASSADOR HALIFAX thought we could anticipate a great deal of discussion at the Executive Committee. MR. STETTINIUS asked whether objections had been raised by others than Australia. He noted that with the Canadian Prime Minister possibly returning, it was likely that he would request to speak.

AMBASSADOR HALIFAX explained that he had had a meeting with the Dominions at which Field Marshal Smuts had expressed the view that it was unwise to have a representative of the Arab states speak as this might excite the feeling of the Jews. Everyone, he said, recognized the undesirability of everybody speaking at the final session. The suggestion had found favor among the Dominions, informally, that the four sponsoring governments and France should speak, with

[42] Hector D. Castro.

Field Marshal Smuts representing the rest. However, the possibility had been considered of selecting one or two representatives from different regions, although it was recognized that such selection might create difficulties. He had himself taken the position that such a basis for selection would be troublesome.

MR. STETTINIUS said the Executive Committee was meeting the following afternoon and that he should perhaps appoint a Subcommittee to make a recommendation to the Executive Committee on this matter. He wished to nominate Ambassador Halifax as Chairman of the Subcommittee. AMBASSADOR GROMYKO thought the decision should be made at this meeting. MR. STETTINIUS thought it was too late to make a change in the proposal that had been recommended by the four Presidents since this was already before the Executive Committee. AMBASSADOR HALIFAX agreed that the discussion on this question would have to take place henceforth in the Committee. MR. ROCKEFELLER suggested that if Ambassador Halifax had a suggestion for new arrangements it might be convenient to have it in the offing. MR. STETTINIUS agreed, but felt that we could not now withdraw our earlier proposal. He did not believe there would be great difficulty in reaching a final settlement of this matter in the Executive Committee.

MR. JOHNSON, at the request of Mr. Stettinius, introduced the draft that he had prepared for insertion in the report of Committee III/3 on the question of the right of enemy states to appeal to the General Assembly and the Security Council. Mr. Johnson read as follows: "It is understood that the enemy states should not have the right to appeal to the Security Council or the General Assembly under Chapter VIII, Section A, paragraph 2, with respect to action taken or authorized under Chapter XII, paragraph 2." MR. JOHNSON suggested that the phrase "Chapter VIII, Section A" might properly be omitted so that the statement would be in a general form. AMBASSADOR HALIFAX indicated that this statement was all right with the British Delegation which would agree to the omission of the phrase "Chapter VIII, Section A".

MR. STETTINIUS indicated that no statement at all in the Committee report would be best, but that, if this solution is not possible, then the interpretation just read could be presented in the Committee report. MR. DULLES noted that the statement would in effect be a five-power declaration. MR. BONCOUR agreed with the statement as read by Mr. Johnson and suggested that Greece propose the declaration itself as a substitute formula for its amendment. He thought this would be proper tactics in order to allow Greece to defend its *amour propre* as an author of the original proposal.

AMBASSADOR GROMYKO said he thought this interpretative statement would be a good thing. He suggested, however, adding at the end of the statement as read by Mr. Johnson "and regional arrangements directed against enemy states".

MR. STETTINIUS said these regional arrangements were included under paragraph 2, Chapter XII. AMBASSADOR GROMYKO said that there were two types of arrangements against enemy states: the arrangements under Chapter XII, paragraph 2 and regional arrangements, and he thought that both of these should be mentioned.

MR. STETTINIUS indicated that the United States Delegation could not agree to the inclusion of the reference to regional arrangements at this point, since they were already covered. He was afraid that to mention them would open up an issue that had long since been settled. AMBASSADOR GROMYKO insisted that they were not covered by the present wording and that the phrase should be added "and regional arrangements directed against enemy states".

AMBASSADOR HALIFAX said he would like to hear Mr. Dulles' viewpoint on this question. MR. DULLES stated that Ambassador Gromyko had a point. Chapter XII dealt in substance with surrender terms and the interpretation as it now stood meant that enemy states had no right of appeal from the surrender terms. At the moment, the interpretation removed the right of appeal on questions relating to the surrender terms. To extend this restriction so that enemy states would not have the right of appeal under regional arrangements directed against the removal [*renewal?*] of aggressive policy on the part of such states would change the character of the interpretation. This would be true because regional arrangements would have no limit in time. If we knew about the regional arrangements that would be created in the future it would be one thing, but there might be a whole series of them, and there was no way in which we could define them at this time. The enemy states might be permanently deprived of the right of appeal if we gave a blanket underwriting for all regional arrangements, the terms and character of which could not now be foreseen.

AMBASSADOR HALIFAX said it might be possible to add to the draft a provision reading "or otherwise for the prevention or removal of aggression". MR. DULLES said that off-hand he would not be too keen about this addition.

MR. STETTINIUS said he strongly hoped that this issue need not be opened at this time. AMBASSADOR HALIFAX thought the statement as read by Mr. Johnson was good enough. AMBASSADOR GROMYKO insisted that it did not cover regional arrangements.

MR. STETTINIUS suggested that in view of the fact that this matter was now about to come up for a vote in the Technical Committee,[43] Mr. Johnson had better go down now to the Technical Committee and see that the matter did not come to a vote.

AMBASSADOR GROMYKO suggested the addition of the phrase "or under regional arrangements directed against the removal [*renewal?*] of aggressive policy by enemy states".

SENATOR VANDENBERG asked whether the word "existing" could be added. He did not believe we should write a blanket immunity for all regional arrangements.

MR. STETTINIUS suggested that if Ambassador Gromyko had an amendment to make he should offer it in writing. AMBASSADOR GROMYKO replied that he had already suggested wording for an amendment. He said he could not understand why there was an objection to including the reference to regional arrangements. He did not feel it was wise to limit the immunity to existing treaties since new treaties might be concluded that would not be any less important than the arrangements under paragraph 2, Chapter XII, and that would be directed particularly against the enemy states. He asked why reference should be made to one type of arrangement and not to another. SENATOR VANDENBERG stated the reason was that we knew about one type of arrangement but we did not know about the other type.

MR. STETTINIUS stated that all the members of the group had meetings which they had to attend and that it was time to reach a decision on the question under discussion. It was agreed, he said, that there would be no reference to this matter in the Charter. He suggested that an interpretation be worked out by a small subcommittee to which each of the five Delegations would appoint a member. He appointed Mr. Dulles to act on that committee with full authority to act for the United States Delegation. He urged that agreement be reached upon a simple and clear-cut interpretation.

AMBASSADOR GROMYKO indicated that he would appoint his regular representative on Technical Committee III/3. AMBASSADOR KOO and AMBASSADOR HALIFAX agreed to the procedure suggested by Mr. Stettinius.

AMBASSADOR GROMYKO asked what had been decided with respect to the Rapporteur's report of Committee III/1.[44] He said if this report was read over the radio it would cause considerable trouble, in view of the bad interpretation given to the discussion on the voting question.

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[43] Doc. 1111, III/3/51, June 20, UNCIO Documents, vol. 12, p. 546.

[44] Doc. 1083, III/1/59, June 19, *ibid.*, vol. 11, p. 642; and WD 401, III/1/61, June 19, *ibid.*, p. 648.

MR. ROCKEFELLER noted that the report was at this moment being rewritten.

MR. STETTINIUS commented that all members of this group were agreed to changing the report. AMBASSADOR GROMYKO said he was glad that this agreement had been reached so that the report could be revised to reflect more accurately the actual situation in the Committee.

AMBASSADOR GROMYKO stated that Committee I/2 was preparing a report which the Rapporteur wished to read directly in the plenary session without prior review in the Committee. He questioned whether this procedure was a good one.

In view of the fact that it was not the normal procedure, and since the report contained a statement on withdrawal [45] which included two bad sentences, he felt it would be better if these sentences could be omitted in the course of the Committee discussion of the report. He objected, in the first place, he said, to the sentence: "If, however, a Member, because of exceptional circumstances, feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization." The phrase "leave the burden of maintaining international peace and security on the other members" should, he felt, be omitted, since it did not take into account the idea of voluntary withdrawal. According to this sentence any member that left the Organization would be blamed for transferring the burden of maintaining peace on other members, and would be so blamed in advance. This provision would not take into account the real reasons why a state might withdraw.

AMBASSADOR GROMYKO continued with the statement that the second sentence that bothered him was as follows: "It is obvious, however, that withdrawals or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice." AMBASSADOR GROMYKO indicated that this provision conflicted with the earlier one. It put upon the Organization full blame for withdrawal by suggesting that when a state withdrew the Organization was dissolving or in any event had deceived the hopes of humanity.

MR. STETTINIUS said he hoped that the heads of the five Delegations could now stick together. It was the eleventh hour, and for this problem to be opened up again after the great debate that had already

[45] Doc. 1074, I/2/76, June 18, UNCIO Documents, vol. 7, p. 292.

taken place would be disastrous. AMBASSADOR GROMYKO said he would like to have his proposal discussed on substantive grounds.

MR. STETTINIUS asked why Ambassador Gromyko had not raised this question when the Committee had approved the statement on withdrawal.[46]

AMBASSADOR KOO said he would like to offer the suggestion that Mr. Rolin be invited to go over the phrasing, in his capacity as Chairman of the Commission, and see if perhaps he could modify it.

AMBASSADOR HALIFAX said he did not suppose the withdrawal statement could be drafted to the complete satisfaction of everyone. Since, however, there was general agreement on the right of withdrawal with no basic differences in principle on this question, the prospect of its being reopened now filled him with despair.

MR. ROCKEFELLER indicated that the material that Ambassador Gromyko was criticizing was not simply in the Rapporteur's report, but was part of a resolution that had been carefully worded and thoroughly worked over and passed by the Committee. SENATOR VANDENBERG said that if this question was reopened at this time we would be in for six weeks of debate. He pointed out that we had objected to some of the language but had been voted down. He said that, unless we now stood on the language agreed upon, we would be confronted with a bad situation. There were many who wanted a frank withdrawal clause in the Charter, but they had consented to this way of handling the matter in an interpretation in the Committee report. He pointed out that the Soviet Ambassador had made an eloquent appeal before the Committee had arrived at its position. He felt if this matter was now opened up again and an attempt made to rewrite the declaration the Conference would not close for many weeks.

MR. DEJEAN agreed that it would be difficult to make any changes since this was a definite resolution passed by the Committee.

AMBASSADOR KOO agreed that this statement to which Ambassador Gromyko objected had been debated and debated and that it would be very difficult to reopen the matter at this time. AMBASSADOR GROMYKO wondered why the language could not still be improved by the omission of the two objectionable phrases.

SENATOR VANDENBERG indicated that we had had our day in court. The question had been debated in Committee and a vote taken. MR. STETTINIUS noted that the vote on the declaration had been 38 in favor to 2 against, with 3 abstentions.

MR. ROCKEFELLER indicated that the declaration had been accepted only after 17 hours of debate. AMBASSADOR GROMYKO stated that the

[46] Doc. 1086, I/2/77, June 19, UNCIO Documents, vol. 7, p. 267.

Soviet Government had abstained in the vote. AMBASSADOR HALIFAX felt it was hopeless to reopen this issue at this time. AMBASSADOR GROMYKO said that, since the four Delegations did not agree, there remained nothing more for him to do. He had no other choice but to let the matter go. The language was bad, he said. The provisions in the declaration are conflicting.

AMBASSADOR HALIFAX felt that there was nothing that could be done at this time. MR. STETTINIUS agreed with the British Ambassador.

MR. JOHNSON said he had just received a telephone call from Committee III/3 and that our representatives on that Committee had worked out the following statement for insertion in the report of Committee III/3: "It is understood that the enemy states in this war shall not have the right of recourse to the Security Council or the General Assembly until the Security Council gives them this right." MR. DULLES asked if this meant that the enemy states would not have recourse on any matter. MR. JOHNSON explained that the decision as to when the enemy states would have recourse would be made by the Security Council. MR. STETTINIUS, AMBASSADOR GROMYKO, AMBASSADOR HALIFAX and AMBASSADOR KOO indicated that this phrasing for the report was satisfactory. MR. STETTINIUS pointed out that the matter was then closed.[47]

MR. STETTINIUS adjourned the meeting at 11:05 p. m. [*a. m.*].

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RSC Lot 60–D 224, Box 99: UNCIO Cons Five Min 26

*Minutes of the Twenty-Sixth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 19, 1945, 5 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (15); United Kingdom (1); Soviet Union (3); China (2); France (2); and the International Secretariat (1).]

MR. STETTINIUS of the United States presided and called the meeting to order. He asked AMBASSADOR GROMYKO to give the group a statement which he believed the Ambassador had ready.

AMBASSADOR GROMYKO announced that in connection with the question which had been raised by him in the Executive Committee and in the Steering Committee, and which had been discussed here yesterday, he wanted to submit a new text of a paragraph as a substitute

[47] Doc. 1095, III/3/50, June 19, UNCIO Documents, vol. 12, pp. 559–560.

both for Dr. Evatt's text and for the text prepared here yesterday.[48] He then read the text as follows:

"The General Assembly has the right to discuss any questions or any matters within the sphere of the functions or powers covered by this Section, or relating to the powers and functions of any organs provided for in the Charter, and, except as provided for in paragraph 2 (B) of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

MR. STETTINIUS asked AMBASSADOR GROMYKO if he would give the reasons for dropping the reference to the principles and purposes of the Charter in this paragraph. AMBASSADOR GROMYKO replied that the phrase "powers and functions of any organs" would cover this. MR. STETTINIUS thought it would be less vague to have a reference to the principles and purposes of the Charter.

SENATOR VANDENBERG thought that we were very close on the text. He recalled that Ambassador Gromyko had been frank in saying that there was no objection to the General Assembly's discussing anything in the principles and purposes in the Charter. He thought this additional phrase would be indispensable to Dr. Evatt and his group; and that if this phrase were added that Dr. Evatt would accept this text. He suggested that there be inserted after the phrase "within the sphere" the following language: "the principles and purposes of the Charter".

LORD HALIFAX agreed with SENATOR VANDENBERG that we were quite close on the draft. He thought we must get the thing generally agreed upon quickly. He could not think that the Senator's suggestion would be unpalatable or difficult to the Ambassador, since we agreed yesterday that there was no controversy in this respect. At the worst, the addition of the phrase suggested by the Senator would be a repetition. LORD HALIFAX observed that knowing Dr. Evatt, he thought that the nearer we kept to his words, the easier the task would be. He, therefore, hoped that the Ambassador would agree to the inclusion of these words.

AMBASSADOR GROMYKO thought the reference to "organs" was adequate, noting that the organs of the United Nations must operate according to the principles and purposes of the Charter. M. DEJEAN thought it was only a question of words, and that the substance was the same. He felt that on such an important matter the question of words ought not to divide us. MR. STETTINIUS commented that we all mean the same thing.

[48] Doc. 1108, EX/28, June 20, UNCIO Documents, vol. 5, p. 535; Doc. 1107, ST/18, June 20, *ibid.*, p. 272; minutes of the Five-Power meeting, June 18, 12 noon, *ante*, p. 1348.

DR. KOO remarked that he did not understand the significance of the change proposed in the Russian draft, providing for discussion by the General Assembly of matters relating to the functions and powers of organs provided for by the Charter. He noted that in the Chapter on the General Assembly, only Section B mentions the powers and functions of that body. The same is true of the Chapter on the Security Council where only one Section refers to its powers and functions. He wanted to know if the Ambassador meant by this draft to limit the General Assembly's discussion to only those two Sections. For example, he observed, the voting Section on the Security Council was outside the Section relating to its powers and functions. DR. KOO wanted the following words inserted: "or otherwise covered by the purposes and principles of the Charter". He felt this language would make the text clearer and that it should be added so as to make the text clear beyond any misunderstanding.

AMBASSADOR GROMYKO said that he could not agree with this. He observed that under his draft, the General Assembly could discuss any question relating to powers of any organ of the United Nations, the Economic and Social Council, the Trusteeship Council, judicial problems, etc. He thought this covered everything that is in the Charter, and that all questions were covered by "organs of the Charter". He observed that there was no exception to this except for paragraph 2 (B). He thought that the General Assembly could discuss the broadest possible scope of questions under this draft.

LORD HALIFAX did not suppose that the Ambassador and the rest of the group had any substantial difference of purpose. He felt it was important, however, to consider the effect in the minds of the Technical Committee as they compared this text with the draft which they already had. He thought the Committee would ask immediately the question: do you mean that the words in this draft cover the same things as the words "purposes and principles of the Charter"? If so, why don't you say it? If you do not mean this, you limit the General Assembly to discussion of something less than the principles and purposes of the Charter, and that is unacceptable. LORD HALIFAX pointed out that this change in the text carries the implication of attempting to limit the Assembly's discussion.

AMBASSADOR GROMYKO thought that his draft meant that the General Assembly could talk about anything. M. DEJEAN said he could not see any difference between the two texts.

MR. STETTINIUS thought that the General Assembly could discuss all matters relating to the Charter. AMBASSADOR GROMYKO thought that if the language "principles and purposes of the Charter" were used, it would mean that the General Assembly could discuss any

question in the sphere of international relations. MR. STETTINIUS thought it was just a matter of wording. LORD HALIFAX asked that the Section referred to in this draft be read aloud. MR. DULLES then read aloud the text of Chapter V, Section B, as adopted by Committee II/2 on May 29, 1945.[49] MR. DULLES thought that from Dr. Evatt's standpoint, his group would raise the same question that DR. Koo had raised. That is, they would ask whether the phrase "powers and functions of any organs" is a technical phrase designed merely to pick up by reference three Sections of the Charter, i.e., Chapter V, Section B on the General Assembly; Chapter VIII, Section B on the Security Council; and Chapter X, Section 9 on the Economic and Social Council. He noted that the words "functions and powers" were used in these three places as a technical phrase. He asked the Ambassador, therefore, if this phrase were designed to refer only to these three Sections or to refer broadly to all powers of the organs of the United Nations. In other words, he wanted to know if the Ambassador intended that the General Assembly should be excluded from broader discussion by these words.

AMBASSADOR GROMYKO thought this phrase was broad enough to include the whole scope of the questions with which the organs will deal. He said he thought if we said "purposes and principles" any member of the Organization could raise any question and justify this on the ground that it relates to the principles and purposes of the Organization. He said that they could always raise any question without limitation because this language is so very vague.

On the other hand, if we say that the General Assembly can discuss any question within the sphere of the powers and functions of any organs provided for in the Charter, this will not allow any member of the Organization to raise and discuss questions which are not within the scope of the functions and powers of any organ. This formula, he thought, was so broad that it offered practically unlimited possibilities for the General Assembly to discuss international questions relating to the maintenance of peace and security, economic cooperation, trusteeship, judicial questions, etc.

MR. STETTINIUS thought that in order to save time, the proper procedure would be to talk with Dr. Evatt promptly and put the Soviet proposal to him. Speaking for the United States Delegation, he preferred the phrase "principles and purposes of the Charter". However, in order to get ahead, he would accept the provision for discussion with respect to powers and functions of the organs of the United Nations, on the basis of the interpretation that it is all inclusive, provided that Dr. Evatt agreed to it. SENATOR VANDENBERG said that he would not vote against the proposition that the General Assem-

[49] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 108.

bly could deal with anything in the Charter. MR. STETTINIUS stated that the United States would vote in favor of the provision that the General Assembly can discuss anything in the Charter at any time.

LORD HALIFAX said that his position was the same, and that he would sooner see the phrase "principles and purposes" included. He did not think, however, that there was any division in substance, in view of the interpretation of the Russian text that the General Assembly was not in fact debarred from discussing anything in the Charter. He wondered if we could reach an agreement on this.

M. DEJEAN stated that he agreed. He noted that Chapter VI, Section B, Article 2 provided that the Security Council must act in accordance with the principles and purposes of the Organization; and that if the General Assembly could discuss any power or function of any organ, it should be able to discuss the purposes and principles of the Organization under this provision. MR. STETTINIUS observed that this was inherent. He asked M. Dejean if he were willing to have him discuss this matter with Dr. Evatt. M. DEJEAN said he would accept the Soviet text if Dr. Evatt would.

DR. KOO said that he wanted to be clear as to what the phrase in the Russian text meant, and whether it referred only to the three Sections or to all of the Charter. MR. STETTINIUS said that the answer has to be "yes" before the United States Delegation would support the proposal. DR. KOO asked Ambassador Gromyko if this phrase in the Russian text limited the General Assembly's discussion to the three Sections relating to the powers and functions of the General Assembly, the Security Council, the Economic and Social Council, or whether the General Assembly would have the right to discuss the Charter as a whole. If this text limited the General Assembly's right of discussion to those three Sections, he wanted to think it over.

AMBASSADOR GROMYKO stated that the phrase "powers and functions of any organs" did not mean just the technical side, but rather, had the broader meaning, and that the General Assembly could deal with all matters with which all organs can deal.

MR. DULLES asked if we could use the words the Ambassador had just used and get away from the technical phrase "powers and functions". He stated that he personally would accept the Ambassador's interpretation, but that it must be remembered that we were dealing with forty suspicious nations. He thought that if we used words which were subject to a narrow technical interpretation, their suspicion would be increased. MR. STETTINIUS asked what was the Ambassador's language. AMBASSADOR GROMYKO stated that his language was just an explanation and was not a substitute for the draft.

MR. STETTINIUS then informed DR. KOO that AMBASSADOR GROMYKO had given assurance that the Russian text had a broad meaning. He

thought we had gone as far as we could go, and proposed that Lord Halifax and he discuss this matter with Dr. Evatt. If Dr. Evatt asked any questions that they could not answer, they would telephone the Ambassador. SENATOR VANDENBERG noted that as a practical matter, it was important to get the agreement of Dr. Evatt and his group because it would be impossible to get the votes of Committee II/2 otherwise. LORD HALIFAX added that we would not get those votes if we told them that we were limiting the powers of the General Assembly. SENATOR VANDENBERG observed that it was a very belligerent group in Committee II/2.

MR. STETTINIUS then adjourned the meeting and stated that he would notify the group later that evening of the results of his conversation with Dr. Evatt.

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500.CC/6–1945 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, June 19, 1945—7 p. m.
[Received June 19—2 : 35 p. m.]

2163. Following is draft handed to me by Molotov today : [50]

"The General Assembly has the right to discuss any questions or any matters within the scope of the functions or powers provided it by the present section or relating to the powers and functions of any of the organs provided for in the Charter, and, except as provided for in paragraph 2(*b*) of this section to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

HARRIMAN

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 27

*Minutes of the Twenty-Seventh Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 19, 1945, 8:45 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (16) ; United Kingdom (1) ; Soviet Union (4) ; China (2) ; France (1) ; and the International Secretariat (1).]

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[50] Ambassador Harriman informed the Secretary in telegram 2162, June 19, 7 p. m., that he had seen Foreign Minister Molotov that afternoon and that the latter had adamantly refused to accept any of the proposed texts, but agreed to the compromise draft above, which he also agreed to wire immediately to Gromyko (861.24/6–1945).

MR. STETTINIUS of the United States presided. He stated that since this afternoon's meeting, several of the group had discussed the language of the Russian text with certain other people. While the suggestion of the Soviet Union went a long way toward meeting the situation, he regretted that this consultation with the smaller powers revealed that they felt it impossible to accept the Soviet suggestion without one minor change. He then read the following text:

"The General Assembly has the right to discuss any questions or any matters within the sphere of the Charter or relating to the powers and functions of any organs provided in the Charter, and except as provided in Paragraph 2*b* of this Section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

MR. STETTINIUS asked if the Soviet Union would find any difficulty in accepting the phrase "sphere of the Charter". If so, he suggested alternatively the phrase "scope of the Charter" or "sphere of action of the Organization". He noted that this latter phrase had been used by the League of Nations. MR. STETTINIUS repeated that we were almost together on this, and it really was a matter of words. He hoped that AMBASSADOR GROMYKO could communicate promptly with his government and find out if one of these three phrases would be acceptable.

LORD HALIFAX observed that in the talks between MR. STETTINIUS and Dr. Evatt, in which he had been invited to assist, Dr. Evatt took the point that the original draft that he had been prepared to put forward [51] had been modified, but that only one out of three or four points were of importance to him. LORD HALIFAX said that they had been able to bring Dr. Evatt to this wording, which seemed a reasonable division between a position of the Soviet Government and Dr. Evatt's position. He added that Dr. Evatt did not like this draft but that he could be pressed into taking it. MR. STETTINIUS agreed that Dr. Evatt was not happy about the text but would take it. He believed that we could not get a successful vote without this additional wording.

M. DEJEAN stated that he would accept the Ambassador's text, but that he would consider the necessity of obtaining a successful vote in the Committee. MR. STETTINIUS said that we are all of the same vote on that, and that we would accept the Russian draft if it could be accepted by the Conference, but he was convinced that that was impossible. DR. KOO thought that the revised text was almost the same as the Russian text and he really hoped that it would be accepted by

[51] For the Australian proposal of May 5, see Doc. 2, G/14(1), UNCIO Documents, vol. 3, p. 544; for the revised text of June 17, see Doc. 1060, EX/26, June 18, *ibid.*, vol. 5, p. 533.

the other powers here. MR. STETTINIUS asked if any one of the three phrases suggested would be acceptable and DR. KOO said that they would.

SENATOR VANDENBERG observed that we were now confronting deadlines and also a hostile and belligerent Committee. He personally was prepared to go into that Committee with any one of these texts and could support any one of these three texts. He remarked that Dr. Evatt's support on this was negative and grudging; but THE SENATOR thought we could get the Committee's support for any one of the three texts. He thought that although Dr. Evatt was reluctant, he would take any one of these, and that it would be a waste of time to seek anything less from the Committee. MR. STETTINIUS asked if there were any other comments.

AMBASSADOR GROMYKO stated that the terms proposed were more general than would be acceptable to him. He thought that under this text any member of the General Assembly may really discuss any question and justify himself by reference to this provision if it is included in the Charter. He felt that this text changed the substance. He stated that he could not agree to it for these reasons.

MR. STETTINIUS observed that when we speak about the right of the General Assembly, to speak about anything within the scope of the Charter, it is clear and definite; and that right is written into the Dumbarton Oaks Proposals. He stated that this situation must be met, and that each of the four Delegations here have agreed upon this. MR. STETTINIUS was sure the Ambassador and the rest of the group meant exactly the same thing.

AMBASSADOR GROMYKO said it was not the same thing; that the division [*revision?*] is something different and that it is plainly not the same.

SENATOR VANDENBERG stated that he was unable to understand how anyone could say that the General Assembly could not discuss anything within the Charter. He was unable himself to understand this. AMBASSADOR GROMYKO replied that it meant no limit on discussion and absence of limits of action for the Organization.

M. DEJEAN did not agree with this. He thought the formula "sphere of action" was exactly the same as the Russian phrase "powers and functions of organs;" that there was no substantive difference, but that the other phrase appealed more to the other people. AMBASSADOR GROMYKO thought if these two texts meant the same thing they would not insist on their formula.

MR. STETTINIUS asked how any of us can defend denying the right of any member discussing anything within the sphere of the Organization. SENATOR VANDENBERG noted that the League had had that

right for twenty-five years. AMBASSADOR GROMYKO replied that we want to avoid the League experience if possible.

LORD HALIFAX observed that Dr. Evatt laid great weight on the phrase "purposes and principles". He thought if we told him that some subjects were improperly included therein, that he would accept "sphere of action". He recalled that we had a tough tussle with Dr. Evatt to get more precise words; and that we did our best to represent fairly the case that Ambassador Gromyko had made. He asked the Ambassador to consider the more precise language "sphere of action of the Organization". He thought the language was not important but that we must get an agreement.

AMBASSADOR GROMYKO thought this phrase did not make sense. We are trying to determine what the General Assembly should do, and whether it should have the right to discuss any matters. In other words, we are determining the actions of the General Assembly. He thought if this phrase were read in context, it would mean that the actions of the Organization should be determined by the actions of the Organization. He asked how can we determine the rights of the General Assembly to discuss questions.

MR. STETTINIUS said that if the Ambassador did not like that phrase, how about the phrase "sphere of the Charter". Did the Ambassador have any objection to that? It seemed clear, specific and definite. Mr. Stettinius asked what could be the objection to saying that the General Assembly has the right to discuss any matter within the sphere of the Charter.

AMBASSADOR GROMYKO said that the General Assembly could discuss anything which relates to the functions and powers of the organs of the Organization. This, he thought, was a broad formula, but not indefinite. LORD HALIFAX thought that from the Ambassador's point of view, it would be more precise to have the phrase "within the sphere of the Charter".

SENATOR VANDENBERG wondered if the phrase "within the provisions of the Charter" would be more precise. AMBASSADOR GROMYKO thought these phrases had the same meaning. M. DEJEAN thought it was much more precise.

AMBASSADOR GROMYKO stated that all provisions relate to the organs of the United Nations, so why not use that phrase. SENATOR VANDENBERG remarked that this other way was the way of the other countries of saying what the Ambassador was saying; and that it was the same thing. AMBASSADOR GROMYKO wondered if their way of saying it would not permit interference with the sovereignty of a state and a discussion of matters likely to cause difficulty and therefore affect the efficiency of the Organization.

SENATOR VANDENBERG asked Ambassador Gromyko to indicate which provision of the Charter he would be unwilling to have the General Assembly discuss. AMBASSADOR GROMYKO replied that he would be willing to have the General Assembly discuss any question which could be discussed by any organ. SENATOR VANDENBERG asked why the Ambassador objected to the word "provisions". He asked Ambassador Gromyko what provisions of the Charter he wanted to stop the General Assembly from discussing.

AMBASSADOR GROMYKO stated that under the phrase "principles and purposes of the Charter", any member of the General Assembly could raise any question. He mentioned immigration as an example. SENATOR VANDENBERG asked if members of the General Assembly could not find justification under the phrase "powers and functions of organs" to talk about anything under the sun.

MR. DULLES told Ambassador Gromyko that we had gone a long way, and that to him the phrase "within the sphere of action of the Organization" seemed the most acceptable. He commented that some of the purposes and principles of the Organization are, in a sense, academic, and when you limit discussion to the field of action of the Organization, you have reached the same point to which the Ambassador was willing to go. He observed that action can only be taken by an organ and thought that the distinction between "action" and "powers and functions of organs" was so slight that he really could not see the difference. He noted that the phrase "sphere of action" is classic and is League of Nations language. The members of the General Assembly are members of the Organization, so why should they not discuss anything within the sphere of action of the Organization.

AMBASSADOR GROMYKO asked if he were discussing action by the General Assembly. MR. DULLES explained that he was referring to discussion by the General Assembly of matters within the sphere of action of the Organization, i.e., matters the Organization is charged to do something about and not academic principles.

AMBASSADOR GROMYKO asked what he meant by the action of the General Assembly—discussion and consideration? MR. DULLES stated that the General Assembly had a number of functions, such as the establishment of the Economic and Social Council, the election of the nonpermanent members of the Security Council, etc.

AMBASSADOR GROMYKO replied that discussion, consideration and recommendation are all forms of action and asked how you can say "action within a sphere of action". MR. DULLES noted that the General Assembly could pass resolutions with respect to the Economic and Social Council, etc., and that therefore it must be able to discuss those matters since it could not act before discussion.

AMBASSADOR GROMYKO said that recommendation is action and that, therefore, you are saying "action within a sphere of action". MR. DULLES replied that the General Assembly must be able to discuss matters in an area in which it has an authority to make recommendations. AMBASSADOR GROMYKO observed that there were limits to the action of the Organization.

MR. STETTINIUS asked for any further comments and then suggested that he request Ambassador Gromyko to call this group's position to the urgent attention of his government, and ask his government to reconsider these three alternatives. MR. STETTINIUS was confident that any one of them would carry the successful vote of the Conference; he thought that if the five powers did not agree to one of these three alternatives, the Conference would vote the original language passed by Committee II/2.[52] He said that he personally would be willing to say this to Mr. Molotov. He added that this Technical Committee must meet by tomorrow night and, therefore, hope that we would know by then what position the five governments could take. AMBASSADOR GROMYKO replied that he was keeping his government constantly informed. LORD HALIFAX said that he hoped that Ambassador Gromyko's government would realize the extreme difficulty of the situation from the point of view of the time schedule and the working of the Committee.

MR. STETTINIUS then declared the meeting adjourned.

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500.CC/6–1945 : Telegram

*The Chairman of the United States Delegation (Stettinius) to the Acting Secretary of State*

SAN FRANCISCO, June 19, 1945.
[Received June 19—11 : 59 p. m.]

10. Please transmit the following message to Harriman personal from me:[53]

"Please call on Molotov immediately and inform him that we have canvassed the situation here thoroughly with respect to the proposed text which he gave you and also wired to Gromyko. We find that the text would have no chance whatsoever of acceptance by the Conference. The absolute minimum which we could hope to get adopted would be one of the following:

'The General Assembly has the right to discuss any questions or any matters within the sphere of the Charter or relating to the powers and functions of any organs provided in the Charter, and except as provided in paragraph 2B of this section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.'

[52] Doc. 686, II/2/34, May 30, UNCIO Documents, vol. 9, p. 109.
[53] Message repeated to Moscow as telegram 1349, June 20, 1 a. m.

This simply means that the word 'Charter' would be substituted for the words 'functions and powers covered by this section'.

If Molotov prefers we could try the following two alternatives 'scope of the Charter' [54] or 'sphere of action of the Organization' instead of 'sphere of the Charter'.

Please also inform Molotov that we cannot hold beyond tomorrow (Wednesday) afternoon the work of the Technical Committee involved and we must therefore have a reaction to this proposal by noon tomorrow San Francisco time. Otherwise, the almost inevitable result will be the re-adoption of a provision by the Conference much less to the liking of him and of us.

The change we suggest in Molotov's draft in itself will be difficult to get accepted here, but we are prepared to do everything within our power to do this.

We are informing Gromyko of this tonight.

For your own information, the President arrived on Pacific Coast today preparatory to coming to San Francisco to close the Conference. This is the last question remaining for settlement."

Please inform the President and Mr. Hull of the substance of this message.

STETTINIUS

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RSC Lot 60–D 224, Box 96 : US Cr Min 77

*Minutes of the Seventy-Seventh Meeting of the United States Delegation, Held at San Francisco, Wednesday, June 20, 1945*

[Informal Notes]

[Here follows list of names of persons (31) present at meeting.]

SENATOR CONNALLY announced that the Secretary would not be present and he convened the meeting at 9 : 04 a. m.

SENATOR CONNALLY asked Mr. Pasvolsky how the Coordination Committee was progressing, and the latter replied that he was dismayed by the number of inconsistent and unnecessary phrases that had been included. REPRESENTATIVE EATON declared that, as a plain citizen, he wanted to go on record as rejoicing that the United States had opposed Fascist Spain's joining the democracies, such as Russia and the United States.[55]

STATUS OF THE COMMITTEES

The Delegation next considered the status of the work of the various technical committees. All the technical committees had disposed of the controversial issues before them with the exception of

[54] In telegram 2190, June 20, 1 p. m., Ambassador Harriman informed Secretary Stettinius that he had just received a written answer from Foreign Minister Molotov stating that the Soviet Government would accept the new proposed text substituting the words "scope (in Russian 'predelakh') of the Charter" for "sphere of the Charter", and that he had instructed Mr. Gromyko by telegraph accordingly (500.CC/6–2045).

[55] Doc. 1167, I/10, June 23, UNCIO Documents, vol. 6, p. 135.

Committee II/2, which still had to reach a decision on the power of the General Assembly to discuss matters within the sphere of international relations.[56] DEAN GILDERSLEEVE reported that Committee I/1 had approved the section on the principles of the Organization and had finished all its business except the Preamble, which was being considered by the Coordination Committee. MR. HICKERSON observed that Representative Eaton had made a fine speech in his Committee on the previous day,[57] and THE REPRESENTATIVE declared that he had stolen it from the President of Johns Hopkins University.[58] COMMANDER STASSEN reported that Committee III/3 had concluded its deliberations on Chapter XII.[59] The question of the right of recourse by enemy states to the General Assembly and the Security Council had been settled by including in the report of the Committee a statement which had been drawn up and telephoned to the Pent House for approval during the course of the previous day's meeting. The Rapporteur's Report declared that enemy states should not have recourse to the Security Council or the General Assembly until the Security Council grants them the necessary power.[60] COMMANDER STASSEN reported further that Committee II/4 was scheduled to approve its Rapporteur's Report that morning.[61] MR. PASVOLSKY declared that he wanted to report a miracle. He said that Mr. Evatt had replaced the other Australian Delegate[62] at a Coordination Committee meeting and had defended the Dumbarton Oaks Proposals against the changes made in Commander Stassen's Committee with respect to the peaceful settlements of disputes.[63] It was agreed finally, that the words "shall if necessary" should be used. MR. PASVOLSKY thought that Mr. Evatt had displayed a great deal of nerve in attempting to have the Coordination Committee adopt a suggestion which had been defended [*defeated?*] both in the Technical Committee and in the Commission.

MR. PASVOLSKY declared that there were still some questions which would require careful consideration. For example, the appropriate committee had voted to restore the provision on expulsion but had not specified the procedure whereby a state could be expelled.[64]

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[56] Doc. 1121, II/2/59, June 21, UNCIO Documents, vol. 9, p. 233.
[57] Doc. 1167, I/10, June 23, *ibid.*, vol. 6, p. 117.
[58] Isaiah Bowman.
[59] Doc. 1113, III/3/52, June 20, UNCIO Documents, vol. 12, p. 568.
[60] Doc. 1095, III/3/50, June 19, *ibid.*, p. 560.
[61] Doc. 1143, II/4/46, June 21, *ibid.*, vol. 10, p. 601; Doc. 1115, II/4/44(1)(*a*), June 20, *ibid.*, p. 607.
[62] Paul Hasluck, Department of External Affairs; Adviser, delegation of Australia.
[63] See WD 432, CO/196, August 27, UNCIO Documents, vol. 17, p. 246; see also Doc. 958, III/2/B/1, June 13, *ibid.*, vol. 12, p. 259, and Doc. 992, III/2/27, June 15, *ibid.*, p. 109, WD 429, CO/193, August 21, *ibid.*, vol. 17, pp. 212–217, and WD 434, CO/198, August 31, *ibid.*, pp. 267–268.
[64] Doc. 1074, I/2/76, June 18, *ibid.*, vol. 7, p. 293; the Committees involved were I/2, II/2, and III/1.

This, he said involved three committees. COMMANDER STASSEN expressed the opinion that the Committee had decided to adopt the original Dumbarton Oaks text, but MR. PASVOLSKY observed that it had not been thus presented to the Coordination Committee.[65] COMMANDER STASSEN agreed that this might have to be cleared up within the appropriate officers of the Technical Committee.

MR. PASVOLSKY declared that there was a great deal of unnecessary repetition in the Charter, and remarked that there were so many reference to "justice", that "it was funny". MR. PASVOLSKY reported that there would be a completed text available for the following morning's meeting of the Delegation, and he thought that the Delegation could go over the entire Charter at that time. MR. SANDIFER reported that four chapters, Chapter I, III, X and XIII had already been distributed, and that Chapter V was being distributed that morning. There had also been distributed to the Delegation an unofficial compilation of committee texts which could be used for purposes of reference. There was also provided a cross-reference between the Committee text and the final Coordination Committee text. MR. SANDIFER declared that the remaining chapters would be distributed as they became available.

### TRUSTEESHIP

MR. KANE asked whether the report of the Trusteeship Committee was likely to be available before the meeting that morning, and COMMANDER STASSEN thought that the text would not be available until shortly before the meeting was to start. He suggested that Mr. Kane attend the meeting so that he would have ample opportunity to study the report. MR. KANE asked whether Commander Stassen had been able to assist the Rapporteur in drafting his report. COMMANDER STASSEN declared that he would be able to assist the Rapporteur, and had endeavored to have a greater emphasis placed on Paragraphs 3, 4 and 6.

SENATOR VANDENBERG asked what was the answer to Mr. Fraser's statement concerning a commitment on the part of the United States to place territories under trusteeship. It was urged that Senator Vandenberg had given the correct reply when he declared to the press that it was his understanding that no commitments were involved in the Trusteeship chapter at that time. COMMANDER STASSEN declared that no commitment had ever been made. MR. ROCKEFELLER asked whether it had ever been planned to place all territories under trusteeship. MR. PASVOLSKY declared that there had never been any serious plans of this nature, although there had been some "wild"

[65] Doc. WD 432, CO/196, August 27, UNCIO Documents, vol. 17, p. 243.

ideas concerning a complete trusteeship system. There had been, however, a plan to provide a complete reporting system as it had been incorporated in Section A of the Trusteeship chapter. However, this had nothing to do with the actual trusteeship system. SENATOR VANDENBERG stated that apparently the plan referred to by Mr. Fraser must have been a private plan, but MR. PASVOLSKY reiterated that there had been no such commitment that he knew of. REPRESENTATIVE BLOOM thought that, in any event, such a plan could not have been revealed to Mr. Fraser, because it could not have been known that he was going to be the Chairman of Committee II/4.

## OPIUM

MR. DULLES observed that there had been an article in that morning's edition of the *San Francisco Examiner* referring to a statement by Congressman Judd,[66] declaring that he had received no answer to his letter concerning the opium question. DEAN GILDERSLEEVE replied that she had sent an answer to Congressman Judd's objection. It was proposed that this issue should be met by the Delegation in a public statement to the Press. MR. DUNN agreed with this suggestion. REPRESENTATIVE BLOOM urged that the Delegation stay away from Congressman Judd, but SENATOR VANDENBERG pointed out that the real issue was not merely an argument with the Congressman. MR. STEVENSON agreed that something should be done about the situation which was developing, and MR. DUNN suggested that a statement should be made by the Delegation. DEAN GILDERSLEEVE observed that it might be difficult to prepare such a statement, in view of the fact that the Conference had actually not done anything about the problem of narcotics.[67] SENATOR VANDENBERG observed that he had received a letter from a women's group which was "shocked" that the United States had opposed the control of opium.

MR. DUNN repeated that there should be a statement by the Delegation. REPRESENTATIVE EATON remarked that he too had received a letter expressing indignation over the fact that the United States had expressed opposition to the control of narcotics. CONGRESSMAN EATON declared that he had replied that whoever circulated that falsehood was an "unmitigated liar".

MR. HACKWORTH observed that the guiding spirit behind this movement was Mrs. Hamilton Wright, who was the wife of the man who

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[66] See minutes of the seventy-fifth meeting of the United States delegation, June 18, 9 a. m., p. 1339.

[67] See Doc. 924, II/12, June 12, UNCIO Documents, vol. 8, pp. 81, 88–89, and 98–99.

had attended the first opium conference.[68] COMMANDER STASSEN thought that the statement to be issued by the Delegation should declare that it had been decided that the Charter would not include details of any kind. He asked whether a statement to this fact [*effect?*] had been included in the report of the Committee. DEAN GILDERSLEEVE replied that the declaration of United States' policy on this question had been attached to the Rapporteur's Report. This statement of policy expressed the United States' interest in the problem and indicated a hope that the agencies dealing with narcotics would continue their work and would be brought into relation with the general organization. In the Report itself had been included a statement by the Committee expressing the hope that control of narcotics would be continued. COMMANDER STASSEN asked whether the Delegation would commission the Secretary to make a public statement on behalf of the Delegation. MR. DUNN proposed that the statement should contain not only Dean Gildersleeve's statement which had been attached to the report of Committee II/3, but an indication of support by the Delegation. SENATOR VANDENBERG suggested that the Rapporteur's Report should be quoted on this matter. DEAN GILDERSLEEVE observed that there was a weakness in the United States' position. This difficulty was that there could be no explanation as to when and how the opium question could be brought into relation with the general organization. MR. DUNN submitted that this difficulty could be surmounted by declaring that the United States would insist that such a relationship should be established at the appropriate time in the future. SENATOR CONNALLY asked whether the Delegation would agree to have Mr. Stevenson prepare a statement which would be approved by Mr. Dunn, Dean Gildersleeve and Mr. Dulles. The Delegation agreed to this procedure.

### THE GENERAL ASSEMBLY'S RIGHT TO DISCUSS

MR. PASVOLSKY asked whether there were any new developments on the negotiations on this issue. SENATOR CONNALLY declared that he was not at liberty to advise Mr. Pasvolsky on that matter. MR. PASVOLSKY asked whether agreement had been reached, and SENATOR VANDENBERG replied in the negative, declaring that the major Powers and Australia were far from agreement on this matter. SENATOR CONNALLY pointed out that the *New York Times* was in advance of the actual events, because it had indicated in that morning's edition that substantial agreement had been achieved.

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[68] For index to documents on the International Opium Conference (first) at The Hague, December 1, 1911–January 23, 1912, see *Foreign Relations*, General Index, 1900–1918, p. 316; for communication regarding the appointment of Hamilton Wright as a delegate of the United States, see *Foreign Relations*, 1911, p. 56.

MR. PASVOLSKY asked who was opposed to accepting the language which had been agreed upon at the last meeting of the Big Five [69] and Australia, as follows:

"The General Assembly has the right to discuss any questions or any matters within the sphere of the Charter or relating to the powers and functions of any organs provided in the Charter, and except as provided in Paragraph 2*b* of this Section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

(Alternative wordings for "sphere of the Charter" were suggested as follows:

1. "Scope of the Charter"
2. "Sphere of the action of the Organization").

MR. DUNN replied that Ambassador Gromyko was unwilling to accept this language.

SENATOR VANDENBERG declared that Mr. Evatt had indicated his willingness to accept any of the three alternatives proposed, and he had been very decent about the whole thing. MR. PASVOLSKY remarked that this paragraph was to be a complete article in the Chapter on the General Assembly. SENATOR VANDENBERG thought that the major powers would have to decide what their joint attitude would be if no answer was forthcoming from Moscow, or if the Russians were unable to accept the wording under consideration.

MR. PASVOLSKY asked whether the draft under consideration was not very similar to the wording which had been submitted by Foreign Minister Molotov. MR. DUNN declared that he could not understand why Mr. Evatt was unwilling to accept the draft presented by the Russians,[70] which read as follows:

"The General Assembly has the right to discuss any questions or any matters within the sphere of the functions or powers covered by this Section, or relating to the powers and functions of any organs provided for in the Charter, and, except as provided for in paragraph 2 (B) of this section, to make recommendations to the members of the United Nations or to Security Council or both on any such questions or matters."

SENATOR VANDENBERG observed that this draft confined the right of discussion to "questions or any matters within the sphere of the functions or powers covered by this Section." He wondered how the right of discussion could possibly be confined to the scope of one sec-

[69] Text presented by Secretary Stettinius at the twenty-seventh Five-Power meeting, June 19, 8:45 p. m., p. 1382.

[70] Text presented by Ambassador Gromyko at the twenty-sixth Five-Power meeting, June 19, 5 p. m., p. 1377.

tion. MR. PASVOLSKY asked what there could possibly be to talk about besides the sections mentioned in Molotov's draft. COMMANDER STASSEN maintained the view that the wording should be broader, on the order of "discuss any questions or matters within the sphere of the functions or powers provided for in the Charter." COMMANDER STASSEN asked whether the American representatives had spoken to any of the other smaller powers. He wondered specifically whether Mr. Evatt was the only representative of this point of view.

MR. PASVOLSKY observed that actually the entire paragraph was unnecessary in view of the fact that the General Assembly could talk about anything without specific authority. SENATOR VANDENBERG asked why, if this were true, an attempt should be made to write in a limitation. MR. PASVOLSKY remarked that the small powers, in trying to insure this right on the part of the General Assembly by writing in specific authority, had weakened their own position.

