

PARCHMENT
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A STUDY OF THE POLICY OF THE UNITED
STATES TOWARD THE SECURITY COUNCIL VETO

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A STUDY OF THE POLICY OF THE UNITED
STATES TOWARD THE SECURITY COUNCIL VETO

by

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PREFACE

Widespread disapproval of the "veto" both in the United States and abroad has culminated in certain recent developments. Due to the initiation of a proposal by former United States Secretary of State, George C. Marshall, the General Assembly of the United Nations established the Little Assembly, whose function purportedly is to "get around the veto" and indeed, it is rumored, to eliminate it. During the Spring of 1948, the Senate of the United States passed the Vandenberg Resolution with a large majority. This resolution expressed the hope that the veto, insofar as it relates to the pacific adjustment of disputes and to applications for membership in the United Nations may be eliminated voluntarily by peaceful persuasion.

Against the background of these recent developments, the writer has attempted to delve into the origins of the veto theory. It has been her purpose and principle objective to study the evolution of what became known as the "Yalta voting formula" in an endeavor to arrive at an appreciation of the motivating factor behind the support of the United States Government for that voting procedure. She has not attempted to study the philosophies behind the support for that formula by the USSR, by Great Britain, by China nor France except insofar as those philosophies affected the attitudes and policies of the United States. Even then, she has used the American ideas of what those philosophies were rather than the Russian, the British, the Chinese or the French, because after all, it was the American understanding of those philosophies which may have influenced American policy in regards to the unanimity principle. The writer has not endeavored to examine the actual operation of the veto procedure in the Security Council since the institution of the United Nations to determine the merits of that voting process. The writer has limited her research solely to the determination of the

reason which, above all others, prompted the support of the Government of the United States for the principle of unanimity and the veto, per se.

In proceeding with this work, the writer, who began with the natural prejudices of one who has seen and felt the ugliness, the hatred, the corruption and the devastation visited upon the European Continent by the recent conflict, has had many obstacles to overcome. In honesty and humility, she wishes to state that without certain endowments from her teachers who have guided and inspired her during the past months, this work would not have been possible. Dr. Glenn B. Hawkins, Head of the Political Science Department of Oklahoma Agricultural and Mechanical College with his great respect for and perception of truth, has been a source of constant inspiration to the writer. To Dr. E. Foster Dowell, from whom the writer came to know among other things, the value of candor in the struggle of the contemporary to find truth, the writer stands deeply indebted, for without honest candor, the truth is forever elusive