COMMANDER STASSEN observed that it was important to remember that both sides of this question had already departed from their fixed positions. MR. PASVOLSKY remarked that the power of the General Assembly to discuss matters within the sphere of international relations could not be restricted inasmuch as all the international agencies would report to the General Assembly. SENATOR VANDENBERG suggested that Mr. Pasvolsky should attempt to convince Committee II/2, which had already voted against a limitation on the authority of the General Assembly four times. MR. DULLES observed that there was a practical matter involved. It was obvious, he said, that it would be impossible to stop a member of the General Assembly from bringing up any matter in which it was interested. However, there was no doubt, as a result of the discussions on the subject, that the proposal of the U.S.S.R. had a limiting purpose. The language submitted by Foreign Minister Molotov represented an effort to tie the Assembly directly to discussions of the functions and powers of the General Assembly itself and of the relation of the General Assembly to the powers and functions of the other organs of the Organization. This wording, MR. DULLES remarked, left out the principles and purposes of the Organization which were not the functions of any agencies. There were, he declared, a great number of questions involving the member states which did not constitute specific functions of the agencies of the Organization. Ambassador Gromyko had expressed this desire when he had referred to the possibility that the General Assembly would discuss relations between Czechoslovakia and the U.S.S.R. It was the intention of the Soviet Delegation to preclude the possibility of the General Assembly's considering the matter. MR. DULLES declared that despite the practical difficulty involved in stopping a nation from undertaking any discussion desired, from

a drafting standpoint the Russian draft provided that the General Assembly would have the right to discuss only matters within the sphere of that section and relating to other sections. However, the second part of this Russian draft limited the General Assembly to discussing the powers and functions of the other organs themselves, rather than any matter which might fall within the sphere of those powers and functions. MR. DULLES declared that if this was a precise legal document he would not accept Foreign Minister Molotov's suggestion. However, it would be impossible to limit discussion by any language. MR. DULLES pointed out that Committee II/2 had already adopted a text which made the Soviet position somewhat more difficult. MR. DULLES expressed the opinion that Mr. Evatt would make much the same points as he had in the discussion of the Soviet proposal.

SIGNING CEREMONY

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At this time, 9:45 a. m., Senator Connally, Mr. Hackworth, Mr. Rockefeller, and Mr. Warren left the meeting.

DISCUSSION BY GENERAL ASSEMBLY

SENATOR VANDENBERG observed that the chief difficulties involved in the Russian draft was the use of the word "section." He urged that "Charter" would be more appropriate and could see no reason for confining discussion to that section. MR. PASVOLSKY agreed that this wording was not good but he pointed out that the word "section" could not possibly appear in the final Charter because of the organizational changes being made by the Coordinating Committee which were eliminating sections completely. SENATOR VANDENBERG reiterated that in his opinion discussion should be permitted with respect to the entire Charter. He declared that it was very unsatisfactory to start off a definition of the right of free speech by confining that right to a single section. SENATOR VANDENBERG declared that both he and Mr. Evatt would accept the other text, which had been prepared in the joint meeting. MR. PASVOLSKY pointed out that in the next paragraph the right of the General Assembly to discuss any principle of the Organization was established. MR. PASVOLSKY said that if the article under discussion were not included in the Charter, the General Assembly would be much stronger. COMMANDER STASSEN remarked that it appeared as if Mr. Evatt was attempting to write in the Charter a substitute for Senator Vandenberg's section. MR. PASVOLSKY declared that he would suggest omitting from the Russian draft the words "within the sphere of the functions and powers covered by this section, or". He pointed out that the Russian objection to the more liberal phraseology probably arose out of a

suspicion concerning the ends which Mr. Evatt was trying to accomplish. MR. PASVOLSKY reiterated that there would be no sections in the final Charter and therefore no importance whatsoever could be attached to the word "section." However, MR. PASVOLSKY declared that the wording of the Molotov draft amounted in effect to saying "any organs provided for in the Charter."

DR. BOWMAN asked whether Mr. Pasvolsky had read the record of the previous day's meeting in the Penthouse and MR. PASVOLSKY replied in the negative. DR. BOWMAN remarked it was important to remember that on the previous day Ambassador Gromyko had made a statement on the subjects concerning which he wanted to have no discussion. The three categories he mentioned were immigration, treaties, and agreements.[71] DR. BOWMAN pointed out that to exclude a treaty from the scope of discussion of the General Assembly was to exclude the provisions of that treaty and its articles. Thus, parts of such agreements which were inconsistent with the objectives and principles of the Organization could not be discussed by the General Assembly under the draft proposed by Molotov. MR. DULLES remarked that Mr. Manuilsky[72] of the Ukrainian Delegation had told him that the Russians planned to consummate a series of treaties which they did not want to be discussed by the Organization. MR. PASVOLSKY observed that this aim of the Russians could not possibly be achieved in view of the fact that by signing the Charter they would accept the obligation that the Charter was the over-riding consideration in international relations and that no agreements inconsistent with it could be concluded. MR. DULLES reiterated that there was a difference between referring to the Charter and referring to its organs. DR. BOWMAN observed that the Russian rationalization was that it would be nonsensical to permit the Organization to talk about "anything at all." It would have to talk about something specific and the Russians had attempted to define the sphere of discussion narrowly. REPRESENTATIVE BLOOM commented that Ambassador Gromyko had appeared to regret having outlined the three categories of questions which he did not want to be discussed by the General Assembly and he had tried to minimize the importance of his statement. MR. ARMSTRONG pointed out that Ambassador Gromyko had referred to "immigration" previously.

MR. PASVOLSKY declared that the Coordinating Committee would have to read every paragraph of the Charter to determine if the phraseology was consistent with the intent expressed in the Committee discussions. If the Coordinating Committee was not sure that

[71] See minutes of the twenty-seventh Five-Power meeting, June 19, 8:45 p. m., p. 1382.

[72] Dmitry Z. Manuilsky, Chairman of Delegation of Ukrainian Soviet Republic.

the phraseology was consistent they would bring in the presidents of the Committees and the other appropriate officials. In this case, he pointed out that he himself did not know the intent of the paragraph. DR. BOWMAN declared that a record of the discussion on the previous day would show what the Russians meant by this draft. MR. PASVOLSKY observed that Dr. Bowman's statement brought up an important consideration. It had been decided, he declared, that the Organization could not be bound by individual interpretations. Therefore the Russian intention had no weight in the Conference. DR. BOWMAN observed that by the same token, the individual interpretations of the United States would have no standing either. COMMANDER STASSEN asked whether it was not true that the Assembly was going to interpret those clauses of the Charter which defined its powers and MR. PASVOLSKY declared that this was certainly true.

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The meeting was adjourned at 10:00 a. m.

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 28

*Minutes of the Twenty-Eighth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 20, 1945, 12:30 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (14); United Kingdom (2); Soviet Union (3); China (2); and France (1).]

MR. STETTINIUS of the United States presided. He stated that he had called the meeting to order at the request of Ambassador Gromyko and, therefore, asked the Ambassador to make a statement.

THE AMBASSADOR announced that the Soviet Delegation had found it possible to agree on the following text for paragraph 1 of Chapter V, Section B:

"1. The General Assembly has the right to discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs provided in the Charter, and, except as provided in Paragraph 2(*b*) of this Section, to make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters."

MR. STETTINIUS expressed his personal and official delight at the splendid conciliatory attitude of the Ambassador and his government, which had made it possible to solve this difficult matter and to bring the Conference to an immediate and successful conclusion. He paid personal tribute to Ambassador Gromyko for his patience and co-

operation in the matter. LORD HALIFAX and M. DEJEAN associated themselves with the remarks of MR. STETTINIUS, and DR. KOO also stated he deeply appreciated the remarks of Ambassador Gromyko.

SENATOR VANDENBERG stated that the Ambassador would be very happy if he could appreciate how much this meant in terms of good will among the American people. AMBASSADOR GROMYKO said that he had the psychological factor in mind, but first of all had had substance in mind.

MR. STETTINIUS asked Mr. Dulles to comment. MR. DULLES stated that often after a matter has been fully discussed we come out with a better result. He felt that the Committee's phrase was too broad, and that the Soviet Union had done a good service in calling it to our attention. He thought the new text was better. AMBASSADOR GROMYKO agreed that it was much better than the Committee's text. M. DEJEAN agreed that it was a very good text.

MR. STETTINIUS informed the group that he would communicate with Dr. Evatt and arrange to have Committee II/2 called right away. There was some discussion as to the proper procedure for presenting this new text to the Technical Committee, inasmuch as this paragraph had been referred to the Steering Committee and to the Executive Committee.[73] It was agreed that Mr. Stettinius and Mr. Hiss would decide upon the best procedure for getting this new text to Committee II/2 [74] as quickly as possible, and MR. STETTINIUS stated that he would talk to Dr. Evatt immediately.

The meeting was then adjourned.

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500.CC/6–2045

*The Acting Chairman of the Soviet Delegation (Gromyko) to the Chairman of the United States Delegation (Stettinius)*

[Translation]

[SAN FRANCISCO,] June 20, 1945.

DEAR MR. SECRETARY: On June 9, in the course of discussion of the American document on trusteeship,[75] I informed Commander Stassen,[76] member of the American Delegation about the desire of my Government to get under its trusteeship some territories in accordance with

[73] Doc. 1061, ST/17, June 18, UNCIO Documents, vol. 5, p. 264; Doc. 1107, ST/18, June 20, *ibid.*, p. 272; Doc. 1063, EX/27, June 18, *ibid.*, p. 522; and Doc. 1108, EX/28, June 20, *ibid.*, p. 535.

[74] Doc. 1121, II/2/59, June 21, *ibid.*, vol. 9, p. 233; revised text of paragraph V,B(1) printed as Doc. 1116, II/2/57, June 20, *ibid.*, p. 230.

[75] Doc. 2, G/26(*c*), May 15, *ibid.*, vol. 3, p. 607; for text of working paper for chapter on dependent territories and arrangements for international trusteeship, as of June 9, see Doc. 892, II/4/36, June 9, *ibid.*, vol. 10, p. 525.

[76] See memorandum by Mr. O. Benjamin Gerig, June 9, p. 1235.

Paragraph 3, Section B of the above-mentioned document. Commander Stassen answered that he had to communicate with the American Government on this matter. On the same day Commander Stassen informed Mr. Novikov, member of the Soviet Delegation that the American Government was ready to support the Soviet Government in the matter of giving it territories under trusteeship. At the same time, you, Mr. Secretary, in our conversation of June 9,[77] also confirmed your consent to satisfy the above-mentioned desire of the Soviet Government.

In accordance with our agreement the Soviet Government has authorized me to concretize the question on territories under trusteeship for the U.S.S.R. I hope that you will agree to discuss this question before the end of this Conference.

Awaiting your kind reply, I remain

Sincerely yours, A. GROMYKO

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RSC Lot 60–D 224, Box 99 : UNCIO Cons Five Min 29

*Minutes of the Twenty-Ninth Five-Power Informal Consultative Meeting on Proposed Amendments, Held at San Francisco, June 21, 1945, 12:35 p. m.*

[Informal Notes]

[Here follows list of names of participants, including members of delegations of the United States (19); United Kingdom (4); Soviet Union (3); China (2); and France (3).]

MR. STETTINIUS called the meeting to order at 12:35 p. m. and stated that there was a small matter to discuss before the meeting of the Executive Committee.[78] He indicated that considerable pressure had been evidenced to enlarge the membership of the Executive Committee of the Preparatory Commission[79] from 14 to 18 and that this matter required our consideration. He recalled that the Executive Committee of the Conference had been originally planned as a body of 11 members but because of the great pressures from many states with the consequent pulling and hauling, we had reluctantly agreed to increase the number to 14.

MR. STETTINIUS questioned whether even an increase in the membership of the projected Executive Committee to 50 would really

[77] Memorandum of conversation not found in Department files; for Mr. Stettinius' views concerning the Soviet proposal, see his letter of June 23 to Mr. Gromyko, p. 1428.

[78] Doc. 1214, EX/30, June 28, UNCIO Documents, vol. 5, p. 550.

[79] For preliminary draft on Interim Arrangements, see Doc. 1026, ST/15, June 17, *ibid.*, p. 280.

satisfy the smaller states. He asked where the pressure for this increase was coming from.

AMBASSADOR HALIFAX replied that the Belgian delegate had sent him a letter, which he assumed had been received by the other delegations. Also, the Arab nations were interested in this increase.

MR. STETTINIUS asked why there was a special interest in an increase of 4.

MR. HISS commented that Belgium requested specifically that the Executive Committee be composed of 18, one of the extra seats for Belgium.

MR. GERIG noted that Belgium cited the parallel of the Economic and Social Council, rather than the Security Council, the Economic and Social Council being composed of 18 members.

MR. STETTINIUS stated that the Preparatory Commission would meet only for a short time in London. He wondered whether the question of the size of the Executive Committee was really a very important matter, one way or the other.

AMBASSADOR HALIFAX said he had wobbled on this matter, but that, after serious consideration, he now felt we should stand pat on the number 14. He believed it was the wisest thing to do for all of the Five Powers to stand on 14, since to go beyond this number would open up the door to all sorts of pressures.

MR. ROCKEFELLER pointed out that there was also a move on foot to cut the membership of the Executive Committee to 11.

AMBASSADOR GROMYKO agreed that it would be desirable to leave the Executive Committee membership at 14. He believed that if this number was increased to 18, there would still be dissatisfied countries. There was a good justification for the number 14, since the Executive Committee of the present Conference was composed of 14.

AMBASSADOR HALIFAX remarked that the Executive Committee would only meet for six months, in any event.

AMBASSADOR GROMYKO commented that no one had objected to the number 14 before. In a sense, this was quite a representative number. All the continents were included—Asia, Africa, Europe, Australia. He said he was in favor of leaving the number unchanged.

MR. PASVOLSKY indicated that there was a provision[80] in the Preparatory Commission draft that as soon as the Charter was ratified the whole Preparatory Commission would meet. The Executive Committee would have its primary task during the interim period before the necessary number of ratifications had come in. He felt that the interim character of the Executive Committee was a strong argument against increasing its membership.

[80] Paragraph 6; UNCIO Documents, vol. 5, p. 281.

AMBASSADOR KOO agreed that we should adhere to the present number especially since every state member of the Organization would be represented on the Preparatory Commission itself.

MR. BONCOUR stated that the French Delegation, in view of its special relationship to Belgium felt that Belgium should be included on the Executive Committee. Belgium has [*was?*] a close neighbor and was linked to France in their common suffering. MR. BONCOUR said the French Delegation would like to set the number so that Belgium could be included, but of course would abide by a decision of the heads of the other four delegations.

MR. STETTINIUS said it would be difficult to handle the situation without encouraging other demands for increasing the Executive Committee. MR. BONCOUR said he would not feel badly if the membership remained at fourteen. He said he had been too often a witness to the conflicts over the League Council not to appreciate the situation. AMBASSADOR HALIFAX pointed out that it was important to have the decision on this matter a unanimous one among the Big Five.

MR. STETTINIUS asked if there was any other business now that agreement had been reached on this issue.

AMBASSADOR GROMYKO said he would like to be informed of the agenda for the Executive Committee and the Steering Committee meetings. MR. STETTINIUS replied that the final arrangements for the closing of the Conference would be under discussion in the Executive Committee. These arrangements would also be discussed in the Steering Committee [81] where consideration also would be given to the draft of the Preparatory Commission and to a motion by the Netherlands Government to amend the Assembly chapter.[82] MR. HISS explained that the Netherlands motion related to the provision that a member would lose its vote in the Assembly if it did not pay its dues over a certain period. The Netherlands Government wished to provide that such a member would also lose its seat on the Security Council. He pointed out that the Netherlands Government did not expect to get this amendment accepted.

AMBASSADOR GROMYKO said he had examined the paper on final arrangements which had been put before the Steering Committee at a previous meeting. He noted that mention was made there that the Five Powers had considered the possibility of choosing by ballot the other countries to make speeches at the final session. He said he had

[81] Doc. 1212, ST/22, June 28, UNCIO Documents, vol. 5, p. 288.

[82] Doc. 1133, ST/19, June 21, *ibid.*, p. 286. This subject was not discussed at the June 21 meeting of the Steering Committee; it was withdrawn from the agenda (Stettinius *Diary*, June 21, p. 2). For consideration at meetings of Committee II/1 on May 18 and 26, see Doc. 454, II/1/21, May 20, and Doc. 631, II/1/30, May 26, *ibid.*, vol. 8, pp. 364 and 418, respectively; for consideration at meeting of Committee III/1 on June 16, see Doc. 1048, III/1/57. *ibid.*, vol. 11, p. 596.

not remembered discussing this matter at any time. MR. HISS remarked that he thought this question had been discussed with Ambassador Gromyko.

MR. STETTINIUS and AMBASSADOR HALIFAX also thought the question had been raised with Ambassador Gromyko. MR. HISS apologized and said he hoped that Ambassador Gromyko would now consider that this question had been discussed with him. He said that the matter had been raised informally with a group here in the Secretary's apartment of which he thought Ambassador Gromyko had been a member. In any event, he said it had been agreed that the ballot procedure would lead to confusion and might not result in a representative group.

AMBASSADOR GROMYKO asked what changes had been made between the June 11 [83] and June 17 draft on interim arrangements. (The June 17 draft was before the group.) MR. HISS explained that only two changes had been suggested by the Soviet Government itself: the change from the word "designated" to "appointed" and the modification in paragraph (*d*) on the second page. AMBASSADOR GROMYKO then said that the draft as it stood was satisfactory to him.

AMBASSADOR GROMYKO stated that, since it was agreed to consult on all amendments, he wondered what the opinion of the group was on the Netherlands amendment.

MR. HISS said he thought it was appropriate to discuss this amendment at this time, although the Netherlands did not expect to have the amendment adopted. MR. JEBB said it had already been pointed out to the Netherlands that this was an altogether undesirable amendment, since, if the permanent members could not vote, no decision could be taken on the most important matters and the work of the whole organization would be tied up.

MR. STETTINIUS proposed that the five governments use their influence against the Netherlands amendment and hit hard if necessary. AMBASSADOR GROMYKO agreed that we should both vote and speak against the amendment. This decision was generally agreed to.

AMBASSADOR HALIFAX proposed that the names of the permanent members on the Security Council in the draft charter be placed in alphabetical order. He pointed out that the phrase "in due course France" used in the Dumbarton Oaks Proposals was now altogether inappropriate. He said it seemed appropriate to the British Delegation to mention the permanent members in alphabetical order and wondered how his colleagues felt. MR. STETTINIUS said he thought Ambassador Halifax' suggestion should be endorsed. AMBASSADOR GROMYKO and AMBASSADOR KOO concurred. MR. BONCOUR said he was very grateful.

[83] Doc. 902, EX/23, June 11, UNCIO Documents, vol. 5, p. 514.

AMBASSADOR HALIFAX stated that Mr. Stettinius' suggestion had been previously agreed to here that the Preparatory Commission should meet in London.[84] It was now planned that the Soviet Ambassador would propose London as the seat of the commission in the meeting of the Executive Committee. This motion would be seconded by Brazil. He expressed the hope that the others would speak up for this proposal in order to assure its adoption.

AMBASSADOR HALIFAX indicated that there were several matters connected with the setting up of the Preparatory Commission which need not be talked over now but which should be thought about. Among these were the allocation of posts, the presidency of the whole commission, and the presidency of the Executive Committee. There were certain obvious alternatives that could be adopted in handling these questions. He wondered, however, when these matters would be settled. AMBASSADOR GROMYKO asked whether Ambassador Halifax had in mind the selection of a permanent president in the immediate future. AMBASSADOR HALIFAX indicated that the permanent arrangements for the duration of the Preparatory Commission might be settled by the Preparatory Commission when it meets the day after the signing of the Charter. Since this was in the very near future he thought we should have a clear view of what we wanted. MR. STETTINIUS said he had in mind that the United States representative might call the meeting to order as temporary chairman and at that time the other officers could be elected. MR. HISS agreed that the American representative might serve as temporary chairman to call the meeting to order. The first matter of business would then be the selection of a temporary chairman to function until the organization of the Executive Committee in London. There was also the necessity of choosing the executive secretary.

AMBASSADOR GROMYKO asked whether it was intended to choose the permanent executive secretary at this first meeting of the commission. MR. STETTINIUS assumed that the permanent executive secretary would be elected. AMBASSADOR HALIFAX said he was not quite sure; he thought that, if the Preparatory Commission was to have its headquarters in London, it would perhaps be necessary for the British Government to consider the naming of a secretary. He thought it would be wiser when the commission met here in San Francisco for the American Chairman of the Conference here and the Secretary General to carry on until permanent arrangements could be made in London. AMBASSADOR GROMYKO agreed that it might be well to use the present arrangements for this first meeting.

AMBASSADOR HALIFAX said he would like to move that his American friends carry on for the first meeting, an arrangement which would

[84] See minutes of the fifteenth Five-Power meeting, June 4, noon, p. 1145.

not prejudice future arrangements. AMBASSADOR GROMYKO indicated that, since the Executive Committee would not meet here, presumably the chairman of the Executive Committee would be elected in London when the Executive Committee met there.

MR. BLOOM asked who would act between the meeting here in San Francisco and the first meeting in London. MR. STETTINIUS replied that the Chairman of the Conference here would act as chairman pro tem until London. AMBASSADOR HALIFAX agreed with Mr. Stettinius' interpretation.

AMBASSADOR GROMYKO asked whether the Preparatory Commission and the Executive Committee would both be considered in permanent session. MR. STETTINIUS replied that only the Executive Committee would be in permanent session. The Preparatory Commission would meet here in San Francisco and the Executive Committee would meet very soon thereafter in London. The full commission would meet again only when the proper number of ratifications were in.[85]

MR. STETTINIUS adjourned the meeting at 12:05 p. m.

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RSC Lot 60–D 224, Box 96: US Cr Min 78

*Minutes of the Seventy-Eighth Meeting of the United States Delegation, Held at San Francisco, Saturday, June 23, 1945, 10:36 a. m.*

[Informal Notes—Extracts]

[Here follows list of names of persons (41) present at meeting.]

THE SECRETARY convened the meeting at 10:36 a. m.

THE SECRETARY declared that he was sure that the Delegation would be gratified to learn that the U.S.S.R., the United Kingdom, and the United States had reached a solution for the Polish situation, that a new Government had been formed of which Mr. Mikolajczyk would be a member.[86] THE SECRETARY thought that the new Polish Government would become a signatory to the Charter in the near future, although there was little possibility of the Poles becoming parties to the Organization before the conclusion of the Conference. A place would be reserved for the signature of the Poles he declared.

PROGRAM FOR RECEIVING THE PRESIDENT

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[85] See report by the Rapporteur of the Steering Committee to the Plenary Session, June 25, concerning provisions for the establishment of the Preparatory Commission (Doc. 1193, ST/20, June 25, UNCIO Documents, vol. 5, p. 315; Doc. 1210, P/20, June 27, *ibid.*, vol. 1, p. 627).

[86] For documentation on this subject, see vol. v, pp. 110 ff. See also Doc. 1213, ST/23, June 28, UNCIO Documents, vol. 5, p. 305.

### Final Commission Sessions

The Secretary reported that as a result of negotiations among the four Presidents it had been agreed to dispense with the final Commission sessions to review the Charter. The Steering Committee would conduct the final review of the texts as prepared by the Coordination Committee.[87]

### Report to the President

The Secretary asked Dr. Bowman whether he had anything to report on the status of the report that was being made to the President.[88] . . . The report would be finally ready on either the Saturday or Sunday following the final session of the Conference. . . .

Senator Connally declared that he would not favor release of this document until the President had submitted both the Charter and the report to Congress.[89] Dr. Bowman declared that the President had been consulted and a representative of the President had sat at the final meeting of the Editorial Board. The President had been most pleased that the report would be ready so soon and he had left the question of its release to the Secretary. . . . The report, The Secretary said, should be released 48 hours after the President's message to Congress and his submission to the Senate of the Charter.[90] . . .

### Coordination Committee Text

The Chairman reported that the Delegation had met for the primary purpose of giving a careful reading to the Charter.[91] . . .

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[87] Doc. 1213, ST/23, June 28, UNCIO Documents, vol. 5, p. 305; for consideration in plenary session of final reports of the Steering Committee and the four Commissions of the Conference, and voting on the Charter, including the Statute of the International Court of Justice, and on the agreement establishing the Preparatory Commission, see Doc. 1210, P/20, June 27, *ibid.*, vol. 1, p. 612; for approval of the Charter in Steering Committee, see *ibid.*, vol. 5, p. 311; for approval of the Charter in Plenary Session, see *ibid.*, vol. 1, p. 631.

[88] Conference Series No. 71: *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference, by the Chairman of the United States Delegation, the Secretary of State, June 26, 1945* (Department of State publication No. 2349).

[89] For message of President Truman submitting the Charter of the United Nations to the U.S. Senate (White House press release of July 2), see Department of State *Bulletin*, July 8, 1945, p. 46.

[90] For summary of report on results of the San Francisco Conference which was released to the press by the White House on July 9, see *ibid.*, July 15, 1945, p. 77.

[91] For drafts of the Charter and the Court Statute which had been approved by the Coordination Committee and the Advisory Committee of Jurists on June 22, see Doc. 1159, CO/181, June 23 and Doc. 1158, CO/180(1), June 22, in UNCIO Documents, vol. 18, pp. 602 and 589, respectively. For final changes made by the Coordination Committee in the text of the Charter as approved by the Steering Committee June 23, see Doc. 1192, CO/185, June 25, *ibid.*, vol. 15, p. 260. For final text of the Charter, and signatures, see *ibid.*, pp. 335–364 and 486–509 (no document number).

. . . COMMANDER STASSEN declared that the important thing for the Delegation at that time was to consider the changes which had been made by the Coordination Committee during its meeting the previous night. . . .

CEREMONY AT NOON

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CHARTER CHANGES

MR. PASVOLSKY reported that there had been no change in the first Chapter of the document on the previous evening. It had been decided to delete the third paragraph of Chapter II, Article 4 as being unnecessary. In Chapter III, the Trusteeship Council had been added to the organs of the organization in the first paragraph. This paragraph now read:

". . . a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat."

MR. PASVOLSKY reported that it had been suggested, with respect to Article 8 of this Chapter that the last phrase be revised to read: "in the work of the principal and subsidiary organs". However it had been decided that the word "its" should be substituted for "the" in this paragraph. It had been decided to revise the last sentence of paragraph 2 of Article 12 to read: "any such question. . .".

A question had been raised, with respect to Article 13, concerning the verb in the first paragraph. MR. PASVOLSKY thought that the Technical Committee had intended that the word "may" be used and he pointed out that the wording in the section on Economic and Social Council was "may". MR. PASVOLSKY observed that it would be impossible to obligate the General Assembly to make recommendations as provided for in the draft before the Delegation. The Coordination Committee had not changed the wording, however, and had left the decision to the Steering Committee. THE SECRETARY asked what objection there was to the use of the word "shall" and Mr. Dulles expressed the opinion that "shall" was more satisfactory. MR. PASVOLSKY reiterated that the General Assembly should not be obligated to make recommendations. MR. HICKERSON suggested the words "shall, at its discretion, make recommendation". THE SECRETARY announced that he would vote in the Steering Committee for the word "shall" unless the Delegation instructed him otherwise. MR. DULLES remarked that this was not a mere question of semantics but was an important constitutional consideration. MR. PASVOLSKY remarked that the word "may" was used uniformly throughout the document.

MR. PASVOLSKY reported that no agreement had been reached on another question. It had been suggested that the word "nations" in

Article 14 be changed to "states". SENATOR VANDENBERG declared that this was the paragraph which had been routed back and forth between Moscow and San Francisco.

THE SECRETARY asked what the decision of the Delegation had been with respect to the use of the word "shall" in Article 13. MR. PASVOLSKY observed that "shall" would stick out like a sore thumb in the Charter and SENATOR VANDENBERG thought that it should be obvious. THE SECRETARY declared that he would vote in favor of the word "shall." SENATOR VANDENBERG asked what had been the decision with respect to Article 14 and MR. PASVOLSKY declared that it had been sent to the Steering Committee. SENATOR VANDENBERG asked which nations were supporting the change and MR. PASVOLSKY reported that there were about ten states which favored the substitution. MR. DULLES pointed out that in the Chapter on "Purposes" the word used was "nations" and he expressed the opinion that this article should be consistent with the Purposes. MR. PASVOLSKY reported that the Coordination Committee had been forced to make changes in other places in the document. MR. HACKWORTH observed that "nations" was a broader word than "States". SENATOR CONNALLY asked whether the delegation was agreed to the word "nations" and it was decided that the Secretary should vote in favor of the original language.

MR. PASVOLSKY reported that the Coordination Committee had decided to substitute the words "decided upon or taken" for "adopted or applied" in Article 15.

THE SECRETARY asked how many items had been referred to the Steering Committee and MR. PASVOLSKY reported that there had been three or four. The most important of these had been the use of the enumerative phrases "problems of an economic, social, cultural and humanitarian character and in promoting and encouraging respect for human rights and for the fundamental freedom for all without distinction as to race, sex, language, or religion". The first part of this phrase had appeared eleven times in the Charter and had been reduced to six by the Coordination Committee. No two of these six MR. DULLES declared, were exactly alike. The same had been true of the second part of the phrase which appeared six or seven times in the Charter. MR. DULLES observed that this was a ridiculous situation but that the Coordination Committee had not taken any liberties but had referred the matter to the Steering Committee. MR. PASVOLSKY reported that Senator Rolin of Belgium had indicated his desire to speak on the subject in the Steering Committee to the effect that one mention of these items would be sufficient. MR. PASVOLSKY declared that in his opinion Senator Rolin was correct. He pointed out that in the Trusteeship chapter the order had been reversed and the phraseology used was "social and economic". COM-

MANDER STASSEN represented that it would be unwise to adopt one wording without examining carefully the mandates of the various Technical Committees. THE SECRETARY declared that he would want a memorandum from the staff stating the sentiment of the Delegation on the various questions decided that morning so that he would know how to vote at the Steering Committee meeting.

MR. PASVOLSKY reported that the Coordination Committee had decided to rewrite Article 16 as follows:

"The General Assembly shall perform such functions with respect to the International Trusteeship system as are assigned to it under Chapters 12 and 13, including the approval of Trusteeship agreements for areas not designated as strategic".

The Delegation agreed to this new wording.

MR. PASVOLSKY reported that the section on voting had been rearranged. An interesting situation had developed with respect to the heading "Primary Responsibility" in Chapter 5 on the Security Council. Elsewhere in the document the analogous heading had been "functions and powers". This matter was related to the compromise which had been reached on Article 11 concerning the right of the General Assembly to discuss the questions within the scope of international relations. The Russian representative had urged that the heading in Chapter 5 be changed to: "functions and powers" in order that there might be no question involved. COMMANDER STASSEN thought that this suggestion was no longer applicable inasmuch as it had been agreed to adopt the words "the scope of the Charter" in Article 11. MR. DULLES said that it had been the desire of the Russian delegate to tie this heading in with the technical chapters which had "functions and powers" as their headings. MR. PASVOLSKY declared that the Coordination Committee had decided to make a change as suggested by the Russian Delegate.

MR. PASVOLSKY then remarked that the order had been changed in Article 23.

MR. PASVOLSKY reported that the Coordination Committee had not changed the Yalta Formula in Articles 33 and 34. However, the words "without vote" had been added in both articles following the word "participate". MR. PASVOLSKY explained that the word "state" had been interpreted universally throughout the document as meaning any state, whether or not a member of the Organization.

MR. NOTTER asked whether it had been settled that the word "the" preceding "United Nations" should not be capitalized in the title of the Organization. MR. PASVOLSKY remarked that this had not been settled and was going to be considered by the Steering Committee.

MR. PASVOLSKY reported that there had been a great deal of discussion on Article 38. The Australian Delegate had asked whether the General Assembly actually had the power to discuss "any dispute or any situation". The Australian wanted to make reference in Article 38 to all the Articles describing the powers of the General Assembly. As a result it had been decided to omit "which will act in accordance with the provisions of Articles 12 and 12(*x*)", from Paragraph 1 of this Article. It was decided also to add a third paragraph as follows:

"Proceedings of the General Assembly with respect to matters brought to its attention under this Article will be subject to the provisions of Article 12".

MR. PASVOLSKY remarked that the General Assembly did have the necessary power. MR. DULLES added that the wording of the Dumbarton Oaks proposals had been changed in paragraph 2 with the result that a State not a member of the United Nations could bring to the attention of the Security Council or the General Assembly only a dispute and could not submit a situation to this body. This, MR. DULLES remarked had been done intentionally in the Technical Committee but he urged that it would have the effect of placing a premium on the creation of disputes.

MR. PASVOLSKY remarked that it had been decided to use the combinations "Pacific settlement" and "Peaceful means" throughout the Charter.

MR. PASVOLSKY reported that a question had been raised with respect to the phraseology of paragraph 3 of Article 51. The Coordination Committee had decided to return to the wording of the Dumbarton Oaks Proposal so that the paragraph now ended: "the command of such forces shall be worked out subsequently". The military advisers to the Delegation declared that this change was satisfactory to them. MR. PASVOLSKY pointed out that the word "appropriate" had been used to qualify "regional agencies" in paragraph 4 of this article. The Latin American States had been satisfied with this change.

MR. PASVOLSKY observed that the French had expressed a desire to establish Article 55 as a complete Chapter by itself. However, it had been agreed in the Coordination Committee to place the Article where it had originally been intended, at the end of Chapter VII. The Article had been revised somewhat to read at the end: "such action as it deems necessary . . ."

MR. PASVOLSKY then referred to the article which was numbered 55 in Chapter VIII. The first Article 55, in Chapter VII, would become Article 51 in the final Charter, and the article under considera-

tion would become article 52. MR. PASVOLSKY pointed out that the Delegation should be satisfied with the fact that two paragraphs had been made out of paragraphs one and two. The word "shall" had been substituted for "should" in paragraph 3 of this article.

The Delegation turned next to a consideration of a definition of "enemy states" embodied in paragraph 2 of Article 56. MR. PASVOLSKY declared that this article had been the cause of considerable discussion in the Coordination Committee and the final wording had been worked out by the Committee of Jurists. In paragraph 1 the word "regional" had been included before the word "arrangements" in the first sentence. MR. KANE pointed out that the words "enemy state" had been substituted for "enemy states" in the second sentence of this paragraph, and MR. PASVOLSKY replied that the Committee of Jurists had suggested the use of this phraseology. SENATOR CONNALLY agreed that this new wording was more appropriate and thought that it should be made possible for measures to be taken against either one State or a number of States. MR. PASVOLSKY added that there was a further advantage that these measures could be withdrawn individually under the new wording.

THE SECRETARY interrupted to announce that the meeting of the Steering Committee had been set definitely for 6 p. m.

### PLANS FOR ADDRESS BY MARSHAL SMUTS

SENATOR CONNALLY reported that arrangements had been made in Washington for Marshal Smuts to address Congress during his visit to Washington on July 2 or thereabouts.[92] . . . MR. HISS reported that the time for the Steering Committee meeting had been advanced one hour to 5 p. m. because an hour had been cut off the delivery schedule. At this time, 11:45 a. m. Secretary Stettinius left the meeting.

### PREAMBLE

DEAN GILDERSLEEVE asked why the text of the Preamble had been kept secret, to which MR. PASVOLSKY replied that it had been decided not to consider the Preamble until the rest of the Charter had been completed.

### COORDINATION COMMITTEE DRAFT

The Delegation turned again to Article 56 of the Charter, the definition of "enemy states". MR. HICKERSON thought that instead of the use of the word "enemy" toward the end of the second paragraph of Article 56 it might be appropriate to use phraseology such as "any state which has declared war against any signatory of the present

[92] Secretary Stettinius reported to the delegation, meeting at 4:15 p. m., June 23, that Field Marshal Smuts would not be able to visit Washington at all and so would be unable to address Congress.

Charter". COMMANDER STASSEN agreed with Mr. Hickerson and observed that the present wording was too broad. He suggested that the words "in a state of war" be used. MR. HICKERSON remarked that the present wording was very broad and was subject to misinterpretation and he pointed to the fact that the U.S.S.R. had on several occasions referred to Switzerland and Portugal as "enemies" because they had been centers of enemy espionage. SENATOR CONNALLY asked whether the word "enemy" was not a well known designation having a specific definition in the parlance of international law. MR. HACKWORTH declared that this interpretation was correct and added that it was posssible for a state to be an enemy of another state without declaring war on it. SENATOR VANDENBERG asked whether it was thought the Delegation would want the provisions of paragraph 1 of article 56 to be applicable to any state which might be termed an "enemy state" by the Soviet Union. COMMANDER STASSEN reiterated that the phrase "in a state of war" would resolve the difficulty. MR. PASVOLSKY observed that perhaps this suggestion would give rise to a long discussion and MR. PASVOLSKY declared that in his opinion it would not be worth the trouble. COMMANDER STASSEN declared that in his opinion the definition embodied in paragraph 2 should be omitted completely. MR. PASVOLSKY replied that it had been decided to establish a separate definition because to attempt to clarify the use of the words "enemy state" in paragraph 1 would have the result of making the entire paragraph incomprehensible.

MR. DULLES declared that it had been his interpretation that it was intended to tighten down on the treaty system established by the U.S.S.R., in this paragraph in conjunction with the transitory clause, Article 80 under the present draft. It had been the intention, MR. DULLES thought, to limit the freedom of action of the responsible states under the transitory provisions as much as possible in order that Russia could not take action against Spain or Switzerland. SENATOR CONNALLY asked whether the addition of paragraph 2 to the draft prepared by the Technical Committee was a substantive change. MR. DULLES submitted that there was a substantive change involved which had been made without adequate authorization. MR. PASVOLSKY declared, however, that there was no substantive change because the language used was the same as that which had been approved for article 80. MR. DULLES pointed out, however, that in article 80 of Chapter 14, "enemy state" was qualified by the words "taken or authorized as a result of that war by the governments having responsibility for such action". MR. DULLES pointed to the importance of the words "as a result of that war" and declared that since this phrase did not appear in article 56 a free hand would be given to any nation which so desired to claim that Spain or Switzerland were "enemy

states" under the terms of the article. SENATOR CONNALLY was of the opinion that it would be impossible to substantiate any such claim and he declared that the other members of the Security Council would not permit such an arbitrary definition. MR. DULLES remarked, however, that no action of the Security Council would be required for the enforcement measures against former enemy states to be undertaken. MR. PASVOLSKY submitted that the Security Council would have to determine if any such action were consistent with the obligations and purposes of the Charter and he urged that the other members of the Security Council would be given the opportunity to pass upon the enforcement measures taken under the circumstances.

MR. PASVOLSKY reported that he had received no suggestions from the members of the Delegation on these points although he had received any number of suggestions on the other parts of the Charter. This draft had been gone over by the Advisory Committee of Jurists and it had been agreed that the wording did not involve any change in substance and was, in fact, the only way in which the sense of the technical committee discussions could be expressed. SENATOR CONNALLY stated himself as favoring this wording. MR. PASVOLSKY remarked that the Russians had never said that Spain or Switzerland were enemies.

MR. DULLES declared that the reference to article 80 in the first paragraph of article 56 was ended by the use of the words "or any regional arrangements directed against . . . ". MR. DULLES admitted that he had not made any recommendations on this section but he declared that he had been working on some ideas and had been doing research on the question of Russia's attitude toward Spain and Switzerland, with specific reference to Russian use of the term "enemy" with respect to the two nations. MR. DULLES observed also that the question of Denmark might conceivably be raised in this connection. MR. HACKWORTH expressed the opinion that Denmark could not possibly be named as an enemy state and added that an enemy would have to have participated in the war to be so classified. COMMANDER STASSEN asked if it were not true that Denmark had signed the Anti-Comintern pact [94] and it was admitted that this was true. However, MR. PASVOLSKY observed that the exception embodied in the second sentence of paragraph 1 of article 56 would not apply to members of the United Nations. MR. PASVOLSKY referred to the use of the words "sovereign

[94] For text of the Anti-Comintern Pact, agreement between Germany and Japan, signed at Berlin, November 25, 1936, see *Foreign Relations*, 1936, vol. I, p. 400; for text of secret additional agreement, see Department of State, *Documents on German Foreign Policy, 1918–1945*, series D, vol. I, p. 734, footnote 2*a*. Denmark acceded to the Pact by the Protocol of November 25, 1941, which extended the period of validity of the agreement another five years; for the text of the Protocol, see *ibid.*, vol. XIII, p. 820.

equality" earlier in the Charter and declared that it was inconceivable that a member of the United Nations could be classed as an enemy state. MR. HACKWORTH remarked that Article 56 referred specifically to article 80. COMMANDER STASSEN urged that there be included in paragraph 2 the words "not a member of the United Nations". MR. PASVOLSKY observed that the inclusion of these words would not remedy the situation with respect to Switzerland and Spain. However, COMMANDER STASSEN urged that the wording he had suggested would constitute a decided improvement. He declared that in his opinion it would be better to omit the definition entirely or to use the words "in a state of war". MR. DULLES observed that the word "enemy" was subject to loose construction and often used very freely. MR. SANDIFER declared that the meaning of "enemy" in the paragraph under consideration was quite precise.

SENATOR CONNALLY expressed the fear that the Delegation would run into difficulty with the French if it attempted to modify article 56. However, MR. DULLES pointed out that paragraph 2 was entirely new and the French had no great interest in it. MR. PASVOLSKY objected to part of Mr. Dulles' statement, declaring that the Technical Committee had asked the Coordination Committee to rewrite the paragraph and to find a proper way of expressing a definition of "enemy". COMMANDER STASSEN thought the Coordination Committee had been authorized to take this action only with respect to Article 80 but MR. PASVOLSKY declared that the Coordination Committee had received authorization with respect to Article 56 as well. MR. PASVOLSKY declared that he knew what his authority was. COMMANDER STASSEN declared that if Mr. Pasvolsky could show his specific authorization by the Technical Committee to write a definition of "enemy states" in Article 56 he would raise no further objection. ADMIRAL HEPBURN interposed that in military parlance "enemy states" indicated a state of war. MR. DULLES asked whether it would be possible to drop paragraph 2 entirely and SENATOR CONNALLY asked what effect such a decision would have. COMMANDER STASSEN asked whether the word "enemy" had a recognized meaning which would limit its application under Article 56. MR. DULLES replied that under the Anglo Saxon code of jurisprudence it did have such a meaning. He remarked, however, that the Russians had used the term loosely as applying not only to political action but to social action as well. MR. NOTTER added that the Russians had also interpreted the word as having application to individuals as well as to states. SENATOR CONNALLY declared that he could not understand how the contention which had been advanced could possibly be applicable. This article, he said, was directed against the renewal of aggressive action by those

states which had been the enemies of the United Nations during the war. SENATOR CONNALLY declared that he accepted Admiral Hepburn's statement concerning the meaning of the term "enemy states". He expressed the opinion that as it was used in this article the phrase had a definitive meaning. MR. DULLES asked whether it would not be possible that Spain could be included in this category because of the fact that a division of Spanish troops had been employed on the Eastern front in the war against Russia. MR. HACKWORTH pointed out that this contention could hardly be supported in view of the fact that there had been thousands of United States soldiers engaged in the First World War against Germany before the United States ever entered the war without this country being classified as an enemy of the Central Powers. SENATOR CONNALLY asked whether the United States would not have a veto over the application of measures under article 56. MR. DULLES replied in the negative and said this article gave complete freedom of action to the responsible powers under article 80. SENATOR CONNALLY thought that the enemy states might be defined as "aggressors during the Second World War". MR. KANE supported Commander Stassen's suggestion that the words "in a state of war" be substituted for the present wording. MR. PASVOLSKY pointed out that the original wording had been "enemy states" and submitted that the wording adopted in paragraph 2 was not in any way different from the earlier wording. Another phrase which had been suggested was "aggression by a state now at war with the United Nations". COMMANDER STASSEN urged that the substitution of the word "in" for "during" in paragraph 2 would establish the action rather than the time limit as the primary factor. In that way the definition could be related to the act of war rather than the period of the war. MR. PASVOLSKY observed that the language presented by the Technical Committee had been "enemy states in this war" and asked whether the Delegation would be satisfied if the equivalent wording which had been adopted for paragraph 2 were to be moved up into paragraph 1. COMMANDER STASSEN said he would be satisfied with the substitution of the word "in" for "during". SENATOR VANDENBERG asked why it was necessary to change the wording at all and MR. PASVOLSKY replied that the Coordination Committee had been asked by the Technical Committee to find suitable expression for the idea implied. MR. DULLES observed that this authorization applied only to Chapter XII, paragraph 2 of the draft of the Technical Committee. COMMANDER STASSEN thought that the difficulty might be met by substituting the words "in the Second World War" for "this war" in the original Technical Committee draft. MR. DULLES observed that the present wording of article 56 broke the chain which had been estab-

lished with article 80. MR. PASVOLSKY did not agree with this and pointed to the fact that the language of the two articles was the same. However, COMMANDER STASSEN observed that the wording was tied down in article 80 by the use of the phrase "as a result of that War". MR. ARMSTRONG asked whether Spain could not be considered as an enemy by Russia even under the language of Article 80 and MR. PASVOLSKY replied in the negative. He declared that it was of course possible for any word to be misinterpreted. SENATOR CONNALLY thought that to attempt to change the wording at that late date would be to create trouble. SENATOR VANDENBERG submitted that since the need for changing the language arose out of the necessity for defining "enemy states" the best solution would be to adopt the original Technical Committee wording with the addition of a suitable definition. ADMIRAL HEPBURN expressed the opinion that the language of this article placed enforcement measures on the same terms as regional arrangements. MR. DULLES remarked that a loose definition was being substituted for one which had been more precise.

MR. PASVOLSKY asked whether the Delegation would be satisfied if the language of the first paragraph of article 56 were to be changed to read as follows:

". . . with the exception of measures against enemy states in the Second World War provided for pursuant to article 80 . . ."

This would require deleting paragraph 2 entirely. COMMANDER STASSEN declared that he would be satisfied with this solution and SENATOR VANDENBERG declared himself to be in agreement also. He observed that this met completely the authorization to define the words "enemy states in this war". MR. PASVOLSKY declared that the wording to which the Delegation had just agreed was precisely the same in substance as the language of articles 56 and 57 as they had been presented to the Delegation.

MR. PASVOLSKY turned next to the changes which the Coordination Committee had made in the sections on the Economic and Social Council.

In Article 60 the word "such" had been substituted for "specialized" in paragraph 2.

In Article 62 the word "agency" had been made plural.

The words "for all" had been added at the end of paragraph 2 of article 64.

With respect to article 65 doubt had been expressed concerning the wording "approved by the General Assembly". Consequently it had been decided to revise the paragraph to read as follows:

"1. The Economic and Social Council may enter into agreements with any of the agencies referred to in article 60, defining the terms

under which the agencies concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Council".

In Article 66 the word "may" had been substituted for the words "is authorized to" in both places where the later phraseology appeared. The end of paragraph 1 of this article was revised to read "and recommendations on matters falling within its competence made by the General Assembly".

Article 68, paragraph 3 had been revised to read:

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

MR. PASVOLSKY then directed attention to the Chapter on the Secretariat. In Article 69 it was thought that the enacting nature of the phraseology was not necessary and the beginning of the article was revised to read: "The Secretariat shall comprise . . ." instead of "There will be established a Secretariat comprising . . ."

The words "be responsible only to the organization. They shall" were deleted from Article 72 and the first two sentences were joined together to form one sentence as follows:

1. "In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions for [*from?*] any Government or from any other authority external to the Organization."

There was added to the end of paragraph 1 the phrase "who are responsible only to the Organization".

MR. PASVOLSKY reported that it had been decided to eliminate, in the sections dealing with the various organs of the Organization, the reference to the technical staffs of these organs and to make provision for all such staffs in paragraph 2 of Article 73. A new sentence, "These staffs shall form a part of the Secretariat" had been added by the Coordination Committee to the draft which was before the Delegation.

MR. PASVOLSKY next considered the changes which had been made in Chapter XII on Trusteeship. The word "Declaration" had been substituted for "Policy" in the title of the Chapter. MR. PASVOLSKY pointed out that three chapters had been created on the subject of dependent territories.

The Coordination Committee had substituted the words "when and where appropriate" for the single word "appropriate" in part (*d*) of Article 73. This clause now read:

"(*d*) to promote constructive measures of development, to encourage research, and to cooperate with one another and when and where appropriate with international bodies with a view to the practical

achievement of the social, economic, and scientific purposes set forth in this paragraph".

MR. DULLES asked whether the titles of the chapters had any binding nature and there was general agreement that the headings were not legal instruments. MR. DULLES asked further whether there had been any statement in the report of Committee II/4 [96] which clarified the meaning of the phrase "metropolitan area". DR. BOWMAN declared that this was a standard technical term which was used in all languages. MR. DULLES declared that his question was directed toward determining whether the French could exempt Algiers, for example, from the scope of Chapter XII on the grounds that it was a metropolitan area and DR. BOWMAN observed that Algiers was a Department of France and that it was a part of metropolitan France. MR. PASVOLSKY pointed out that the Spanish had developed a plan for incorporating Morocco as a part of their metropolitan area and it was remarked also that the Dutch and the French had been promoting similar schemes to avoid classification of some of the areas under their jurisdiction as dependent. MR. DULLES asked whether Alaska and Hawaii would fall under the scope of the provisions of Chapter XII especially the reporting functions provided for in part (*e*) of article 73. DR. BOWMAN replied to this question in the negative but SENATOR VANDENBERG declared that there seemed to be a difference of opinion on the matter. COMMANDER STASSEN observed that it made no difference whether Alaska fell under this Chapter because of the fact that the United States had been in the habit of publishing periodic reports on the conditions in Alaska and Hawaii anyway. MR. DULLES suggested that the question would be asked by the Senate and he thought it was important that the various members of the Delegation get together to prepare a uniform answer. MR. BOWMAN pointed out that the same difficulty would arise no matter what language was used. This was true, he declared, because of the variety of relationships which existed between metropolitan states and various parts of their territorial possessions. "Metropolitan area" he declared was a descriptive term and was widely accepted. MR. DULLES urged that the Delegation agree on an answer to the question as to whether Hawaii and Alaska would come under the terms of Chapter 12. SENATOR VANDENBERG remarked that he himself would say that Hawaii and Alaska would not come under this Chapter. DR. BOWMAN reiterated that the word "metropolitan" was in general use and had arisen out of the need for finding a word other than "homeland", or "home country", which was not universally applicable. SENATOR CONNALLY asked to whom the United States would report on

[96] Doc. 1115, II/4/44(1)(*a*), June 20, UNCIO Documents, vol. 10, p. 607.

the conditions prevailing in Hawaii and Alaska and MR. DULLES replied that the reports would be made to the Secretary-General of the Organization. He pointed out that Chapter XII referred to areas which were not fully self-governing and did not depend on the trusteeship system which was set up in subsequent chapters. COMMANDER STASSEN pointed out that part (*e*) of Article 72 [*73*] referred only to statistical information which did not compromise the security or constitutional requirements of the nations in question. COMMANDER STASSEN submitted that, although the United States made information on the territories under its jurisdiction available regularly, there were a number of dependent areas about which no information whatsoever was available. COMMANDER STASSEN submitted that it would be "a wholesome situation" to obtain figures and information on these areas for purposes of information and reference only. SENATOR VANDENBERG declared that in his mind the whole Chapter was not worth the trouble it had taken if it implied any jurisdiction by the Organization, no matter how remote, over Hawaii and Alaska. MR. KANE declared that the Navy had been calling this question to the attention of the Secretary for some time. The Navy, he said, had reservations to make concerning Alaska, Guam, Hawaii and Samoa. MR. KANE observed that the Navy Department was not concerned about jurisdiction over Hawaii and Alaska but he urged that these two territories should fall under the scope of Chapter XII. The Department of Interior, he said, had announced its intention to submit reports to the Organization on conditions within these territories. MR. KANE remarked that there were no security considerations whatsoever with respect to these areas and he declared that this was the first time that he had ever heard mentioned the possibility that the reporting function under Chapter XII would not apply to Hawaii and Alaska. MR. KANE asked DR. BOWMAN what arguments he had to offer to substantiate his unusual position. MR. HACKWORTH pointed out that Hawaii and Alaska were "incorporated" territories as a result of Congressional action and SENATOR CONNALLY submitted that certainly these areas could not be classified as ordinary colonies. MR. DULLES reiterated that no matter what the decision was on this matter there should be agreement among the various members of the Delegation. COMMANDER STASSEN declared that this was not a matter which was involved in the Charter. He observed that the United States should make information on these territories available to the Secretary-General of the Organization, not so much because of benefits which might be derived by the territories themselves, but in order to set a precedent which would be followed by other administering powers throughout the world. COMMANDER STASSEN pointed out that if the United States were to attempt to exempt these territories from the

scope of the reporting function under Article 72 [*73*] there would be little likelihood of other nations submitting reports on territories under their jurisdiction. SENATOR VANDENBERG declared that he was opposed to any admission that the Organization would have jurisdiction over Hawaii, Alaska, or the District of Columbia. ADMIRAL HEPBURN pointed out that the language now before the Delegation had been weakened since the first draft.[97] In the original draft there had been an "undertaking" on the part of the States having responsibilities for the administration of the dependent territories to submit reports. Under the latest draft they merely accepted "as a sacred trust" the obligations to submit such reports. DEAN GILDERSLEEVE declared that it seemed quite obvious to her that the United States should accept this responsibility with respect to the two territories under discussion. MR. ARMSTRONG asked whether DEAN GILDERSLEEVE had been reading the *San Francisco Examiner* recently. That paper, he said, had been running columns on this very question. COMMANDER STASSEN expressed the hope that national policy would not be decided on the basis of columns or editorials run in the *San Francisco Examiner* or the *Chicago Tribune*. MR. KANE expressed the opinion that in any event the position of the Delegation on this matter should be made clear. COMMANDER STASSEN observed that the furnishing of reports to the Secretary-General was a voluntary matter but COMMANDER STASSEN was strongly in favor of the United States submitting such reports. SENATOR VANDENBERG admitted that if the obligation was only a voluntary one, no jurisdiction would be established by the Organization over the territories in question. DR. BOWMAN thought that the matter might be cleared up somewhat if it were to be understood that the decision on this matter would have to be made by the United States Government, but could not be written in as an interpretation of the article. MR. DULLES wondered what latitude there could be for a signatory power in view of the obligation to "accept as a sacred trust". DR. BOWMAN pointed out however that there was a reference in article 74 to "the territories to which this Chapter applies". DR. BOWMAN declared that he took the position that this Chapter did not apply to Hawaii and Alaska. MR. NOTTER urged that traditionally the territories of the United States had been considered as states and had been assimilated to the metropolitan area for some purposes. DR. BOWMAN declared that there would be no difficulty involved with the Congress on this paragraph. SENATOR VANDENBERG expressed the opinion that it would be most humiliating to the people of the Hawaiian Islands to be placed in a class with the peoples of the Sahara

[97] For text of working paper for chapter on dependent territories, see Doc. 323, II/4/12, May 15, UNCIO Documents, vol. 10, p. 677; for text of paragraphs approved by Committee II/4, see Annex A, Report of Rapporteur, June 20, *ibid.*, p. 614.

Desert. MR. HACKWORTH declared that it had been the intention to limit the "sacred trust" to the first paragraph and he pointed out that the words "and to this end" had been omitted from the end of the paragraph before part (*a*). SENATOR VANDENBERG declared once more that he was not prepared to admit that Hawaii and Alaska did not have "a full measure of self-government". MR. GERIG expressed the opinion that these territories could not be brought under the jurisdiction of Chapter XII because they were considered as falling in a different status than Samoa and the Virgin Islands. It was urged that Puerto Rico also must be distinguished from the islands of the Pacific and the Virgin Islands. COMMANDER STASSEN declared that he was satisfied with any position which might be reached.

MR. PASVOLSKY then continued the consideration of changes which had been made by the Coordination Committee in the previous meeting. In paragraph 2 of Article 77 there had been included the words "as to" after "agreement".

The word "shall" had been substituted for "should" in Article 78, and "will" had been substituted for "shall" in Article 81.

MR. PASVOLSKY turned to a consideration of Article 80, paragraph 2. He declared that the attention of the Coordination Committee had been called to the fact that the original draft of this paragraph did not contain the word "such". As a result the paragraph had been reworded as follows:

"2. Paragraph 1 of this article is not to be interpreted as giving grounds for delay or postponement of the negotiations and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 79".

MR. KANE submitted that this wording was not as suitable as the earlier phraseology. MR. PASVOLSKY agreed but declared that the other nations involved would not accept the previous wording. He declared that they had expressed a desire to return to the language adopted by Committee II/4. ADMIRAL TRAIN stated that the new wording might have to be referred to the higher military advisers. COMMANDER STASSEN pointed out however that he had read a statement into the record declaring that paragraph 3 of section (*b*) of the Technical Committee draft was controlling and GENERAL EMBICK said that the new wording was acceptable to him.

MR. PASVOLSKY reported that the British had brought in a new draft for Article 83 which was an interpretation of the text prepared by Committee II/4. The British proposal substituted for the words "obligations undertaken by the administering authority under Article 47 and" the phrase "obligations toward the Security Council undertaken in this regard by the administering authority". COMMANDER STASSEN asked why the reference to Article 47 had been dropped and MR. PASVOLSKY replied that the British expressed the opinion that this refer-

ence was redundant. MR. PASVOLSKY pointed out that the reference had not appeared in the original Committee text and the Delegation agreed to the change.

MR. PASVOLSKY reported that it had been decided to grant membership on the Trusteeship Council to the members of the United Nations rather than to representatives of these members and the article had changed accordingly. In order to insure that the actual representation on the Trusteeship Council would be sufficiently competent to carry out the duties of that body, the sentence "each member of the Trusteeship Council shall designate one specially qualified person to represent it therein" was added to the end of the article.

MR. PASVOLSKY reported that it had not been clear in Article 87 whether the General Assembly was reserving to itself the right to carry out the functions outlined in the Article. As a result it had been decided to start the article with the words "The General Assembly and under its authority . . ." This was the original language of the Committee text. MR. PASVOLSKY pointed out also that the words "terms of the" had been omitted under part (*d*) of Article 87 and were reinserted by the Coordination Committee.

MR. PASVOLSKY pointed out that the word "security" had been added to the title of Chapter XIV so that it now read "Transitional Security Arrangements".

Article 81 (*x*) of Chapter XV was modified somewhat. The words "General Conference" were capitalized in paragraph 1 and the words "membership of the" were inserted before General Assembly. The word "alteration" was substituted for "modification" in paragraph 2, and "coming" was substituted for "entry" in paragraph 3. MR. PASVOLSKY reported that a question had arisen with respect to paragraph 1 concerning the meaning of the words "a day and place to be fixed". It was asked whether these words meant that there was to be only one conference and the U.S.S.R. had insisted that that was the significance. However, there had been a feeling that such a general conference could, if it desired, make provisions for the calling of a future conference.

In Chapter XV, "appointed" was substituted for "elected" in paragraph 2. In paragraph 3 the reference to the protocol was clarified by the addition after "of" of the words "ratifications deposited shall thereupon" in place of "such deposits shall". It had been decided also to add "original" with respect to "members" in paragraph 4.

### TITLE OF THE ORGANIZATION

MR. PASVOLSKY remarked that the question of the title of the organization still required clarification. The only problem was whether or not the word "the" should be capitalized. . . .

SENATOR CONNALLY asked whether any difficulty was apprehended in the Steering Committee. MR. PASVOLSKY replied that all the Delegates were in favor of the document except for the repetitions which prevailed. He declared that the repetitious phraseology appeared in the Preamble, in the Chapters on Purpose, Principles, and on the General Assembly. SENATOR VANDENBERG expressed the opinion that no harm could result from this repetition but MR. PASVOLSKY pointed out that different phraseology was used in each case. He declared that the phrase "economic, social, cultural, or humanitarian character" appeared fourteen times in the document. SENATOR VANDENBERG agreed that this was ridiculous. MR. PASVOLSKY thought that it would be possible to make cross references and eliminate all the repetition. Mr. Pasvolsky recalled that the most amusing part of his Coordination Committee work had been the contact with the various officers who had been called in from time to time. He reported that Mr. Fraser who had been Chairman of Committee II/4 had said that when he could not understand the wording they were discussing on any matter he was unable to understand he had put it to a vote and had it passed.

Opposition had been forthcoming also from the Indian Delegate, Ramaswami Mudaliar, who had thought that the Economic and Social Council was being subordinated because no specific reference was made to the "right" of the Council to take any action. MR. PASVOLSKY reported that he had tried to make it clear that the use of the word "may" presupposed that right and that to affirm the existence of the right indicated there was some question about it.

MR. KANE asked whether it was thought that it would be possible to regain the earlier wording of paragraph 80. MR. PASVOLSKY declared as Chairman of the Coordination Committee he could take no action and it would be up to the Secretary to propose the question. COMMANDER STASSEN thought the matter should be left as it was and MR. KANE indicated that he was satisfied.

### FOREIGN LANGUAGE TEXTS

MR. DULLES asked what assurance the Delegates would get when they were signing the Russian text that it was accurate. MR. PASVOLSKY declared that he had worked in two languages in the Coordination Committee. The Coordination Committee had handled the problem by accepting the position that the governing text was the English draft. MR. PASVOLSKY pointed out that under this situation the French text was required to express in French the same thoughts as were expressed in the English text. Mr. Pasvolsky remarked that the Dutch had raised the question of the five authenticated copies.

The Soviet representative had suggested that, if the question should arise, it would be necessary to examine the history of the drafting procedure. The record of the Conference would show that the English text had been adopted and for that reason the Soviet representative had thought the English text should be accepted as the governing text. MR. PASVOLSKY declared that this sounded reasonable to him. SENATOR CONNALLY declared that it was his understanding that the French text was not a translation but was a restatement in French of the ideas of the English text. MR. PASVOLSKY confirmed this and declared that each of the five drafts would be an authentic text.

MR. DULLES asked who would certify for the Delegations as to the nature of what they were signing. MR. PASVOLSKY declared that three language panels had been established for this purpose.[99] Each Delegation had the right to designate as its representative to these panels a person who knew the language involved. These panels went through the text completely, in Russian, Chinese and Spanish. A different procedure had been adopted with respect to the French text which had been parallel with the English draft. The French text had been gone over in the Coordination Committee and in the Committee of Jurists. MR. SANDIFER reported that the United States had no representative on the Chinese panel but pointed out that the British had a representative who was giving careful consideration to this text. MR. DULLES wondered whether the Delegation would not want certification from Mr. Bohlen or someone else who had a knowledge of the languages involved before the Delegates signed the Charter. MR. HACKWORTH declared that the three-language panels would certify the documents. COMMANDER STASSEN declared that he was in agreement with Mr. Dulles that there should be final certification for the record from either the language panels or someone in the State Department declaring that it was all right for the Delegation to sign the various language drafts. MR. HACKWORTH remarked that consideration had been given in the Committee of Jurists to the possibility of signing only in one language.[1] However, the Committee of Jurists had declared that this procedure was not acceptable

[99] Doc. WD 222, CO/98, June 8, UNCIO Documents, vol. 18, p. 651, and Doc. WD 288, CO/116, June 13, *ibid.*, vol. 17, pp. 77–78.

[1] For summary of discussions on the question of the language to be used in submitting the recommendations of the United Nations Committee of Jurists to the United Nations Conference, see Jurist 36(11), G/26, April 13; Jurist 58, G/46, April 16; and Jurist 85, G/72, April 19, UNCIO Documents, vol. 14, pp. 54, 212–213, and 237–238, respectively. For summary report of discussion of the question of languages of texts of the Charter to be signed at San Francisco, when the Assistant Delegate of the Netherlands delegation, Adrian Pelt, proposed in the Coordination Committee on June 8 that the Charter should contain a clause providing that the text in one language would govern, see WD 266, CO/108, June 10, *ibid.*, vol. 17, pp. 66–67.

because the Delegation were supposed to sign the Charter, not an English text of the Charter.

### Charter Text

Senator Connally declared that he wanted to call Mr. Pasvolsky's attention to the fact that there were some blank spaces which remained to be filled in article 29. Mr. Pasvolsky reported that this matter had already been taken care of.

Mr. Notter asked whether the significance of Article 58 in Chapter 15 (*x*) was that the United States was to keep all five texts. Mr. Pasvolsky replied that the five language texts were to be bound as one and would be signed as a whole. The United States would have custody of the entire document.

### Repetition

Mr. Pasvolsky reported that a question was likely to arise in the Steering Committee concerning the repetition of the phrase [2] "respect for human rights and for the fundamental freedoms for all without distinction as to race, color, sex, language or religion". Mr. Pasvolsky suggested that the phrase be used only once in the Chapter on Purposes. Mr. Pasvolsky further suggested that thereafter only the first part "human rights and fundamental freedoms" be used. The Delegation agreed to this suggestion.

Mr. Pasvolsky declared that much the same question would arise with respect to the "economic, social, cultural, and other humanitarian matters". He suggested that the phrase be standardized throughout the document as he had just read it and the Delegation agreed to the suggestion. Mr. Pasvolsky remarked that the sections dealing with trusteeship would not be touched.

### Seal to be Used

Mr. Hackworth reported that a problem had arisen concerning the seal with which the five language texts would be bound. They were to be tied with ribbon and sealed with wax but the question was what seal to use. Consideration had been given to the use of the United States seal, the State Department seal, the seal of the State of California, and the seal of the City of San Francisco. The seal of the United States had been ruled out because of the difficulty of bringing it to San Francisco. For a variety of reasons there had been objection to the use of the seal of the Department of State. It had been decided as a gesture to the City of San Francisco to use its seal. Senator Connally could not see why this position was taken. Mr. Notter asked whether the San Francisco seal used the emblem of the

[2] For a list of certain repetitive words and phrases in the Charter and the Statute, see WD 381, CO/156, June 18, UNCIO Documents, vol. 18, pp. 654–690.

State of California, the bear, and SENATOR CONNALLY observed that the Delegation certainly did not want to use such a symbol.[3]

The meeting was adjourned at 1: 32 p. m. sine die.

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*Minutes of the Seventy-Ninth Meeting of the United States Delegation, Held at San Francisco, Saturday, June 23, 1945, 4: 15 p. m.*

[Informal Notes]

[Here follows list of names of persons (23) present at meeting.]

The Secretary convened the meeting at 4: 15 p. m.

ARRANGEMENTS FOR SIGNING THE CHARTER

SECRETARY STETTINIUS reported that this special meeting had been called because of certain developments which had arisen that afternoon with respect to the process of signing the Charter. Ambassador Gromyko had asked for a special meeting of the four Presidents of the Conference after the ceremonies at noon honoring the Secretariat, the A.W.V.S.[4] and the military assistants.

Ambassador Gromyko had asked whether the actual signing of the Charter would be done by merely the chairmen of the delegations or by all the delegates. He had pressed for signature by the chairmen alone. THE SECRETARY reported that he had indicated to Mr. Gromyko his belief that this matter had already been decided in favor of having all the delegates affix their signatures to the Charter. SECRETARY STETTINIUS added that he had remarked that in his opinion this procedure would be desirable. Under pressure, Mr. Gromyko had agreed that all the delegates should sign the Charter if the Russians were permitted to sign in their native language.[5] Lord Halifax had indicated that only two members of the British Delegation were authorized to sign the Charter, Lord Cranborne and himself.

Ambassador Gromyko had next raised the question of the order in which signatures would be affixed to the Charter.[6] SECRETARY STETTINIUS observed that he had told the Russian chairman that it had been his impression that an alphabetical order would be used and

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[3] The seal of the City and County of San Francisco does not use the emblem of the State of California, the bear.

[4] American Women's Volunteer Services.

[5] For list of delegation members empowered to sign formal documents of the Conference, see Doc. 1166, ST/C/1, June 23, UNCIO Documents, vol. 5, p. 328; for approval of the members at the ninth plenary session, June 25, 9: 30 p. m., see Doc. 1210, P/20, June 27, *ibid.*, vol. 1, p. 613.

[6] For UNCIO press release of June 25 listing delegations in order of signing the Charter and the number of delegates signing for each nation, see Department of State *Bulletin*, July 1, 1945, p. 11. For a romanization of facsimile signatures to the Charter, see 59 Stat. (pt. 2) 1215.

he indicated that this had been settled by the Steering Committee.[7] The Secretary had indicated his support for this procedure and had outlined the advantages which such a procedure involved, its democratic nature and its acceptability to the smaller powers. Ambassador Gromyko however, had urged that the Charter be signed according to the order in which the participating nations had signed the United Nations Declaration.[8] SECRETARY STETTINIUS reported that he had then pointed out to Ambassador Gromyko that the two Russian Republics had never signed this document and Ambassador Gromyko withdrew his suggestion. Mr. Gromyko then urged that the sponsoring governments should sign the Charter first and Secretary Stettinius had opposed this suggestion on the grounds that the Charter itself emphasized the sovereign equality of the participating states. Lord Halifax had supported the Secretary's position on this matter very strongly. THE SECRETARY declared that he had told Mr. Gromyko that if he were to raise the question at the Steering Committee he would receive five favorable votes, the USSR, the two Russian Republics, Czechoslovakia, and Yugoslavia, and no more. Ambassador Koo had supported Secretary Stettinius in this statement and in his general position in opposition to the Russian suggestion. Ambassador Gromyko had not been convinced however and had declared that he wanted to call a meeting of the Executive Committee. The Secretary had replied that he was too busy to attend such a meeting but would not object to Ambassador Gromyko calling a session of the Executive Committee and presiding at that meeting. The Russian delegate had thereupon indicated his intention of attending the Steering Committee and asking for a vote on the suggestion.

SECRETARY STETTINIUS declared that shortly after his talk with Ambassador Gromyko he had received a visit from Marshal Smuts and consulted the wise old gentleman on this issue. SECRETARY STETTINIUS declared that he was certain that the Russians would accept a solution whereby the sponsoring nations would sign first, followed by France, and the other members in alphabetical order. MR. HISS asked whether this would be the order in which the nations would perform the act of signing or whether it would be the order in which their names appeared on the document. THE SECRETARY replied that he was certain that the Russians intended this to mean the order in which the signatures would appear on the Charter. Marshal Smuts, THE SECRETARY declared, had advanced, as his considered opinion,

[7] For summary of discussion by the Steering Committee of Document 1042, EX/25, June 17, "Suggestions with Respect to Schedule for Concluding Sessions of the Conference", on June 21, see Doc. 1212, ST/22, June 28, UNCIO Documents, vol. 5, pp. 288–290. For compendium of procedural rules and recommendations, see Doc. 986, EX–SEC/16, June 15, *ibid.*, vol. 2, pp. 583–602.

[8] For list of signatories of the United Nations Declaration, January 1, 1942, see Department of State *Bulletin*, August 12, 1945, p. 238.

that to allow this question to come up in the Steering Committee and be voted upon would be to conclude the sessions of the Steering Committee with a sour taste. Marshal Smuts had suggested that agreement be reached among the four Presidents that the four sponsoring governments should sign first in alphabetical order with France the fifth signer, followed by the rest of the nations in alphabetical order. THE SECRETARY declared that Lord Halifax had indicated that the British Delegation would be agreeable to this decision. THE SECRETARY advanced the opinion that the Russian intention was to keep Argentina from being the first signatory to the Charter.

MR. DULLES remarked that Argentina had been first on the sample order of signing which had been distributed on the previous day. Mr. Dulles thought it might be advisable to rearrange the order in the paragraph on original membership in the Organization placing signatories of the United Nations Declaration first in the paragraph, to be followed by the nations which participated in the United Nations Conference.[9] In this way, the three nations which had been admitted to the United Nations during the course of the Conference [10] could be made to sign the Charter after all the rest. This, MR. DULLES suggested, might eliminate the Russian objection to the position of the Argentine signature. COMMANDER STASSEN declared that there was some justification for establishing the Big Five as a separate category in view of the fact that they were given special consideration with respect to the voting procedures and other matters within the Charter. MR. PASVOLSKY remarked that the French had raised this question originally in the false hope that they might be able to sign the Charter first. MR. DULLES thought that another way of getting around the difficulty would be to list Argentina as the "Republic of Argentina", causing the Argentine Delegation to sign among the R's.

DEAN GILDERSLEEVE declared that she would be willing to accept the solution which had been offered, with the four sponsors signing first in alphabetical order. THE SECRETARY observed that the four sponsors would be followed by France and by all the other nations in alphabetical order. MR. PASVOLSKY suggested that no vote be taken on this matter in the Steering Committee meeting. He urged that the

[9] For list of 46 Nations invited to participate in the Conference, see telegrams 1409 and 1662 to London, February 23, midnight, and March 4, 1 p. m., respectively, pp. 89 and 105; also Journal, April 25, UNCIO Documents, vol. 2, p. 5.

[10] For data on the seating at the Conference of Argentina and the Byelorussian and Ukrainian Soviet Socialist Republics, see footnote 4, p. 501; see also Doc. 42, P/10, May 1, UNCIO Documents, vol. 1, pp. 343–359. For data on the seating of Denmark at the Conference, see memorandum of June 4 from Mr. Hugh S. Cumming, Jr., to Mr. G. Hayden Raynor, *ante*, p. 1159; also Doc. 806, EX/17, June 6, and Doc. 858, EX–SEC/12, June 8, UNCIO Documents, vol. 5, p. 460, and *ibid.*, vol. 2, p. 575, respectively.

Secretary announce that the decision had been made by the four Presidents. THE SECRETARY declared that all that was required would be for him to make two phone calls to Ambassador Gromyko and Ambassador Koo in order for agreement to be reached among the four Presidents. The Delegation agreed that the Secretary should reach agreement among the four Presidents on the solution which had been offered by Marshal Smuts.

. . . . . .

The meeting was adjourned at 4:30 p. m.

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500.CC/6–2345

*The Chairman of the United States Delegation (Stettinius) to the Acting Chairman of the Soviet Delegation (Gromyko)*

[SAN FRANCISCO,] June 23, 1945.

MY DEAR MR. AMBASSADOR: I have your letter of June 20 in which you refer to the conversation which took place between Commander Stassen and yourself on June 9 concerning the attitude held by the Soviet Government with reference to territorial trusteeship and your desire that our two Governments should be in accord on this matter.

Commander Stassen promptly conveyed to me your point of view, stating that your Government would like to be assured of the favorable attitude of the United States if the Soviet Government, at some future time, proposed a territory for trusteeship. He added that you indicated that you had no specific territory in mind but that you hoped that the two Governments could agree in principle upon this question.

Commander Stassen also reported that he was certain that your Government understood that, in accordance with the Yalta agreement,[11] no specific territories were to be discussed at San Francisco and that the method by which a trusteeship would arise would be by the state which had the jurisdiction over a territory making a proposal to the appropriate body of the Organization.[12]

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[11] Protocol of Proceedings of the Crimea Conference, February 11, 1945, *Conferences at Malta and Yalta*, p. 977.

[12] This point was emphasized by the Secretary of State in his letter of July 7 (not printed), to the Secretary of the Navy (Forrestal). He noted that at the final meeting of Committee II/4 on Trusteeship (Doc. 1143, II/4/46, June 21, UNCIO Documents, vol. 10, p. 602), at the instance of Commander Stassen, it was made a matter of official record in the report of the Rapporteur of that Committee (Doc. 1115, II/4/44 (1) (*a*), June 20, *ibid.*, p. 610) that the Committee recognized that paragraph 3 of section B, now article 77, chapter XII, was the primary paragraph of the chapters relating to trusteeship and there could be no doubt that article 77 was controlling. "The very essence of this system," he concluded, "remains as it was in the original proposal of this Government, namely, that territories may be placed under trusteeship only by subsequent individual agreements voluntarily entered into by the states directly concerned." (800.014/6–1645)

I told Commander Stassen that I thought your point of view was eminently reasonable and that we would be happy to support in principle the Soviet proposal as to the eligibility of your Government as a potential administering authority.

Your letter of June 20 carries the point raised to a further stage beyond the principle agreed upon in the conversation. In accordance with the Yalta agreement no specific territories were to be discussed at the San Francisco Conference but I shall, of course, be glad to know your views on this subject, even though the matter falls outside the scope of the Conference. It might be more convenient, however, to both of us, to take this matter up after our return to Washington.

With kind regards [etc.] E. R. STETTINIUS, JR.

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500.CC/6–2545

*Memorandum of Conversation, by Mr. Hayden Raynor, Special Assistant to the Secretary of State*

[SAN FRANCISCO,] June 25, 1945.

Participants: Mr. Stettinius
Ambassador Gromyko
Mr. Hayden Raynor

Ambassador Gromyko called at his request this morning and stated that he was concerned relative to a statement in the Committee's report on the subject of withdrawals.[13] He said his Government did not like the sentence stating that when a state withdrew, it would leave the burden of maintaining peace and security on the other members of the organization. He also said his Government did not like the paragraph referring to the possible failure of the organization where the expression is used "If deceiving the hopes of humanity . . .". The Secretary and Mr. Raynor explained that this report had been approved by the Commission[14] and we did not see how it could be opened up at this late date.

The Ambassador said he wanted to discuss it privately with Mr. Stettinius in the hope that he could call a meeting of the Big Five and have it changed.

The Secretary replied that he felt that this was quite impossible in view of the stage of the Conference.

The Ambassador then said that under the circumstances he would have to bring the matter up at tonight's plenary session.[15]

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[13] Doc. 1178, I/2/76(2), June 24, UNCIO Documents, vol. 7, p. 328; also, Doc. 1154, I/2/73(2), June 22, *ibid.*, p. 470.

[14] Doc. 1142, I/9, June 21, *ibid.*, vol. 6, p. 233.

[15] Doc. 1210, P/20, June 27, *ibid.*, vol. 1, pp. 619–620.

Mr. Stettinius urged him not to do so and stressed the fact that if he was under instructions to bring it up that he hoped he would confine whatever he did to the making of a statement, explaining that in his judgment if he requested a vote the Soviet Union would be badly voted down on it.

The Ambassador did not indicate which course he would pursue at the plenary session.

The Secretary then suggested, in view of the fact that Lord Halifax would be in the chair at tonight's plenary session, that it would be advisable if the Ambassador called on Halifax and explained this situation to him. Mr. Raynor arranged this meeting with Halifax and the Ambassador left to go directly to see Halifax.

During the whole conversation the Ambassador was affable and seemed in a good mood, not giving the impression that this was a serious matter. The impression we had was that he was instructed to make a record in the plenary session and to stop at that point.

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500.CC/6-2645

*The Secretary of the Interior (Ickes) to the Chairman of the United States Delegation (Stettinius)*

WASHINGTON, June 26, 1945.

MY DEAR MR. SECRETARY: I have received a letter from Acting Secretary Grew, dated June 22, transmitting the text of a telegram for me which you sent to the Acting Secretary.[17]

On the basis of the language of the Trusteeship chapter which you quote, and on the basis of the information which Under Secretary Fortas has given me, it seems to me that you have indeed been able to take a very significant step forward.

Sincerely yours, HAROLD L. ICKES

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500.CC/6-2645

*The Secretary of War (Stimson) and the Secretary of the Navy (Forrestal) to the Secretary of State*

WASHINGTON, 26 June, 1945.

DEAR MR. SECRETARY: Under date of 23 June 1945 the undersigned have received from the Joint Chiefs of Staff the following communication:

[17] Message of June 22 from Secretary Stettinius to Secretary Ickes informed him of the latest developments with respect to a declaration of general policy respecting dependent territories and indicated that the Committee on Trusteeship had approved a revised section A which covered the points Secretary Ickes had raised (800.014/6-1245). For text of Secretary Ickes' message of June 8, see minutes of meeting of the United States delegation, June 8, 9:02 a. m., p. 1197.

"The Joint Chiefs of Staff have examined the enclosed draft text of the charter of the United Nations International Organization as furnished them by the military advisers at the San Francisco Conference. They are of the opinion that the military and strategic implications of this draft charter as a whole are in accord with the military interests of the United States."

It is our understanding that the draft text to which the Joint Chiefs of Staff refer is the text prepared in San Francisco by the Coordination Committee and the Advisory Committee of Jurists,[18] copies of which were enclosed in letters of 22 June 1945 [19] from the Acting Secretary of State to the Secretary of War and the Secretary of the Navy.

The Secretary of War and the Secretary of the Navy concur in the opinion of the Joint Chiefs of Staff quoted above relative to this draft text.

It is noted that at various places in the draft text provision is made for the negotiation of future agreements. It is assumed that wherever such agreements involve matters of military or strategic interest, such as the placing of territory in trusteeship, the composition and command of armed forces to be made available to the Security Council, regional arrangements, plans for the limitation of armaments, and the like, the War and Navy Departments will be actively consulted before any definitive action by this Government is determined upon.

Sincerely yours,

HENRY L. STIMSON JAMES FORRESTAL

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500.CC/6–2645

*The Secretary of State to President Truman*

WASHINGTON, June 26, 1945.

THE PRESIDENT: The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, a certified copy of the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed in San Francisco on June 26, 1945, in the

[18] Doc. 1159, CO/181, June 23, UNCIO Documents, vol. 15, p. 170.
[19] Letters not printed.

Chinese, French, Russian, English, and Spanish languages, by plenipotentiaries of the United States of America and forty-nine other nations.

Respectfully submitted, E. R. STETTINIUS, JR.

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[For text of the Charter, with the Statute and Interim Arrangements annexed thereto, reproduced photographically from the certified copy proclaimed by President Truman, see 59 Stat. (pt. 2) 1031, Department of State Treaty Series No. 993, or Department of State Conference Series No. 76 (publication No. 2368). For press release of August 8, 1945, concerning ratification of the Charter and annexed Statute by the United States, and deposit of instrument of ratification, see Department of State *Bulletin*, August 12, 1945, p. 214.

The signing ceremony took place in the Auditorium of the Veterans Building, beginning early on Tuesday morning, and the United States delegation appeared for signature of the documents about 3:10 p. m., with President Truman a witness to the ceremony. Immediately afterward, the delegation attended the final Plenary Session of the Conference at the Opera House which began at 3:30 p. m.

For addresses by Mr. Stettinius, presiding at the closing session, and by President Truman, see Doc. 1209, P/19, June 27, UNCIO Documents, vol. 1, pp. 658 and 679; also, Department of State *Bulletin*, July 1, 1945, pp. 3–6. For statement by Cordell Hull, Senior Adviser to the United States delegation, released to the press on June 26, see *ibid.*, p. 13.

In his *Diary* for June 26, the sixty-third day of the Conference, Mr. Stettinius described the conclusion of the closing plenary session as follows:

"I congratulated President Truman at the end of his speech, while the audience accorded him standing applause and he made a gesture of appreciation, opening his arms wide toward the audience. I then in a businesslike and prophetic manner announced that there would be a meeting of the Preparatory Commission at 11:00 the next day. I was told afterward that, while this statement was obviously a tremendous let-down from the previous tension of the meeting, it was quietly reassuring and inspiring, as giving a feeling of continuity now that the deliberations of the Assembled United Nations had once begun. Pausing a moment, I then said: I hereby declare the United Nations Conference on International Organization adjourned . . .—with a single heavy rap of the gavel . . .

"The band played the Star Spangled Banner, and then it seemed as if school was over and everybody was going home for vacation. . . ."]

## EFFORTS OF THE UNITED STATES IN THE PREPARATORY COMMISSION OF THE UNITED NATIONS TO EFFECT AN EARLY ESTABLISHMENT OF THE UNITED NATIONS ORGANIZATION; SELECTION OF THE UNITED STATES AS THE PERMANENT LOCATION FOR THE SEAT OF THE ORGANIZATION [1]

[The Preparatory Commission of the United Nations was called into being by the agreement regarding Interim Arrangements signed on June 26 by the governments represented at the United Nations Conference on International Organization (59 Stat. (pt. 2) 1411 and Department of State Executive Agreement Series No. 461), for the purpose of convoking the General Assembly, preparing provisional agenda for it and the several other organs of the United Nations, and in general formulating appropriate recommendations regarding organization and procedures for the establishment of the new international body. The first meeting of the Commission, held at San Francisco on June 27, and largely formal in character, referred to a 14-member Executive Committee the task of preparing a detailed report for the consideration of the Commission. The British Government, designated in the agreement as the host government, initiated arrangements to have the Executive Committee meet in London on August 9; this date was subsequently changed to August 16.

For additional information, see "Preparation for the General Assembly" in Department of State publication No. 2484: *The United States and the United Nations; Report of the United States Delegation to the First Part of the First Session of the General Assembly of the United Nations, London, England, January 10–February 14, 1946, Submitted to the President of the United States by the Secretary of State in Washington, D.C., March 1, 1946* (Washington, Government Printing Office, 1946), pages 1–5.]

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[1] The United Nations Secretariat, Department of Conference and General Services, has prepared two guides to the records of the Preparatory Commission: *Archives Reference Guide No. 1, Index to the Documents of the United Nations Preparatory Commission, 1945*, and *Archives Reference Guide No. 2, Index to the Documents of the Executive Committee of the United Nations Preparatory Commission, 1945.*

500.CC(PC)/8–1545: Telegram

*The Secretary of State to the Ambassador in the United Kingdom (Winant)*[2]

WASHINGTON, August 15, 1945—6 p. m.

6927. Preco[3] 30. Apart from question of officers of the Executive Committee (ExCom) of the United Nations Preparatory Commission (PreCo) (in Deptel 6914 August 14[4]), following is for your guidance in participating in major policy decisions of ExCom involving scope and order of its work:

1. It should be your consistent policy that in adopting rules of procedure, organization, etc., the organization and procedures of ExCom are not to be regarded in any way as a model for the Security Council. On the other hand, you should maintain the attitude in any preparations for the next meeting of PreCo that its organization and procedures should be similar to the General Assembly. ExCom procedures should be kept extremely flexible, avoiding, if possible, formalized or detailed rules of procedure and voting, relying instead upon negotiation and "no objection" method of agreement.

2. Since information now available on basis of special survey indicates sufficient ratifications may be available by mid-October to bring Charter[5] into force, it should be your general attitude that primary emphasis of ExCom activities should focus around the minimum number of tasks necessary to bring the United Nations Organization (UNO) into being. From a practical standpoint this means that ExCom attention should be centered on the organizational steps and procedures, including committee structure, necessary for the General Assembly (GA) to establish itself as an operating organ and to elect non-permanent members of the Security Council (SC) members of the Economic and Social Council (EcoSoC) and elective

[2] Addressed also to Benjamin O. Gerig, Principal Adviser to the United States Representative on the Preparatory Commission (Stettinius) and Alternate United States Representative. Mr. Stettinius, who was still in Washington, was represented at the first meeting of the Executive Committee on August 16 by Ambassador Winant; subsequently Mr. Gerig sat for Mr. Stettinius at working sessions until the latter's arrival on September 1.

[3] Preco and Copre were the code names for the series of telegrams received by the United States delegation to the Preparatory Commission, and sent by the delegation, respectively.

[4] Not printed. The question of the chairmanship of the Executive Committee was decided at the second meeting of the Committee on August 17, with acceptance of the principle of rotation among the Five Powers. It was also agreed at the August 17 meeting that the chairmanship would change after every fortnight. Mr. V. K. Wellington Koo, Chinese Representative on the Preparatory Commission, was elected the first Chairman.

[5] Charter of the United Nations and Statute of the International Court of Justice, signed at San Francisco, June 26, 1945; for text, see 59 Stat. (pt. 2) 1031, or Department of State Treaty Series No. 993.

members of the Trusteeship Council (TrustCo); for the SC so to organize itself as to be able during the first meeting of the GA to recommend a Secretary-General (SyG) for appointment by the GA and to make possible the election of judges of the International Court of Justice (ICJ). Emphasis on trusteeship matters should be placed on role of GA and SC and their relations with TrustCo rather than on agenda of TrustCo. Consideration of trusteeship matters in ExCom should be limited to procedures re approval of trusteeship agreements, examination of annual reports, petitions, periodic visits, and questionnaire as basis for annual reports. ExCom could also usefully examine question of temporary committee of GA to receive reports from mandate states following liquidation of Permanent Mandates Commission and pending ultimate disposition of mandated territories (separate telegram covering latter point being sent).

3. In view of key importance of the General Secretariat (Secyt) to successful organization and initial functioning of principal organs of UNO, recommendations concerning arrangements for Secyt should be quite detailed and carefully worked out so that its organization and mobilization of staff can proceed rapidly once the SyG is appointed.

4. Certain questions which fall within the scope of ExCom activities should not, in our view, be the subject of formal ExCom action until common agreement on them has been reached among the representatives of the United States, Great Britain, Soviet Union, China and France. These questions include the following: location of the headquarters of UNO; proposals for the person to be SyG; questions as to the admission of new members; and the relationship of particular specialized organizations and agencies such as ILO [6] to UNO. On some of these questions, unanimity of the permanent members of the SC is necessary under the Charter; on others such unanimity, while not mandatory, is highly desirable. Stettinius will be prepared to discuss these matters with British, Soviet, Chinese and French representatives on ExCom. Meanwhile, please inform them of the foregoing for their information and request their cooperation in keeping these questions off ExCom agenda at this stage. Please also inform those representatives that we feel further that questions of organization of Military Staff Committee and of military agreements under Article 43 should await the organization of the SC; that questions of specific countries to be chosen for non-permanent seats on SC and for seats on EcoSoC should be postponed until further developments; that questions of territories to be placed under trusteeship should not be discussed in ExCom and that question of trusteeship

[6] International Labor Organization.

agreements should be discussed only with regard to procedures for approval.

5. While ExCom has authority to prepare recommendations relating to all matters on the agenda of the principal organs of UNO, it should be your attitude that only those matters of an organizational character on the agenda should be dealt with by ExCom, leaving to the first session of PreCo the question as to which political or substantive matters should, in the light of conditions at that time, be recommended for these agenda, with the exception that we do consider that the substantive agenda of EcoSoC and such action as the assembly may wish to take with respect to such agenda should be an early project of ExCom.

6. ExCom recommendations for rules of procedure for SC should not be all inclusive but should cover only those points necessary for the SC to decide in order that it can establish and organize itself and develop its own rules of procedure. Therefore, these rules of procedure should not become the subject of debate in ExCom and you should insist firmly on this view. Moreover, it is now believed that neither ExCom nor PreCo should make detailed recommendations regarding organization or agenda of SC. Not only would this tend to restrict in fact freedom of action of SC once organized, but SC will be in continuous session and therefore capable of establishing its own agenda after its first meeting.

7. We wish to avoid participating in decisions as opposed to discussions, among representatives of League of Nations members on ExCom as to the manner in which League affairs should be liquidated. We must, of course, take full part in ExCom consideration of the manner in which League activities, assets, etc. will be taken over by UNO.

8. The proposed organization of ExCom into eight sub-committees (your 7519, July 26, 11 AM[7]) appears satisfactory with the qualification as to primary emphasis of ExCom attention as stated in paragraphs 2, 3, 4 and 5 above. We may send you later our suggestions as to topics which should be given priority in the discussions of these sub-committees. We repeat our recommendation, however, for a separate sub-committee on ICJ, unless other arrangements are being made for handling the problems involved in ensuring prompt establishment of the Court.

9. In view of the large number of problems that will be under ExCom consideration, more detailed instructions regarding this Government's policy on the various points to be discussed will not be forwarded at this time. Please report on such points as rapidly as

[7] Not printed. The number of sub-committees was later changed to ten.

ExCom is organized and inform us of the specific problems which will, in the near future, require policy decisions.[8]

10. This telegram is being repeated to AmEmbassies Moscow (as No. 1839), Paris (as No. 3861) and Chungking (as No. 1263) for their information and for reports of developments or reactions coming to their attention which they should repeat directly to London for U.S. representative on PreCo.

BYRNES

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IO Files, Lot 60–D224 : Box 89

*Memorandum Prepared by the United States Representative on the Preparatory Commission (Stettinius)*

[WASHINGTON, August 23, 1945.]

MATTERS TO BE REVIEWED WITH THE PRESIDENT AND SECRETARY BYRNES

(1) *Time and Place of the Organization Meetings of the General Assembly, the Security Council, and the Economic and Social Council*

The necessary ratifications of the Charter may be deposited by early October, thus making it possible to set November 15 as the target date for the organization meetings of the General Assembly, the Security Council and the Economic and Social Council. It is recommended that the United States urge the necessity for speed, and propose this target date.

It is also recommended that the organization meeting of the United Nations be held in London. The choice of any other location would cause some delay.

(2) *Location of Permanent Headquarters of the United Nations*

It appears that a majority of the United Nations may be in favor of the permanent headquarters of the organization being in the United States. Russia and China have so advised us. France, Australia, New Zealand, and the Netherlands have given similar indications informally. The Latin Americans and Near Eastern countries will almost all favor the United States. Great Britain apparently favors Europe.

I favor the United States as the permanent location and recommend that my instructions be to state informally to my colleagues in London that the United States would be glad to become the host to

[8] No attempt has been made here to develop a detailed documentation on the many issues described herein, of importance in their technical aspect to the fulfillment of the organizing task of the Preparatory Commission and on which the United States necessarily had to adopt a position.

the United Nations if that is the desire of the other countries; that no effort should be made initially, at least, to enlist support for the United States as the seat of the Organization; that we should propose that the Assembly and other organs of the United Nations should meet in various parts of the world from time to time.

(3) *Selection of Non-Permanent Members of the Security Council*

The following slate is recommended for the first three elections as a basis for negotiations in London:

| *First Year* | *Second Year* | *Third Year* |
|---|---|---|
| Brazil | Brazil | Peru |
| Canada | Canada | Australia |
| Netherlands | Netherlands | Belgium |
| Poland | Czechoslovakia | Czechoslovakia |
| Egypt | Turkey | Turkey |
| Venezuela (or | Mexico (or | Mexico (or |
| Mexico | Venezuela | Venezuela |

(4) *Selection of Members of the Economic and Social Council*

It is recommended that two principles be agreed upon: first, that States elected as non-permanent members of the Security Council should not also be elected members of the Economic and Social Council; second, that about ten of the most important economic countries, and about eight countries of high social achievement would make the best composition of membership.

The following tentative slate for the first election is recommended as a basis for negotiations in London:

| | |
|---|---|
| United States | Denmark |
| U.S.S.R. | Chile |
| United Kingdom | Australia |
| China | Iraq |
| France | Czechoslovakia |
| India | Ukrainian S.S.R. |
| Colombia | Mexico |
| Greece | Uruguay |
| Belgium | Turkey |

(5) *Procedure for Selecting the President of the Security Council*

I recommend that the United States favor the rotation of the Presidency among all the members of the Security Council on a monthly basis. Rotation among the Big Five only would emphasize unduly the position of the Great Powers on the Council.

(6) *Selection of the President of the Preparatory Commission and the President of the First General Assembly*

It is recommended that Czechoslovakia be given the Presidency of the Preparatory Commission and that Norway be given the Presidency of the first General Assembly.

(7) *Selection of the Secretary-General*

The Secretary General should, if possible, not be a national of one of the Big Five; he should be chosen because of his qualifications. It is recommended that our first choice should be Mr. Norman A. Robertson, Under Secretary of State for External Affairs of Canada. Other possibilities are: Ambassador L. B. Pearson, Canada; Mr. Adrian Pelt, Netherlands; Mr. Stanley M. Bruce, Australia; Mr. D. D. Forsyth, South Africa; and Mr. C. Parra Perez, Venezuela.

(8) *Admission of New Members of the United Nations Organization*

It is recommended that no action should be taken at the organization meeting of the United Nations to admit new members, and that this matter be postponed until the first annual meeting of the General Assembly.

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10 Files, Lot 60–D224 : Box 89

*Memorandum by Mr. Charles P. Noyes, Assistant to the United States Representative on the Preparatory Commission (Stettinius)* [9]

[WASHINGTON,] August 24, 1945.

The President, Mr. Byrnes and Mr. Stettinius covered the following points at their meeting August 23 at 4:40:

Stettinius presented his memorandum [10] entitled "Matters to be Reviewed with the President and Secretary Byrnes", covering eight points. The President and Mr. Byrnes spent some time going over these points. They were generally satisfied with all recommendations.

Mr. Byrnes made the point that he thought that having the United States, Canada, Brazil and Venezuela (or Mexico) on the Security Council at the same time was somewhat unbalanced since they were all from the Western Hemisphere. He thought we should think this out further.

In regard to the location of the permanent headquarters, the President said he definitely thought it should be in the United States, and Stettinius was authorized to say in London that we would be willing to have it in the United States if the majority of the other countries would like to have it here. The President said he thought the permanent seat ought to be in Philadelphia, the City of Brotherly Love, in view of the history and tradition surrounding it. Nothing was decided on this point. Stettinius pointed out that certain political

[9] Addressed to Leo Pasvolsky, Special Assistant to the Secretary of State; Alger Hiss, Director of the Office of Special Political Affairs; and John C. Ross, Deputy Director of the Office of Special Political Affairs.

[10] Dated August 23, *supra*.

officers of the State Department thought it should be in Europe.[12] Mr. Byrnes said he would give them a fair hearing but himself leaned towards the United States.

The President seemed receptive to the idea of the migration of meetings of the Assembly. Byrnes was not so strongly against the idea as he was earlier in the day. It was left that the matter would not be decided now but that we would be open-minded on the whole matter and continue to study it here and in London, and decide our position later. It was by no means a closed matter that we would be willing to have the first five meetings of the Assembly rotated in the five major countries.

Mr. Stettinius asked whether the President and Mr. Byrnes knew Adlai Stevenson; he said he thought he would be an excellent man for him to take to London as his deputy and first assistant. The President and Byrnes both agreed, and Byrnes said he would be delighted to put the papers through immediately.

Stettinius told the President he would be back in Washington probably within five or six weeks for consultation. The President said to return whenever ERS felt it necessary.

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500.CC(PC)/8–1545 : Telegram

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

WASHINGTON, August 24, 1945—6 p. m.

7252. Preco 40. For the Ambassador and Gerig. Re para. 4 your 8273 (Copre 26)[13] Department suggests you may wish to communicate informally to Noel-Baker and other colleagues in your discretion fol-

[12] A memorandum of August 22, 1945, by John Hickerson, Deputy Director of the Office of European Affairs, concurred in by H. Freeman Matthews, Director of that Office, to the Secretary of State, stated reasons for favoring locating the United Nations headquarters in Europe rather than in the United States. In essence the reasons were: (1) The headquarters should be in the territory of a state other than one of the "Big Five," otherwise the state in which it was located would be suspected of exercising too much control over the organization; (2) location in the United States would tend to give the impression that the United Nations Organization was "an American affair"; (3) Europe has been traditionally the trouble center and headquarters should be near the trouble zone; (4) if located in the United States there will be a tendency in this country to say: "Oh yes, Stalin agreed to give the United States its world organization but took care to see to it that it was moved to an ivory tower in the United States far from the scene of the strife where it would not interfere in any way with his writing his own ticket in Eastern Europe;" (5) the location in the United States would tend to promote a European regional organization; and (6) the interest of the American people is sufficiently strong for our Government to give its full support to the organization irrespective of where the headquarters may be located. (IO Files, Lot 60–D224, Box 89, USPC Gen. 8)

[13] Not printed; in paragraph 4 it was stated that the British Representative on the Preparatory Commission (Noel-Baker) felt that consultations among the Five Great Powers should be held to a minimum (500.CC (PC)/8–1545).

lowing considerations supplementing views on desirability of informal agreement among the Five set forth in para. 4, Preco 30 (*b*), Deptel 6927, August 15, 1945.

1. It seemed evident at San Francisco that smaller powers agreed to special position of great powers because of the prospect of and need for unanimity among the latter, especially in matters of security. Unanimity of the Five, on which the success of the Organization largely depends, will in our opinion best be achieved by informal consultations.

2. Other nations desire to see unity among the Five and find the necessity of making a choice between two or more views expressed by a disunited Five most embarrassing and distressing due to the obvious political implications. You may also recall that there was some expression from the smaller powers at San Francisco that they considered the voting procedure of the Security Council as emphasizing need for unanimity rather than the granting of a veto power as such.

BYRNES

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500 CC(PC)/8–2745 : Telegram

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

LONDON, August 27, 1945—7 p. m.
[Received August 27—4:55 p. m.]

8727. In answer to your 7252 (Preco 40) I met today with Mr. Noel-Baker and Ambassadors Koo, Gromyko and Massigli.[14] The advisability of holding informal meetings of the representatives of the five powers was accepted and approved although [Noel-] Baker in spite of strong support of others was somewhat reluctant to recognize the need of such meetings. It was agreed that the procedure for meeting would be by the call of the chairman at the request of any one of the four other delegates.

Reference Copre 30. All the delegates of the Five Powers have agreed to accept the principle laid down in the first sentence of paragraph 4 your Preco 33 [*30*], Department's 6927, August 15 and accept the four points enumerated in your second sentence.

They are also postponing a discussion of these subjects until Mr. Stettinius arrives.

Your two points mentioned paragraphs 1 and 2 of Preco 40 although resisted by [Noel-] Baker were appreciated and understood by others present.

WINANT

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[14] V. K. Wellington Koo, A. A. Gromyko, and René Massigli, were, respectively, the Chinese, Soviet, and French Representatives on the Preparatory Commission.

500 CC(PC)/9–545 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 5, 1945—8 p. m.
[Received 10:10 p. m.]

9076. Copre 64. I have had several preliminary conversations since my arrival. There has been no meeting of the Executive Committee as yet [15] and the next meeting will be on Friday. I am summarizing for your information the gist of my conversations and am forwarding memo by pouch.

I called on Ernest Bevin [16] with Ambassador Winant and explained to him our view that with the coming of victory earlier than expected and the likelihood of receiving the necessary ratifications to the Charter early in October we should set a target date for an organization meeting of the General Assembly on or shortly after November 15. I explained that our thought was that this should be solely an organization meeting and that the first full plenary meeting of the General Assembly should be held next spring. Mr. Bevin said he thought that sounded reasonable. We also discussed the question of the permanent location. I told him that our position was that if the United Nations desired to have the permanent location within the US as one of them had indicated, we would be perfectly willing to have it there and were prepared to issue an invitation to that effect. Bevin had not given the matter any thought but agreed to give it prompt attention. Bevin said he was prepared to take a strong stand against the Russians on the question of whether the International Labor Office should be brought into relation to the United Nations. He also felt that it was quite improper for the World Trade Union Conference as a private organization to have any formal relationship to the United Nations.

I had two long talks with Sir Alexander Cadogan [17] and discussed with him at length both the matter of the time and place of the first Assembly and the location of the permanent headquarters. Cadogan is thoroughly in accord with our idea of speeding up the work of the Executive Committee and preparing to hold an organization meeting of the Assembly as soon as possible after the necessary ratifications are in. I told Cadogan in confidence of our position regarding the location. He indicated a preference for Europe believing that the US and specifically San Francisco was not sufficiently accessible. He prefers Geneva but agreed that if the Russians would not accept Ge-

[15] i.e., since the arrival of Mr. Stettinius in London.
[16] British Secretary of State for Foreign Affairs.
[17] British Permanent Under Secretary of State for Foreign Affairs and British Alternate Representative on the Preparatory Commission.

neva as a practical matter there is no other place in Europe at this time. Cadogan felt that it was important that the Foreign Ministers attend the meetings of the Security Council when important subjects were to be discussed and that therefore headquarters should be located in Europe.

I told Cadogan that the Russians and Chinese and certain countries had expressed a desire for the location in the US. I told him of my conversation with Gromyko in San Francisco. He said that Molotov [18] had a private conversation with him at Potsdam and had stated his definite opinion that the location should be the US and specifically San Francisco. We discussed the possibility if no agreement appears to be possible in the near future of postponing the final decision on this question until the first plenary session of the Assembly which might meet in San Francisco, for example, next spring. In such case the various councils and the secretariat could meet in San Francisco in January. Cadogan appeared to like this suggestion.

I had a talk with Gladwyn Jebb [19] and he also thought well of the idea of holding an early organization meeting of the Assembly in London this fall.

Mr. Bianchi, the Chilean delegate to the Executive Committee, and Mr. Freitas Valle, the delegate from Brazil, called on me separately. They both expressed the hope that I would do all in my power to speed things along. I told them of our program for holding an organization meeting this fall and explained our view in some detail. I said that I planned to make this proposal at the next meeting of the Executive Committee. They agreed entirely with this program and said that they would back me up.

As to the permanent site of the organization, the first choice of each was Geneva. They did not believe the Russians would retreat from their opposition to Geneva and said their second choice was San Francisco.

In discussion at luncheon today with Prime Minister Attlee he stated that there was nothing more important in his mind at the present time than for us to speed along with the organization of the United Nations and particularly the establishment of the Security Council so it could start functioning early next year. The Prime Minister stated that he had given the matter of permanent location a great deal of thought and that he felt definitely that the headquarters should be in Europe and that he thought Copenhagen would be a good choice.

I am having dinner with Ambassador Koo tomorrow evening.

[18] V. M. Molotov, Soviet People's Commissar for Foreign Affairs.
[19] Counsellor, British Foreign Office.

(*b*) Don't believe we are going to have any difficulty in getting the Executive Committee to accept our proposed time schedule and the majority of the delegates will welcome our leadership.

[STETTINIUS]

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500 CC(PC)/9–745 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 7, 1945—11 p. m.
[Received September 7—8:45 p. m.]

9207. Copre 70. Ambassador Gromyko called on me September 5 to discuss the work of the Executive Committee. I proposed that we should speed up the work of the Executive Committee and outlined to him our proposal for holding an organizing meeting of the Assembly around the middle of November.

The Ambassador's reaction was favorable. He thought the work here had dragged and that the committees were attempting to go into too much detail. He felt there was no reason why the work could not be speeded up and finished in a few weeks and that the Preparatory Commission should take no longer than 5 or 6 days.

He did not commit himself regarding a meeting of the Assembly immediately following the Preparatory Commission. He agreed to the idea of an organizing meeting of the Assembly. He also agreed that the Security Council should get to work in January and that a full dress plenary session of the Assembly should be held next spring.

He stated that his Govt had not changed their position regarding the permanent location and that if we proposed that it should be in the US, the Soviet Union would endorse our proposal. I explained to him that we were not seeking the site within the US but that if the majority of the United Nations desired it to be there we were ready to extend an invitation. He felt sure that the majority of the United Nations would prefer to settle in the US and highly praised San Francisco. I attempted to find out whether the Soviets would object to returning to Geneva. The Ambassador avoided any definite statement but he implied that the Soviets did not favor Geneva.

He was concerned that there have been no 5 power conversations here. I told him I had discussed this with Bevin and Noel-Baker and that they now agreed that informal exchanges of views among the Big Five would be satisfactory from time to time. He was pleased.

Ambassador Koo and I had dinner together on Sept. 6. I explained to him in some detail our proposed program for holding an organizing meeting of the General Assembly and a full dress plenary meeting next

spring. He agreed wholeheartedly with the proposal and said he would back me up in the Executive Committee. He thought that if we decided to have only an organizing meeting of the Assembly this fall there should be no difficulty in speeding up the work of the Executive Committee and the Preparatory Commission so that we should be ready by the middle of November. On the matter of permanent location he said that his Govt was strongly in favor of the US and would be very pleased if San Francisco were chosen.

[STETTINIUS]

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500 CC(PC)/9–1345 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 13, 1945.
[Received September 13—4:38 p. m.]

9400. Copre 91. For Hiss. 1. At ExCom meeting today I introduced the following resolution, a revision of a preliminary draft that we introduced and that was informally discussed at the previous meeting of ExCom.

"The Executive Committee of the Preparatory Commission of the United Nations convinced of the urgent need for permanent machinery through which the nations of the world can solve their international problems peacefully and in the common interest recognizing that such machinery is within their reach in the Charter of the United Nations and believing that no time should now be lost in establishing the United Nations hereby agree:

(1) To urge those signatories of the Charter that have not yet deposited their ratifications with the Government of the United States of America to take promptly whatever steps are necessary to this end;

(2) To conclude the work of the Executive Committee by October 15 if possible and not later than November 1.

(3) To convoke the Preparatory Commission on or about November 1 and not later than November 12 provided the necessary ratifications have been deposited as required by the Charter.

(4) To recommend to the Preparatory Commission that the General Assembly should be convoked in London in its first meeting as soon as possible after the meeting of the Preparatory Commission and if possible not later than December 1.

(5) To propose that the first meeting of the General Assembly should be primarily organizational in character but prepared to refer urgent world problems to the organs of the United Nations established at this first meeting of the General Assembly.

(6) To propose that the organs of the United Nations proceed promptly to organize themselves and undertake their respective tasks.

(7) To propose that the first annual plenary meeting of the Assembly should be convened as early in 1946 as the organization and work of the several organs of the United Nations permit."

2. Discussion of paragraph 4 was postponed until a later meeting. Discussion centered on paragraphs 5, 6 and 7 for which the following revision developed in the course of discussion chiefly on the initiative of Nervt [*Nervo?*] [20] and Reid: [21]

"To recommend to the Preparatory Commission (*a*) that the first session be divided into two parts (*b*) that the first part should be primarily organizational in character but prepared to refer urgent world problems to the organs of the United Nations which shall have been established during this first part of the session of the General Assembly (*c*) that the Assembly would then adjourn in order to allow the organs of the United Nations to proceed promptly to organize themselves and undertake their respective tasks (*d*) that the second part of the first session of the General Assembly should be convened as early in 1946 as the organization and work of the several organs of the United Nations permit."

The sense of the discussion was that "organs of the United Nations" in paragraph 5(*b*) includes committees or commissions of the General Assembly. We are prepared to vote for this revision. Gromyko proposed that a statement be added to establish that temporary committees and commissions of General Assembly would carry out during the period of adjournment only work which they would normally carry out in the course of any General Assembly meeting. He is apparently afraid that a General Assembly committee might assume functions properly within the scope of the sub-committee. It was agreed that a small sub-committee on which we will serve will attempt to prepare a draft statement satisfactory to Gromyko but that in any case a vote on the revised paragraphs 5, 6 and 7 will take place at the beginning of the next meeting of ExCom on Monday.

Committee 2 sub-committee and Committee 4 TrustCo will begin work tomorrow. Committee 7 Budget will probably begin work early next week.

[STETTINIUS]

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500 CC(PC)/9–1445 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 14, 1945—8 p. m.
[Received 11:40 p. m.]

9437. Copre 97. It was evident after the ExCom meeting on Monday that no agreement would be reached on the time and place of the first meeting of the General Assembly unless urgent steps were taken. I called in Ambassadors Koo and Gromyko and spoke to Massigli and Noel-Baker separately in an effort to reach agreement between

[20] Luis Padilla Nervo, Mexican Representative on the Preparatory Commission.
[21] Escott Reid, Canadian Alternate Representative on the Preparatory Commission, at this time.

ourselves before the ExCom meeting yesterday. It was clear Monday at ExCom meeting that Noel-Baker was stalling on this question. He has told me that he was not sure the British could hold the constituent meeting in London, and that he was anxious to hold a final meeting of the League Assembly in Geneva during December and the first meeting of the General Assembly of United Nations Organization in January, also in Geneva.

I do not believe it is possible to hold a meeting of the General Assembly in December except in London. We therefore have had to consider the possibility of postponing the meeting of the General Assembly until January at some location other than London.

I reviewed this matter with Koo and Gromyko together and we agree that there were only two acceptable alternatives: 1, that the General Assembly should meet around December 1st in London: or 2, that it should meet early in January in the United States. Koo and I preferred the former, Gromyko preferred the latter, but seemed ready to withdraw his objection to London, if urged.

Noel-Baker advised me that he would not be prepared to reach a decision between these two alternatives for 2 weeks. I told him this was not satisfactory and later asked Massigli to postpone the meeting of ExCom arranged for yesterday morning and to call instead an informal meeting of the Big Five to thrash out this problem in a frank discussion. Noel-Baker strongly resisted in a Big Five meeting on the grounds that he had not been able to get a decision from Mr. Bevin, and I finally gave in on the understanding that he would be prepared to reach a decision on these two questions within 3 or 4 days.

At the ExCom meeting yesterday, by agreement, we postponed until Monday discussion of the time and place of the first meeting of the General Assembly (reference our Copre 91).

We feel that Noel-Baker's plan for a full dress final meeting of the League in December in Geneva, followed within 2 or 3 weeks by the first meeting of the General Assembly also in Geneva, would be a mistake. In preliminary discussions, I have, without formally objecting to it, indicated this view. I would prefer to see the League pass away quietly and with dignity, and doubt that any apology for the expulsion of the Soviet Union would make them more amenable to Geneva. A highly publicized full dress final meeting of the League in Geneva would detract from United Nations Organization and if followed by the first meeting of the General Assembly in Geneva might invite cynical comment and do United Nations Organization positive injury at home.

I discussed this matter with Secretary Byrnes[22] who agreed with this view generally. I propose therefore in future discussions to try

[22] The Secretary of State was in London at this time, attending the meetings of the Council of Foreign Ministers.

to prevail on the members of the League to avoid this policy. I also propose, in case it is not agreeable to hold the organizing meeting on United Nations Organization in London in December, to work against Geneva and toward holding the meeting in the United States in January. In such case, it probably would be desirable to hold the full dress meeting of the General Assembly at the same place and for the permanent organs to remain there during the interval. I do not plan to urge openly the United States as the location at present. Secretary Byrnes agrees with this plan. I expect to have the support of at least the Chinese, the Russians and the Australians in this. If the Russians, as I expect them to, take a strong position against Geneva, I expect almost unanimous agreement to hold the first meeting in the United States, without prejudice to the final determination of the permanent headquarters.

There has been some talk of not attempting to settle finally the permanent headquarters until the spring meeting of the General Assembly. I am not opposed to this decision, but favor reaching it as a compromise after we have discussed the question sufficiently to get a clear idea of what the issues are and how the countries probably will line up.

We would welcome any comment you may have on the above.[23]

STETTINIUS

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500.CC(PC)/9–1245 : Telegram

*The Acting Secretary of State to the United States Representative on the Preparatory Commission (Stettinius)*

WASHINGTON, September 18, 1945—1 p. m.

8081. Preco 80. Reurtel paragraph 2, your 9353, Copre 77, September 12.[24]

1. Our approach to the problem of the selection of SyG and the determination of his tenure of office is based upon our strong conviction that SyG should be a national of a middle or small power.

2. We attach great importance to securing for the position a man of highest ability who will be wholeheartedly devoted to his service as the chief administrative official of the United Nations and the head of its international secretariat. The position of SyG should be considered one of such importance and dignity and prestige as to attract an outstanding man.

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[23] In telegram 8064 (Preco 82), September 17, 7 p. m., the Acting Secretary of State indicated that the Department agreed "generally" with the points made in this telegram, while cautioning against pressing the British "unduly" with regard to a meeting of the General Assembly in London, in light of the "material difficulties" confronting them (500.CC (PC)/9–1445).

[24] Not printed.

3. Different individuals of the type we want are likely to have different preferences as to tenure. One man might be willing to interrupt his national career for only a minimum term of office; he might be the best man available and he might be very definitely needed for such minimum term. Another man might be willing or prefer to make a life career of the job and would presumably find a longer term more attractive. We believe subcommittee should bear in mind that provisions being prepared now for submission to GA will be merely regulations of GA and as such will be subject to future amendment by the Assembly in the light of experience. We are inclined to believe that a term of 3, 4, or 5 years would best meet these opposing considerations and somewhat prefer 4-year term. Having in mind continuity of administration, we believe no limit should be placed on reelection. However, reurtel paragraph 1, 9432, Copre 95, September 14,[25] we would be willing to accept the 5-year term renewable for 5 years as recommended by Committee 6 if, in your judgment, our preferred position would not be generally acceptable.

4. In view of our position that SyG should be a national of a middle or small power, we do not attach importance to having provision imposing disability to resume national office in his own country. With this in mind you should oppose such a provision. It is assumed that a retiring SyG would thus be free to use his own judgment concerning the propriety of assuming any particular position in his own government after the end of his term as SyG. Pension provisions should be adequate to prevent financial need from being a necessarily determining consideration in his decision. If the basic assumption concerning the nationality of SyG should subsequently be changed, the above position regarding a disability provision would have to be reconsidered since we would consider the imposition of such a disability essential if SyG were a national of a great power.

5. In your discretion you may in further committee discussions state the above position on this whole matter.

ACHESON

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500.CC(PC)/9–1945 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 19, 1945—2 p. m.
[Received September 20—9:40 a. m.]

9652. Copre 119. I invited the representatives of the Big Five to tea on Monday for an informal discussion of several of the important

[25] Not printed.

problems which lie ahead of us. At the meeting Noel-Baker renewed previous expressions of disapproval of preliminary efforts to reach Big Five agreement. Although not opposed to informal talks, he took position that other states would resist and resent Big Five direction; that final decisions must be made in the organs of UNO and that the other states did not want to be bound by any previous Big Five agreements. I believe we overcame some of his doubts and that he will agree to further meetings on a discussion basis. I placed before the group the following list of 9 questions with the statement that these were questions which I thought we might want to discuss among ourselves at an early date.

1. Presidency of PreCo.
2. Presidency of GA (General Assembly).
3. Selection of non-permanent members of SC (Security Council).
4. Selection of members of EcoSoC (Economic and Social Council).
5. Method of selection of president of SC (Security Council).
6. SyG (Secretary General).
7. Admission of new members at the organized [*organizing?*] meeting.
8. Organization of MSC (Military Staff Committee).
9. Permanent headquarters of the organization.

We had a preliminary discussion on the first six of these items without attempting to go into any detail or to reach conclusions. The main points of interest were as follows: Item 1. There seemed to be agreement that the representative of one of the smaller nations should be chosen, probably one of the nations represented on ExCom (Executive Committee). Item 2. Noel-Baker stated that the choice should be based on qualification as presiding officer rather than nationality. Items 3 and 4. There was general agreement that an effort should be made to avoid seating smaller nations on both Councils at the same time, and on the criteria for choosing members of these two Councils along the lines discussed with you in Washington before we left. Item 5. There was general agreement that the presidency must rotate at specified intervals. There was no discussion of whether the rotation should be among the five or among all eleven. Item 6. It was generally agreed that the Big Five must choose their nominee for SyG (Secretary General) several weeks before the GA (General Assembly) meeting so that there would be an opportunity to sound him out to be sure he was available. Also that we should avoid if possible any debate and therefore should attempt to assure general agreement beforehand by informal discussions.

STETTINIUS

500.CC(PC)/9–2045 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 20, 1945—11 a. m.
[Received 9:05 p. m.]

9702. Copre 126. Please transmit the following message to the President as from me:

In accordance with your instructions I have succeeded in getting the Executive Committee of the Preparatory Commission of the United Nations to approve our proposed time schedule for speeding up its preparatory work and bringing the United Nations into being in 1945. Executive Committee has set October 15 as target date to complete its work. Preparatory Commission will be called after interval of two weeks and not later than November 15. Organizing meetings of General Assembly, Security Council and Economic and Social Council will be held for practical reasons in London shortly after Preparatory Commission completes its work and not later than December 4. Plan is to complete organization work in December and adjourn Assembly before Christmas to meet again in the spring. I am urging that Councils and Secretariat should move in January to permanent headquarters to start work and prepare for spring Assembly meeting there. I am not certain that the Russians and British will wholeheartedly cooperate in driving through to meet this time schedule. The Russians were opposed to meeting in London preferring that the Assembly should meet in the United States in January. There were indications that the British preferred a meeting in January in Geneva which would have the added advantage from their point of view of permitting the League of Nations to hold a full dress final meeting in Geneva in December without any competition. They both consented to our proposal reluctantly.

I believe our leadership on the time schedule has been valuable and has put new life into the work of the Executive Committee. With good will I believe we shall be able to meet this schedule.

I have had preliminary discussions regarding the permanent headquarters of the organization. The Russians, Chinese and Australians are strongly in favor of the United States. There are indications that the British may make a fight for Geneva or at least for some place in Europe. If the Russians strongly resist Geneva as I suspect they will I believe there will be a general swing towards the United States. This is the biggest political question for most of the delegations here.

I plan to return home around October 15 for consultations during the two-week interval before the Preparatory Commission meets.[26]

STETTINIUS

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500.CC(PC)/9–2845 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Acting Secretary of State*

LONDON, September 28, 1945—8 p. m.
[Received September 28—6: 15 p. m.]

10109. Copre 169. We held our second informal meeting of the Big Five at Ambassador Gromyko's apartment on Sept. 26 at which time several matters were discussed.

1. The British stated a preference for the President of the Security Council to be selected for competence and ability with right of re-election rather than rotation. After some discussion all the others except Noel-Baker favored rotation. There was difference of opinion on interval: Noel-Baker urging 6 months, Massigli 3 months and Gromyko and I, 1 month. No agreement was reached. Gromyko agreed to rotation among all eleven members and this was accepted by the others except Noel-Baker with suggestion that first President be selected by lot.

2. Gromyko urged that the Secretariat be set up to parallel the permanent organs rather than on the functional basis which is being discussed in Committee 6. This will be taken up in the Committee.

3. It was generally agreed that in the selection of Secretary General competence and ability should be the primary criteria. I urged that Secretary General should not be a national of the country chosen as the site and this was generally agreed. Noel-Baker urged that the first Secretary General be a national of one of the great powers preferably the United States.

4. We had long and frank discussion of the permanent headquarters. Noel-Baker made an emphatic statement of the advantages of Geneva saying it would be the preference of his Govt. He suggested postponing the final decision and reaching an agreement on Geneva as temporary headquarters for this coming winter and the spring meeting. He referred to its excellent facilities, pointed out that Swiss politics would not influence United Nations Organization, that al-

[26] The following message from President Truman was cabled to Mr. Stettinius in telegram 8711, October 2, 7 p. m.: "I am pleased to see from your message of September 20 that you have succeeded in persuading the Executive Committee of the Preparatory Commission of the desirability of early organization meetings of the principal organs of the United Nations. I agree that it will be helpful for you to return home around October 15 for consultations with me and the Department." (500.CC (PC)/9–2045)

though they would probably not come into United Nations Organization soon they were anxious to reestablish cordial relations with the Soviets and would probably be prepared to make good arrangements regarding immunities.

Ambassador Koo said Geneva invoked many unhappy memories of the League which had disappointed the hopes of the Chinese people and the world. He felt that prevailing consideration must be that we are setting up a new world order and that it should start in the new world. San Francisco would be entirely acceptable, he said.

Massigli strongly favored Europe as it will be the source of economic and social trouble for a long time. He objected to the site being in the territory of a great power. He mentioned the difficulty of dollar exchange shortage if the United States were chosen. He suggested a site in Europe on the line between east and west perhaps Copenhagen or Vienna.

Gromyko stated that he was "definitely negative towards Geneva" (he told me privately afterwards that this remark applied to Europe as well). He said the Soviets prefer the United States which is located between Europe and Asia.

I stated again that we were not seeking the headquarters but were ready to extend an invitation if the majority of the United Nations so desire. I suggested that we should reach a decision soon as to where the Councils should go to work in January and at my request it was agreed to hold a special executive session of ExCom on Saturday morning to discuss this entire matter.[27]

[STETTINIUS]

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500.CC(PC)/10–345 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to President Truman and the Secretary of State*

LONDON, October 3, 1945.
[Received October 3—2 : 45 p. m.]

10304. At meeting this afternoon which lasted 4 hours the Executive Committee agreed to recommend to the Preparatory Commission of the United Nations that the permanent headquarters of the organization should be located in the United States. The vote was 9 to 3 with Canada and the United States abstaining. The three negative votes were United Kingdom, France and Netherlands. Those in favor were

[27] For statement regarding this meeting, released to the press by the Preparatory Commission on September 29, see Department of State *Bulletin*, October 14, 1945, p. 562.

Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, USSR and Yugoslavia. It was not necessary for me to go beyond our agreed formula that the United States was not seeking the headquarters but would be willing that it be located in the United States if the United Nations so desired. I abstained for obvious reasons.

There was considerable sentiment in favor of San Francisco led by Australia and China. I pointed out there were other available locations in the United States. Specific place will be discussed further.

Full report will be sent later.

STETTINIUS

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500.CC(PC)/10–545 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to President Truman and the Secretary of State*

LONDON, October 5, 1945—6 p. m.
[Received October 5—4:15 p. m.]

10393. Copre 199. Have sent Department full report on Wednesday's meeting of the Executive Committee of Preparatory Commission at which recommendation of US for permanent site was decided upon. Executive Committee will meet soon to discuss particular city in US but I doubt if discussion will produce a final decision at this time.

I think it is important that I be authorized to state that it is up to the United Nations themselves to decide the specific location in the United States they will choose as their permanent headquarters. While the suggestion has been made that it should be left largely to the US, I feel that the majority of the United Nations would want to make the decision themselves and that it might be embarrassing for us to attempt to control the decision. I presume you would prefer to place responsibility on the United Nations in any case in order to avoid political difficulties for yourself. You may also consider it advisable to make a statement to this effect in Washington.[28]

Unless you have other views I propose to steer discussion at such meeting away from choice of a particular city with a view to leaving that decision to the General Assembly in December. I propose also to suggest that the US will gladly furnish to the Preparatory Commission and the General Assembly full information on any places which they care to consider. I propose furthermore to support a proposal that the Executive Committee send a subcommittee to the

[28] In telegram 9027 (Preco 185), October 11, 4 p. m., Mr. Stettinius was informed that he was fully authorized to make such a statement. He was further informed that the President had made statements regarding the question of location at his press conferences on September 26 and October 3. (500.CC(PC)/10–545)

US soon to consider proposals from the interested cities and places. In our consideration of permanent location in US, we must bear in mind that organization should move to temporary quarters in January pending availability of suitable facilities at permanent site. Such temporary quarters should be in same location as permanent location if possible.

We are making splendid headway in our work. It is now likely that we will complete work of Executive Committee within 2 weeks and I shall immediately return to Washington for a period of consultation with you, planning, of course, to return to London in November for the full meeting of the Preparatory Commission and remaining in London for the constituent meeting of the Assembly in December.

STETTINIUS

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500.CC(PC)/10–945 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Secretary of State*

LONDON, October 9, 1945—8 p. m.
[Received 11:58 p. m.]

10541. Copre 223. Representatives of the Big Five met at my apartment at my request yesterday afternoon primarily to discuss candidates for Secretary General.

1. I urged that we begin to consider specific candidates among the Big Five immediately. It was necessary for the Five to agree before the Security Council could act. I stated that as a practical matter it was essential to prepare the ground carefully between now and December 4 in order that the United Nations choice of Secretary General might be ready to take up his duties immediately. I said that I was prepared to discuss specific names and hoped that the others were. I then put forward the names of Parra Perez,[29] Pearson,[30] Casey,[31] Robertson,[32] and Van Royen [33] for consideration and discussion. I stated that these were all men from middle or small powers and that as I previously had told them my Government felt that it was preferable if possible to adhere to that principle.

None of the other representatives present was prepared to discuss individuals in any way. The French and the British Representatives

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[29] Caracciolo Parra-Perez, Venezuelan Minister for Foreign Affairs.
[30] Lester B. Pearson, Canadian Ambassador to the United States.
[31] Richard G. Casey, formerly Australian Minister to the United States and at this time Governor of Bengal.
[32] Norman A. Robertson, Canadian Under Secretary of State for External Affairs.
[33] J. H. van Royen, Netherlands Minister of State.

connected this question up with the final decision on the location in the US or Europe and suggested nothing could be done until that was finally decided. I urged that we could not wait until General Assembly settled this issue. We had to appoint a Secretary General in December. I urged that we might narrow down the choice to two or three men on the assumption that the location would be in US and another two or three men on the assumption that the location would be in Europe. When PreCo (Preparatory Committee [*Commission*]) reached an agreement on location we would then be in a position to move ahead on Secretary General. I received little encouragement from the British and French on this proposal. The Chinese and Russian Representatives agreed generally that we should move forward on this matter in the near future and should try to obtain agreement among the United Nations on a candidate so that he might be available in December. They were not prepared to discuss individuals. I urged that we have another discussion of this matter before the end of ExCom (Executive Committee) but am somewhat dubious of reaching any conclusions.

2. I also mentioned that we should if possible agree among ourselves on the president of PreCo (Preparatory Committee) and suggested the name of the delegate of the Netherlands who would probably be Van Royen or Van Kleffens as representing one of the smaller European powers sitting on ExCom (Executive Committee).

3. I also raised the question as to what was the next step on the matter of the permanent site. I stated that the position of the US Government was that assuming the UN agreed with the recommendations of ExCom (Executive Committee) to settle in US it was up to the United Nations themselves to choose the particular location. We would provide any information they desired. The British and the French indicated they did not feel it was necessary to take any further step until PreCo (Preparatory Committee) considered the recommendations of ExCom (Executive Committee). I said there was a good deal of material on specific locations which had been prepared by various cities and localities which it might be useful to analyze. Ambassador Koo suggested that a subcommittee be appointed to review this material and any other which might be available and report to PreCo (Preparatory Committee). He suggested that it might be advisable that this subcommittee go to the US to obtain further information and perhaps to look at possible sites. I stated that this would be entirely agreeable and my Government would assist in every way. The British and French did not appear to favor it and suggested that the Committee might also consider sites in Europe. There was disagreement as to whether ExCom (Executive Committee) could do this in view of its recommendation. No decision was reached but I believe

Ambassador Koo may make his proposal regarding a subcommittee in ExCom (Executive Committee) within the next few days.

STETTINIUS

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500.CC(PC)/10-1145

*Memorandum of Conversation, by Mr. Leo Pasvolsky, Special Assistant to the Secretary of State*

[WASHINGTON,] October 11, 1945.

Mr. Gore-Booth [34] came in to see me for a general talk about the work of the Executive Committee. He told me that he has been transferred to London and, in addition to his duties at the Foreign Office, has been made Secretary of the British Delegation to the Executive Committee. In reply to my question he said that he and the British group are well satisfied with the work of the committee although they are rather appalled by the pressure of speed. He is quite sure that the Executive Committee will finish its work on the 18th of this month and that the Preparatory Commission could well assemble on the 8th of November. He is not so sure, however, as to whether it will be possible for the General Assembly to meet as scheduled on the 4th of December. I said that, in view of the fact that there is a period of four weeks between November 8 and December 4, there should be no objection to having the preparations for the Assembly go forward even if the Preparatory Commission should take more than, say, two weeks to complete its job. In fact, I said, the Preparatory Commission can work clear up to the time that the Assembly meets.

He asked me whether I thought, with regard to the seat of the organization, that the Commission would select the site or whether the United States Government would do that. I said that so far we have been thinking in terms of leaving the choice to the Commission and the Assembly and that, in fact, the Secretary made a statement to that effect in his press conference yesterday. I asked him how strong was the feeling of the British Government on the subject of location and he replied that while the British feel quite definitely that the organization should be in Europe, they are not going to sabotage the decision made and, in fact, Noel-Baker, who is personally particularly wedded to the idea of the European location, merely reserved the right to raise the question again. They are beginning to be somewhat worried for fear that their position might be interpreted as being anti-American when, in reality, they merely think that they have a very good case on general grounds for the position which they have taken in favor of the European location.

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[34] Paul Gore-Booth, First Secretary of the British Embassy.

In reply to his question as to what my impressions were of the work in London, I said that I thought that remarkable progress has been made and that the one thing that somewhat disturbed me was the difficulties of consultations among the future five permanent members of the Security Council. I said that in my judgment that type of consultation proved to be very useful at San Francisco and will certainly have to continue in the organization itself. He said that the objection to such consultation is, in large measure, a personal matter with Noel-Baker but he thought that the difficulty is not really a continuing one and will undoubtedly take care of itself when the Security Council begins operating.

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500.CC(P.C.)/10–1245 : Telegram

*The United States Representative on the Preparatory Commission (Stettinius) to the Secretary of State*

LONDON, October 12, 1946—noon.
[Received October 12—10:20 a. m.]

10659. Copre 231. Ambassador Massigli, who has recently returned from a short visit to Paris, told me Tuesday that he thought I was pressing too hard for speed in holding the organizing meeting of UN (United Nations) in December of this year. He pointed to the suspension of the work of the Council of Foreign Ministers [35] and suggested that until the Big Five could really get on a footing of complete collaboration, it would be very risky to hold the organizing meeting of UN. He indicated that he thought it would be wise to postpone temporarily the first meeting until January or later. He urged as an additional reason for postponement that it would be unwise to bring UN into being until the way was prepared for several other European countries to be admitted as new members at the first meeting. He mentioned specifically Portugal and Sweden.

I told him that our recent difficulties with the Russians in connection with the meeting of the Council of Foreign Ministers did not in my opinion provide a reason for postponing UN, on the contrary it made it even more necessary to bring UN into being immediately. It is my understanding from my conversation with you before you left that this also is your view. I would appreciate confirmation of this fact, as this matter may well come up again before the end of ExCom (Executive Committee) and I would like to feel certain that the position I have taken has your full support.

STETTINIUS

[35] For documentation regarding the meeting of the Council of Foreign Ministers at London, September 11–October 2, 1945, see vol. II, pp. 99 ff.

[On advice of physicians, Mr. Stettinius returned to the United States on October 16 for hospitalization. At the first meeting of the Executive Committee following, on October 18, Adlai E. Stevenson, Deputy United States Representative on the Preparatory Commission, assumed Mr. Stettinius' place.]

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501.AD/10–2445

*Memorandum of Conversation*

[Uncorrected Notes]

[WASHINGTON,] October 24, 1945.

Subject: Site of United Nations Organization. . . .

Participants: Secretary of State
The British Ambassador, The Right Honorable the Earl of Halifax
The British Minister of State, The Right Honorable Philip John Noel-Baker

The three exchange greetings.

HALIFAX: He (Noel-Baker) has just come down from Quebec and one of the things he has got on his mind, if he may develop it, would be the thing they have been discussing in London, where the site of the United Nations is to be.

BYRNES: I can't help you very much with that because our position about it is that it should be left entirely to the governments represented on the committee to determine it. The President's view was when Stettinius first went to London that this government would not seek its location here and would not extend any invitation, and if the nations expressed the desire to come here that we would of course say that we would be glad to welcome them. Those were our instructions to Mr. Stettinius and the committee voted in our position. As to the cities in this country, neither the President nor I would express an opinion as to where it should be located, that it would be left entirely to the committee and I have a form letter which states that the State Department has no interest in it, in the location of one site as against another, and will not express any opinion toward the committee nor will it express any view to Mr. Stettinius, and I have told him since he returned a few days ago that that was our position.

This morning I declined to see a delegation which was led by two senators on that ground that I just have so many things that I am called upon to decide that I would not give time to a city of Philadelphia or Chicago or San Francisco or Miami when no matter what the representation would be my answer must be the same at the end

of the representation. I had to go to see the President and they were over there seeing him. I told him it was enough for him to have to waste time to talk about it because he was going to make the same statement.

NOEL-BAKER: Mr. Secretary, our original position was in favor of Europe and we still think that the case for having the seat in Europe is a very strong one, but the vote went the other way. We want to do what is going to be the best long term plan. We do feel it is the best long term plan to get the decision confirmed by the Preparatory Commission on having the site in the United States and have a subsidiary center in Europe. We can do that I think where we would have some European mutual things. There are many things that are purely European interest.

BYRNES: Our position on it was just as I have told you. In the State Department it is, I think, the dominant opinion that it should be located in Europe. It was a matter, however, that we were advised that many governments wished to have it located here and we were not in position to tell them that we would not receive them here. We could not do that and the committee has voted upon it. As to confirming it, we really do not intend to take any position about it. I have been asked whether we would be interested in having a review of it, our position being as I described it that we did not seek it, that we are not in position to say to other governments who have voted to come here that we would not welcome them. Therefore, we could not participate in any efforts to reconsider.

HALIFAX: It won't break your heart if other influences lead to a reconsideration?

BYRNES: No. We believe it is entirely for the governments to determine, having in mind the fact that we did not start it.

NOEL-BAKER: Mr. Stettinius never said a word about it at the meetings.

BYRNES: He talked to me in London and I reiterated our position.

NOEL-BAKER: Oh, yes, he was very good all the way through.

BYRNES: I can see both the advantages and the disadvantages in having it here.

NOEL-BAKER: In the beginning we thought it would not be a good plan to have it in the country of any great power.

BYRNES: I knew your position. I could see lots of arguments toward it. As I have said, the majority of the people in the State Department who are charged with the duty of considering it were of the opinion that it might be better for the organization should it be established in Europe, but the United States was not then in the position to say it did not want it here and the United States could not now say it. Therefore, I have told some of my people in the Department that they might as well forget it when they have so many things that

have got to be decided they can't spend time bothering with things that have already been decided. That is the answer to our question as to whether we would cry about it.

NOEL-BAKER: May I speak only for myself—my own personal opinion? Because I haven't had time to talk to Bevin. As soon as he disposed of the House of Commons he went away for a week. He only came back the day after I left. So I have not really had a chance to talk properly with him—to talk about this, so what I say now is personal to me.

We have felt that such discussions as we have had, that on the Secretary-General, that the British had it after the last war for fourteen years, the Secretary-General of the League of Nations. We were followed by the French. It didn't end up very happily. We don't feel very strongly now that it ought to be British or French and quite honestly, we want to do our best thinking in our delegation work. We are very very short of the right people now. You can't have a Russian or a Chinese and we don't find any outstanding small power people, which leaves us with the prospect of having an American as Secretary-General. But supposing it were an American and everyone agreed, would the Americans feel we were putting one over on them, first, by having the seat here, and then putting an American in as Secretary-General?

BYRNES: Somewhere in the world there should be found a capable, competent person and if the organization is located here, my common sense would tell me you should not have an American, but I do not know anything about it. I have not had time to make a selection. I would just say on general principles it does not sound reasonable to me and those who are charged with the duty I think should be able to find someone. I do not think it should be an organization of the United States. It ought to be the United Nations.

NOEL-BAKER: Yes. That is really the difficulty about it.

BYRNES: When Stettinius came to see me I told him what I told you about the site and I told him the same thing about the official.

[Here follows discussion of other matters.]

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500.CC (Charter)/10–2445: Circular telegram

*The Secretary of State to Certain Diplomatic Representatives* [36]

WASHINGTON, October 24, 1945.

Please inform FonMin that UN Charter is now in force, the following 29 instruments of ratification having been deposited with this

[36] Addressed to the Chiefs of Mission accredited to the governments constituting the membership of the United Nations.

Government: China, France, USSR, UK, US, Argentina, Brazil, Byelorussian SSR, Chile, Cuba, Czecho, Denmark, Dominican Republic, Egypt, El Salvador, Haiti, Iran, Lebanon, Luxembourg, New Zealand, Nicaragua, Paraguay, Philippine Commonwealth, Poland, Saudi Arabia, Syria, Turkey, Ukrainian SSR, Yugo, and that I today signed Protocol of Deposit of Ratification, as provided under Article 110 of Charter, copy of which Dept is transmitting to all Missions of Signatory States in Washington.

BYRNES

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500.CC(PC)/10–2745 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, October 27, 1945.
[Received October 27—6:37 p. m.]

11291. Copre 321. ExCom completed review of its report[37] tonight and agreed on November 23 for convening of PreCo and on period between January 2–7 as time to be recommended to PreCo for convening of first part of first session of General Assembly. All but one member spoke for some postponement of PreCo after November 12 and a large majority suggested a date between November 19 to 23. A large majority also felt that under present circumstances General Assembly could not be convened before early January. Australia proposed longer postponement for both PreCo and General Assembly than Gromyko had originally suggested. Atmosphere of entire discussion was excellent. Full telegram follows tomorrow. Gromyko told me he is proceeding promptly to Moscow.

STEVENSON

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500.CC(PC)/11–1045 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, November 10, 1945—7 p. m.
[Received 10:16 p. m.]

11858. This is Copre 359. The following is text of memorandum forwarded to you by special Navy courier on November 3 (reference Copre 340 and Preco 262[38]).

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[37] See Preparatory Commission document PC/EX/113/Res. 1: *Report by the Executive Committee to the Preparatory Commission of the United Nations*, November 12, 1945.

[38] Neither printed.

"November 1, 1945.

MEMORANDUM

To: The Secretary of State

From: Adlai E. Stevenson, Acting US Delegate to Preparatory Commission of United Nations

Subject: Synopsis of principal issues developed during Executive Committee of the Preparatory Commission.

*General Assembly.*

*General Committee.*

Gromyko took the position in the Executive Committee that the question of the composition of the General Committee of the Assembly should be left open at this time for further study and decision postponed until the meeting of the General Assembly. Since the question of the number of Vice Presidents was connected with the problem of the composition of the General Committee he opposed the recommendation for seven Vice Presidents. Czechoslovakia and Yugoslavia joined on these two positions.

The reservation on this question as worded by the Soviet Delegation reads 'the Soviet Delegation agreed to the principle of the establishment of a General Committee of the General Assembly but proposed that a decision on the question of the composition of the committee be postponed believing that further study of the issues involved is necessary.'

The Soviet Delegation made it perfectly clear that they agreed with the proposal to establish a General Committee with functions similar to those recommended by the Executive Committee. In discussion of the composition of such a committee Gromyko indicated that he would be willing to say that the General Committee should be established 'on the basis of the representativeness of the states members of UNO'. In private conversations I expressed my confidence to Gromyko that if there were seven Vice Presidents of the General Assembly and the President was always from a smaller country the 'Big Five' would all be elected as Vice Presidents as long as they deserved to be and that therefore the Soviet as well as the rest of us were reasonably assured of membership in the General Committee. I had a feeling that he personally agreed but evidently his instructions gave him no latitude.

From his occasional references to the Executive Committee of the San Francisco Conference it appears that he is thinking not of a Bureau of the Assembly in the usual sense of the term but of an Executive Committee composed of the Five Powers and perhaps nine additional members. This position was not argued by the Soviet representative in Committee One where the idea of a Bureau was sup-

ported by the Soviet, Czechoslovak and Yugoslav representatives. Apparently instructions were received at the last minute to postpone committing the Soviet Government to a General Committee that would not insure the inclusion of the Soviet Union.

It is apparent also that the emphasis placed by several delegations particularly the British on the factor of personal competence as the primary consideration in selecting the chairmen of the main committees aroused Soviet concern. Remarks of Gromyko in the Executive Committee suggested apprehension that the criterion of personal competence might be used to prevent the choice of representatives from certain states in particular the Soviet Union itself and other states in eastern Europe for such chairmenships. The Soviet representative pointed out for example that the criterion of personal competence was far less objective than that of geographical distribution and that lack of experience in international negotiations might be used as evidence of personal incompetence when this conclusion was not justified. The Soviet representative even in Committee One urged that the principle of equitable geographic representation should be the primary consideration in the choice of members of the General Committee. Presumably in this way the Soviet representative hoped to assure representation on the General Committee not only of itself but also of other eastern European states.

As finally adopted, however, the factor of personal competence was emphasized in the selection of the Chairmen of the Main Committees who would constitute over half the membership of the General Committee if the committee is composed as recommended, i.e., of the President, the seven Vice Presidents and the Chairmen of the Committees.

Throughout the discussions on the General Committee the Soviet representative expressed his concern that the General Committee should be as 'authoritative and efficient as possible' and my impression is that they intend this committee to keep firm hands on the direction of the General Assembly and always to include the Soviet Union and as many of the satellites as possible.

The vote to sustain the recommendations of Committee One on the General Committee was carried by a vote of 9 to 3 with China and France abstaining. China and France abstained not because they disagreed with the recommendation on the composition of the General Committee, but to avoid, I presume, a solid front of the Four Powers against the Soviet on an issue to which the latter attached such importance.

*Nominations Committee.*

Originally in Committee One the Soviet representative urged a Nominations Committee with responsibility for nominating not only

the Vice Presidents and the Chairmen of the Main Committees of the Assembly but also the states for membership on the Security Council, the Economic and Social Council and the Trusteeship Council. Committee One, however, decided to leave the nomination of states to membership on the Councils to the General Assembly itself and to use the Nominations Committee only for the nomination of members on the General Committee—the Vice Presidents and the Chairmen of the Main Committees of the General Assembly.

With the change in the position of the Soviet Union on the General Committee they also opposed the Nominations Committee as recommended by Committee One. In the Executive Committee Ambassador Gromyko said that it would be better to leave General Assembly free to nominate 'without interference' the Vice Presidents and Chairmen of the Main Committees.

The vote on the Nominations Committee was carried by a majority of 8 to 6, the 6 in opposition including Australia, Czechoslovakia, Mexico, USSR and Yugoslavia, Iran abstaining.

The Soviet hope evidently is to establish the General Committee on the basis of 'equitable geographic representation' including the Five Powers and presumably nine additional states along the lines of the Executive Committee of the San Francisco Conference. The Vice Presidents and the Chairmen of the Main Committees according to the Soviet conception would not serve on the General Committee but would act in an advisory capacity.

As proposed by Committee One the factor of personal competence was emphasized as a criterion to guide the Nominations Committee in nominating the Chairmen of the Main Committees of the Assembly. The Soviet objection to this criterion as indicated in the comments under the General Committee above, no doubt also influenced the Soviet objection to the Nominations Committee in the form proposed by Committee One.

In short when the Nominations Committee no longer had power to nominate members of the Councils the Soviet began to lose interest in it and when their approval of the proposed composition of the General Committee was reversed they energetically opposed any Nominations Committee. The reason for this may be that they are fearful that a Nominating Committee designated by the President of the General Assembly himself from a smaller country and approved by a General Assembly controlled by the smaller states might be more difficult to influence than the General Assembly itself in which the USSR and US would have a large voting influence particularly if the proposed composition of the General Committee (President, seven Vice Presidents and Committee Chairmen) remains unchanged over their opposition. Should the General Committee be revised along

the lines of the present Executive Committee it might be that they would no longer oppose a Nominations Committee.

But I feel confident that their attitude on a Nominating Committee will be conditioned by three factors: How their influence can be most effectively exerted to (*a*) further the principle of 'geographical representativeness', (*b*) to influence the selection of committee chairmen to which they attach the greatest importance, and (*c*) to insure adequate representation of the Soviet Union and its satellites on whatever General Committee is finally agreed upon.

The Australian Delegate arrived at the same conclusion by contrary reasoning and supported the elimination of the Nominations Committee, he told me, for the reason, among others, that he felt such a committee would be too susceptible to influence from the large powers.

*Security Council.*

While the report on the Security Council was accepted unanimously two issues arose during its discussion in the Executive Committee worthy of mention:

(1). As the report came before the Executive Committee it recommended that with a view to assisting the Security Council in completing its initial organization with the least possible loss of time the Preparatory Commission should draw to the attention of the Security Council certain questions of organization and procedure. Seven such questions were listed in an annex, all of them of an organizational character.

(2). The draft report also recommended that the 'Preparatory Commission invite the Security Council formally to mark its assumption of powers and duties under the Charter by an early discussion of the means best calculated to discharge its responsibilities for the maintenance of international peace and security'.

Gromyko objected to both these recommendations on the ground that the Security Council should be left free to decide without pressure from the Preparatory Commission, its organization, its own procedures and the methods for discharging its responsibilities. In opposition to the first recommendation his main argument was that the interim arrangements authorized the Preparatory Commission to make recommendations only with respect to items for the first meeting of the Security Council and that therefore the preparation of a list of general questions was not within the competence of the Preparatory Commission. I took the position that a recommendation bringing these questions to the attention of the Security Council was not outside the competence of the Preparatory Commission but that we did not feel that it was necessary to bring them to the attention of the Security Council with the force of a recommendation. In

view of the divided opinion and strong feeling of some of the smaller states that the Security Council was not 'sacrosanct' a vote finally became necessary on the omission of this recommendation. Brazil, Chile, China, Czechoslovakia, Mexico, Soviet Union, USA, Yugoslavia were in favor of omission; opposed to omission were Canada, Australia, Iran, The Netherlands, UK and France abstained.

With respect to the second recommendation, Gromyko argued that it was wrong to treat the Security Council as a child that needed to be instructed on its first movements and that the substance of this recommendation was covered in the terms of the Charter and need not be repeated in this form. The only solution that proved generally acceptable was to omit the recommendation to which Gromyko objected, and rephrase the preamble to meet the desire of the smaller states to express the hope that the Security Council would promptly begin its work.

It was clear throughout the discussion that Gromyko was suspicious of any effort by the smaller states through the Preparatory Commission to affect the organization and procedures of the Security Council beyond its first meeting.

While they accepted their defeat in good spirit the Australian representative made it clear that he would press in the Preparatory Commission for more detailed recommendations for the guidance of the Security Council. His position like that of the Canadian representative was consistently that the Security Council under the interim arrangements should be treated like any other organ for which the Preparatory Commission should make recommendations. The Australian Hasluck argued in the Executive Committee that in view of the very general nature of the provisions of the Charter and of the agreement on interim arrangements it would be more helpful to the Security Council if a complete set of rules of procedure and other detailed guidance were prepared for the benefit of the Security Council.

I believe this conflict of opinion regarding the responsibility of the Preparatory Commission for the Security Council will be revived again in the discussions of the Preparatory Commission and that Australia with the added strength of a number of smaller states may be able to gather support for restoring in the report recommendations comparable to those omitted in the Executive Committee as a result of the Soviet opposition.

*Economic and Social Council.*

*Specialized Agencies.*

The most significant reservation on the Economic and Social part of the Executive Committee's report relates to the Soviet attitude on the problem of relations with specialized agencies. The Soviet repre-

sentative objected to the entire report of the Sub-Committee though ultimately it voted for the transmission of the report without approval or disapproval of its contents. The Soviet followed through by securing the deletion of a recommendation that a Negotiating Committee be set up by the Economic and Social Council to negotiate agreements with specialized agencies. It likewise obtained the elimination of a recommendation for a Coordination Commission as one of the standing commissions of the Council. The Soviet also secured a redraft of a section of the report of the Sub-Committee relating to common fiscal services for the United Nations and the specialized agencies. The redraft merely suggests that it would be desirable to study the subject of common fiscal services.

In conjunction with the foregoing, it should be borne in mind that the Soviet has decided, for the time being, not to join the FAO, and that it is apparently not going to participate in the Educational and Cultural Conference.

The reasons for these delaying tactics on the question of relations with the specialized agencies are not clear. It is usually suggested that the Russian attitude on the ILO is sufficient to explain its negative attitude towards the various recommendations for pushing ahead rapidly with a program of bringing the specialized agencies into relationship. Some of their specific objections to the various recommendations made by the technical committees could be interpreted in this light but it is entirely possible that the Soviet has broader considerations in mind. Precisely what these are is not clear from the history of the Executive Committee and we are reduced for the present to conjecture.

One possible explanation is that the Russians are reconsidering their entire attitude on the question of methods and forms of international economic and social cooperation as defined in Article V of the Charter. It has been suggested that they might have become alarmed at the rate at which specialized agencies are being projected, particularly when this is taken in conjunction with the prevailing purpose to bring all such agencies with wide international responsibilities promptly into more or less close relationship with the United Nations Organization through the Economic and Social Council. They may feel that under present conditions these agencies or projected agencies owe too much to Anglo-American or Western European inspiration and that the 'spontaneous' growth of such agencies does not give the Soviet satisfactory control or influence in their initial development. If this were the basis of their present dilatory attitude on questions of relationships of such agencies the Soviet might be expected to come forth with proposals that prospective international

cooperation in certain economic and social fields be delayed until the Economic and Social Council is in a position to initiate and guide the development. In this way the Soviet might be able to exert greater control over the process and apply the brakes more effectively. This possible conclusion does not square altogether, however, with Krylov's [39] criticism in the Sub-Committee of Noel-Baker's idea on the future organization of international economic and social cooperation. Noel-Baker contended that we ought not (repeat not) to set up any more specialized agencies, but ought instead to develop international cooperation in economic and social fields by developing appropriate integrated machinery directly under the Economic and Social Council. In response to this Krylov was quite emphatic that the Charter prescribed specialized agencies as the normal method of organizing international economic and social cooperation in special fields.

Another and perhaps better explanation (not necessarily inconsistent with the first) may be found in the basic Russian attitude towards the United Nations Organization as primarily a security organization. They may feel that the mushrooming of specialized agencies joined to a quasi-compulsory procedure of bringing such agencies subsequently into close relationship with the United Nations Organization through the Economic and Social Council, may tend to make the Economic and Social Council the real center of the United Nations Organization activities rather than the Security Council. Their distaste for such a development would be increased by the feeling—referred to in the preceding paragraph—that the Soviet had too little control over the process whereby the United States or other 'western' powers took the initiative in developing future international economic and social cooperation by way of specialized agencies and of subsequently bringing such agencies into relationship with the United Nations, the character of the United Nations might rapidly be changed in a direction opposed to the original Russian intention. This might particularly be objectionable to them, if, in future, such new agencies were to be brought into a 'consolidated' financial relationship with the United Nations. The Russians may for the time being be unwilling to commit themselves to such a process of 'infiltration' of economic and social questions in the United Nations.

*Powers of the President.*

The French Delegate made formal reservation on the question of the powers of the President of the Economic and Social Council. Specifically it was contended that the powers of the President authorizing him to convene meetings of the Council at a date of his own choosing

[39] S. B. Krylov, Soviet legal expert.

were too considerable. I had no personal conversation with Massigli about this and attach no political importance to it.

*Opium Advisory Commission.*

The Chinese Delegation wants the Economic and Social Council to set up at its first session a standing commission to continue the functions of the League's Opium Advisory Commission and will doubtless renew this proposal in the Preparatory Commission and General Assembly formally if not emplastically.

*Trusteeship Arrangements.*

*The Temporary Trusteeship Committee.*

The Soviet Delegation supported by the Czechoslovak and the Yugoslav Delegations, objected to the establishment of a temporary Trusteeship Committee in the Executive Committee.

The principal reason publicly expressed by Ambassador Gromyko was that the establishment of such a temporary organ is not authorized by the Charter and would therefore be unconstitutional. This view was maintained in spite of the unanimous opinion of the other Delegations that Article XXII of the Charter authorizes the Assembly to establish 'such subsidiary organs as it deems necessary for the performance of its functions'.

Another reason privately stated but not publicly advanced was the Soviet view that the Trusteeship Council could have been immediately established by starting with the five great powers whose membership is provided for under Article LXXXVI. Other Delegations had also thought about this possibility but it was abandoned in the early stage of the Sub-Committee's discussions as being not in the spirit of the Charter nor did it fulfill the balanced conception of the Trusteeship Council.

Another Soviet objection was that the establishment of such a committee might actually delay the establishment of the Trusteeship Council since it would create a mechanism which might be regarded as sufficient for practical working purposes. The US Delegation and others as well argued on the contrary that there was even reason to urge the earliest possible establishment of the Trusteeship Council and that the temporary committee would in fact hasten rather than delay its establishment.

Another objection and perhaps the most important which I elicited from Ambassador Gromyko in private conversation was his apprehension that naming present mandatory states to the temporary committee might tend to freeze their position as future trustees of the same territories and make more difficult later reallocation of territories under trust agreements. This consideration together with Gromyko's view that the temporary committee would be used to retard

the agreements and the establishment of the Trusteeship Council are, I am confident, the major basis of the Soviet opposition.

(In this connection I understand that at San Francisco the United States Delegation in discussions with the British and French rather gave the impression that it was not their intention to replace the mandatory powers unless the new terms of the trust agreements were such that these powers would not be willing to continue to act in the capacity of trust power.)

The Soviet Delegation may also have had objection to the special mention of The Netherlands in the plan for the Trusteeship Committee. Although this mention was a mere bracketed reference to The Netherlands experience as a colonial power thus qualifying her for membership it may be that the Soviet did not favor this mention although there was no intimation to this effect.

*Court.*

Though the Australian representative on the Sub-Committee helped formulate and supported adoption of the resolution authorizing the Executive Secretary to issue invitations to nominate by December 15 the Delegation subsequently reversed its stand.

In the Sub-Committee Evatt contended (*a*) that the Executive Committee was not competent under the interim arrangements to authorize issuance of invitations to nominate judges; (*b*) that assuming the Executive Committee was competent, it nevertheless was precipitate and also undertook to do something which as a matter of policy should have been left to the Preparatory Commission; and (*c*) that the procedure of issuance of invitations used by the Executive Secretary did not accord with requirements of the statute, Article V. Subsequently in the Sub-Committee the Australian representative, Reyouf [*Bailey?*], ostensibly restating the Australian position, omitted repetition of Evatt's argument on point (*a*) but amplified Evatt's remarks on points (*b*) and (*c*).

In the opinion of the Sub-Committee and its Chairman, McKinnon Wood[40] (UK) and of the Foreign Office experts, all of Evatt's arguments as summarized above are insubstantial.

These technical arguments are, however, probably only a façade. What is really wanted by Australia certainly and the UK apparently is a postponement of the elections of the judges until the second part of the General Assembly. Evatt made that clear in the Sub-Committee and in the Executive Committee on October 6. Evatt argued not technicalities but the desirability of having additional time for

[40] H. McKinnon Wood, sometime chairman of Committee 5.

the consideration of nominations which would afford much better results and the desirability of giving states like South Africa time to ratify the Charter. McKinnon Wood revealed to Reiff [41] the importance the Foreign Office attaches to the arguments on the merits and the wisdom of postponing the election of the judges to the second part of the General Assembly.

Although these arguments on the merits are entitled to serious consideration there may be other considerations not yet disclosed which may be forthcoming at an interview with me which McKinnon Wood has requested.

*Secretariat.*

The Soviet delegation supported by the Czechoslovak and Yugoslav delegations, opposed both in Sub-Committee and Executive Committee what has been not wholly correctly called the 'functional basis' of organization.

The Soviet contention is that each organ should have its own Secretariat and staff. They contend that this is called for under Article CI paragraph 2 which states that 'appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

This question was discussed at great length at San Francisco and a compromise solution was arrived at which is reflected in part by the last sentence quoted above and in part in the Rapporteurs' report at San Francisco which states in effect that while the Secretary General must supply an appropriate staff for each organ of the United Nations he shall be free to move such staff about within the Secretariat as a whole as he may deem necessary for the performance of the work of the Secretariat.

Those who supported the so-called 'functional' type of organization contended that except perhaps in the highly specialized work relating to the Military Staff Committee and to some of the work of the Security Council, there would be unnecessary duplication if separate staffs were maintained on a non-interchangeable basis to serve the General Assembly and the Economic and Social Council and the various commissions falling under that Council. Similarly there would be an unnatural and unnecessary duplication if one technical staff of the Secretariat could not serve the General Assembly when it deals with questions affecting the maintenance of peace and security as well as the Security Council when it is concerned with the same questions

[41] Henry Reiff, a technical adviser on the United States delegation.

even though the Security Council has the exclusive responsibility for action in this field.

Moreover the Secretariat cannot actually be organized wholly on a 'functional' or an 'organizational' basis and these terms have been given meanings which are not wholly descriptive of the way in which the Secretariat will actually function in any case.

But these arguments were not convincing to the Soviets. From private conversations with Gromyko on this subject I get the impression that he is wholly concerned with the Secretariat staff of the Security Council and I detected an underlying apprehension that interchangeability might impair not alone the efficiency and security of the work of the Secretarial staff assigned to the Security Council but also the preeminent position of the Security Council. He talked about the international character of the Secretariat and said it was human nature that individual members of the Secretariat would be more interested in what interested their countries; that most countries would be more interested in the economic and social aspects than the political and security aspects of the organization's work. He also suggested facetiously that under a fluid scheme of organization, Haitians, Liberians, etc., might be working for the Security Council.

Since it seems likely that the Secretarial staffs connected with the Security Council, the Military Staff Committee and the Trusteeship Council, will be very largely attached to those organs, a formula could perhaps be found which could give the Soviets satisfaction on these points. On the other hand in the whole field of economic and social activity of the organization it would appear to be very doubtful whether the expert staffs serving in these fields could be exclusively attached to any one organ.

*Liquidation of League.*

With respect to the liquidation of the League of Nations, the Soviet view appears to be that there should be no implication that the United Nations organization is 'succeeding' to the League of Nations. They rely upon a narrow interpretation of Article IV (C) of the interim arrangements, insisting that in the course of development of the work of several organs of the United Nations Organization, those organs should decide, item by item, which of the functions, activities and assets of the League should be taken over. Meanwhile, from their point of view, the League can stay in being until the picking and choosing has been completed or can liquidate itself, arranging for the preservation of its assets in such way as it chooses. While agreeing that speed in the liquidation of the League is essential, the Soviet view is opposed to performance of the task of liquidation by the

United Nations, which they argue is the effect of adopting the en bloc method of transfer. They prefer the League to liquidate itself.

In the Executive Committee on October 12 while discussing the proposed transfer of technical functions Gromyko repeated the argument made by Yunin in the Sub-Committee, that 'there was no exact dividing line between economic and political activities'. While in theory this may be true, under the scheme outlined in the report of Sub-Committee, the United Nations organs would have complete liberty to alter, adapt, or discontinue any function or activity transferred if anything connected therewith were inconsistent with the plans or policies of the organ involved.

Something else may underlie the Soviet objection on these theoretical grounds. Yunin may have furnished a club [*clue?*] in the Sub-Committee when he argued that a technical economic function could be used for sanctions purposes. This objection may relate to resentment toward the League for its expulsion of the USSR.

In advocating that the United Nations 'consider the question of continuation of some functions similar to those of the League of Nations', Gromyko's remarks in the Executive Committee at least implied that there be no transfer of functions at all, and that such technical functions as the League has could die with the League. Similar functions could be duplicated in the United Nations Organization.

It may be on further analysis of the problem that what the USSR advocates here is what really will be the process, when spelled out in detail. The only 'transfer' actually taking place would be that of the archives, records, 'know how', etc., associated with the functions as exercised by the League.

Finally in the background of the League problem lies the ILO. The Soviet representatives in Sub-Committee made no reference to the ILO when discussing the League liquidation, nor did Gromyko in the Executive Committee when discussing the report of the Sub-Committee. As long as constitutional or budgetary ties exist between the ILO and the League it may be that hostility to the ILO may influence Soviet views on the liquidation of the League.

*General.*

One further thing may be worth comment. In private talks with Gromyko he has on several occasions said to me that in their view the Soviet representatives on Sub-Committees are single [*simply?*] 'technical people' without political authority or responsibility and it is only he who can make the final decisions for his government on policy. He confirmed my conclusion that he would not and could not be bound by any position taken by a technical expert in a Sub-Committee."

STEVENSON

RSC Files : Lot 122, Box 13148

*Secretary's Staff Committee Working Paper (SC–171/8)* [42]

November 15, 1945.

TENTATIVE UNITED STATES SLATES FOR SECRETARY-GENERAL AND MEMBERS AND OFFICERS OF THE SECURITY COUNCIL, THE ECONOMIC AND SOCIAL COUNCIL, THE TRUSTEESHIP COMMITTEE, THE PREPARATORY COMMISSION, AND THE GENERAL ASSEMBLY

There follows a tabulation of the countries which the United States will propose as candidates for the several elective posts in the Preparatory Commission and in the principal organs of the United Nations.

The negotiations with respect to nominations will be completed for all practical purposes during the meeting of the Preparatory Commission.

The tabulation below has been the basis of our negotiations to date. It has been prepared upon the basis of continuing consultation among the several geographic and economic offices, the Office of Public Information, and the Office of Special Political Affairs.

The general guiding principles of the selection have been (1) the capacity of the state to fulfill the duties of the position, (2) wide distribution of responsibilities among the member states, and (3) adequate representation of geographical and political groupings.

The tabulation is acompanied by memoranda stating the basis of selection in each case.

I. THE SECURITY COUNCIL

*Basis of Selection*

Article 23 of the Charter required the General Assembly to elect six non-permanent members of the Security Council, "due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution."

It is considered desirable, subject to the condition that the country elected is capable of making an important contribution to the maintenance of international peace, to adopt the general practice of including among the non-permanent members of the Security Council one member of the British Commonwealth, one country from Eastern and Central Europe, one country from Western, Northern, and Southern Europe, two countries from the other American republics,

[42] This memorandum was transmitted *in toto* to the Acting United States Representative in telegram 10053, Preco 289, November 16, 6 p. m., "for your general guidance in negotiations during PreCo".

and one country from the Near East and Africa. The question of Far Eastern representation is not of current importance because the only eligible Far Eastern member of the United Nations is the Philippine Commonwealth.

*Security Council Slate*

Non-permanent members:

| *First Election* | *Second Election* | *Third Election* |
|---|---|---|
| Brazil (2 yrs) | . . . . . | Peru |
| Canada (2 yrs) | . . . . . | Australia |
| Netherlands (2 yrs) | . . . . . | Belgium |
| Poland (1 yr) | Czechoslovakia | . . . . . |
| Egypt (1 yr) | Turkey | . . . . . |
| Mexico (1 yr) | Colombia | . . . . . |

II. ECONOMIC AND SOCIAL COUNCIL

*Basis of Selection*

The Charter provides for an Economic and Social Council of "eighteen Members of the United Nations elected by the General Assembly". In addition to equitable distribution in the light of other important positions in UNO, the basis of the proposed slate is that the Economic and Social Council should always include:

(1) The five major powers.
(2) Canada or India, alternating.
(3) Australia, New Zealand or South Africa, in rotation.
(4) Belgium or the Netherlands, alternating.
(5) Brazil, Mexico, or eventually, Argentina, in rotation.
(6) Three additional eastern European countries.
(7) Three additional Latin countries (early consideration being given to Chile).
(8) One of the five Arab states.
(9) Two other countries (early consideration being given to the Philippines).

Some rearrangement of the above distribution may be necessary as new states are admitted to UNO.

It is recommended that the five major powers be assigned three, two and one-year terms at the initial election on a purely alphabetical basis, three-year terms being given to China and France, two-year terms to U.S.S.R. and United Kingdom, and a one-year term to the United States. The election of all five major powers for the initial three-year term would also be acceptable, but it is anticipated that this would probably be objected to on the ground that their re-election every three years would leave only one vacancy for a new member and would thus make a satisfactory system of rotation more difficult to achieve.

It is recommended that commitments for support of specific nations be not made more than a few months before future elections for the fol-

lowing reasons: (1) changes in the type of government of a particular country to which a commitment has been made may cause embarrassment; (2) it is impossible to foresee accurately what countries will be elected both to this Council and other important UNO positions, and if the first elections do not go as expected, our slate for subsequent elections will have to be revised in order to achieve appropriate distribution and rotation; (3) the admission of new members may require reduction of the number of seats allocated to a particular geographic area, such as reduction of Latin American representation from 4 to 3; (4) although a promise of future support makes it easy to decline support for the first election, the situation will become more difficult when all available positions have already been promised. It would be appropriate, however, to point out that the United States is in favor of rotation on the general basis of the principles described above.

*Economic and Social Council Slate*

| *Three-Year Term* | *Two-Year Term* | *One-Year Term* |
|---|---|---|
| China | United Kingdom | United States |
| France | U.S.S.R. | Uruguay |
| Cuba | Mexico | Peru |
| Denmark | Ukraine | Australia |
| Iraq | Canada or India | Czechoslovakia |
| Greece | Belgium | Turkey |

[Here follows discussion of the Temporary Trusteeship Committee slate; this Committee was never established.]

## IV. THE SECRETARY-GENERAL

*Basis of Selection*

It is felt that it would be difficult if not impossible to reach agreement among the major powers to have a national of one of them in the position of Secretary-General. Accordingly, it appears that he should be a national of a middle or small state.

In a peculiar way the selection of the Secretary-General should be made with primary consideration being given to the person rather than to a country since so much depends upon the ability of the Secretary-General. He should be a man of recognized prestige and competence in the field of foreign affairs, should be between 45 and 55 years of age, and should have a fluent command of both the English and the French languages.

Furthermore it is likely that there would be considerable objection to the selection of a candidate from the country where the permanent site of the UNO is to be located or even from neighboring countries.

Although our earlier preference for this post was Norman Robertson of Canada, in view of the fact that the United States is likely to be selected as the permanent site of the UNO, it is not advisable for the

United States Delegation to promote him or any other person from the Americas for the post of Secretary-General. No action should be taken, however, to oppose the selection of a qualified person from the Americas if support for such a candidate should develop.[43]

Spaak and Van Royen are listed because they seem most nearly to satisfy the qualifications set forth above. The fact that they are from Europe may assuage the feeling of those who wished to have the UNO in Europe.

*Candidates for the Secretary-General*

| *Candidates Proposed by United States* | *Other Candidates Acceptable to the United States* |
|---|---|
| 1) Paul-Henri Spaak (Belgium) | 1) Norman A. Robertson (Canada) |
| 2) J. H. Van Royen (Netherlands) | 2) L. B. Pearson (Canada) |
| | 3) Auguste De Schryver (Belgium) |
| | 4) Stanley Bruce (Australia) |
| | 5) Jan Masaryk (Czechoslovakia) |

[Here follows discussion of proposed slate for the Second Meeting of the Preparatory Commission.]

VIII. PRESIDENT OF THE GENERAL ASSEMBLY

*Basis of Selection*

Lie of Norway has been suggested as a candidate because he is known to be a competent presiding officer and because it is felt that this important post should be reserved for a country not slated for non-permanent membership on the Security Council or for membership on the Economic and Social Council.

*Candidate for President of General Assembly*

Trygve Halvdan Lie (Norway)

IX. VICE-PRESIDENTS OF GENERAL ASSEMBLY

Statement under VI above applicable.[44]

X. CHAIRMAN OF GENERAL ASSEMBLY COMMITTEES

No preference is expressed at this time for chairmanships of the committees of the General Assembly since selections for those posi-

[43] In an earlier draft of this paper there appears a notation as follows: "The British have suggested [Gen. Dwight D.] Eisenhower, [former Governor Harold E.] Stassen, and Stettinius."

[44] Section VI, not printed, was titled "Vice-Presidents of Preparatory Commission", and stated that "The United States Delegate was instructed on September 22 that the Department preferred to leave him with freedom of action in selecting candidates for these posts. It was brought to his attention that the posts might be used to give appropriate recognition to members not selected for elective posts on Councils or for presiding chairs."

tions will undoubtedly be influenced by developments during the meetings of the Preparatory Commission.

[Here follows certain information about the distribution of posts as between states.]

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500.CC(PC)/11–2145 : Telegram

*The Secretary of State to the Acting United States Representative on the Preparatory Commission (Stevenson), at London*

WASHINGTON, November 21, 1945—6 p. m.

10182. Preco 300. The following message was delivered to the Department by the British Embassy:

"Message for the Secretary of State from Mr. Bevin dated November 16, 1945. As you know, I have felt from the beginning that the site of the United Nations Organization ought to be in Europe. After the vote in Executive Committee we thought the matter over again very seriously and came to the conclusion that, despite the vote, we still held the same view. We, therefore, propose to continue to argue it in the Preparatory Commission and to let the other Governments know in so far as they are interested that that is our opinion. I wanted you to know this before the Commission meets. You will believe me when I say that whatever site is finally chosen, we shall be acceptable to the decision. It will make no difference to our determination that the United Nations shall succeed."

BYRNES

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[The Report by the Executive Committee to the Preparatory Commission was submitted to the Second Session of the Commission, which opened in London on November 24, 1945. The Report was presented to the Preparatory Commission at the second meeting of the session, on November 26, and it was immediately referred to its eight technical committees for study. For the official printed record of the Preparatory Commission, see United Nations, Preparatory Commission, *Journal of the Preparatory Commission, 24 November– 24 December 1945*; this includes eight supplements containing the summary records of Committees 1 to 8.]

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500.CC(PC)/11–2845 : Telegram

*The Secretary of State to the Acting United States Representative on the Preparatory Commission (Stevenson), at London*

WASHINGTON, November 28, 1945—6 p. m.

10333. Preco 324. We have had indications that the British are giving the impression that this Government prefers not to have the permanent headquarters of the organization located in the United

States. If these reports are accurate they may be due to the fact that the British feel warranted in giving such an impression as a result of remarks which I made to Lord Halifax and Noel-Baker on October 24, 1945. You are familiar with these remarks and you will observe that I did not deviate from the official position which we have consistently taken that this Government will not seek the location of the headquarters of the organization in the United States but that if the United Nations desire to place their headquarters here we will welcome it. I also indicated that in view of the vote of the Executive Committee I considered the question of location had already been decided. You are authorized to deny that this Government does not wish the location to be in the United States and to state that our position remains as stated in the third sentence of this telegram.[45]

BYRNES

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500.CC(PC)/11–2845 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, November 28, 1945—10 p. m.
[Received November 29—1 : 15 a. m.]

12461. Copre 421. The intensive campaign by the British Government both in the press and among PreCo delegations, particularly delegations from Latin America, in favor of locating the United Nations headquarters in Europe, has so far had three results.

First, it has tended to solidify minority sentiment in favor of Europe.

Second, it has tended to strengthen the trend toward the East Coast among Latin American countries.

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[45] In telegram 12562, Copre 445, December 1, 3 p. m., from London, Mr. Stevenson reported, *inter alia*, "I informed Noel-Baker yesterday of the substance of Preco 324. He replied: 'I have never said anything to anyone that was not textually in accord with what Mr. Byrnes said to me, and I hope you will assure him that I have always understood and understand now the absolutely loyal and generous attitude of the United States Govt. But you have seen the message from Washington in the *Times* and I think a number of delegations have independently had messages from their govts to the effect that US opinion was by no means unanimous. I am more anxious than I can say that this business should not become a question of being pro or anti-American, and I hope that I shall be able to get everybody who takes our view to do everything in their power to ensure that this is the chief object they have in view. I will make clear to everyone I can reach exactly what Mr. Byrnes said to me. When the vote comes, it is, of course, very likely to uphold the Executive Committee's decision; and if it does, I am extremely anxious that it should be accepted by everybody with the fullest goodwill. As for myself, I only say that the happiest times of my life have always been in the U.S. So my goodwill will be very keen and personal.'

"This reply indicates to me that Noel-Baker intends to continue to use his memorandum of conversation with the Secretary of Oct. 24." (500.CC (PC)/12–145)

Third, it has caused some confusion and doubt as to the real attitude of the United States. The British seem to be deliberately misinterpreting the expressions of neutrality we have made both in Washington and London to the effect that we would perhaps really prefer to see the headquarters located in Europe.

A London *Times* despatch from Washington this morning is typical of stories appearing in the London press and inspired by official British spokesmen. After referring to "somewhat unfriendly" reference in *New York Times* to "lobbying" by the British for Europe, London *Times* correspondent says "in the considered opinion of a number of highly competent American citizens, it would be a grave, even tragic, error to place these headquarters within the territory of any great power, whether the United States or another." London *Times* further suggests many Americans feel that organization would be subject to much undesirable lobbying and pressure groups in the United States and the probability that America's welcome would change in a few years to widespread criticism, demands for congressional investigations of UNO, protests against the loss of tax revenues, et cetera.

Other London-inspired stories besides making usual arguments for Europe say it would be unfair to make the decision now when so many European states are not represented in UNO.

American correspondents are of course cabling stories on this intensive British campaign and it is having its effect on the representatives of American cities here. I am impressed by the apparent insensitivity of the British Government to the effect of such stories upon American public opinion toward Britain, especially in view of the necessity of gaining public support in the United States for the contemplated loan to Great Britain [46] and for other implementation of our economic foreign policy.

I have formally restated the United States position in the following press statement.

"The United States Government has repeatedly made it clear that it is not seeking the permanent headquarters of the United Nations, but that if the United Nations Organization decides to locate the headquarters in the United States, it will be welcome.

Representatives of several American cities or states have come to London to ask consideration by the Preparatory Commission of various cities in the United States for the permanent headquarters of the United Nations.

I wish to make clear that these representatives come to London on their own responsibility and their presence is not to be taken as indicating any desire of the United States Government to influence the selection of the headquarters of the United Nations.

[46] For documentation regarding this subject, see vol. VI, pp. 1 ff.

If the United Nations do choose the United States, the United States Government will take no position as between different localities within the United States. That is a choice which will be left entirely to the other United Nations and the United States Government will not seek to influence the decision in any way."

We are also taking steps informally to make clear to other delegations in accordance with your instructions (Preco 305 [47]) that the United States position on the headquarters is unchanged.

The deputy delegate of Chile told us today that British efforts have not yet made any converts to Europe among Latin American delegations. He said he was almost certain that every Latin American delegate would vote in favor of the United States but made the reservation that he did not know the Uruguayan attitude. He felt, however, that a majority of the East Coast republics would vote for a location in the eastern part of the United States and said that the remoteness of San Francisco impressed many delegations adversely. He mentioned in passing, however, that the Colombian delegate had specific instructions to vote only for San Francisco. He also stated with reference to Preco 322 [*321*] [48] that British Chiefs of Mission in all Latin American capitals had been instructed to make the *démarche* described therein.

AP poll on U.S. versus Europe confirms this information conveyed by Chilean, though indicating a possible weakening; of 14 Latin American countries reached, 11 stated preference for U.S. but Uruguay, Ecuador and Venezuela said they were not ready to indicate their preference. In this connection MacEachen,[49] who had been originally proposed by Latin Americans as a desirable choice for chairman of one of the committees, was proposed specifically for Committee 8 by the British and nominated by Noel-Baker.

AP was also informed by Syria that the Arab League would vote as a unit and had not yet decided between U.S. and Europe. AP poll indicates that if Arab League voted for Europe, outcome of vote now might be either just short of a two-thirds majority for the U.S. or one or two more than a two-thirds majority.

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[47] Telegram 10176, November 21, 7 p. m., not printed; it transmitted the text of a memorandum entitled, "Comments and Suggestions on ExCom Report for Guidance of US Delegation". Regarding the question of location, as between Europe and the United States, the memorandum stated ". . . you should continue to maintain neutrality, indicating that if a majority of United Nations so desire United States would be glad to have headquarters within its borders but is not seeking it. You should abstain from voting on this question." (500.CC(PC)/11-2145)

[48] Telegram 10298, November 27, 7 p. m., not printed. It repeated telegrams from Asunción and Rio de Janeiro, describing approaches made by the British to the Governments in those capitals regarding support for the British view on the location of the headquarters of the United Nations. (500.CC(PC)/11-2745)

[49] R. E. MacEachen, Uruguayan Representative on the Preparatory Commission.

I believe that British efforts are directed toward three objectives in the following order of preference:

First, a decision in favor of Europe. This, of course, they recognize as most unlikely.

Second, no decision on a permanent headquarters either in PreCo or the first assembly. This result would be achieved by building up a minority sufficient to prevent a two-thirds vote for the United States.

Third, a decision in favor of the East Coast of the United States.

Following is report of first meeting of Committee 8: [50]

After talking privately with me, MacEachen of Uruguay, the chairman of Committee 8, proposed at the opening of today's meeting that a small subcommittee representative of the six continents should be appointed to hold hearings at which delegations of American and any other cities could present their case. He proposed that at the same time the whole committee should proceed with its work and reach decisions in the following order: First, on the criteria; second, on the continent; third, on the country; and fourth on the city.

Spaak and Noel-Baker, supported by the Netherlands and Egypt, led opposition to holding any hearings until the criteria had first been considered and a decision reached. China and Yugoslavia supported the proposal of the chairman. I expressed the hope that the committee would find it possible to adopt a procedure which would enable the various municipal delegations to present their case promptly. I pointed out that they came to London in good faith without any encouragement by the United States Government and that they included a number of distinguished men with important responsibilities awaiting their speedy return to the United States. I also expressed the hope that whatever procedure the committee agreed upon, it would be one which would enable the Preparatory Commission to make a definitive recommendation to the General Assembly on the location of the permanent headquarters.

Canada then proposed as a compromise that the sub-committee be appointed immediately, that the general committee consider the criteria at its meetings Thursday and Friday and that the sub-committee begin its hearings on Saturday. This proposal finally received unanimous support and several delegates, including Spaak, expressed the opinion that if agreement on the criteria is not reached by then, it

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[50] Committee 8 was the Preparatory Commission's committee on "General Questions", within whose competence fell the question of determining the permanent location of the United Nations. For the proceedings in Committee 8 regarding this subject, see Preparatory Commission document, *Committee 8: General Questions, Summary Record of Meetings 24 November–24 December 1945*, pp. 13 ff.; the verbatim text of proceedings is located in the United Nations Archives.

was made clear that the sub-committee hearings would begin on Saturday in any case. The hearings will be open to the public.

Australia, Colombia, Cuba, Egypt, Iran, the Netherlands and Yugoslavia were elected to the sub-committee.

The general committee then began consideration of section 2 of chapter 10 of the Executive Committee report, paragraph by paragraph, but reached no conclusion on the first paragraph in the half hour remaining before adjournment.

STEVENSON

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500.CC(PC)/11–3045 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, November 30, 1945—6 p. m.
[Received November 30—3 : 10 p. m.]

12526. Copre 422. The situation concerning choice of location of UNO as reported in Copre 421, Embassy's 12461, seems to us likely to have a detrimental effect on US public opinion toward British and UNO in general. Open leadership of the British in their campaign against the US among PreCo delegations and through inspired press stories may arouse serious resentment in US press and Congress and may hamper favorable action on financial aid to UK and on trade program. In view of clear majority opinion among PreCo delegations in favor of US, it seems to us that British Govt is incurring a serious task [*risk?*] by continuing a Quixotic fight for Europe regarding which there is every indication they will not succeed.

American press representatives here are keenly interested in question of site and are already publicizing the efforts of British to collect votes for Europe. The deputations from American cities are likewise aware of the British position and nature of campaign being waged to sell that position to other delegations and their govts. In the British press even the weapon of ridicule is being used.

If, instead of continuing the present campaign, the British representative in PreCo, after a brief face-saving interval during which they would support Europe, were then to abandon their fight and gracefully accept evident majority in PreCo in favor of US, adverse effects on our public opinion would be substantially alleviated.

In view of the importance of middle and far western public and congressional opinion with particular reference to economic proposals, it would also seem to us unwise for the British to press for the east coast of US or too emphatically for any particular city on east coast. Noel-Baker has told me personally that Boston would be his first choice in US.

We submit for your consideration the wisdom of bringing the foregoing to attention of Halifax [51] and the other members of the British Financial and Trade Mission.[52] The debate on site in Committee Eight may take place early next week.

STEVENSON

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500.CC(PC)/12–645 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, December 6, 1945—8 p. m.
[Received 10:58 p. m.]

12799. Copre 490. The PreCo delegations of the other American Republics at a meeting in the Chilean Embassy yesterday agreed to vote in favor of the US as UNO site. It had been apparent prior to our receipt of Preco 324 that confusion existed among these delegations as to our attitude, in fact this confusion, as evidenced by some of their instructions which they have shown us, was shared by their own governments.

It seems more than likely that Bianchi (Chile), who says he had specific instructions to take the lead, assumed the role of whip. A number of other delegates, however, particularly Zuleta (Colombia), who on his own initiative asked us our position some days ago; and Salamanca (Bolivia), whose instructions require him to vote with the majority of his Latin American colleagues; and one or two others, have wanted us to understand their part in this decision. Our only response has been to repeat the statement authorized in the Department's above-mentioned telegram. The Argentine delegate was careful last night to stress to us the fact that his original instructions, since changed, had been to vote for Europe.

Furthermore Riaz (Egypt) has in his own fashion led us to understand that the five Arab votes may be cast for the US.

STEVENSON

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[51] The Earl of Halifax, British Ambassador to the United States.

[52] In his personal telegram 12527, November 30, 6 p. m., to Secretary Byrnes, the Ambassador in the United Kingdom (Winant) stated that he had not been able to give his concurrence to Mr. Stevenson's thinking on this point, in light of the Department's position as set forth in telegram 10333, November 28. Specifically the Ambassador believed that the question of location of the United Nations should not be related to the current negotiations on loan and trade agreements. In the Department, Ambassador Winant was backed in this view by the Deputy Director of the Office of European Affairs (Hickerson) and the Under Secretary of State (Acheson), Mr. Hickerson writing, "I fully concur in the Ambassador's statement that the British have every right to state their position . . . Moreover, I do not see how the Secretary could take this up with the British Ambassador in the manner suggested without departing from our publicly stated position . . ." (50.CC(PC)/11-3045)

500.CC(PC)/12–745 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, December 7, 1945.
[Received December 7—7:04 p. m.]

12864. Copre 513. I made the following statement at the opening of discussion by Committee 8 today of the Executive Committee's recommendation to locate the headquarters in the United States:

"In order that there may be no misunderstanding it may be helpful to the committee if I state again the position of my Government on the location of the permanent headquarters of the United Nations.

Our position remains exactly as it was when the Executive Committee voted on this recommendation.

My Government wishes the members of the United Nations to come to their decision—whatever it may be—free from any influence or pressure and after the different points of view have been fully and fairly presented if they decide to confirm the recommendation of the Executive Committee to come to the United States we want them to make that decision solely in the best interests—both now and in the future—of the United Nations Organization as a whole and for no other reason.

My Government has not sought and is not seeking the headquarters.

Should the United Nations decide however to locate the permanent headquarters in the United States the Government of the United States and indeed the whole American people will welcome that decision and gladly undertake the very great responsibilities which this honor will entail."

STEVENSON

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500.CC(PC)/12–945 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Secretary of State*

LONDON, December 9, 1945—8 p. m.
[Received 11:12 p. m.]

12922. Copre 522. Part I. In conversation Friday night Erwin Canham, managing editor of the *Christian Science Monitor*, told us that he was very much disturbed by (*a*) situation regarding location of headquarters as it has been developing over past few days and (*b*) position of the US Government in regard thereto. His views, which we feel accurately reflect common viewpoint of all American city representatives here, are summarized as follows:

First: The officially neutral position of the US Government vitiates the force of denials that we do not want site in US. In the absence of a positive, unequivocal statement that we do want the headquarters, damaging rumors continue to circulate.

Second: It is becoming apparent that there may not be a two-thirds majority in favor of the US when vote is put on ExCom recommendation. This is because of the complete absence of any US leadership as contrasted with vigorous British leadership in Europe. According to Canham, many PreCo delegations are mystified at failure of US to take more positive attitude.

Third: If the vote goes against the US there will be the following results:

(*a*) An adverse vote will provide ammunition to US nationalists and isolationists. It will be interpreted as an affront by Europe [to] "the US and will encourage trend to hemisphere isolationism in US."

(*b*) An adverse vote will be interpreted by US public opinion as a diplomatic defeat of considerable magnitude. All our friends, not only at home but among the other governments, will say and sincerely believe that an adverse vote is the fault of the State Department and US Government.

(*c*) The effect of the foregoing will be a setback for the present US administration. Canham expressed some of these views in signed front page article in today's *Observer*, headlined "UNO H.Q. In Europe Would Shock America". He did not include criticism of US official attitude which he expressed to us but did say "the Truman administration also would receive a rebuff—not a good thing at all as President Truman and Secretary Byrnes seek to make up their minds on world policies. If President Roosevelt had been still alive there would have been no doubt at all on UNO's home."

The above views are reported because they are widely held here and I believe the Department should be aware of them. I do not suggest that the US should or could now formally abandon its position of not seeking a decision to come to the US, although welcoming such a decision if made without pressure or influence from US.

Part II. The vote at present appears to line up as follows:

For US: Latin American countries (with Costa Rica and El Salvador probably absent), China, Australia, Soviet Union, Ukraine, Byelo Russia, Czechoslovakia, Yugoslavia, Philippines, Liberia. Total 27 or 28 votes. For Europe: United Kingdom, Netherlands, France, Belgium, Norway, Denmark, Luxembourg, Canada, South Africa, Greece, Poland, Turkey, and probably India. Total, 13 votes.

Uncertain: Arab League, Iran, New Zealand, Ethiopia.

Arab League now seems most likely to vote for Europe as a unit, although possibilities that it will split 3 to 2 for Europe, abstain entirely or even swing to US as a unit cannot be ruled out. Iran has instructions generally favorable to Europe but will probably abstain. New Zealand may either abstain or vote for Europe. Therefore, as things stand now a vote of about 28 to 18 or 19 with abstentions and absentees accounting for the balance would be somewhat more probable than a two-thirds majority for US.

Part III. Committee 8 is scheduled to meet this week on Monday and Tuesday and again on Thursday, Friday and Saturday. General debate on substance will probably continue Monday and Tuesday and discussion on voting procedure will probably begin on Thursday,

with vote by end of week.[53] As indicated above, although majority of delegations clearly favor US, two-thirds vote may fail by narrow margin of 2 or 3 votes. Despite repeated informal denials of rumors that US does not want site in US and formal statement made in committee on Friday, rumors still recur. Rumor was current yesterday that my instructions authorizing me to make this denial were now obsolete, that US Government had again changed its position and now really wants site in Europe and that position has changed because US Government really wants an American as Secretary General (see also Spaak's statement below). We had not heard Stettinius angle before. We shall deny this story vigorously in accordance with Preco 359 [54] just received, both as it applies to Stettinius and in general.

[Here follows Part IV, a summary of the meeting of Committee 8 on Saturday, December 8.]

[STEVENSON]

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500.CC(PC)/12–1545 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 15, 1945—midnight.
[Received December 16—4:20 a. m.]

13194. Copre 584. Reference Copre 583.[55] At the start of Saturday's meeting of Committee 8, a proposal to vote by secret ballot was defeated on a roll call vote, 26 to 24. I voted against a secret ballot and later made the following statement on my vote.

"At the outset of our meetings a couple of weeks ago, I explained the position of the US on the question of the location of the permanent headquarters. I said that I would abstain from voting on the location but I also said that I would not abstain on matters of procedure. I voted against the secret ballot not on legal grounds and not, I can

[53] For discussion at these sessions, see *Committee 8: General Questions, Summary Record of Meetings*, pp. 22–52.

[54] Telegram 10635, December 7, 8 p. m., to London. It concerned a rumor which, the Department had been informed by private sources, was said to be "all over London". Mr. Stettinius was said to wish to be Secretary General of the Organization, and for that reason the United States Government did not want the headquarters to be located in the United States, "as we obviously could not then have the Secretary General an American." The Department advised that Mr. Stettinius "is definitely not interested in being Secretary General and that he so advised various people in London when the subject was casually raised with him." The Department also stated that if it were questioned about the story, a statement in denial would be made, with the reminder that "the United States has consistently taken the position that the Secretary General of the Organization should not be a national of any of the major powers." (500.CC(PC)/12–745)

[55] Telegram 13193, December 15, from London, not printed.

assure you, to serve any ulterior motive, but because the US delegation believes that secrecy is a bad precedent for the United Nations; because we feel that our decisions in so far as possible should in all cases and on all issues now and hereafter be made not secretly but openly. As Mr. Noel-Baker said the other day, we have spoken frankly on this issue. We feel that we should vote openly and frankly in the same spirit. I am happy that in its infancy the United Nations has not adopted the methods of secrecy."

Agreement had been reached during the day between both sides on a procedure by which there would have been a ballot either open or secret in which each member would name the country of his choice for the permanent headquarters, either the US or some European country. The European country which received the greatest number of votes would then have been proposed as an amendment to Recommendation No. 1 and voted on. Then the recommendation itself would have been brought to a vote. Agreement had not been reached, however, on whether these votes should be by secret or open ballot. After the Committee voted down the secret ballot, New Zealand, supported by the UK, Canada and others, opposed proceeding further along the lines that had been agreed upon on the grounds that secrecy had been an integral part of this procedure. A move for adjournment was also opposed.

Wilgress of Canada made and then withdrew a motion to reconsider the Canadian voting proposal and moved an immediate vote on Recommendation No. 1. Hoo of China called for a vote first on amendment to the recommendation substituting Europe for the US since the substance of such an amendment had been advocated by most of those opposing the recommendation. The chairman pointed out that no amendment for Europe had been offered in spite of his repeated requests for such an amendment. Noel-Baker supported Wilgress and denied that the UK had indulged in delaying tactics, or had any ulterior motives.

Manuilsky of the Ukraine declared a most painful impression was being created by the attempt of those in favor of Europe to avoid the regular procedure which should have been to embody their convictions in an amendment for Europe which would then be put to a vote. If the amendment were defeated the Committee would then vote on the recommendation itself. That was the orderly and regular way to proceed.

Gromyko supported Manuilsky and suggested that, since the supporters of Europe refused to offer an amendment, the chairman or some other delegate who had not yet committed himself in the debate should offer it. The chairman then declared that Uruguay would move an amendment in favor of Europe. Pelt of the Netherlands

protested against the proposal of such an amendment by the chair and denounced the proceedings as undignified.

Padilla Nervo of Mexico supported the chairman forcefully and declared the whole difficulty arose because the countries supporting Europe refused to follow the standard procedure followed in all the committees of PreCo and in all international conferences. They said their refusal was because they did not want to embarrass the US by voting for Europe. If the US were to be embarrassed he said, that would have resulted from the debate in which everyone expressed his sentiments freely and frankly and not from the act of voting in accordance with these sentiments. He declared the chairman had done the honorable thing in proposing an amendment which the states in favor of Europe should have done for themselves.

Colombia then seconded the chairman's motion and declared that it would vote for Europe. Iran declared it would vote for Europe on the first ballot but would reserve its position if the amendment for Europe did not carry. The chairman said Uruguay took the same position. Poland also declared itself in this sense.

The amendment to substitute Europe for the US was then put to a roll call vote. The following voted "yes": Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Poland, Saudi Arabia, Syria, Turkey, Union of South Africa, UK and Uruguay. The following voted "no": Argentina, Australia, Bolivia, Brazil, Byelo-Russia, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Egypt, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Soviet Union, Ukraine, Venezuela and Yugoslavia. The following abstained: Ecuador and US. The amendment was defeated 25 to 23 with two abstentions.

Recommendation No. 1 was then put to a vote. The following voted "yes": Argentina, Australia, Bolivia, Brazil, Byelo-Russia, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Iran, Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Poland, Soviet Union, Turkey, Ukraine, Uruguay, Venezuela and Yugoslavia. The following voted "no": Belgium, Canada, Denmark, France, Greece, Iraq, Lebanon, Liberia, Luxembourg, Netherlands, Norway, Saudi Arabia, Union of South Africa and the UK. The following abstained: Colombia, Ecuador, Ethiopia, New Zealand, Syria and the US. The recommendation was adopted 30 to 14 with 6 abstentions.

Wilgress of Canada then moved that the vote be made unanimous. Noel-Baker seconded the motion, pledging the UK to work loyally

and closely with its great friend and ally, the US, and to do everything in its power to make the United Nations successful. There was prolonged applause and the chairman declared the motion carried by acclamation.

I then made a statement on behalf of the US which was also greeted with prolonged applause. It was an historic moment and in some ways a bitter one for the countries of Europe for by this action the United Nations definitely and finally recognized that the center of international actions after being for centuries in Europe, had moved to the west. I think that explains the embarrassing persistence of the UK and its European supporters in refusing to agree to the regular course of procedure on this whole question right to the bitter end. Once the final vote had been taken however the atmosphere changed and the meeting broke up in a general spirit of goodwill.

Zuleta is anxious that the Dept of State should understand that Colombia was in favor of the US and voted for Europe on the first ballot only because that was made necessary by the refusal of the British and their supporters to propose an amendment in this sense. I may say that Zuleta has been a leader among the Latin American delegates in opposing attempts to delay and confuse the issue throughout the proceedings of Committee 8.

[Here follows text of Mr. Stevenson's remarks. For a summary of this statement, see *Committee 8: General Questions, Summary Record of Meetings*, page 51.]

STEVENSON

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500.CC(PC)/12–1745 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 17, 1945—5 p. m.
[Received December 17—8:40 a. m.]

13212. Copre 590. Gromyko called on me this morning to suggest that he would like to discuss the Secretary General. He commenced by saying that the Soviet Union had supported the US in the matter of the site of the permanent headquarters and wished now to have our views on Stanoje Simic, Yugoslav Ambassador at Washington as Secretary General.

He said he was uncertain as to whether he would return to Moscow between the Preparatory Commission and the General Assembly but that if he did he would want to leave promptly at the conclusion of the Preparatory Commission and thought some five power discussion of

the Secretary General and the non-permanent members of the Security Council in the course of this week was desirable.

We tentatively agreed to arrange if possible a five power meeting on Thursday December 20.

He was entirely noncommittal with respect to second choices. I suggested that I had heard some discussion latterly of Van Kleffens [56] but he was not responsive and gave us no indication of any interest in anyone except Simic. He suggested that any five power meeting be deferred until after I had received the Dept's views on Simic.

I have had no discussions of Secretary General here during the Preparatory Commission except one brief talk with Wellington Koo on his initiative. He felt that an American should not be excluded from consideration if the US was chosen for the site but agreed that it might not be wise to urge this point of view. I gathered that he was interested in hearing the names uppermost in our consideration and I remarked that Van Kleffens, Spaak or Pearson had all been mentioned to me by other delegates and seemed to us worthy of consideration; he discouraged any talk of himself as a possibility.

I suspect that Simic is advanced for trading purposes to enable Gromyko to make an important concession to unanimity among the five and to US in particular in order to get sympathetic consideration of his candidates for General Assembly positions. I would prefer if possible to have Simic eliminated from consideration by the other powers. Perhaps you should wire me that the Dept is willing to consider the qualifications of all candidates including Simic and withhold any final position for the present and also send me your views about him personally and any up to date suggestions and instructions on the whole subject of the Secretary General.

[STEVENSON]

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500.CC(PC)/12–1945 : Telegram

*The Acting Secretary of State to the Acting United States Representative on the Preparatory Commission (Stevenson)*

WASHINGTON, December 19, 1945—8 p. m.

10926. Preco 424. Reference Copre 590 December 17.

1. If you feel a useful purpose would be served we suggest you inform Gromyko that although grateful for the vote and support of the Soviet Union we do not feel that we are under obligation to any country by reason of the fact that it may have endeavored to place the site of UNO in the US since we did not seek the site.

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[56] E. N. van Kleffens, Netherlands Minister for Foreign Affairs.

2. As you know our preference is for Spaak or Van Royen for SyG. We suggest you may wish to inform Gromyko that our preference is based upon our judgment of their competence and the probable reaction of other countries to their candidacies, and not upon the fact that they are from a particular geographical area. Our preference for Spaak or Van Royen, however, should not be construed to mean that we would oppose other competent candidates who might be proposed.

3. Although we have stated that we do not feel we could push any candidate from the Americas in view of the fact that the site is in the United States (Preco 289 [57]), we would not oppose a candidate from the Americas merely because he was from this geographical area. We should endeavor to judge such a candidate upon his merits. We feel it would be unfortunate if the position of SyG should devolve upon some individual because he was from a particular geographical area rather than because of his competence.

4. We feel that the time has come to discuss candidates for SyG upon a five power basis rather than upon the basis of negotiations between only two powers and approve your arrangement for a five power meeting Thursday.[58]

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ACHESON

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500.CC(PC)/12–2345 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 23, 1945.
[Received December 23—3:56 p. m.]

13454. Copre 654. The Preparatory Commission concluded its work and adjourned at 5 p. m. today after approving remaining committee reports and other portions of final report.[59] The final meetings were concluded speedily and the atmosphere was cordial and optimistic.

STEVENSON

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[57] See footnote 42, p. 1475.
[58] No record has been found in Department files of a Five-Power meeting on December 20.
[59] See Preparatory Commission document PC/20: *Report of the Preparatory Commission of the United Nations*, December 23, 1945.

500.CC(PC)/12–2345 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 23, 1945.
[Received December 24, 1945—2: 50 a. m.]

13453. Copre 652. Statement follows of main changes made by PreCo in ExCom report for use in preparations of US delegation to GA:

MAIN CHANGES BY PREPARATORY COMMISSION IN EXECUTIVE COMMITTEE REPORT

I. *General Assembly*

A. *New items*

1. Agenda—addition to provisional agenda of items: "Items of urgent importance including the problem of refugees."

Proposed by Committee 3, opposed by USSR, strongly supported by UK and Australia, and not opposed by US.

2. Rule on calling of international conferences by EcoSoc—additional supplementary rule was adopted providing that EcoSoc may call international conferences on matters within its competence, including trade and employment, and health, in accordance with Article 62, Paragraph 4. Proposed by US, opposed by UK and USSR, and supported by great majority. All states were unanimous that some rule was necessary, but issue was whether to itemize health and trade and employment.

3. Expert Committee on Contributions—addition of provisions in rules of procedure and paper on committee structure for an expert committee on contributions comprising 7 members selected on the basis of broad geographical representation and experience and serving for a period of 3 years, members retiring by rotation and eligible for re-election.

Proposed as result of ExCom discussions in committee on administrative and budgetary questions and unanimously supported.

B. *Modifications*

1. General Committee, including the 6 committee chairmen, reduced from 15 to 14 by omission of chairman of Credentials Committee, with provision that it shall be constituted to ensure its representative character and that chairmen of committees shall be elected on the basis of equitable geographical distribution, experience and personal competence.

Originally opposed by USSR, who did not wish to include committee chairmen, but finally supported unanimously (except Ecuador).

2. Nominations Committee is omitted altogether.

USSR opposed Nominations Committee in ExCom. All other states finally voted against this committee except Brazil, Canada and US, but we did not consider it a vital matter.

3. Two committees in economic and social field—definite decision was reached to establish two main committees in economic and social field: (1) An economic and financial committee and (2) a social, humanitarian, and cultural committee, instead of one overall committee to initiate and coordinate economic and social policy as proposed by US.

This decision, strongly supported by UK, was carried by just a two-thirds vote. We opposed it but are agreeable to experimenting with two committees instead of one.

4. Language provisions in rules of procedure, in place of modified San Francisco language rules for GA worked out by ExCom the rules as adopted at San Francisco will prevail "unless otherwise decided." Decision generally supported in view of suggestion raised by Ecuadoran Delegate that 5 working languages might be desirable. Decision on working languages is therefore postponed until later.

II. *Security Council*

A. *New items*

None.

B. *Modifications*

1. Period of notice for agenda—a blank space, to be filled in by SC was substituted in Rule 5 of the provisional rules of procedure for the 48 hour rule proposed by ExCom. This rule has reference to the period of notice required for the agenda of regular meetings of SC.

Proposed by Mexico as a substitute for USSR proposal to fix interim at 7 days. Accepted unanimously.

2. Invitation for assistance by SC—Rule 1 of footnote on page 42 of ExCom report was incorporated as Rule 17 in the provisional rules. It provides: "The Security Council may invite members of the Secretariat or any person, whom it considers competent for the purpose to supply it with information or to give their assistance in examining matters coming within its competence."

Its adoption was proposed by Syria. The US opposed.

3. Language provisions in rules of procedure—the section of the provisional rules dealing with languages was deleted and the following rule (Rule 18) substituted: "The rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided."

Ecuador proposed that reference to English and French as working languages be dropped. The United Kingdom proposed the compromise which was accepted and which the US supported.

723-681—67——98

4. Records of meeting—the second sentence of Rule 31 of the provisional rules recommended by the Executive Committee was revised to read: "This record shall be kept by the Secretary-General and the representatives of states who have taken part in the meeting may have corrections made in their own speeches within a period of 10 days." The effect of this is to open the records of private meetings to non-members of the Council who have participated in discussions of the Council under Articles 31 and 32 of the Charter.

Proposed by Canada and accepted without objection.

5. Records of meetings—the last sentence of Rule 31 of the provisional rules as recommended by ExCom providing that representatives of members who have taken part in a private meeting shall have the right to consult the records was deleted.

Syria proposed that the records in question be open to all members of the United Nations. This was opposed by the United States. The deletion of the last sentence was a compromise proposed by Australia and was supported by the US.

III. *Economic and Social Council*

A. *New items*

1. Commission on Narcotic Drugs—added as the fifth commission recommended for immediate establishment by EcoSoC.

Proposed by China supported by US, UK and the Netherlands; adopted unanimously by Committee 3.

B. *Modifications*

1. Fiscal Commission—included as third commission recommended for consideration as to desirability of establishment at an early date, possibly at first session of EcoSoC.

Proposed for immediate establishment by Canada; supported by UK; opposed by USSR and others; failed of adoption; US proposal to put Fiscal Commission in category described in preceding paragraph adopted.

2. Coordination Commission—recommended that EcoSoC consider at first session advisability of establishing such a commission.

Proposal in foregoing sense by USSR accepted by Belgium (originally in favor of recommendation for immediate establishment) as compromise; adopted almost unanimously.

3. Refugees—mentioned specifically in agenda Item 10 (11 of agenda in ExCom report): "Discussion of the problem of refugees and of such other urgent problems," etc. As in ExCom report; recommended for specific mention in agenda for GA (see Section I of this memorandum).

Proposed by UK (after discussion indicated clearly that UK proposal to recommend immediate establishment of a Refugee Commis-

sion would not be accepted); supported by Union of South Africa; adopted by 15 votes to 6 (USSR, Byelo-Russia, Czechoslovakia, Poland, Ukraine, and Yugoslavia).

4. Relationships with specialized agencies—the section of the report on this subject (Chapter VIII of ExCom report; Section 5 of Chapter III of PreCo report) submitted to GA as observations designed to serve as a guide to EcoSoC in its negotiations with specialized agencies.

Proposed by UK; supported by the Netherlands; adopted unanimously.

IV. *The Trusteeship System*

A. *New items*

1. Draft resolution—all of Chapter IV, except provisional rules of procedure for TrustCo to be replaced by single draft resolution which states that

(*a*) The GA calls on the mandatory powers to undertake the practical steps, in concert with the other states directly concerned, for the conclusion of trusteeship agreements for approval preferably not later than the second part of the first session of the GA and that

(*b*) Those trusteeship matters which will be taken up by the GA at the first part of its first session will be considered by the Trusteeship Committee, using the methods which the GA considers most appropriate for the further consideration of these matters.

The proposal of ExCom for the establishment of a temporary Trusteeship Committee was strongly opposed by the Soviet bloc and the Arab League, which favored a simple invitation to mandatory powers to negotiate agreements immediately; draft resolution, based on a Yugoslav proposal, was prepared by a subcommittee consisting of Yugoslavia, USA, UK, USSR, Belgium and Syria; the phrase "in concert with the other states directly concerned" was inserted at suggestion of USA after other members refused to agree to invitation to "the states directly concerned, including the mandatory power"; last paragraph was added to original Yugoslav draft resolution at insistence of USA, supported by UK; resolution was adopted by vote of 28–0, many members reserving right to propose changes in the GA.

2. Provisional rules of procedure—Rule 58: Following sentence inserted between first and second sentences: "During such surveys the Trusteeship Council is empowered to use various methods to insure the fullest possible expression of the wishes of the local population, such as the voice of the representative organs if they exist, the holding of public elections of spokesmen, consultation with the national organizations, popular referendum, direct contact by the special representatives of the Trusteeship Council with the people of the terri-

tory, and other methods appropriate to the progressive state of political development of the people."

Original amendment proposed by Philippines and referred to a subcommittee, which presented majority recommendation and two minority recommendations; present amendment proposed by Ukraine and adopted, 20–4, without discussion; USA, UK, China and South Africa opposed, USA because amendment did not state that Trusteeship Council should exercise these powers "in conformity with the respective trusteeship agreements."

B. *Modification*

1. Provisional rules of procedure for Trusteeship Council—Rule 1. Semi-annual meetings substituted for annual meetings.

Proposed by USSR.

Rule 6. Following sentence added: "A member of the United Nations which has proposed an item on the agenda of the Trusteeship Council is entitled to be present and heard when such item is being discussed."

Proposed by Syria.

Rule 7 and 9. Semi-annual elections substituted for annual elections.

Proposed by USSR.

Rule 24. Restrictions on publicity were revised so that all meetings of Trusteeship Council and subsidiary bodies will be public unless in exceptional circumstances it is decided otherwise.

Rule 30. Following phrase added to first sentence "including questions on the activity of and measures taken by the administering authority to that end."

Proposed by Syria.

Rule 38. Entire second sentence, regarding rejection of petitions, deleted after USA and other delegations proposed amendment of individual clauses.

Rule 39. Last 11 words of first sentence and entire second sentence deleted.

Proposed by USA.

Rule 40. Phrase "are permitted" in last sentence changed to "are not prohibited."

Rule 41. Deleted on motion of Egypt.

Rule 44. Deleted on motion of Liberia.

V. *International Court of Justice*

A. *New items*

None.

B. *Modifications*

1. Dissolution of P.C.I.J.

Deletion from Section 2 of Chapter V of report of the following:

(1) The whole of the "resolution to be moved in the Assembly of the League of Nations"; and

(2) The reference to that text which is made in the remaining portion of that section. (See PC/LEG/31).

Suggested by Belgium and approved without opposition or vote.

VI. *Facilities, Privileges and Immunities of the United Nations*

A. *New items*

1. A draft general convention on privileges and immunities transmitted as a working paper to GA. /PC/LEG/42/.

Proposed by the Canadian Delegation in Committee 5, vigorously supported by UK and Belgian delegations, no opposition to draft convention as such but general reservations and exceptions made by all delegations including US. General insistence that present draft have only working paper status.

2. Recognition that certain specialized agencies, in some cases, by reason of their particular functions, may require privileges of a special nature which are not required by the United Nations. Language in this sense introduced by Committee 5 in excerpted Paragraph 5 of Chapter V of report of Executive Committee which appears in PC/LEG/42, Page 2.

VII. *The Secretariat*

A. *New items*

1. An International Civil Service Commission to be established by the Secretary-General, in consultation with the heads of the specialized agencies, to advise on methods of recruitment and means to achieve the adoption of common standards of recruitment in the Secretariat and in the specialized agencies brought into relationship with the United Nations.

Original proposals by the US, UK and Canada were reconciled in a compromise, including major points of US amendment. Netherlands, Brazil, US, USSR and New Zealand supported appointment of members by Secretary-General in consultation with the heads of specialized agencies. UK, France, Belgium, Mexico, Argentina and Chile supported Assembly appointment.

2. An information policy statement prepared by the special Advisory Committee on Information was approved, in principle, and attached as an annex to the report for the guidance of the Assembly and the Secretary-General.

3. Temporary classification and compensation schedules are to be prepared by the advisory group of experts.

Proposed by France and agreed by US as a result of debate on striking of detailed grading schedules from the report. (See Modification 2 below.)

B. *Modifications:*

1. The staff regulations were condensed to a statement of general principles, leaving details to be promulgated as rules by the Secretary-General.

Proposed by US, generally supported after initial opposition by Belgium and France.

2. The detailed classification and compensation grading schedules were stricken from the report, except for statement of general principles to be followed by the Secretary-General and the advisory group of experts.

Proposed by US, supported by USSR. Strongly opposed by Belgium and France.

3. Permanent tenure was substituted for the ExCom 5-year contract for all positions except Secretary-General, Assistant Secretaries-General, Directors and such other higher positions as Secretary-General may designate, for which a 5-year term will be retained.

Proposed in different form by Belgium, Canada and US. General support obtained for recommendation based on compromise U.S. amendment. After initial opposition by Netherlands, Greece and Soviets, unanimity was reached on the proposals.

4. Assistant Secretaries-General. The ExCom recommendation that Assistant Secretaries-General be the heads of departments was modified to leave the Secretary-General latitude in placing one or more departments under a single Assistant Secretary-General.

Sponsored by US originally to leave Secretary-General free to utilize assistants as he saw fit. Opposed by UK, Netherlands, Chile and Canada. Final compromise embodies most of US views.

5. The status of the report was modified by forwarding Section 2 of the report and staff rules for the guidance of the Secretary-General in lieu of requiring detailed conformation to the detailed plans and policies.

Sponsored by the US, supported by UK and USSR. Opposed by Netherlands, Belgium and France.

6. The Department of Security Council Affairs was substituted for the "Department for the Maintenance of International Peace and Security" and the descriptive sections of the report were modified as a solution to the "semantics" difficulty between those delegations supporting organization by functions and those supporting one by organs.

Compromise on US, Canadian, USSR and ExCom proposals was initiated by US and supported by USSR, UK, Canada, Greece, US, Mexico, Brazil and the Netherlands. Opposed by Chile and Belgium.

7. Conference and General Services and Administrative and Financial Services were substituted for the Central Bureau, Treasury Department, and Administrative Services and Personnel Department proposed in ExCom.

The US proposed the substitution of several staff offices for the department proposed in the ExCom report. After substantial modification to provide two groups of services with independent offices, thus incorporating most of US views and with an Assistant Secretary-General as the principal staff aide to the Secretary-General, the proposal was accepted by the UK, USSR, Belgium and Canada.

8. The organizational latitude provided the Secretary-General in the ExCom report was widened to give the Secretary-General complete freedom in the distribution of work between the departments and services and the rearrangement of the initial organization recommended for the Secretariat.

Proposed by the US and USSR. Generally supported after initial opposition by the UK, Netherlands, Belgium and France.

9. The coordination of economic and social departments is left to the Secretary-General and he is free to utilize any organizational method short of a single department. The ExCom report had provided for separate department heads and no coordination work.

The US proposed that both departments be under a single Assistant Secretary-General. The compromise language suggested by Poland was accepted in preference to a certain defeat on the original US proposal, as it still leaves the Secretary-General free to place the two departments under a single Assistant Secretary-General if he finds it necessary.

10. The proposed salary of the Secretary-General and salaries of the staff were stricken from the report.

US proposal recommended by the advisory group of experts. Opposed by France.

VIII. *Financial Arrangements*

A. *New item*

1. Draft provisional financial regulations prepared by the advisory group of experts together with US amendments, were referred to GA as a working paper for its consideration.

The US was able to obtain agreement on amending these regulations to strike the provision for submission of the budget by the SyG to the members in advance of presentation to GA. The paper was transmitted as a working document rather than as a recommendation at the suggestion of the USSR.

B. *Modifications*

1. The title "Advisory Committee on Administrative and Budgetary Questions" was submitted for "Supervisory Committee on Ad-

ministrative and Budgetary Questions". The statement of functions of this committee and of its relationships was modified to limit the committee to advice for GA and the Administrative and Budgetary Committee, and to avoid implication that the committee supervises or controls in any way the Secyt or the SyG. The text of the report was revised so as to leave open the question of the time at which the budget was to be submitted to the committee and the member states by the SyG.

The original US proposal, which would have established the committee as the staff for the Advisory Committee on Administrative and Budgetary Questions, met with very strong opposition from the UK, Venezuela, Czechoslovakia, China, the Netherlands, Australia and the USSR, the other members of the subcommittee appointed to consider the proposal. The compromise modifications, as adopted, embody the major points in the US proposal.

2. Payment of travel expenses of delegates to the GA was advanced to the status of a definite recommendation as against the general approval of the principle in the ExCom report.

Sponsored by the UK and generally supported. At US request, the UK sponsored an amendment to make it impossible for members in default to obtain cash payments for travel of their delegates.

3. The financial year was changed from January 1 to December 31. Sponsored by the US and formally proposed by the advisory group of experts.

4. The working capital fund advances are to be calculated on straight FAO formula rather than on a floor of $5,000 and FAO formula for nine countries.

Based on advisory group of experts recommendation the US took hand in securing unanimous support for a definite recommendation as the working capital fund and system of advances after a number of countries, including Brazil, USSR, Mexico and Chile had proposed transmittal of the proposal as a working paper.

IX. *Permanent Headquarters of UNO*

A. *New items*

1. Decision on east of US for site—a recommendation was adopted that the site of the permanent headquarters should be in the east of the USA. Initiated by Freitas-Valle [59a] and strongly supported by the UK, most of the European states and many of the Latin American states, the vote on this proposal was 25 to 5 with 10 abstentions including US.

2. Interim Committee—appointment of an interim committee to make recommendations during the first part of the GA on the exact location of the permanent headquarters of UNO within the US. This

[59a] Cyro de Freitas-Valle of Brazil.

committee was created because insufficient time remained after the decision to locate the headquarters in the US for the PreCo to examine the mass of data already submitted on various proposed sites. The Interim Committee will also carry on work on a draft agreement with the host state on the basis of the principles embodied in a draft which the PreCo will forward to the GA for information but not as a recommendation.

X. *The League of Nations*

A. *Modifications*

The purposes of Chapter IX of the Executive Committee report are achieved in substance, but with a change in procedure, by means of 3 recommendations set forth in PC/11 and PC/12, which abandoned the formal concept of en bloc transfer.

1. Treaty functions entrusted to the League. The draft resolution dealing with this subject (Section 2. Ch. IX, report) is simply repeated in PC/12, Section 1, with the substitution of the term "assume" for the term "take over" in the text.

2. Non-political functions and activities of the League other than those entrusted under treaties. Recommendations in Section 2 of PC/12 provide:

(1) For a survey of such functions by the Economic and Social Council prior to assumption of any of them by the United Nations, but pending completion of the survey, it is recommended that the League work in the economic, financial and transit department and health and opium sections should be assumed and continued on a provisional basis when the League is dissolved;

(2) That provisions be made for taking over and maintaining in operation the library and archives and for completing the League of Nations treaty series;

(3) That experienced League personnel be used for the purposes in (1) and (2) above on a conditioned basis. Paragraph 4 of Section 2 of PC/12 states that "the Preparatory Commission believes that the foregoing recommendations cover all parts of the report by the Executive Committee relating to the transfer of functions, powers, and activities of the League of Nations with the exception of Paragraph 9 . . ."

3. League supervised loans. Paragraph 4 of Section 2 of PC/12 refers to Paragraph 9 of Chapter IX of ExCom report, and says "the Preparatory Commission makes no recommendation on this subject; it considers that it can be brought by any interested government before the EcoSoc."

4. Assets of the League. PC/11 contains a recommendation providing for:

(1) A committee of 8 persons to be designated by 8 named states, including the United States, to confer with the League Supervisory

Committee for the purpose of bringing in a plan for the transfer of the assets of the League to the United Nations.

(2) The committee should consult with the ILO on questions connected with this transfer which affect that organization.

(3) The committee is to have regard to the views expressed in the report. Ch. IX, Section 3, Parts B and D, which deal with assets.

(4) The contemplated plan is subject to approval by the GA. It should be ready in time to be considered during the first part of the first session of the Assembly.

5. Disposition of Part IX of ExCom report.

Section 2 is preserved, as indicated above, in PC/12, Section 1. Sections 1 and 3 are replaced by the new recommendations embodied in PC/12, Section 2, and PC/11, except as so preserved or incorporated by reference. Sections 1 and 3 of the ExCom report are not transmitted to the GA.

The above complex modification of the scheme envisaged in Chapter IX of the report is the result of a compromise put forth by the Polish Delegation and elaborated in a small drafting committee composed of the delegates of UK, USSR, Poland and Egypt, China, France, Australia and other important League members supported it and no opposition toward it was manifested in Committee 7. The US reserved on valuation of the League property, but supported the above solution.

STEVENSON

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500.CC(PC)/12–2445 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 24, 1945—4 p. m.
[Received 9 : 40 p. m.]

13562. This is Copre 665. Individual talks in last few days disclose Koo's preferences for Secretary General are Pearson, Van Kleffens and Spaak in that order. Noel-Baker strongly favors Pearson. Gromyko expressed "great disappointment" that our preliminary reaction to Simic was unfavorable and foresaw "difficulties". No affirmative response to Van Royen but I will continue to keep his name and Spaak's in the discussions. Names of Sir John Anderson [60] and Aghnides [61] have been added to Mudaliar [62] in the gossip but not among the five.

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[60] Formerly British Chancellor of the Exchequer (in the Churchill wartime coalition government).

[61] Thanassis Aghnides, Greek Representative on the Preparatory Commission.

[62] Sir A. Ramaswami Mudaliar, Indian Representative on the Preparatory Commission.

Gromyko expressed doubt as to inclusion of Mexico on the Security Council and questioned four Western Hemisphere states. I presume he will press later for elimination of Mexico and inclusion of another Eastern European. He also questioned Egypt and suggested Syria as "less British". He also implied that Belgium might be a more acceptable choice than the Netherlands. Noel-Baker strongly favors Spaak for President of GA. His second choice if necessary to satisfy Russian objections, would be Masaryk and Lie would be his third choice. His objection to Lie is on personal qualification grounds in contrast to Spaak's ability and elocution.

[Here follows discussion of other subjects.]

STEVENSON

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500.CC(PC)12–2445 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 24, 1945—9 p. m.
[Received December 25—6 : 50 p. m.]

13583. This is Copre 670.

*a.* Following is summary report of conversations concerning slates and related matters during the last few days in addition to conversations reported in Copre 665.

[Here follows Mr. Stevenson's discussion of his conversations with several heads of delegations from Near Eastern, British Commonwealth, and Latin American countries.]

*b.* Following are preliminary observations concerning presidency of GA and SyG:

1. There seems to be very little interest in a Norwegian as president of the GA. There is even some concern that a Norwegian president might be in a somewhat embarrassing position with regard to Soviet Union. Apart from the support for Evatt mentioned above among the Latin American delegations,[63] sentiment seems rather strongly to favor Spaak as president. He is known to be favored by the British. The view is now infrequently expressed, however,

[63] H. V. Evatt, Australian Minister of State for External Affairs and Australian Representative on the Preparatory Commission. Mr. Stevenson had reported as follows: "With regard to the presidency of the GA, Zuleta [Eduardo Zuleta Angel, of Colombia, President of the Preparatory Commission] confirmed that there is general support among all Latin American delegations for Evatt. He said that he personally as well as his Govt shares this view. He then talked at length about Evatt as a leader of smaller countries at San Francisco and the profound impression he had made upon all of the Latin American countries in this sense. For the same reason he said he thought Evatt would have a great deal of support among the smaller European countries. Zuleta went out of his way to emphasize that Latin American support for Evatt was not directed against the US but rather to prevent domination by the Soviet Union. Zuleta did not feel that the candidacy of a Norwegian would be very warmly received if Evatt's candidacy were not practicable. He said he thought the Latin American countries would favor Spaak if Evatt were not available."

that because of his political record he might be unacceptable to the Soviet Govt. Gromyko was certainly lukewarm, to say the least, concerning the possibility that Spaak might be elected president of the GA. It is felt that Spaak might accept the presidency since it would presumably permit him to continue his political and administrative career in Belgium.

2. There is virtually no favorable reaction to Spaak as a possibility for SyG. It is doubted whether Spaak would be willing to give up his national career; it is believed that Soviet opposition would be far stronger against Spaak as SyG than it would be against him as president of GA; it is recognized that Spaak's command of English is very poor and that fluent command of English will be essential since headquarters will be in US. There is very little enthusiasm for Van Kleffens or Van Royen. The latter is thought of as a very high-minded gentle person of considerable intellectual capacity but, on the other hand, he is considered to be somewhat aesthetic and not tough enough for the job as SyG. Soundings we have taken without, of course, specific reference to Gromyko's proposal of Simic, indicate there would be strong opposition to an Eastern European as SyG. This opposition would be notably strong among Latin American countries, and might be somewhat embarrassing because, although not in any way inspired by US, the Soviet delegation would undoubtedly believe that it had been.

*c.* We shall continue consultations so far as possible over the holidays with other members of the five and other delegations as circumstances permit. Because of pressure of other work on all delegations and reluctance of most delegations to discuss slates before this week, it has not been possible for us to make as much progress as we should have liked during PreCo period. We anticipate it will be possible to commence active discussions of these matters by about January 3 and we feel quite certain that the remaining time before the GA convenes on the tenth will be more than fully occupied with these negotiations.

STEVENSON

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500.CC(PC)/12-2445 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 24, 1945—9 p. m.
[Received December 25—2 p. m.]

13582. This is Copre 671. I met today in Gromyko's room with Gromyko, Victor [Hoo,][63a] Koo and Webster. Yunin[64] of

[63a] Minutes of the meeting indicate that both Wellington Koo and Victor Hoo were present.

[64] M. M. Yunin, Adviser on the Soviet delegation to the Preparatory Commission.

USSR was also present. Massigli was absent because of his return to Paris today. Meeting was result of my private arrangement with Gromyko.

Discussion covered SyG, non-permanent members of SC and members of EcoSoC with brief reference to presidency of GA.

With regard to SyG I mentioned a number of names which had come to my attention during the PreCo to wit: Spaak, Van Royen, Sir John Anderson, Aghnides, Mudaliar, Bruce, Pearson, Monnet, Van Kleffens and finally Simic who had been suggested to me by Gromyko. I explained that these were merely names with respect to which only Spaak and Van Royen had received any formal and approving consideration by my Government.

The question arose as to whether we should proceed with a discussion of names or principles. Koo suggested that we should first determine whether a US citizen was excluded, second, whether a North American could be considered and, third, whether one of the great powers could be considered.

Gromyko suggested that it should not be a North American. Webster indicated that no one should be excluded and that the sole criterion should be the best man. In response to Gromyko's inquiry about Simic, Webster said he was not sufficiently experienced and could not in his judgement compare with Spaak on grounds of competence, experience or favorable reaction among others. Gromyko did not press hard on Simic and I think he was following instructions with full realization of the futility but with the expectation that his bargaining position would be improved. Webster indicated that his Govt's first choice was still General Eisenhower in spite of the fact that he was from the US. Gromyko asked if he had second and third choices to which he did not respond. Koo indicated that his preference on the ground of the principles which he felt should prevail were Spaak, Pearson, Masaryk and Van Kleffens. He felt that first the general principles should be established and then the possible candidates eliminated by comparison with these principles.

Gromyko expressed agreement in principle with this position. I suggested that perhaps we could approach the problem obliquely by finding out if there were any other Big Five candidates except Eisenhower. There were no names suggested except Tsing of China formerly Ambassador to Moscow who was suggested casually by Webster. I was requested by Webster to determine definitely if Eisenhower would be available and agreed to do so.[65] If he were eliminated there

[65] In telegram 11124, Preco 452, December 29, 3 p. m., to London, the Department stated that "Webster's inquiry . . . has been informally referred to the War Department. In response it has been suggested that you endeavor informally to discourage further proposal of General Eisenhower's name for the post of Secretary General." (500.CC (PC)/12-2945)

seemed to be general if tacit agreement to proceeding with the consideration of other names as no other US citizen seemed to be under consideration. Both Webster and Gromyko quickly eliminated discussion of Van Royen. Webster and Koo expressed a warm regard for Pearson in which I concurred explaining that as he was a North American we were reluctant to take any initiative in regard to him.

Sir John Anderson was discussed but briefly and eliminated by Webster on the ground of age. I explained that I was reluctant to dismiss consideration of all Big Five possibilities until we had canvassed all possible names and Gromyko remarked that Professor Webster had not "mentioned anyone officially". The professor replied that he had mentioned Spaak and Pearson though he could not commit his Govt and was reluctant to mention anyone from the UK.

Gromyko then changed the subject [to] the non-permanent members of SC and Webster said that he thought something like Brazil, Canada, Netherlands, Poland or Czechoslovakia, an Arab state and a Latin American state—Colombia or Mexico—would be about right. Gromyko asked if Belgium would not be preferable to the Netherlands and the professor indicated that the Netherlands in his opinion was a much greater power. Koo suggested that another Asiatic state should be considered and Gromyko said that that meant only Iran or India. Gromyko said Iran should be included among the Arab states.

I presented our slate merely for discussion for EcoSoC explaining that some changes would probably be made among the Latin Americans. Gromyko seemed to be particularly interested in how long the terms were for each of the states proposed.

The subject of the President of the GA was then discussed briefly and I indicated a preference for Norway. Professor Webster preferred Spaak and felt that that did not exclude him from consideration for SyG. Gromyko raised the question of officers for the first and second parts of the Assembly and seemed somewhat surprised that the same officers would serve in both parts of the First Assembly. He added that he felt therefore, that the consideration of officers for the First Assembly was connected with the consideration of officers for the Second Assembly. No one was ready to discuss officers for the Second Assembly. But Koo indicated that he was ready to support Norway for the first and Eastern Europe for the second. Gromyko added that he likewise would look with favor on Norway for President of the GA but did not say for which session.

STEVENSON

500.CC(PC)/12–2745 : Telegram

*The Acting United States Representative on the Preparatory Commission (Stevenson) to the Acting Secretary of State*

LONDON, December 27, 1945—7 p. m.
[Received December 27—6 p. m.]

13620. Copre 677. Through Ambassador Colban of Norway I have made inquiries as to Lie's availability for President of the General Assembly and Colban has informed me today that Lie would be receptive should any movement toward his election be started.

Should there develop a contest between Evatt and Spaak, it is not impossible that it might be resolved by a compromise on Lie whom the Russians would favor.

STEVENSON

## PARTICIPATION BY THE UNITED STATES IN THE ESTABLISHMENT OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION [1]

800.42/4–1145

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

No. 5325 WASHINGTON, April 11, 1945.

The Secretary of State refers to the Department's telegram no. 1712 of March 6, 1945, 7:00 p. m.,[2] concerning the draft constitution for a United Nations educational and cultural organization. The Department has practically completed its study of this draft and has decided to propose the establishment of a permanent international educational and cultural agency.

Attached is the revised draft constitution [3] approved by the United States Government as its proposal for an international organization for education and cultural cooperation. The draft may still be slightly modified to emphasize somewhat more the cultural as distinct from the educational functions, but the main lines are fixed. The draft is being explained to the Conference of Allied Ministers of Education in London at its meeting on April 11, 1945. The Officer in Charge should immediately submit this draft to the authorities of the British Government for their information and reactions. Similar instructions are being sent to the Officers in Charge of the American Missions in France, Russia, and China.

[BYRNES]

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[Telegram 2994, April 17, to London, authorized the presentation of the American draft to the Drafting Committee of the Conference of Allied Ministers of Education on April 18 "but only as a confidential document for their information and use. No reactions have yet been received from Moscow, Paris, or Chungking." (800.42/4–1245)]

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[1] For previous documentation, see section entitled "Participation of United States in the Conference of Allied Ministers of Education, London, April 5–29, 1944, and the Proposed Establishment of a United Nations Organization for Educational and Cultural Reconstruction", *Foreign Relations*, 1944, vol. I, pp. 965 ff.

[2] Not printed.

[3] For text, see Department of State, *Postwar Foreign Policy Preparation, 1939–1945*, p. 649.

800.42/4–2445 : Telegram

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

LONDON, April 24, 1945—5 p. m.
[Received 10:40 p. m.]

4165. For Anderson[5] from Kefauver.[6] Drafting Committee yesterday came much closer to complete acceptance of American draft, approving all main features.[7] Revisions they have made are minor. Voting arrangement and national commission approved without modification. Science returned to position in original US proposal. Shall send airmail draft with all changes by Conference after Executive Bureau meeting tomorrow.

Richardson[8] yesterday made a Drafting Committee approved proposal that Conference and US Government jointly present revised statement of proposals for consideration by Governments and by the international conference to be called after the San Francisco meetings.[9] This proposal will go to the Executive Bureau tomorrow. In view of this suggestion and the full use of the US draft it is recommended that this procedure be approved by the Department. Appreciate difficulty of getting consideration of the procedure with staff in San Francisco meetings but prompt action is needed inasmuch as Conference is held up until reaction is received from Department.

British would like to have Conference print proposals for constitution and make them available to educational and cultural groups and to the public so that there can be discussion prior to the international meeting. Such a step would require action at the plenary session of the Conference on May 16. If publication of joint proposals by Conference is approved suggest that they be published in State Department *Bulletin* at same time for circulation in US. Recommend approval of this step with publication after San Francisco meetings. Department reaction desired but there is not the same urgency for this as there is for item in preceding paragraph.

Immensely pleased with the spirit of the discussions and the agreement reached. The US document stood up very well under analysis

[5] Eugene N. Anderson, Assistant Chief, Division of Cultural Cooperation.
[6] Grayson N. Kefauver, of the Division of Cultural Cooperation; United States delegate to the Conference of Allied Ministers of Education.
[7] The Embassy had reported in telegram 4017, April 19, 9 p. m. (800.42/4–1945), that on April 18 the Drafting Committee of the Conference decided to drop its draft proposal for a constitution and to use the United States draft as a basis for formulating working proposals to be presented by the Conference to the Governments concerned and to the international conference to be called later.
[8] W. R. Richardson, Acting Assistant Secretary in the British Ministry of Education.
[9] For documentation on the United Nations Conference on International Organization, San Francisco, April 25–June 26, see pp. 1 ff.

and as the discussions advanced, there was a growing respect for the US formulation. It is a high tribute to these men that they acknowledged the higher quality of the US document accepting it as the basis of operation and modified their position on a considerable number of important points without irritation or resistance. [Kefauver.]

WINANT

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800.42/6–1245 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, June 12, 1945—7 p. m.

4723. Urtel 5626.[10] Unfortunate Conference can not immediately publish draft constitution. May be necessary to publish American draft here without amendments proposed by Executive Bureau of Conference. It is hoped that date of Conference Plenary Session can be advanced from July 11, 1945 to earliest possible date.

Dept suggests that you, in your judgment, informally express view of the US Govt that it would be glad to have the Govt of UK call the international conference to establish an international organization for education and cultural cooperation. This would ensure the logical evolution of the long and thoughtful work of the Conference of Allied Ministers of Education, in which this Govt has actively collaborated. Specifically, it would ensure that the draft constitution as developed by the Conference of Allied Ministers of Education would become the basic working proposals in the international conference to establish an international organization for education and cultural cooperation.

Events in San Francisco have made it clear that all govts represented there want an organization formed in this field as soon as possible. Both Houses of the American Congress have so expressed themselves in identical resolutions unanimously adopted.[11] At San Francisco, the French Delegation, particularly interested in the Paris Institute for Intellectual Cooperation, announced "France will probably take the initiative in calling this Conference in agreement with the interested govts and especially with the Brit Govt since it was in London, at the beginning of this war, that the ministers of National education of a certain number of Allied countries held their first conference".

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[10] June 4, 6 p. m., not printed.

[11] House Resolution 215 urging the "creation of an international educational and cultural organization." For text and amendments agreed to on May 22, 1945, see *Congressional Record*, vol. 91, pt. 4, p. 4899. For agreement to Senate Resolution 122 and title amendment, May 24, 1945, see *ibid.*, p. 4966.

This Govt does not object in principle to a conference called by France. But before France, or any other govt, should issue such a call, it is considered vitally important that it accept as a kind of Dumbarton Oaks plan for the conference the present draft of a proposed constitution developed by the Conference of Allied Ministers of Education. If the UK would promptly call the conference this would be assured.

GREW

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800.42/7–1345 : Telegram

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

LONDON, July 13, 1945—4 p. m.
[Received July 13—2:14 p.m.]

7074. Kefauver to Anderson. Conference yesterday approved draft constitution as basis for agenda of United Nations Educational and Cultural Conference, authorized immediate circulation to Governments and publication and general release in different countries on August 1st. I pressed for earlier release but members of Conference considered that much time required to ensure delivery draft constitution to all Governments before general release. Conference will publish on August 1st. Recommend Department publish for release same date.[12]

[Here follows account of other Conference matters.]

[Kefauver]
WINANT

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800.42/7–1345 : Telegram

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

LONDON, July 13, 1945—7 p. m.
[Received 8:45 p. m.]

7085. Kefauver to Anderson. British Minister of Education issued following news release yesterday on behalf of Conference Allied Ministers Education without consultation with Johnson or Kefauver and without discussion at meeting of Conference:

"A conference is to be held in London on Nov 1 next to consider the establishment of a United Nations educational and cultural organization.

"The Conference of Allied Ministers of Education under the chairmanship of Mr. Richard Law, Minister of Education, at a meeting

[12] See Department of State *Bulletin*, August 5, 1945, p. 168.

in London today unanimously agreed that the UK Govt be asked to invite on its behalf the Govts of all the United Nations to send delegates to this conference.

"A working committee will be set up in London to make preparations for the conference and to assemble and collate opinions and proposals as to the scope and methods of operation of the organization.

"Draft proposals for the constitution of the organization prepared by the Conference of Allied Ministers of Education will be issued shortly and will form the basis of discussion at the forthcoming conference."

Kefauver has expressed informally dissatisfaction with this action without preliminary discussions and failure to indicate in last paragraph that draft constitution was prepared by Conference in cooperation with US Govt. [Kefauver.]

WINANT

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501.PA/8–745 : Telegram

*The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)*

WASHINGTON, September 29, 1945—9 a. m.

8632. Referring to Enclosure Number 1 to your despatch Number 24672 of August 7, 1945,[13] please communicate to Foreign Office the following observations of the Department upon the Draft Proposals for an Educational and Cultural Organization of the United Nations. It should be emphasized these observations are offered for discussion before the November Conference and will not necessarily be this Government's final position in the Conference. Our comment is directed toward the draft published on August 1, 1945 by the Conference of Allied Ministers of Education which we assume will be the basic document for consideration at the November Conference.

Two substantive changes in the draft are suggested. First that Article V, Section C be amended to assign one vote to each member state on questions of structure, organization and budget. For all other Conference decisions each delegate would have one vote. Second, substantive proposal is that status of Executive Board clearly be that of the governing body of the Organization between Conference sessions and responsible to the Conference for its actions. Therefore we would suggest substituting for present Article VI, Section B, paragraph 1 the following text: "The Executive Board shall be the gov-

[13] Not printed. This despatch transmitted an invitation from the British Government to the Government of the United States to be represented at the conference being called to consider the creation of an Educational and Cultural Organization of the United Nations. In airgram 2351, September 12, the Ambassador was instructed to accept the invitation on behalf of the United States (501.PA/8–745).

erning body of the Organization between sessions of the Conference". Also suggest making President of Conference *ex officio* member Executive Board and entitling Chairmen of standing committees of the Conference to attend Executive Board sessions, without right to vote, when matters of immediate concern to their committees are under consideration. Further suggest specifying Director-General is responsible to the Conference.

Besides substantive changes the following suggestions are offered to spell out certain matters implicit in present draft. First, role of scientists, scientific collaboration and interchange of scientific knowledge should be emphasized and made more explicit. This suggestion obviously has no bearing on scientific research for military purposes, which has always been carefully guarded without preventing extensive cooperation and exchange of information among scientists. Second, the possible relationship of this Organization with non-governmental international associations in educational, scientific and cultural fields could well be spelled out more clearly. One useful provision would be for appointment of advisory committees to the Organization composed of representatives of such associations.

In addition to these four suggestions there should be textual changes to make this Constitution conform more closely to the United Nations Charter. This matter will inevitably come up in the Conference and the proposals of the United States Delegation will be presented at that time, together with possible additional suggestions which the United States Delegation may wish to offer at the Conference.

ACHESON

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501.PA/10–1045 : Telegram

*The Chargé in the United Kingdom (Gallman) to the Secretary of State*

LONDON, October 10, 1945—7 p. m.
[Received 8 p. m.]

10571. ReDeptel 8568, Sept. 28 and Embtel 10250, Oct. 2.[14] Following is text of letter sent to Foreign Office Sept 30 by Soviet Ambassador Gusev:

"In answer to your notes of the 3rd Aug and 10th Sept, of this year, I have the honour to inform you that in the opinion of Soviet Govt, measures for the preparation and creation of an organization for matters of enlightenment and culture, as also measures for the calling of a conference for the establishment of such an organization should be taken by the Social-Economic Council of the Organization of the

[14] Neither printed.

United Nations after the formation of such council in the forthcoming first session of the General Assembly.

"Such procedure would be in complete accord with article 59 of constitution of the International Organization according to which initiative in the matter of the creation of international intergovernment organizations should issue from the International Organization of the United Nations."

It will be noted that arguments Soviets advance for postponement Conference are identical with those originally proposed by French when they argued British alone should not convene Conference. Foreign Office does not propose to reply to Soviet letter but will make statement at meeting of working committee Oct 12 defending propriety of British Govt and French Govt convening Conference and urging that present time table be followed.

Foreign Office informed us this morning that Bolivia, Egypt and Poland have now accepted invitation to Conference in addition to countries listed Embtel 10276, Oct. 3.[15] We were also told, however, that previous list supplied to us was in error in one respect since Syria has not yet formally accepted. Number of countries which have formally accepted, therefore, now stands at twenty-five, but Foreign Office is confident that Canada, India, Greece, Netherlands, Belgium and Syria will also accept and possibly several additional Latin American States.

GALLMAN

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501.PA/10–1645 : Telegram

*The Secretary of State to the Chargé in the United Kingdom (Gallman)*

WASHINGTON, October 16, 1945—6 p. m.

9166. For Kefauver from Hovde.[16] List of commissions decided upon by Working Committee transmitted your 10713 of October 13 [17] most useful.

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[15] Not printed; the countries listed were Australia, Brazil, Chile, China, Colombia, Czechoslovakia, Denmark, Dominican Republic, France, Iran, Lebanon, Luxembourg, Mexico, New Zealand, Norway, Panama, Peru, El Salvador, Syria, Turkey, Union of South Africa, United Kingdom, and the United States.

[16] Bryn J. Hovde, Chief, Division of Cultural Cooperation.

[17] Not printed; this telegram reported that the Working Committee had taken action on October 12 to have five commissions dealing with (1) title, preamble, purposes and principal functions; (2) general structure of organization, including Conference, Executive Board, National Commissions; (3) Secretariat and Finance; (4) relations with United Nations and other organizations, and location; (5) Interim Commission; and, in addition, a Drafting Committee and an Executive or Steering Committee composed of President of Conference, five Vice Presidents, and Chairmen of Commissions. (501.PA/10–1345)

Concerning basic document for discussion at Conference, it has always been view of the Department that this would be the CAME [18] draft as transmitted with British invitation. You were right in position taken in working committee on reference in agenda to French draft.[19] The proposed amendments telegraphed to you September 29 were directed toward Conference draft, though French was considered in preparing them. The Department believes the French draft should be treated with the complete respect it deserves when the Conference convenes. But it would very much confuse and retard deliberations to present the Conference with two official drafts. Let the French propose theirs as a substitute when the Conference adopts the agenda, if they wish. It is our hope that they will not do so, but rather seek amendment of the CAME draft, which should be the basic working document unless the Conference makes a different decision.

If this seems unlikely of achievement you should suggest that International Secretariat fix a deadline three or four days after opening of conference up to which proposals for amendment or new proposals (such as the French) will be accepted and after which all that has been proposed, including the CAME draft, goes before the appropriate Commissions for consideration.

Action taken by Working Committee to refer reconstruction matters to Interim Commission is very good. Still trying here to get formulation of an American policy on this point. [Hovde.]

BYRNES

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501.PA/11–545 : Telegram

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

LONDON, November 5, 1945—midnight.
[Received November 5—11:10 p. m.]

11611. For Acheson from MacLeish.[20] US Delegation is unanimously in favor of taking initiative whereby educational and cultural problems in non-self-governing territories may be given suitable attention by UNESCO.[20a] There is considerable pressure in the Conference for some action of this kind and we think this proposal is the best way to handle it. Toward this end the following proposal has

[18] Conference of Allied Ministers of Education.
[19] Kefauver opposed the reference to the French draft, emphasizing the importance of adhering to the terms of invitation and the importance of having a basic working paper in the Conference.
[20] Archibald MacLeish, Assistant Secretary of State for Public and Cultural Relations, Chairman of United States delegation.
[20a] United Nations Educational, Scientific and Cultural Organization.

been drafted for possible submission to Commission Five of the Conference:

"Acting upon the conviction that the ideas and purposes expressed in the preamble to the draft proposals for an educational, scientific and cultural organization of the United Nations and in articles 1 and 2 of these proposals are of paramount concern to the non-self-governing peoples of the world and,

In accordance with the obligations accepted in articles 73 and 91 of the Charter of the United Nations to ensure the educational advancement of non-self-governing peoples with due respect for their culture,

The US Delegation hereby submit to Commission Five the following proposals for consideration and appropriate action: (1) That UNESCO convene at an early date a conference on educational and cultural problems of the peoples in non-self-governing territories. (2) That special consideration be given in such a conference to ways and means whereby the peoples of these territories will be enabled effectively to participate in the work of UNESCO. (3) That the Interim Commission in formulating recommendations for the agenda of the first meeting of the conference of UNESCO give special attention to this item."

Item 2 in the above proposal ties in with similar action taken on dependent territory representation at the Paris International Labor Conference.[21]

Department's views urgently requested. [MacLeish.]

WINANT

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501.PA/11–545 : Telegram

*The Secretary of State to the Ambassador in the Soviet Union (Harriman)*

WASHINGTON, November 5, 1945—3 p. m.

2280. Benton [22] to Harriman. Following cable dated October 31, 1945 received from London:

"Foreign Office official directly concerned with ECO (Educational and Cultural Organization) Conference told us this morning that British and French Embassy in Moscow approached Soviet Foreign Office yesterday and suggested that Russians might wish to reconsider their previous decision and to send delegation to conference. He had no information re Russian reply but will inform us when received. This information will be passed on to MacLeish. Winant."

Suggest you speak Soviet Foreign Office to same effect if you think advisable. [Benton.]

BYRNES

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[21] See International Labour Conference, 27th Session, Paris, 1945, *Record of Proceedings*, (Geneva, International Labour Office, 1946), pp. 401–437; for text of resolution, see *ibid.*, p. 469.

[22] William Benton, Assistant Secretary of State.

501.PA/11–845 : Telegram

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

WASHINGTON, November 8, 1945—7 p. m.

9811. For MacLeish. ReEmbtel 1161 [*11611*], November 5, midnight. Dept thinks your proposal of conference to consider educational and cultural problems of non-self-governing territories excellent for future when UNESCO is definitely established and when political affairs in colonial areas have sufficiently quieted down so that such a conference could actually devote its attention to education and culture without fear of diversion to political questions.

This govt cannot propose such a conference at present without creating suspicion on part of colonial governments that our real purpose is to encourage political agitation. Such a suspicion would make difficult our cooperation with those governments not only in day by day political relations involving colonies but in work of UNESCO itself. It might hamper negotiations of trusteeship agreements and establishment of trusteeship system.

If proposal for conference on education and culture in non-self-governing areas is made by any other delegation, you may support it on understanding that it will not take place until after establishment of UNESCO and that its terms of reference shall be carefully defined.

BYRNES

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501.PA/10–2445

*The Department of State to the British Embassy*

AIDE-MÉMOIRE

The Government of the United States has carefully noted the contents of the *Aide-Mémoire* (Ref: 2214/58/45)[23] presented by His Majesty's Government in the United Kingdom, expressing the view that "the most economical and efficient method of creating the proposed United Nations Educational and Cultural Organization would be by resolution of the Assembly of the United Nations rather than by seeking independent ratification of the draft of the constitution of the organization by every nation severally."

The Government of the United States sympathizes with the objectives which His Majesty's Government seeks to realize by this procedure but feels unable to subscribe to it for the following reasons:

1. The Government of the United States is committed in hearings before both Houses of the United States Congress to submit to that

[23] Not found in Department files.

body for review the constitution to be prepared at the forthcoming Conference.

2. Since other specialized agencies have been brought into existence through ratification by the signatory states, it would seem desirable to follow this practice with regard to the proposed Educational and Cultural Organization which would have wide international responsibilities. The laudable objective of saving time could, however, be advanced by providing in the organization's constitution that it shall become effective upon mere signature of the states parties thereto, except for such signatories as choose to be bound only upon acceptance of the document in accordance with their own constitutional processes.

3. The Government of the United States suggests that for the General Assembly to bring into existence a specialized agency, especially one with the powers contemplated for the Economic and Cultural Organization, might raise serious legal questions. It is noted that the Charter contemplates the establishment of specialized agencies "by intergovernmental agreement" (Article 57), and authorizes the General Assembly "to initiate negotiations among the states concerned for the creation of any new specialized agencies" (Article 59). Article 22 authorizes the General Assembly to establish subsidiary organs and Article 68 provides for the establishment of commissions by the Economic and Social Council; but there is no provision in the Charter expressly authorizing the General Assembly to establish specialized agencies. Therefore, the establishment of the Educational and Cultural Organization by a resolution of the General Assembly might well result in uncertainty as to its status.

4. The Government of the United States believes that the Educational and Cultural Organization should, by agreement with the Economic and Social Council, be brought into relationship with the United Nations Organization, as provided in Article 63 of the United Nations Charter; and that this agreement should provide for the closest possible integration of function. Whether the budget of the Educational and Cultural Organization should be amalgamated with that of the United Nations Organization seems best left open to discussion and perhaps to experience. The negotiation of the agreement between the Educational and Cultural Organization and the United Nations Organization should, however, be the first duty of the Interim Commission to be established at the forthcoming Conference in London.

WASHINGTON, November 9, 1945.

501.PA/11–1345 : Telegram

*The Ambassador in the Soviet Union (Harriman) to the Secretary of State*

Moscow, November 13, 1945—5 p. m.
[Received November 13—4 : 30 p. m.]

3838. ReDeptel 2280, November 5, Benton to Harriman, repeating cable from London of October 31. Educational and Cultural Organization. I do not believe it advisable to approach Foreign Office on this question. British did approach Vyshinski again in letter dated November 2, to which they have had as yet no reply, and I cannot believe (reEmbs 3439, October 3, repeated London as 490 and 3507, October 10, repeated London as 513 [24]) that anything we might say at this date would have any effect on Soviet decision and may cause annoyance that here again we would be needling them obviously at the request of the British.

Sent Dept; repeated London as 575.

HARRIMAN

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501.PA/11–1545 : Telegram

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

LONDON, November 15, 1945.
[Received November 16—9 : 15 a. m.]

12087. MacLeish to Benton. This cable covers November 14 and 15 [25] at the UNESCO (United Nations Educational, Scientific and Cultural Organization) Conference in London. It is now possible to report that all articles in the final constitution have been reported to the plenary sessions and have been approved. There remains for tomorrow only the final adoption of the whole document and the Final Act.

At the last session of Commission IV but one, on November 14, a considerable controversy arose over the manner in which the location to [*of?*] the organization in Paris should be specified. The United Kingdom proposed that it be specified as Paris for a period of 5 years, thereupon to be reviewed for possible resolution. To this

[24] Neither printed.

[25] A report on the Conference, sent to the Department as telegram 11875, November 13, is incorporated in the report printed in the Department of State *Bulletin*, November 18, 1945, pp. 798–800.

the French naturally objected and after protracted debate and negotiation, it was finally decided this morning, November 15, that the location should be specified in the Final Act as Paris but that nothing in this provision "shall in any way affect the right of the General Conference to make decisions in regard to this matter by a two-thirds majority". The French delegation regards the delegation of the United States as having won for it a most important point and the British delegation regards that of the United States as having successfully resolved a difficult situation between it and the French delegation.

In the Executive Committee today the point of view of the United States delegation, that the Preparatory Commission should go into session immediately upon the adjournment of the Conference, was presented and accepted with certain modifications; the American delegation sought in its proposal to go farther than the Executive Committee proved willing to go in establishing a timetable of operations for the Preparatory Commission. The American suggestions were quite specific with respect to the action that ought to be taken by the Preparatory Commission on the choice of Executive Committee and the appointment of an Interim Secretariat as well as a Technical Committee to consider problems of educational and cultural reconstruction and the steps that should be taken to prepare for the first regular meeting of the Conference of the organization. The Executive Committee of this Conference preferred merely to specify the first meeting of the Preparatory Commission to be Friday, November 16, immediately after the final plenary session, and to permit the Preparatory Commission then to develop its own timetable and procedure.

The Executive Committee further considered and decided to refer to the Preparatory Commission the following resolutions proposed by the United States Delegation:

(1) Regarding adult education,
(2) Plans for a working arrangement between UNESCO and the International Council of Scientific Unions,
(3) Regarding inter-librarians,
(4) Regarding media of mass communication and their place in UNESCO, and
(5) A resolution supporting an item in certain recommendations presented by the Czechoslovakian Delegation on arrangements between UNESCO and UNO on education in dependent areas.

These resolutions do not have standing as parts of the UNESCO Constitution but are meant to serve as directives to the Preparatory Commission in the performance of its work.

Quite probably the UNESCO Conference will be concluded tomorrow, November 16, by the adoption of the constitution as a whole and the acceptance and signature of the Final Act.[26] [MacLeish.]

WINANT

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501.PA/12–545

*Memorandum by the Assistant Secretary of State (Benton) to the Secretary of State*

[WASHINGTON,] December 5, 1945.

THE SECRETARY: I do not expect you to do more than glance through the attached memo because I know that you do not expect a detailed report on the UNESCO Conference in London. I am sending it to you in lieu of a verbal report.

I am following through, with Mr. Acheson and Eddie Miller,[27] on the legislative implications.

I have reported to you that Mr. MacLeish served most effectively as chairman, winning not only the confidence of the American delegation but the respect of the delegations of the other forty-three countries. The American delegation itself was outstanding at the Conference and did us much credit. It worked hard and it worked harmoniously. Senator Murray and others on the delegation were enthusiastic in their reports to me. The only comparable delegation was that of the French. The British magazines ran severe criticisms of the bungling of their own Government in the appointment of a delegation obviously inferior to ours in reputation and stature. Our delegation took the lead in injecting into the conference an emphasis on the mass media of communication—notably broadcasting and the movies—in contrast to the functions of the old Institute of Intellectual Cooperation, which operated under the League of Nations largely under the influence of the French.

Mr. MacLeish used a good metaphor in describing UNESCO. He referred to a kite lying flat on the ground. He said that, to give the UNESCO charter vitality, it now requires some wind to lift it and carry it into the air.

The charter is good and provides an excellent framework but UNESCO will amount to very little, and will fall far short of the

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[26] For text of the Final Act of the United Nations Conference for the Establishment of an Educational, Scientific and Cultural Organization and for the text of the Constitution of the United Nations Educational, Scientific and Cultural Organization, see Department of State *Bulletin*, November 18, 1945, pp. 801 and 802, respectively; the Constitution of the Organization is also printed as Department of State Treaties and Other International Acts Series No. 1580, 61 Stat. (pt. 3) 2495.

[27] Special Assistant to the Under Secretary of State.

high hopes many groups in this country have for it, unless it is backed by men and by money. Perhaps the more important of the two is the men. If the men who go in as leaders are up to the opportunity, they will see to it that the money is forthcoming.

The United States has asked for nothing thus far. The Preparatory Commission is located in London. The executive secretary is an Englishman. The headquarters of UNESCO are to be in Paris. It is generally understood that the United States Government can nominate the permanent secretary-general if it so desires. The choice of this man is crucial. I know you will agree with me that, unless we turn up with a candidate of stature and capacity, we do not want to press for an American in this role. I shall submit recommendations to you subsequently on this.

I am attaching a summary report which reviews the London Conference. Mr. MacLeish is writing a report on behalf of the delegation, to be signed by the delegates. He plans a preface of about 2500 words and a report that may run to 20,000 words. This report will come to me and I shall forward it to you. This report should be printed for distribution throughout the country. It will provide the background for the presentation to Congress and other interested groups, from almost every major city in the country, who are clamoring for information. A speaking tour is now being arranged for Dr. Kefauver, our representative in London on the Preparatory Commission. The delegates and advisers in London are prepared to write articles and make speeches and, in fact, nothing can stop them. The Department is providing guidance and direction here.

I believe it would be a mistake for us in the Department to minimize the potential significance of UNESCO. True, it may not reach the stratosphere. But the hopes of millions of people are centered in it. Many believe that it is the principal instrument through which the world may hope to achieve better understanding and thus minimize the risks of future wars.

WILLIAM BENTON

[Enclosure]

*Summary Report on the UNESCO Conference*

DECEMBER 3, 1945.

THE LONDON CONFERENCE, NOVEMBER 1 TO 16, 1945

The United Nations Conference on Educational, Scientific and Cultural Organization convened in London on November 1st under the Chairmanship of Miss Ellen Wilkinson, Minister of Education in

the British Government. The Associate President was M. Léon Blum, Chief Delegate of France. The Conference adjourned on November 16 after adopting the Final Act which recorded approval of a Constitution for the United Nations Educational, Scientific and Cultural Organization, an Instrument establishing a Preparatory Educational, Scientific and Cultural Commission, and a Resolution that the seat of the Organization shall be in Paris. The Conference met in plenary session on six of the sixteen days (three at the beginning, and three at the end) and during the remainder of the time the draft texts of various parts of the Constitution and the Instrument for the Preparatory Commission were agreed to in five Technical Commissions. Forty-four Nations were represented, and invited Observers were present from the following International Organizations:

International Labour Organisation
League of Nations Secretariat
League of Nations Committee on Intellectual Co-operation
International Institute of Intellectual Co-operation
Pan-American Union
United Nations Relief and Rehabilitation Administration (U.N.R.R.A.)
International Bureau of Education

The Conference had before it, and adopted as its basis of discussion, a draft constitution prepared by the Conference of Allied Ministers of Education and submitted to the Governments of the United Nations on August 1, 1945, together with the invitation to the Conference. A draft constitution prepared by the French Government and a number of proposals for amendment of various portions of the text were also before the Conference.

The Delegation of the United States, under the Chairmanship of Mr. MacLeish, came together for the first time on October 25th in Washington. After three days of intensive review of the draft proposals which had been submitted by the Conference of Allied Ministers of Education, the Delegation embarked for London, most of the members arriving there on the evening of October 31. During the Conference, the Delegation met at least once a day and had a second meeting almost every day. The members of the Delegation worked together effectively with the common purpose to obtain the adoption of a Constitution for the projected organization in harmony with the Charter of the United Nations.

## The Constitution of the United Nations Educational, Scientific and Cultural Organization

While the text of the Constitution, as adopted by the Conference, differs at many points from the language of the draft which was the

basis of discussion, there is, in fact, a considerable improvement over the earlier text. It does not differ from it markedly in any important principles. To some extent, the text of the Constitution spells out in greater detail the principles which were implicit in the draft. This is especially true with respect to the Preamble and Article I, Purposes and Functions. The Preamble was rewritten so as to take account of a wide-spread desire for a statement which would incorporate the highest aspirations of the peoples of the United Nations and would evoke a ready response from all who believe in the dignity of man and the validity of his striving toward knowledge and his search for truth.

The most important issues involved in the drafting of the Constitution were: (1) the explicit recognition of science and the interchange of scientific knowledge as a part of the program of the Organization; (2) the method of giving adequate representation to and relationship with the educational, scientific and cultural groups in all countries while retaining the essential responsibility of governments for developing and supporting the program of the Organization; (3) the relationship of the UNESCO to non-governmental international organizations; and (4) the relationship of UNESCO as a specialized agency to the United Nations Organization.

(1) There was no controversy about the importance of adding the word "Scientific" to the title and mentioning science and scientific cooperation throughout the text. The change was supported wholeheartedly by all the Delegations.

(2) The scheme of representation in the General Conference and the cooperation of the governments with their national educational, scientific and cultural groups were dealt with by adoption of the following texts:

*Article IV, A, 1*

The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

*Article VII, 1*

Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific, and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

(3) The French Delegation urged that the United Nations provide for membership in the Organization by non-governmental international associations whose aims and purposes are similar to those of UNESCO. There was little support for the proposal, and although

the French Delegation modified it considerably to surround such a membership with many conditions, the proposal was finally defeated by a considerable vote. There was a consensus of opinion that this Organization must work in close cooperation with non-governmental bodies, and provision was made at several points in the Constitution for the development of close working relationships, including especially the formation of advisory committees and the presence of invited observers at the sessions of UNESCO.

(4) The draft submitted by the Conference of Allied Ministers of Education had stated that this Organization should be brought into relationship with the United Nations Organization by an agreement to be negotiated between the appropriate organs of the two bodies. The statement of this principle has been expanded considerably in the Constitution. It is made specific with respect to membership and budget, and the way is left open for the negotiation of an agreement which will provide for very close working relationships. There was some support for the immediate consolidation of the budget of UNESCO with that of UNO. It was finally decided that the wiser course would be to leave the way open for the closest budgetary relationships but not to attempt, at this time, to anticipate the extent to which the governments of the United Nations may wish to go in consolidating the budgets of the specialized agencies with UNO.

The Delegation of the United Kingdom proposed that the Constitution of UNESCO be brought into operation by a resolution of the General Assembly of the United Nations. The American Delegation opposed this suggestion on the grounds (*a*) that such method of acceptance would not be valid for the United States Government which must have the approval of the Congress for adherence to an international organization, and (*b*) that the incorporation of such a provision in the Constitution of a specialized agency before the United Nations Organization itself is in full operation would be an attempt to legislate for the United Nations Organization. When the vote was taken, seven delegations supported the British proposal. The others agreed with the position of the United States and preferred not to attempt to anticipate the extent to which the General Assembly of UNO might wish to exercise authority over the constitutional existence of the specialized agencies.

### The Preparatory Educational, Scientific and Cultural Commission

The necessity of setting up a Preparatory Commission for UNESCO was readily agreed to by all delegations. It was felt that the Organization would come into operation with more vigor if in the meantime an interim body had made preliminary studies of items to be placed on the agenda of the first General Conference. The

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United States Delegation proposed that an Interim Executive Committee be set up by the London Conference, but there was widespread desire for a Preparatory Commission with one representative from each of the governments which took part in the constituent Conference. Therefore, the framework of the Preparatory Commission is similar to that of the Preparatory Commission of the United Nations.

The Preparatory Commission met immediately after the last plenary session of the constituent Conference on November 16 and again on November 19. However, many of the Delegations did not have sufficient authority to represent their Governments in the Preparatory Commission, and it is now agreed that the Preparatory Commission must hold a regular meeting on February 1, 1946. Meanwhile the group which met on November 16 and 19 elected an Executive Committee of fifteen governments, and a Secretariat has been set up with Sir Alfred Zimmern, who was Secretary-General of the Conference, as Executive Secretary. Mr. Walter Kotschnig, Associate Chief of the Division of International Organization Affairs, U.S. Department of State, has been detailed to serve as Deputy Executive Secretary until February 15, in order to get the work of the Preparatory Commission well under way. The Executive Committee is meeting December 3 and on December 4 there is a meeting of a Technical Subcommittee on Educational Reconstruction representing seventeen governments. The acts of the group which met November 16 and 19, as well as those of the Executive Committee are considered preliminary and are subject to confirmation and approval by the Preparatory Commission when it meets on February 1.

One of the most urgent problems before the Preparatory Commission is one which caused considerable controversy during the Conference, namely the extent to which and the methods by which this body can assist in the rehabilitation of educational systems of the countries devastated by the war. In the Conference many delegations insisted that UNESCO, and especially the Preparatory Commission, should be given the function of obtaining funds and administering them for the rehabilitation of those countries which need such assistance. It is probably not too much to say that it was only the refusal of the Delegation of the United States to accept this view that kept it from being adopted. The position of the United States was (1) that the United Nations Educational, Scientific and Cultural Organization and its Preparatory Commission should not have their energies turned as completely into short term activities as would undoubtedly be the case if the task of educational reconstruction were placed directly upon it; and (2) the limitations on the relief activities of UNRRA indicated that the Government of the United

States would not participate in such a program. At the same time, the United States Delegation undertook to point out various ways by which the governments in need of assistance could obtain it, and it was finally agreed that there should be a Technical Subcommittee of the Preparatory Commission whose task would be to compile information on the educational needs of the devastated countries, and to provide information on the ways in which assistance might be given through existing channels. There has already been an effort to recommend to the Preparatory Commission that it ask the Governments of the United Nations to extend the activities of UNRRA into the field of educational reconstruction. The representative of the United States has opposed this suggestion and will continue to do so on instructions from the Department.

In spite of their opposition to certain of the proposals made for educational relief in the devastated countries, the Delegation of the United States recognized that the need of assistance is very great. The governments of the liberated nations will make strenuous attempts to rebuild the educational and cultural life of their people and they are severely handicapped by the lack of money, equipment and trained teachers. Most of the delegates expressed the feeling that it would be desirable for a way to be found within the United States to encourage widespread interest on the part of the general public in this problem, and to develop a system for obtaining contributions from private sources and not through the machinery of the United States Government. This problem will need to be given careful consideration.

### The Immediate Program of the United States

The most immediate question is how to proceed to obtain acceptance of the Constitution of the United Nations Educational, Scientific and Cultural Organization by the Congress of the United States. Some informal discussions have already been held on this problem, and at present it seems wiser to wait until after Christmas for the introduction of legislation to authorize the United States to belong to this Organization. The dissemination of information about the new Organization is proceeding, and the Office of Public Affairs is already making arrangements for this activity in cooperation with the other interested Offices.

The organization of a National Commission in the United States is a subject which will require considerable thought. It will be necessary to decide whether there is to be a single National Commission or several recognized bodies, and if there is to be a single body, how it is to be organized and what its relationship is to be to the United States Government.

# PARTICIPATION BY THE UNITED STATES IN THE SESSIONS OF THE INTERNATIONAL LABOR CONFERENCE AND GOVERNING BODY [1]

500.C115/7–1145

*Report by the Chief of the Division of International Labor, Social and Health Affairs (Mulliken)* [2]

[WASHINGTON, undated.]

REPORT ON THE 95TH SESSION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOR ORGANIZATION

From June 14 to June 27, in the capacity of a representative of the Department of State accompanying Mr. Carter Goodrich, United States Representative on the Governing Body, I attended the 95th Session of the Governing Body of the International Labor Office.[3] I also attended meetings of the following committees held in conjunction with the session of the Governing Body: the Employment Committee, the Constitutional Committee, and the Finance Committee. The work of these committees resulted primarily in reports to the Governing Body which will be described in connection with the meetings of the Governing Body. Summaries of the committee meetings are appended.[4]

Reference is made below to the matters taken up in the meeting of the Governing Body which are of special interest to the Department.

*Statement of United States Policy Toward the ILO*

Miss Perkins, then Secretary of Labor, attended the meeting of the Governing Body on June 21 and gave an address in which she stated the United States position with reference to the ILO. This position had received the approval of the President and Mr. Grew.[5] Her statement to the Governing Body was in part as follows:

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[1] For previous documentation, see *Foreign Relations*, 1944, vol. II, pp. 1007 ff.

[2] Sent to the Assistant Secretary of State for Economic Affairs (Clayton) and to the Director, Office of International Trade (Wilcox), under cover of a memorandum dated July 11, 1945.

[3] For an account of this session held at Quebec, see Department of State, *Participation of the United States Government in International Conferences, July 1, 1941–June 30, 1945* (Washington, Government Printing Office, 1947), pp. 206–208.

[4] Not printed.

[5] Joseph C. Grew, Under Secretary of State.

"President Truman has asked me to say to you that the Government of the United States will continue to take full part in the work of the ILO and will continue to look to it for information, guidance and leadership on the international plane in the improvement of labor standards and the development of measures to combat poverty everywhere.

"The President also hopes that the ILO will be able to pursue its activities in cooperative relationship with the proposed general organization of the United Nations under arrangements providing sufficient autonomy to permit of its putting forth its greatest effort. It is the settled policy of the United States Government to seek for the ILO a proper place within the framework of the coordinated effort of the United Nations."

*Directorship*

At the 94th Session of the Governing Body in London it had been agreed to consider at the next meeting the question of the Director of the ILO. Mr. Edward J. Phelan has been Acting Director since 1941 and there was considerable support, especially on the part of the workers group in the Governing Body, to elect him Director. After discussions in Washington by representatives of this Department and the Department of Labor and a discussion of the matter by the President, the Secretary of Labor and Mr. Grew, instructions were formulated for the United States Representative which called for the United States favoring a postponement of the election of a Director. I subsequently received instructions from the Department to approach the representatives of other governments, informing them of the position of the United States. This was done. After a series of informal consultations at Quebec the decision was reached not to bring this matter formally before the Governing Body. Hence, no definite action was taken one way or the other.

The question of the Directorship of the ILO, however, remains a problem which will require action in the future and on which the Department should formulate its views as to an appropriate candidate. Mr. Carter Goodrich and Miss Perkins have been considered by some as possible candidates for this position. General information made available to me at Quebec would suggest that neither of them could be elected to the position. There are no other definitely known candidates from the United States, and Mr. Bevin, former Minister of Labor in the United Kingdom, and Mr. Tixier, Minister of Interior in the present Government of France, are the only persons whose names have even been mentioned in this connection.

*Budget for 1946*

The Finance Committee submitted a proposed budget for 1946 which would involve the expenditure of 11,521,510 Swiss francs as

compared with the budget of 11,525,505 Swiss francs for 1945. It is estimated that this budget will require a contribution on the part of the United States of approximately $495,000. It will be recalled that the Department is responsible for obtaining this appropriation from the Congress.

*Readmission of Italy*

Pursuant to instructions issued by the Department, the United States Representative took the lead in recommending that Italy should be readmitted to the ILO. The motion to this effect was opposed only by the representative of the Government of Greece. Since the Governing Body does not recommend specifically to the Conference what action it should take, the motion took the form of referring the request of Italy for readmittance to the Conference with the expression of hope on the part of the Governing Body that the Conference would consider the matter favorably.

*Inter-American Conference of Members of the ILO*

The Mexican Government had extended to the Organization an invitation to hold the next Regional Conference of the American States in Mexico City in 1946. The Governing Body accepted this invitation and agreed upon the following agenda for the Conference:

1. The Director's report on social and economic problems of American countries. This report would discuss amongst other things industrialization, immigration, the relationship between wages and prices and the conditions of life of the indigenous population of the American countries.
2. The following technical subjects:
   *a.* Vocational training
   *b.* Labor inspection
   *c.* Industrial relations

No definite date was established for this Conference but the Mexican Ambassador to Canada, who was representing the Mexican Government, suggested March, April, or May of 1946.[6]

*Date of 27th International Labor Conference*

After extended debate which involved the relations of the ILO to the World Federation of Trade Unions, the decision was made to convene the 27th International Labor Conference in Paris on October 10, 1945.

*Invitation to Send Observers*

In connection with the above mentioned Conference, it was decided to extend invitations to send observers to all nations not members of the ILO who were invited to the United Nations Conference on Inter-

[6] The Conference was held April 1–16, 1946.

national Organization. The interpretation was placed on this invitation that the observers might include not only representatives of the Government but also of workers and employers organizations.

*Finland*

It will be recalled that the invitation to Finland to attend the 26th International Labor Conference[7] occasioned unfavorable comment, especially on the part of the U.S.S.R. With this in mind, consideration was given to the question of inviting Finland to attend the Preparatory Maritime Conference. The Department had instructed the United States Representative to favor extending an invitation to Finland, and this action was taken by the Governing Body.

*Bulgaria and Hungary*

The question arose as to whether invitations to attend the 27th Conference should be issued to Bulgaria and Hungary. The view was adopted that this should not be done unless there were in those countries at the time governments recognized by the major powers. This position was consistent with the instructions issued to the United States Representative.

*Constitutional Committee*

The Constitutional Committee, which had been established at the 93rd meeting of the Governing Body, presented to the Governing Body a report of its Delegation to UNCIO.[8] This report was simply a descriptive account of the relations of the ILO to UNCIO, the unsuccessful move by the United Kingdom Delegation to have the ILO mentioned in the Charter, and a description of the provisions relating to the Economic and Social Council. No definitive action was taken by either the Constitutional Committee or by the Governing Body on any constitutional question. A report of the Standing Orders Committee was accepted but this report simply cited the fact that the standing orders were being revised and that this revised text would be presented to the Conference. No constitutional questions were involved.

*Employment Committee*

The report of the Employment Committee was adopted after extended discussion of what was alleged to be the failure of the Office to give the problem of employment adequate consideration. The report commented on a study being prepared by the Office on "The Training and Employment of Disabled Workers" and recommended

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[7] Held at Philadelphia, April 20–May 12, 1944. For documentation on this Conference, see *Foreign Relations*, 1944, vol. II, pp. 1007 ff.

[8] United Nations Conference on International Organization, San Francisco, April 25–June 26, 1945; for documentation, see pp. 1 ff.

the adoption of two draft forms for reports by governments on the Employment (Transition from War to Peace) Recommendation, 1944, and the Employment Service Recommendation, 1944.

*Miscellaneous*

The Governing Body voted that the United States Representative on the Governing Body should be one of its representatives on the Iron and Steel Industrial Committee. A decision was reached to reconstitute the Agricultural Committee of the ILO.

Two facts of possible political significance should be mentioned. The relations of the ILO with the USSR were obviously constantly in the minds of the members of the Governing Body although no definite action was taken on this matter except to make the statement in a public session that the USSR had been invited in December, 1943, to rejoin the ILO. The Government of Yugoslavia is entitled to have a representative on the Governing Body. Although the notifications of the meeting were duly sent to the representative of the Yugoslav Government in London, no representative appeared. This may be of political significance in connection with the ILO, but on the other hand may have been due solely to difficulty in reaching the Yugoslav representative. I was informed that difficulties of this character had been experienced in the past.

I had numerous consultations and discussions with the United States employer and the United States worker representatives at the Governing Body. This was a continuation of the policy inaugurated by the Department last year under which these representatives are informed of the position of the Government on appropriate matters. Pursuant to instructions from the Department, I met Monsieur Jouhaux [9] upon his arrival in Quebec.

*Summary Appraisal of the Governing Body Meeting*

Although the Governing Body transacted some important business such as approving the budget, deciding on the date of the 27th Conference, approving the idea of a Regional Conference for the American States, and considering favorably the readmittance of Italy, most of the other business was of a routine character. There seemed to be a general lack of well formulated views on the constitutional problems of the ILO and on the important question of employment, which was on the agenda of the meeting. The general attitude of the representatives on the future of the ILO was a rather curious combination of concern and complacency. Generally speaking, the employers' representatives and the Government representatives were rather concerned about the future of the Organization, whereas the workers expressed confidence in its future. The views on this subject were expressed

[9] Leon Jouhaux, Secretary General of the Federation of Labor of France.

much more freely and emphatically in the private meeting of the Constitutional Committee than in the public meeting of the Governing Body. There is little question in my mind, however, but that there is a very real concern on the part of many of the individuals closely associated with the Organization as to its future relations with the United Nations Organization. The experience of the ILO representatives in San Francisco appears to have had a chastening effect. Numerous statements were made to the effect that the ILO must stick more strictly to its own affairs and do a good job in this field.

OTIS E. MULLIKEN

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500.C115/7–645

*Memorandum by the Chief of the Division of International Labor, Social and Health Affairs (Mulliken)*[10]

[WASHINGTON,] July 6, 1945.

You will recall that Miss Perkins evidenced a great deal of interest in preventing the representative of the Polish Government from attending the meeting of the Governing Body of the ILO in Quebec. The instructions of the Department on this matter were quite clear and I and the United States Representative on the Governing Body observed them. I was informed, however, that Miss Perkins did ask the Polish Consul General from New York, Mr. Strakacz, to meet her at which time she tried to persuade him that he should withdraw from the meeting. I understand that Mr. Strakacz explained that he could not do this as he was acting under instructions from his government. He apparently reported the interview to a number of other persons subsequently, expressing his displeasure at the incident.

The presence of the Polish representatives was not challenged by anyone during the course of the meetings and Mr. Adamczyk, the workers' representative, Mr. Strakacz and Mr. Gross participated in all of the meetings.

This is simply for your information.

OTIS E. MULLIKEN

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500.C115 Paris/7–2045: Airgram

*The Ambassador in Belgium (Sawyer) to the Secretary of State*

BRUSSELS, July 11, 1945.
[Received July 20—3 p. m.]

A–239. The Labor Attaché of this Embassy has been asked by Belgian labor leaders as to the attitude of the American Federation of

[10] Addressed to the Chief of the Division of Eastern European Affairs (Durbrow) and to the Director of the Office of European Affairs (Matthews).

Labor and the United States Government with respect to the admission of the Soviet Union to the International Labor Organization. In view of the importance of this question and the likelihood of its arising at the International Labor Conference scheduled for October,[11] the Department may desire to indicate the information which it would like the Embassy to transmit to Belgian labor leaders who have initiated the inquiry.

SAWYER

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500.C115 Paris/7–2045 : Airgram

*The Acting Secretary of State to the Ambassador in Belgium (Sawyer)*

WASHINGTON, August 7, 1945.

A–165. With reference to Despatch [*Airgram*] A–239, July 11, this Government would welcome the renewal of Soviet membership in the International Labor Organization.

This position has been evidenced on several occasions. At the December 1943 meeting of the Governing Body of the ILO at London[12] the United States representative supported the motion to invite the USSR to participate as a member in the 26th Session.[13] The American member of the Workers' Group and of the Employers' Group, respectively, were present at that meeting. The action was unanimous. At the June 1945 meeting at Quebec the previous action, which had been taken at a secret session, was put in the public record by the Workers' member from the United States, Robert J. Watt, who is an officer of the American Federation of Labor.[14] He advises Department that A. F. of L. favors Soviet participation in ILO and other intergovernmental organizations.

American members joined in Governing Body invitation at Quebec to members of the United Nations which are not now members of the ILO to send observers to the 27th Session of the International Labor Conference.

GREW

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[11] The 27th session of the International Labor Conference was held at Paris, October 15–November 5, 1945.

[12] Ninety-first session of the Governing Body of the ILO, London, December 16–20, 1943; for account of this meeting, see *International Labor Review*, vol. XLIX, March, 1944, pp. 347–351; see also *Foreign Relations*, 1944, vol. II, pp. 1007 ff.

[13] See telegram 8835, December 19, 1943, from London, *ibid.*, p. 1013.

[14] Mr. Watt was International Representative of the American Federation of Labor.

500.C115 Paris/8–2445

*The Secretary of State to the Secretary of Labor (Schwellenbach)*

WASHINGTON, September 4, 1945.

MY DEAR MR. SECRETARY: I acknowledge your letter of August 24[15] in which you request advice as to the position of this Government on the question whether letters of convocation to the 27th Session of the International Labor Conference should be dispatched by the International Labor Office to Bulgaria and Hungary. It is noted that the information is desired for the guidance of Mr. Carter Goodrich, United States Labor Commissioner, in his capacity as United States Representative on the Governing Body of the International Labor Office.

You are advised that this Government's position remains the same as that expressed in the instructions issued by the Acting Secretary of State to the United States Representative on the Governing Body on the occasion of the 95th Session of the Governing Body at Quebec in June.[15] It is, therefore, our opinion that a notification to either country at this time would be premature. It should be borne in mind that these two countries are still technically enemy states under armistice regimes with which diplomatic relations have not been reestablished by this Government.

Sincerely yours,

For the Secretary of State:
WILLIAM L. CLAYTON
*Assistant Secretary*

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500.C115 Paris/10–1045: Telegram

*The Secretary of State to the Ambassador in France (Caffery)*

WASHINGTON, October 10, 1945—8 p. m.

4727. For Mulliken. Please transmit to US Govt. representatives at ILO 96th Governing Body Goodrich and Mrs. Norton[16] following instructions from State and Labor.

American States Conference Mexico City April 1 date appears satisfactory. Non-members participation as observers only recommended.

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[15] Not printed.

[16] The 96th session of the Governing Body was held at Paris, October 10–14, 1945. For an account of this meeting, see *Participation of the United States Government in International Conferences, July 1, 1945–June 30, 1946*, pp. 89–91; for action taken at this session, see *International Labour Review*, vol. LII, December 1945, p. 656. Since Mr. Goodrich was serving as Chairman of the Governing Body, Mrs. Mary T. Norton, Chairman of the Labor Committee, House of Representatives, was serving as the substitute U. S. Government Representative.

Preparatory Technical Maritime Conference Nov. 15, no preference on location.

Maritime Session ILC [18] late April date might conflict with probable United Nations Assembly meeting. Suggest late March. This Govt. suggests consideration of US for place of conference.

International Development Works Committee January 1946 Montreal satisfactory.

1946 meeting experts women's work at Montreal satisfactory.

Suggested advisory memberships on Permanent Migration Committee satisfactory.

Establishment Sub-committee Automatic Coupling appears satisfactory subject to close cooperation with ECITO.[19]

Industrial Committee membership tripartite delegation two each group from nations of major importance in specific industry recommended with one each group from other nations. Believe employer and worker delegates expenses properly chargeable to Governments if serving as national representatives but to ILO if in expert capacity or as group representatives.

Suggest deferment decisions on additional languages.

Favor authorization to Finance Committee to take up with appropriate authority in accordance with established procedure question concerning the proportion of expenses which newly-admitted states should contribute.

Re Constitutional Committee topic on representation, no definitive position to be taken as yet.

In view of uncertainty which might handicap financing of ILO, US Govt. representative authorized to suggest that GB [20] authorize Acting Director or Finance Committee to request Assembly of League, in event of its meeting, to transfer to Conference authority vested on Sept. 30, 1938 and Dec. 14, 1939 in Director and Supervisory Commission. Such transfer to be pending effective date of ILO Constitutional amendment or of relationship with United Nations. Transitional procedure generally approved especially with respect to committee representing Governments.

US wishes time for further consideration of reference to federal states and to submission of Conference decisions to national competent authorities.

Support may be given to suggestions re National Tripartite Conferences, Minimum Code of Labor Standards, proposed Convention

[18] International Labor Conference.

[19] European Central Inland Transport Organization; for documentation, see vol. II, pp. 48 ff.

[20] Governing Body.

on labor standards, substitution for designation "proposed conventions" instead of "draft conventions."

BYRNES

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500.C115 Paris/10–1145 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, October 11, 1945—noon.
[Received October 11—10:40 a. m.]

5971. For Wiesman [21] from Mulliken. Conversation with British Government ILO (International Labor Office) representative reveals that British favored extending ILO invitation to Bulgaria and Hungary and hence are not likely to oppose presence of representatives. British oppose constitutional action by ILO except that absolutely necessary. Canada taking same constitutional position. [Mulliken.]

CAFFERY

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500.C115 Paris/10–1045

*The Secretary of State to Miss Frances Perkins*

WASHINGTON, October 12, 1945.

MY DEAR MISS PERKINS: In your capacity as a representative of the United States Government at the forthcoming Twenty-Seventh Session of the International Labor Conference which will convene in Paris on October 15, 1945, you will be called upon to state the position of this Government on a number of items involving international relations.

In consultation with the Secretary of Labor, the attached instructions have been prepared to guide the delegates and advisers of this Government at the forthcoming Session. It is probable that supplementary instructions will be forwarded subsequently. If there are any policy matters which in any way affect international relations and which are not covered by these or supplementary instructions, it will, of course, be necessary to avoid any commitment until specific instructions from this Government are issued through diplomatic channels.

Sincerely yours, JAMES F. BYRNES

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[21] Bernard Wiesman, Chief, International Labor Organizations Branch, Division of International Labor, Social and Health Affairs.

[Enclosure]

*Instructions to the United States Government Delegation*[22] *to the Twenty-Seventh Session of the International Labor Conference, Paris, October 15, 1945*

ITEM I

DIRECTOR'S REPORT

The United States Government representatives may well note with appreciation the scope of the Director's review of world affairs and of activities of the International Labor Organization. The enthusiasm and practicality shown by the Office in the preparations for the establishment of industrial committees deserve commendation. The efforts of the International Labor Office to develop cooperative relations with other specialized international organizations and to minimize duplication or overlapping of effort might also appropriately be noted with appreciation.

With respect to the application of Italy for readmission to the International Labor Organization, this Government's representatives should suggest such prompt and favorable action upon this application as will permit that Country to participate in the Twenty-Seventh Session if it is in a position to do so. This Government is informed that the Government of Italy is prepared to accredit a delegation immediately upon notification that its application has been favorably acted upon.

The application of Iceland for admission to the Organization should be supported.

If formal application is made by Nicaragua for readmission to the International Labor Organization and no technical impediments to immediate action exist, this Government should provide its support.

It is understood that Guatemala has filed a formal application in good order for readmission to the International Labor Organization.

[22] The members of this delegation were as follows:
*Representatives for the Government:*
Frances Perkins, former Secretary of Labor
Elbert D. Thomas, Chairman of the Military Affairs Committee, United States Senate
*Advisers:*
Mary T. Norton, Chairman of the Labor Committee, House of Representatives
Carter Goodrich, United States Representative on the Governing Body of ILO
Katherine S. Lenroot, Chief, Children's Bureau, Department of Labor
Clara M. Beyer, Assistant Director, Division of Labor Statistics, Department of Labor
Ralph J. Bunche, Associate Chief, Division of Dependent Area Affairs, Department of State
Walter M. Kotschnig, Associate Chief, Division of International Labor, Social and Health Affairs, Department of State
William L. Connolly, Commissioner of Labor, Rhode Island
*Consultant:*
Otis E. Mulliken, Chief, Division of International Labor, Social and Health Affairs, Department of State

Under those circumstances, this Government should support Guatemala's request.

With respect to both Nicaragua and Guatemala, this Government should not take the initiative in proposing such action since neighboring countries may wish the privilege of sponsoring their applications. If this Government should be advised that either or both of these Governments wish the United States to take the initiative of sponsorship, such request will be given immediate and sympathetic consideration.

It is understood that the Italian Government may request the privilege of having an Italian delegation present as observers at the beginning of the Paris Conference. This Government's representatives should favor such a request, while at the same time seeking the earliest possible action upon the Italian Government's application for readmission.

The United States Government should prefer delay in the revision of the list of states of chief industrial importance. Aside from the possible resentment of any member of the United Nations which might be displaced from automatic membership in the Governing Body if an ex-enemy state were found at this time to qualify among the eight states of chief industrial importance, it is felt that the dislocations resulting from the war make any objective evaluation exceedingly difficult at present.

In connection with the foregoing policy, it is desirable that the representatives should state that the wish of this Government is to have all members of the United Nations and nations eligible for such membership participate as members of the International Labor Organization. For that reason the representatives may recall with approval the action of the Ninety-Fifth Session of the Governing Body in extending invitations to such members of the United Nations which are not now participating in the International Labor Organization to send observers to the Twenty-Seventh Session. In this connection, if the representatives of the Philippine Commonwealth are in attendance as expected, special attention should be called to the pleasure of this Government in having present as observers the representatives of a gallant country which, freed from Japanese aggression, will soon assume its rightful place in the family of nations.

Specific mention should not be made, however, of any countries which were invited to send observers and which may not have seen fit to do so.

Any expression of opinion as to the preferred location for the permanent seat of the Organization should be avoided at this time.

The United States Government representatives, without taking a definitive position, should not encourage any proposal for the general doubling of the number of workers' representatives, or of the workers' and employers' representatives, or of the entire tripartite delegations as compared with the present representation of governments, workers, and employers on a 2–1–1 ratio from all Member Countries. No discussion of this matter should be undertaken by this Government's representatives under Item I despite reference to the subject in the Director's Report. Further instructions are set forth under Item IV.

Instructions will be issued to the Government representatives at the Ninety-Sixth Session of the Governing Body in connection with the place and date of the Maritime Session of the International Labor Conference, the Conference of American States Members, and the next regular session of the International Labor Conference.

Since this Government holds a permanent seat on the Governing Body, this Government is not in a position to vote on the selection of the eight Governments to be elected for the next term of the Governing Body. No formal expression of views as to the relative desirability of the candidacies of individual States may be made, but since it would not be inappropriate to indicate informally the sympathetic attitude of this Government with respect to certain candidacies, supplementary instructions may be issued.

### Item II

### The Maintenance of High Levels of Employment During the Period of Industrial Rehabilitation and Reconversion [25]

The United States Government should support this resolution subject to such technical changes as may appear necessary.

To be consistent with United States domestic policy attention might well be given to the danger of deflation as well as inflation which is covered in paragraph 3. However, since for most countries the danger of inflation is the more immediate and the more likely to make difficult the execution of our economic foreign policy, the United States Government has preferred in other recent conferences a clear cut warning against inflation. If the topic of deflation arises, it should be handled in a separate paragraph.

The United States Government delegates should reserve the position of this Government with reference to financial arrangements covered in paragraph 5 (2) (*bcd*). The International Labor Conference is not an appropriate place in which to negotiate or undertake

[25] For consideration of this item by the Conference, see *International Labour Conference, 27th session, Paris, 1945, Record of Proceedings* (Geneva, International Labour Office, 1946) (hereinafter referred to as *Proceedings*), pp. 207, 218, 333–349; for text of resolution adopted, see *ibid.*, pp. 452–455.

intergovernmental obligations of this sort. The United States Government does not object to receiving an expression of opinion by other delegates, especially those representative of employers and workers, on this subject.

## ITEM III

### WELFARE OF CHILDREN AND YOUNG WORKERS [26]

(First Discussion)

This report and the accompanying draft resolutions concern provisions for the protection of children and youth in reference to their employment or preparation for future activity in labor. The Department of State notes that emphasis has wisely been placed upon cooperation between the International Labor Organization and present or proposed specialized organizations in the fields of relief, welfare and education.

The United States Government supports the resolutions and should contribute to the development of the conventions outlined.

## ITEM IV (1)

### MATTERS ARISING OUT OF THE WORK OF THE CONSTITUTIONAL COMMITTEE [27]

PART 1: THE RELATIONSHIP OF THE I.L.O. TO OTHER INTERNATIONAL BODIES

RESOLUTION I. PROPOSED RESOLUTION CONCERNING THE RELATIONSHIP BETWEEN THE INTERNATIONAL LABOR ORGANIZATION AND THE UNITED NATIONS: [28]

This resolution is designed to authorize the Governing Body to enter, subject to the approval of the Conference, into such agreements with the appropriate authorities of the United Nations as may be necessary for the purpose of permitting the International Labor Organization to cooperate with the United Nations for the attainment of the ends set forth in the Constitution of the International Labor Organization, the Charter of the United Nations, and the Declaration of Philadelphia,[29] while retaining the authority essential for the discharge by the International Labor Organization of its responsibilities under its Constitution and the Declaration of Philadelphia.

It should be pointed out in accepting this resolution that there is a distinction in status between the Declaration of Philadelphia and the Constitution. Nevertheless, it may be noted that the United States

[26] See *Proceedings*, pp. 233, 350–378; for text of resolutions adopted, see *ibid.*, pp. 455–466.

[27] See *ibid.*, pp. 379–400.

[28] For text of resolution adopted, see *ibid.*, p. 466.

[29] Declaration concerning the aims and purposes of the International Labor Office, adopted at the 26th session of the International Labor Conference, Philadelphia, May, 1944; for text, see Department of State *Bulletin*, May 20, 1944, p. 482.

supported the Declaration at Philadelphia and its inclusion in Resolution I at Philadelphia. The resolution should be approved since it is primarily intended to arrange for cooperation with the United Nations to promote the objectives of the United Nations and the International Labor Organization.

RESOLUTION II. PROPOSED RESOLUTION CONCERNING THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION:[30]

This resolution is designed to provide for the situation which would result from the dissolution of the League of Nations with a view to insuring the continuance of the International Labor Organization in accordance with its Constitution. The resolution requests the Office to transmit to the Members of the Organization, after the session of the Conference, the proposed instrument for amendment inviting them to submit replies within four months with any modifications or comments they may wish to make, and requests the Office to draw up on the basis of these replies a report for the next general session of the Conference and to communicate such report to the members at the earliest possible date.

Since amendments to the Constitution of the International Labor Organization are necessary if it is to continue, whether as a completely independent organization or as one which is closely related to the United Nations and possibly dependent on it to the same degree that the International Labor Organization has been dependent on the League of Nations, this resolution should be approved for the purpose of bringing the questions of amendments before the Members and before the next Conference, it being understood that the approval given to the resolution does not constitute approval of the particular amendments included in the instrument in their present form and that Members may propose, in their replies, amendments in addition to those included in the instrument.

The United States representatives should state unequivocally that this Government supports the International Labor Organization as the competent intergovernmental agency within its designated sphere and intends to continue wholehearted participation as a Member of the Organization; that this Government believes that the greatest effectiveness of the Organization can be attained through the establishment of a mutually satisfactory relationship with the United Nations Organization in which, with the strength derived from its established tripartite representation, seasoned experience, and the most nearly universal character practicable, the International Labor

[30] For text of the Instrument for the Amendment of the Constitution of the International Labour Organisation, see *Proceedings*, p. 470; for text of International Labor Organization Constitution, see *The Constitution and Rules of the International Labor Organization* (Montreal, International Labour Office, 1944).

Organization may help accomplish many of the highest objectives of the Economic and Social Council of the United Nations; and that this Government hopes that the Constitution of the International Labor Organization may be so adapted that it will be in the best possible position to further the objectives of the Organization.

The United States representatives should emphasize the tentative character of the discussion on the Proposed Instrument,[31] that the discussion is to be followed by reference of draft resolutions in the form in which they emerge from the Conference to Members for their consideration. In the exchange of views on the proposed amendments as prepared by the Office, they should be guided by the remarks made below with respect to the particular Articles.

*Articles 1, 2, 4, 10, 16 and 17:*

Since these Articles do not involve questions of principle but are of a verbal nature, made necessary by the prospective dissolution of the League of Nations, the establishment of the United Nations, and replacement of the Permanent Court of International Justice by the International Court of Justice, the United States representatives should approve them in principle.

*Article 3:*

In view of the separation of the International Labor Organization from the League of Nations and from the Peace Treaties of 1919, a constitutional provision on membership is needed. The United States Government approves the automatic right of membership of members of the United Nations as set forth in paragraph 3. It also approves the general principles set forth in paragraph 4. New Members may be admitted to the United Nations Organization by a two-thirds vote of the Members present and voting in the General Assembly. Admission of new Members to other international organizations by the terms of their basic instruments also requires a two-thirds majority. This Government believes the same policy should be observed in the case of the International Labor Organization and, therefore, the United States representatives should suggest the addition of the following words to Paragraph 4 of this Article: "provided that such vote represents two-thirds of the Members of the Organization present and voting."

*Article 5:*

The substitution for Article 12 of the present Constitution as proposed recognizes the desirability of cooperation with the United Na-

[31] For text of the Proposed Instrument for the Amendment of the Constitution of the International Labour Organisation, see *International Labour Conference, 27th Session, Paris, 1945, Matters Arising Out of the Work of the Constitutional Committee, Report IV (1)* (Montreal, International Labour Office, 1945), pp. 153–159. (Hereinafter referred to as *Report IV (1)*)

tions Organization. This Government believes that adaptation of the Constitution to meet any situation created by a special agreement which may be concluded between the Organization and the United Nations should be possible without the necessity of applying the regular amendment process. The United States representatives should, therefore, suggest that consideration might be given to the substitution for the last sentence of Article 5, as proposed, of a provision similar to that in the Constitution of the Food and Agriculture Organization to the effect that such arrangements between the Organization and the United Nations as are approved by a two-thirds vote of the Conference may involve modification of the provisions of the Constitution without resort to the regular amendment process, except those which the Members believe should require application of the regular amendment process.

*Article 6:*

A provision governing the determination of which are the Members of chief industrial importance is needed in view of the reference to the League Council in the present text of the Constitution. The Governing Body should be authorized to determine the question. Provision should also be made for a reconsideration of the question "when there is a recognized need" rather than "from time to time." The United States representatives should suggest modifications along the above lines and should also suggest the consideration of permitting appeals from decisions of the Governing Body as to which are the Members of chief industrial importance to the Economic and Social Council of the United Nations or the General Assembly.

*Article 7:*

At least until the United Nations Organization has been established and an agreement between it and the Organization has been concluded, in which a budgetary arrangement such as is envisaged in paragraph 4 of this Article has been made, the Organization should be enabled to vote its own budget independently. The Conference is the appropriate body to perform this function. This Government believes, however, that it should be understood that the Standing Orders of the Conference should provide for a special committee composed of one Government representative from each of the Members, such as is suggested in the Report (page 92), to review the budget as was done in the past by the Fourth Committee of the League Assembly. The United States representatives should also suggest the deletion of the words "from time to time" from paragraph 4—to avoid the implication that the arrangement once effected would be the subject of frequent negotiations.

*Article 8:*

The chancery functions which have been performed by the Secretary-General of the League and which have been in part performed by the Director of the Organization since 1939 might well be assigned to the Director. The United States Representatives should, however, suggest the consideration of these functions being performed by the Secretary-General of the United Nations, following the conclusion of a special agreement between the two organizations, the advantages of which are recognized in the Report.

*Article 9:*

The United States Government will wish to review proposals for enforcement. Its representatives may express a sympathetic attitude toward the creation of more adequate machinery.

*Article 11:*

This Government believes that the question of enforcement measures is not an appropriate one for the Governing Body. The United States representatives should suggest the elimination of Article 33 in the present Constitution and consideration of the possibility of the question of enforcement measures involved here being referred to the United Nations with any recommendations which the Conference or the Governing Body may wish to suggest, since the General Assembly and the Security Council are vested with responsibilities to maintain the general welfare.

*Article 12:*

This Government's representatives should propose that both paragraphs might well be amended by the addition of a clause "insofar as it is provided in the individual trusteeship agreement."

*Article 13:*

This Government recognizes the need for a new provision to govern amendments to the Constitution. The United States representatives may propose the substitution of "three-fourths" for "two-thirds" in the fourth line of the text as it appears in the Report—before the words "of the eight Members"—and should suggest the consideration of substituting "accepted" for "ratified" in the third line of the proposal. This is in line with the amendment provision of the Monetary Fund Agreement.[32]

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[32] See Department of State, *Proceedings and Documents of the United Nations Monetary and Financial Conference*, vol. I, pp. 968–969. For documentation on the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, July 1–22, 1944, see *Foreign Relations*, 1944, vol. II, pp. 106 ff.

*Article 14:*

This Government recognizes advantages in having questions of constitutional interpretation referred to a single body, like the International Court of Justice. The question of providing for such reference is under consideration. The United States representatives should, therefore, defer an opinion on this proposal.

*Article 15:*

The United States representatives should defer an opinion on this proposal, while expressing sympathy for the objectives.

*Article 18:*

In view of the prospective dissolution of the League of Nations, this Government anticipates serious difficulties in obtaining the acceptance of Members necessary to bring the proposed amendments into force as proposed in paragraph 2 of this Article. The United States representatives should suggest that consideration be given to the possibility of substituting for paragraph 2 another provision based upon the second of the three possible views expressed on page 127 of the Report with respect to the effect of the dissolution of the League on the application of Article 36 of the Constitution; namely "that since the category of States specifically required to consent no longer exists an amendment can come into force on ratification by any three-quarters of the Members of the Organization;" otherwise, the strict observance of Article 38 would require the fulfillment of what may be an impossible condition.

*Addendum:*

The United States Government representatives should not encourage or support any proposal for the general doubling of the number of workers' representatives, or of the workers' and employers' representatives. They should seek further instructions if any other proposals are suggested.

RESOLUTION III. PROPOSED RESOLUTION CONCERNING THE REVISION OF CERTAIN STANDARD ARTICLES OF THE EXISTING INTERNATIONAL LABOR CONVENTIONS:[34]

The resolution is proposed for the purpose of including in the agenda for the next general session the question of the partial revision of the Conventions hitherto adopted by the Conference in order to provide for the future discharge of the chancery functions entrusted under those Conventions to the Secretary-General of the League of Nations. The resolution would provide for the submission of the accompanying proposed draft convention to Member Govern-

[34] Apparently this resolution was referred to a working party for consideration (*Proceedings*, p. 468).

ments for possible modifications or amendments, and would authorize the preparation on the basis of such replies of a report for submission to Governments before the next general session. Approval may be indicated of the general purposes of the resolution. The following suggestions are applicable to the proposed draft convention which is incorporated in the proposed resolution.

The United States representatives should suggest for consideration that a fourth paragraph might well be added to Article 1 to read as follows: "Upon the conclusion of any special agreement between the International Labor Organization and the United Nations, the words 'the Secretary-General of the United Nations' shall be substituted for the words 'the Director of the International Labor Office,' the words 'the Secretary-General of the United Nations' shall be substituted for the words 'the Director,' and the words 'the Secretariat of the United Nations' shall be substituted for the words 'the International Labor Office' in paragraph 1 of this Article."

The United States representatives should also suggest for consideration that a second paragraph might well be added to Article 3 to read as follows: "Following the conclusion of a special agreement between the International Labor Organization and the United Nations, any Member of the Organization which, after the date of the coming into force of such agreement, communicates to the Secretary-General of the United Nations its formal ratification of any convention adopted by the Conference of the International Labor Organization in the course of its first twenty-five sessions shall be deemed to have ratified that Convention as modified by this Convention and such special agreement."

RESOLUTION IV. PROPOSED RESOLUTION CONCERNING THE INTERESTS OF THE INTERNATIONAL LABOR ORGANIZATION IN CERTAIN PROPERTIES AND OTHER ASSETS OF THE LEAGUE OF NATIONS:[35]

The United States representatives should suggest for consideration the addition of a concluding paragraph to provide that "any arrangements concerning functions and activities of the League of Nations which may be made by the Governing Body in accordance with this proposed resolution shall be subject to the approval of the General Conference in conformity with paragraph 4 of the Proposed Resolution Concerning the Relationship between the International Labor Organization and the United Nations." (page 152 of the Report)

The United States representatives should approve this resolution if amended to accomplish the foregoing suggestion.

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[35] For consideration of this subject by the Conference, see *Proceedings*, pp. 386–387; for resolution adopted, see *ibid.*, p. 467.

RESOLUTION V. PROPOSED RESOLUTION CONCERNING RECIPROCAL RELATIONSHIP BETWEEN THE INTERNATIONAL LABOR ORGANIZATION AND OTHER INTERNATIONAL BODIES: [36]

The United States representatives should support this resolution.

## ITEM IV (2)

### MATTERS ARISING OUT OF THE WORK OF THE CONSTITUTIONAL COMMITTEE

#### PART 2: REVISION OF THE FORM AND ARRANGEMENT OF THE STANDING ORDERS OF THE CONFERENCE [37]

Since the proposed revision of the Standing Orders consists primarily of a consolidation and re-arrangement of existing Standing Orders primarily for the purpose of facilitating consultation and since it is regarded as being of a provisional character in view of the broad questions of policy which are pending before the Committee on Constitutional Questions, the United States representatives might well support their adoption for application provisionally from the beginning of the 27th Session, it being understood that they will be referred to the Standing Orders Committee of the Conference for consideration before being definitely adopted. Should any controversy arise concerning paragraphs 3 and 4 of Article 57, the United States representatives should communicate the situation to the Department for instructions.

## ITEM V

### MINIMUM STANDARDS OF SOCIAL POLICY IN DEPENDENT TERRITORIES [38] (SUPPLEMENTARY PROVISIONS)

This Department's draft instructions are contained in the Report of the Committee on Dependent Areas of September 15, 1945, copies of which have been forwarded under separate cover.

## ITEM VI

### REPORTS ON THE APPLICATION OF CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION) [39]

The United States Government welcomes the redevelopment of more normal reporting with reference to the application of conventions. This Government notes sympathetically the reference in the Report of the Committee of Experts to the need for increased staffing

[36] See *Proceedings*, p. 382; for resolution adopted, see *ibid.*, p. 467.
[37] For text, see *International Labour Conference, 27th Session, Paris, 1945, Matters Arising Out of the Work of the Constitutional Committee, Report IV (2)* (Montreal, International Labour Office, 1945). For action adopting this report, see *Proceedings*, p. 34.
[38] See *ibid.*, pp. 401–437; for text of resolution adopted, see *ibid.*, p. 469.
[39] For consideration of this item by the Conference, see *ibid.*, pp. 438–442.

of the International Labor Office to make more effective the preparatory work. The representative on the Governing Body is authorized to evaluate the feasibility of this proposal in the light of other responsibilities of the Office.

Reference to the legal status of collective agreements on pages 4–5 of the Committee of Experts report is noted and need not be commented on. The United States Government does not want international pressures encouraged or supported which look to extending the legal sanction of collective agreements beyond the groups represented by the parties to the agreement. We do feel that it is appropriate to note as a fact in reporting on labor standards that certain standards are in fact established by collective agreements.

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500.C115 Paris/10–2445 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, October 24, 1945.
[Received October 29—8 : 23 a. m.]

6209. From Mulliken for State and Labor. British have suggested in Constitutional Committee that final action be taken at this Conference on following articles of Resolution 2: Article 13 [40] re amendment procedure; article 7 [41] re financial procedure. In addition exceedingly strong support developing for final action on article 3,[42] membership of organization. Strong sentiment in favor of action on these three points as essential to functioning of organization after liquidation of League. Request instructions urgently to approve final action on these three articles subject to acceptance in substance of major US amendments suggested in existing instructions.[43] [Mulliken.]

CAFFERY

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500.C115 Paris/10–2645 : Telegram

*The Ambassador in France (Caffery) to the Secretary of State*

PARIS, October 26, 1945—9 p. m.
[Received October 26—5 : 15 p. m.]

6229. For State and Labor from ILO delegation. In Committee on Constitutional Questions, Forbes-Watson [44] moved this afternoon deletion of last sentence in article 13, pages 157 and 158 Office report

[40] *Report IV (1)*, p. 157.
[41] *Ibid.*, p. 155.
[42] *Ibid.*, p. 154.
[43] *Ante*, p. 1540.
[44] Sir John Forbes Watson, United Kingdom Representative of the Employers to the Twenty-Seventh Session of the International Labor Conference.

reading "provided that no amendment to articles 19 or 35 shall operate to place a new obligation on any member of the organization without the consent of that member". The amendment was strongly supported without a dissenting voice by govt employer and labor speakers including the British Govt delegate. American employer and labor delegates concurred.

Goodrich speaking for US Govt stated that he had no instructions on this point. He pointed out that if any attempt should ever be made, in case the proposed amendment was accepted, to change the ILO Constitution without the consent of the US in such way as to effect US rights under the US Constitution such an attempt would be likely to result in American withdrawal from the ILO. He assumed that no such attempt would be made. He therefore would not oppose the Forbes-Watson amendment but neither could he support it.

Thereupon, Phelan [45] in line with Forbes-Watson motion withdrew the passage quoted above and article 13 was voted as follows "amendments to this constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the members of the organization including five of the eight members which are represented on the Governing Body as members of chief industrial importance in accordance with the provisions of paragraph 3 of article 17 of this constitution".

In case the Dept should object to the stand taken by Goodrich, the matter could be reopened in Plenary Session when the report of the Constitutional Committee is submitted but such a course would cause substantial difficulties and the US delegate would be likely to find himself almost completely isolated. We do not propose to make any further move in this matter unless instructed by the Dept. [ILO delegation.]

CAFFERY

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500.C115 Paris/10–2645 : Telegram

*The Secretary of State to the Ambassador in France (Caffery)*

WASHINGTON, November 1, 1945—6 p. m.

5100. For Mulliken. Dept. received urtel 6209 Oct. 24 on Oct. 29. Difficult to determine here whether intention to seek final decision on three articles continues. Instructions were based upon expectation Resolution II would merely submit proposed amendments to Members for comment with consideration of adoption to be undertaken at next General Session. Note instructions on Article 18 as to amendment

[45] Edward J. Phelan, Acting Director of the International Labor Office.

process. There is a question how any constitutional amendment may be undertaken while League exists without following procedure of Constitution Article 36.[46] However if submission to Members is to be undertaken for action to be effective conditional upon dissolution of League, emergency condition may justify action by this Session.

If Plenary Session undertakes to seek final action at this time despite lack of previous notice or adequate study by Members, risk of adverse reception by competent authority here should be recognized. If Session is to vote, US delegates are instructed to seek modifications set forth in instructions and are further instructed as follows:

Article 13: Forbes Watson amendment jeopardizes US acceptance of this Article. However US delegates may vote in favor if they record position expressed by Goodrich as per urtel 6229. Matter need not be reopened in Plenary Session unless final action is sought.

Articles 7 and 3 may be supported subject to general position in previous instructions.

Labor concurs.

BYRNES

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500.C115 Paris/12–545

*Memorandum by Mr. Edward Miller, Jr., Special Assistant to the Under Secretary of State (Acheson), to the Under Secretary of State*

[WASHINGTON,] December 5, 1945.

The recent meeting of the ILO in Paris resulted in the signature of an Instrument of Amendment to the Constitution which is subject to ratification or acceptance. ILH[47] has consulted us as to the legislative action necessary in connection with the amendment. It is desired to establish the Department's position on the matter so that we can then consult with the Department of Labor.

American membership in the ILO was brought about pursuant to a joint resolution of June 13 [*19*], 1934[48] which authorized the President "to accept membership for the Government of the United States of America in the International Labor Organization" provided that the United States would assume no obligation under the League Covenant. The resolution did not contain any provision authorizing appropriations or with respect to amendment. We subsequently entered into

[46] Article 36 reads as follows: "Amendments to this part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members."

[47] Division of International Labor, Social and Health Affairs.

[48] S.J. Res. 131 (Pub. Res. No. 43, 73d Cong., 2d sess.), approved June 19, 1934. For text, see 48 Stat. 1182, or Department of State Treaty Series No. 874, p. 28; for documentation, see *Foreign Relations*, 1934, vol. I, pp. 733–742.

a special agreement with the ILO with reference to our financial contributions and Congress has subsequently made annual appropriations for this purpose.

The principal amendment is to Article XIII of the ILO Constitution having to do with expenses. The substance of this provision is that arrangements for the allocation and collection of the budget of the ILO shall be determined by the Conference and the expenses shall be borne by the members in accordance with such determination. There is no provision with respect to compliance with our Constitutional processes. In addition, the Instrument of Amendment includes a new withdrawal provision to the effect that two years notice of withdrawal is required; and a new provision with reference to amendments to the effect that amendments to the constitution become effective when approved by a majority of two-thirds of the votes cast by the Conference of the ILO. The provision with respect to amendments is not substantially different from the standpoint of our Constitutional problems than the provision of the original Constitution of the ILO.

As you know, there is now being prepared in the Department an Omnibus Bill to provide basic authority for the performance of certain functions and activities of the Department of State, the purpose of which is to avoid the making of points of order on the floor of the House in connection with State Department appropriation bills as happened last year. Since there was no authorization of appropriations in the original ILO joint resolution, BF [49] has been planning to insert a section in the Omnibus Bill correcting this defect in the legislation. I believe that the way to proceed in connection with the ILO amendment would be to refer to it in this section, and I have agreed tentatively with BF on the following revised language to the Section which they have prepared:

"Payment is hereby authorized of such sums as may be necessary for the expenses of participation by the United States in the International Labor Organization pursuant to the Constitution of said Organization as amended by the Instrument of Amendment signed November 7, 1945, including expenses in connection with the meetings of the General Conference and of the Governing Body of the International Labor Office and in such regional, industrial, or other special meetings, as may be duly called by such Governing Body, including personal services in the District of Columbia and elsewhere, without regard to civil service and classification laws; rent; printing and binding; entertainment; hire, maintenance, and operation of automobiles; and appropriations to cover expenditures incident to such membership are hereby authorized."

[49] Division of Budget and Finance.

This will have the effect not only of curing the original defect in the legislation but of avoiding any future question in connection with the acceptance of the amendment by the United States. Such acceptance should not be made, in my opinion, until after the Omnibus Bill has passed with this provision in it.

Such procedure would be preferable in my opinion to asking for separate legislative authority to accept these amendments since this might involve us in a full dress review of the ILO. A good argument can be made that in view of the terms of the original joint resolution, it is not absolutely necessary to submit these amendments to the Congress for approval. I have thought of the possible desirability of simply transmitting the amendments to Congress for their information at this time without any reference to approval by Congress, but in view of the fact that the amendments deal entirely with technical organizational matters, I see no particular purpose to be served by this.

Therefore, if you agree, I shall recommend to ILH that in discussing the matter with the Department of Labor, the Department take the position that all that should be done [is] to obtain the suggested provision in the Omnibus legislation.

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500.C115 Paris/12–545

*Memorandum by the Legal Adviser (Hackworth) to Mr. Edward Miller, Jr., Special Assistant to the Under Secretary of State (Acheson)*

[WASHINGTON,] December 21, 1945.

MR. MILLER: I have examined your memorandum of December 5, 1945, with regard to the proposed amendment of the language in the Omnibus Bill so as to conform it with the obligations that will be imposed on the United States by reason of the recent amendment of the ILO constitution.

It is noted that Article 6 of the instrument for the amendment of the constitution of the ILO provides in Section 2 as follows:

"This instrument of amendment will come into force in accordance with the existing provisions of Article 36 of the Constitution of the International Labour Organisation. If the Council of the League of Nations should cease to exist before this instrument has come into force, it shall come into force on ratification or acceptance by three-quarters of the Members of the Organisation."

Article 36 of the ILO constitution, to which reference is made, reads as follows:

"Amendments to this part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by

the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members."

So long as the United States, which, of course, is not a member of the Council of the League of Nations, intends to have the amendment of the constitution become effective as to it by reason of its ratification by three-fourths of the other States rather than by any action on its own part, formal ratification, of course, will not be necessary. Assuming from your memorandum that such is the plan, I see no objection whatever to the proposed amendment of the Omnibus Bill in the manner suggested by you.[50]

[50] Specific authorization of appropriations for the expenses of membership and participation by the United States in the International Labor Organization under the ILO constitution as amended by the Instrument for Amendment of the Paris Conference was requested in a general bill introduced by the Department and later embodied in H.R. 6602, introduced by Mr. Bloom and referred to the Committee on Foreign Affairs. The Congress adjourned before action was taken on this measure.

## SPONSORSHIP BY THE DEPARTMENT OF STATE OF LEGISLATION RESULTING IN THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT OF 1945

840.50 UNRRA/4–1345

*The Director General of the United Nations Relief and Rehabilitation Administration (Lehman) to the Secretary of State*

WASHINGTON, April 13, 1945.

MY DEAR MR. SECRETARY: The steady expansion of UNRRA operations during recent months and the projected increase of our activities at the end of the war in Europe render it imperative that I enlist your personal support and intervention to obtain for us the communication facilities, and the diplomatic and other privileges in regard to which we have been negotiating with the Government of the United States since December of 1943. The importance of these facilities and privileges was recognized by all of the interested governments when they adopted Resolutions 32, 34 and 36 at the First Meeting of the Council in November of 1943, copies of which are enclosed herewith.[1] In written communications and in numerous conferences during the past eighteen months members of my staff and I have urged the necessary implementation of the Resolutions by your Government. I wish to refer particularly to my letters to the Secretary of State dated 28 December 1943,[2] 25 January 1944 [3] and 17 October 1944 [2] as well as to my formal note to the Department under date of 3 April 1944.[3]

We feel that UNRRA is under heavy obligation to the United States for the very real assistance and support which your Government has given to UNRRA. Nevertheless, the failure to take administrative and legislative action with respect to taxation and such other important matters as censorship, courier and pouch facilities, code privileges, and travel regulations, has not only seriously handicapped our operations but has substantially increased their cost to all of the member governments. In several instances, the effective action taken

[1] For texts, see Conference Series No. 53: *First Session of the Council of the United Nations Relief and Rehabilitation Administration: Selected Documents, Atlantic City, New Jersey, November 10–December 1, 1943* (Washington, Government Printing Office, 1944), pp. 62–66.

[2] Not printed.

[3] Not found in Department files.

by the United Kingdom and other governments to facilitate our operations has been nullified or rendered relatively useless by the failure of your Government to take corresponding action. For example, the United Kingdom has given UNRRA pouch and courier facilities as well as exemption from censorship, but the Government of the United States has not taken complementary action at the Headquarters end of our operations.

The matter has now reached a point where the effect on our day-to-day operations and on the morale of our officers, both in Washington and abroad, is so great as to hamper seriously the fulfillment of our primary responsibility to the governments and peoples of the United Nations. It is also evident that other governments are now tending to delay action requested by UNRRA because they are aware of the apparent indifference toward these matters on the part of the Government of the country in which Headquarters is located.

Two types of action would seem desirable on the part of the Government of the United States—the one legislative and the other, administrative. I am informed that a revised draft of legislation has been approved by most of the interested departments of your Government and should soon be presented to the Congress. It is also my understanding, however, that the opposition of certain agencies of the Government may further delay presentation of the draft bill and may continue to prevent administrative action which, in many instances, would greatly facilitate our work pending the adoption of necessary legislation.

I earnestly hope that you will agree that the necessary action by the Government of the United States, both administrative and legislative, is of top urgency, and that you will issue appropriate directives in order to expedite such action.

For the convenience of the Department of State I enclose herewith a memorandum [5] which summarizes the efforts we have made to obtain the desired facilities and indicates the present status of the various matters.

Sincerely yours, HERBERT H. LEHMAN

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840.50 UNRRA/7-245

*The Acting Secretary of State to the Attorney General (Clark)* [6]

WASHINGTON, July 2, 1945.

MY DEAR MR. ATTORNEY GENERAL: For almost two years the Department has been actively considering the preparation and introduction

[5] Not printed.

[6] An identical letter was sent on the same date to the Secretary of the Treasury (Morgenthau).

of legislation to provide for privileges and immunities of international organizations and their staffs. The UNRRA Council in November, 1943, recommended that such privileges and immunities be accorded, but because of the absence of legislative authority the UNRRA Council resolution has been complied with only in minor respects. The Department is also faced with the necessity of granting privileges to other international organizations which function in this country or which may do so in the future, including the International Labor Organization, the Pan American Union, the Interim Commission on Food and Agriculture [7] (and the permanent organization when it comes into being),[8] the Bretton Woods institutions,[9] the International Civil Aviation Organization, and the United Nations Security Organization.[10]

In order for international organizations to function effectively, it is essential that they have privileges and immunities similar to those accorded foreign governments with respect to matters such as exemption from taxation, immunity from suit, inviolability of archives, et cetera. On March 28, 1944, the President approved a memorandum from the Secretary of State [11] requesting authority to proceed with legislation of this nature. There followed lengthy discussions between the interested offices of the Department and with officials of the Treasury Department and the Department of Justice. A bill which was not altogether satisfactory and which was confined to UNRRA was introduced in the House of Representatives on November 21, 1944, (H. R. 5512, 78th Congress, second session) [12] but no action was taken before the end of the session.

I am enclosing a new draft bill [11] which has received the approval of the Department of State. It will be observed that under its terms international organizations will receive substantially the same treatment as foreign governments with respect to the matters covered. The officials and employees of such organizations, other than Ameri-

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[7] The Interim Commission on Food and Agriculture came into being as a result of the United Nations Conference on Food and Agriculture, Hot Springs, Va., May 18–June 3, 1943; see *Foreign Relations*, 1943, vol. I, pp. 820 ff.

[8] With the first meeting of the Food and Agriculture Organization of the United Nations, the Interim Commission was terminated on October 16, 1945. See *International Organizations in which the United States Participates*, 1949 (Washington, Government Printing Office, 1950), p. 36.

[9] Reference here is to the International Monetary Fund and the International Bank for Reconstruction and Development. For documentation on the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, July 1–22, 1944, see *Foreign Relations*, 1944, vol. II, pp. 106 ff.

[10] See pp. 1 ff.

[11] Not printed.

[12] *Congressional Record*, vol. 90, pt. 6, p. 8306.

can citizens, will receive substantially the same privileges as foreign government employees serving in this country. It should be noted that the bill does not provide full diplomatic privileges and immunities for the officials of international organizations.

The provisions relating to tax exemptions have been discussed at length with officials of the Treasury Department, and it is understood that there is general agreement between the two Departments with respect to these provisions.

It is believed that the bill will confer the essential privileges and immunities, although it grants less extensive privileges than does the legislation recently adopted in Great Britain on this subject and less extensive privileges than are accorded in various other countries.

In view of the long delays which have taken place and the increasing urgency of presenting the bill to the Congress as soon as possible, I hope that you may be in a position to indicate at an early date your approval of the proposed bill.

Sincerely yours, JOSEPH C. GREW

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840.50 UNRRA/7–2445

*Mr. Edward G. Miller, Jr., Special Assistant to the Under Secretary of State (Acheson), to the Assistant Solicitor General (Judson)*

WASHINGTON, September 11, 1945.

MY DEAR MR. JUDSON: I refer to our conversation last week on the subject of the proposed legislation to extend privileges and immunities to international organizations and their staffs, which legislation was submitted to the Attorney General for his approval in a letter from the Acting Secretary of State dated July 2, 1945.

As I advised you during our conversation, other governments have taken action in various forms to extend privileges and immunities to international organizations. An early example of this is the Modus Vivendi entered into in 1926 by the Swiss Government concerning diplomatic immunities of the staff of the League of Nations and related organizations at Geneva, a copy of which is enclosed.[15] A more exact precedent to the legislation under consideration is the Diplomatic Privileges (Extension) Act, 1944, of the United Kingdom, a copy of which is also enclosed.[16] There is also enclosed an Order in Council whereby Canada extended privileges to UNRRA;[17] similar action has been taken in Canada, I understand, with respect to other international organizations located there, notably the International

[15] For text, see League of Nations, *Official Journal*, 1926, p. 1422.

[16] For text of the Diplomatic Privileges (Extension) Act, dated November 17, 1944, see *Public General Acts, 7 & 8 George VI*, ch. 44, pp. 402–407.

[17] P.C. 9132, December 15, 1944.

Labor Organization and the Provisional International Civil Aviation Organization.

At our conference you asked for information as to the number of persons who would be affected by the proposed legislation. The available figures as to the number of employees of international organizations located in this country indicate that the total of such employees at the present time is approximately 1,470, of which some 1,245 are United States citizens. Of these, however, some 1,200, of which some 1,025 are United States citizens, are employed by UNRRA which, as you know, should be practically wound up within the next two years. As to what the figures might be in five years, after all of the projected international organizations have been agreed upon by the nations and launched in operation, it is extremely difficult to foretell. It depends upon the number of organizations which will have their headquarters in this country and particularly upon the location of the United Nations Organization. I can therefore only hazard a guess of my own, which would be to the effect that the total number of persons employed by international organizations and located in this country would amount to a few thousand—perhaps not more than 3,000—of which the greater number would be American citizens.

This compares with a total of between 15,000 to 20,000 alien employees of foreign governments located in this country at the present time. Even assuming that this figure is somewhat inflated owing to wartime activities, it is clear that the proposed bill would involve only a relatively small increase in the number of persons normally entitled to official privileges and immunities.

Sincerely yours, EDWARD G. MILLER, JR.

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701.09/9–1845

*The Acting Secretary of the Treasury (Gaston) to the Secretary of State*

WASHINGTON, September 18, 1945.

MY DEAR MR. SECRETARY: Further reference is made to Acting Secretary Grew's letter of July 2, 1945, requesting the approval of this Department of a draft of a proposed bill, "To extend certain privileges, exemptions and immunities to international organizations and to the officers and employees thereof, and for other purposes".

The bill includes provisions for granting to international organizations and their officials and employees exemptions from internal revenue taxes and customs duties substantially similar to those granted under existing law to foreign governments and their employees serving in this country. Subject to certain changes of a clarifying or perfect-

ing nature set forth below, the proposed draft of bill has the approval of this Department. These changes are as follows:

1. Change to 1946 the year in the date, January 1, 1945, appearing in subsections (*c*) and (*d*) of section 4 and in subsections (*a*) and (*b*) of section 5, relating to the exemption from Social Security taxes of service performed in the employ of an international organization.

2. Make the deletions and additions, shown by bracketing and underlining, respectively, in sections 3 and 8(*a*) as follows:

Section 3. Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees or representatives shall be admitted, when imported in connection with the arrival of the owner, free of customs [duty] duties and free of internal revenue [tax] taxes imposed upon or by reason of importation.

Section 8(*a*). No person shall be entitled to the benefits of this Act unless he [shall have been duly notified by the government of which he is a representative, or by the international organization concerned, to the Secretary of State and accepted as such by him, or has been designated by the Secretary of State, prior to formal notice and acceptance, as a prospective representative, officer or employee] (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee, or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer or employee, or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

The foregoing suggested changes [18] are understood to be acceptable to representatives of your Department with whom the matter has been discussed.

Very truly yours, HERBERT E. GASTON

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701.09/10–245

*The Attorney General (Clark) to the Secretary of State*

WASHINGTON, October 2, 1945

MY DEAR MR. SECRETARY: This is in response to Mr. Grew's letter of July 2, 1945, concerning the proposed draft of a bill entitled "To extend certain privileges, exemptions, and immunities to international organizations and to the officers and employees thereof, and for other purposes."

[18] The proposed changes were incorporated in the bill as passed by Congress.

[Here follows statement of substance of the bill.]

On December 12, 1944, Attorney General Biddle wrote to the Director of the Bureau of the Budget with reference to a somewhat similar proposal to extend certain privileges to the United Nations Relief and Rehabilitation Administration and its staff. In his letter Mr. Biddle said in part:

"The Federal Bureau of Investigation has evidence indicating that in the past the diplomatic representatives of some foreign governments have abused the privilege of diplomatic immunity. In some instances the abuses have been harmless. In other instances, however, diplomatic representatives have distributed propaganda against the established governments of friendly nations to which they were accredited, and in a few cases they have even engaged in espionage activities. This Department, therefore, views with misgiving any extension of the privilege of diplomatic immunity to persons not in the diplomatic or consular service of friendly governments. Nevertheless, I recognize that the question whether diplomatic immunity should be given to officials and employees of the United Nations Relief and Rehabilitation Administration is primarily a question of policy for the State Department. On the assumption that the proposed legislation is sponsored by the State Department, I interpose no objection."

The proposed legislation under consideration would, of course, have a much broader scope than the bill to which Mr. Biddle referred. It would apply to a large number of international organizations having functions in many instances of a nature substantially different from those of the United Nations Relief and Rehabilitation Administration. It seems to me, therefore, that the difficulties discussed in Mr. Biddle's letter would be applicable to the proposed bill to an even greater extent. If the practices referred to are possible under the strict application of formal diplomatic protocol it is reasonable to be apprehensive of what might occur if diplomatic immunities were extended to persons who would not ordinarily have the professional training found in the diplomatic corps. Accordingly, I am reluctant to recommend the enactment of the bill. However, if the State Department offers the proposed bill to the Congress and recommends it as an useful aid to the foreign policy of the United States, I assure you that the Department of Justice will not oppose the legislation.

If the bill is to be favorably considered, I should like to make the following suggestions:

Section 7 of the bill includes not merely the representatives of the foreign governments in or to international organizations but also "officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them." It is conceivable that an international organization might bring into the United States a very large number of employees from abroad together with the members of their families.

This provision of the bill is broader than the provisions of existing law respecting foreign government officials (Section 3, Immigration Act of 1924, as amended, 53 Stat. 711, 8 U.S.C. 203; Section 3, Act of February 5, 1917, as amended, 39 Stat. 875, 878, 8 U.S.C. 136). The effect of this section would be to exempt all of the persons covered by it from the requirements of the immigration laws, including medical examination. In my view, it would be adequate for the purposes of the proposed legislation to word the provision of Section 7 in keeping with the language of the references cited above. You may also wish to consider whether subordinate employees should be included in the exemptions at all.

Section 8(*b*) provides that if the Secretary of State determines the continued residence in the United States of any person admitted under the benefits of the Act to be undesirable, then after appropriate notice to the interested government and opportunity for the individual to depart, such person shall cease to be entitled to the benefits of the Act. This section does not make clear how the departure of such an individual may be enforced if the determination of the Secretary of State is not voluntarily met. In this connection I invite your attention to existing law with reference to representatives of foreign governments and related persons (8 U.S.C. 203, 214, 215). Such persons who fail to maintain their status in the United States must depart. If they do not depart, they become subject to deportation, except that a foreign official or member of his family shall not be required to depart without the approval of the Secretary of State. It may be well to make equally definite the authority and procedure in the proposed legislation for enforcing the departure of those who would be permitted to enter the country under the bill.

Section 9 provides that the privileges, exemptions and immunities provided for in the bill "shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees may be conditioned upon the existence of reciprocity by that foreign government." In this connection, the British statute on the subject seems worthy of note. That statute provides:

"Nothing in the foregoing provisions of this Act shall be construed as precluding His Majesty from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives." [19]

[19] *Public General Acts. 7 & 8 George VI*, ch. 44, pp. 405–406.

I suggest that consideration be given to a similar provision in this bill.

The problem of the selection of the organizations to be covered by the bill appears to me to be closely related to the matter of sanctions to be applied in enforcing its provisions. It would appear to be desirable to have the penalties run against the organization itself as well as against individual staff members. I suggest therefore that the bill be amended so as to provide that the President would have power to specify the organizations to which the Act shall apply through the issuance of appropriate executive orders. The President should also be empowered to remove organizations from the approved list in the same manner. This would insure that all interested government agencies would receive advance notice and that the public generally would obtain official notice through publication in the Federal Register. Such a plan would tend to make the international organizations maintain close control over their members so as to avoid removal from the list. The organizations themselves would thus share in the task of bringing about full compliance with the statute.

Sincerely yours, TOM C. CLARK

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701.09/10–245

*The Acting Secretary of State to the Attorney General (Clark)*

WASHINGTON, 4 October 1945.

MY DEAR MR. ATTORNEY GENERAL: The receipt is acknowledged of your letter of October 2, 1945 commenting upon the draft of bill "To extend certain privileges, exemptions, and immunities to international organizations and the officers and employees thereof, and for other purposes."

You state that the purpose of the bill is, among others, to extend "diplomatic" immunities to alien officers and employees of international organizations of which the United States is a member. Although it is in fact one of the purposes of the bill to extend certain privileges to persons in this class, Section 8(*c*) specifically provides that "No person shall, by reason of the provisions of this Act, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein." You also refer to the possibilities of abuse of the privileges and immunities provided for in the bill. In this connection I should like to refer to the provisions of Section 8(*b*) giving the Secretary of State authority to determine that the continued presence in the United States of any person entitled to the benefits of the bill is not desirable, and to the revision of the enacting clause set forth below giving the

President authority to terminate the designation of any international organization as being entitled to the benefits of the bill.

I am happy to note that if the Department of State offers the proposed bill to the Congress and recommends it as a useful aid to the foreign policy of the United States, the Department of Justice will not oppose the legislation. I very much appreciate the cooperative spirit with which you have approached this problem. For the reasons previously explained to your Department in connection with the consideration of this proposal, the Department of State does believe that the enactment of this legislation is important to the successful conduct of the foreign policy of the United States.

With respect to your suggestions for changes in the bill, I have the following comments:

1. You state that the provisions of Section 7 are broader than existing provisions respecting foreign government officials. Your attention is directed to the fact that Section 7 (*a*) provides that the privileges, exemptions and immunities specified therein to be enjoyed by representatives of foreign governments and officers and employees of international organizations (and members of the immediate families of such representatives, officers and employees residing with them) shall be "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". Paragraphs (*c*) and (*d*) of Section 7, by amending Sections 3 and 15 of the Immigration Act approved May 26, 1924,[20] would bring officers and employees of international organizations into substantially the same status as foreign government officials. Therefore, I believe that the point made in your letter, with which I am fully in sympathy, is adequately covered by the proposed bill. You also state that this Department might wish to consider whether subordinate employees should be included in the exemptions at all. This point has been considered by this Department, and it is believed impracticable to attempt to differentiate between various classes of employees of international organizations. I believe that the practical answer to your point is that international organizations located in this country will find it expedient to recruit for lower grade positions almost entirely from persons located in this country.

2. With respect to your comment concerning the procedure for deporting a person admitted under the benefits of the bill whose continued residence in this country has been determined to be undesirable, your attention is directed to the fact that by virtue of the proposed amendment in Section 7 (*d*) of Section 15 of the Immigration Act

[20] 43 Stat. 154.

approved May 26, 1924, the same procedure with reference to the deportation of a foreign government official will be made applicable to persons admitted under the benefits of the bill. Therefore, I believe that this point, with which I am also fully in sympathy, is likewise covered in the proposed legislation.

3. With respect to your comment on Section 9 of the bill, this Department is adding the following clause at the end of this Section:

"provided that nothing contained in this Act shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions and immunities to citizens of the United States."

4. With respect to the point raised in the last paragraph of your letter, this Department is revising the enacting clause (Section 1) of the bill to read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act the term "international organizations" shall include only public international organizations of which the United States is a member and which shall have been designated by the President through appropriate executive order or orders as being entitled to enjoy the benefits of this Act; provided that the President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the benefits of this Act or for any other reason, at any time to revoke any such designation whereupon the international organization in question shall cease to be classed as an international organization for the purpose of this Act."

With these changes, and in view of your statement that the Department of Justice will not oppose the bill, the Department of State proposes to proceed immediately with this legislation.[21]

Sincerely yours, DEAN ACHESON

[21] The International Organizations Immunities Act was approved December 29, 1945; 59 Stat. 669. For text of a press release regarding privileges and exemptions for international organizations issued February 20, 1946, see Department of State *Bulletin*, March 3, 1946, p. 348.

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[1] In indexing persons the intention has been to include all references to persons of significance for an understanding of the record, with the following exceptions: (1) The name of the Secretary of State or the Acting Secretary of State appearing as the signer of outgoing instructions unless there is a clear indication of the Secretary's or Acting Secretary's personal interest; (2) the name of an American officer in charge of a mission appearing as the signer of reports to the Department of State, except for personal items; (3) the names of persons to whom documents are addressed.

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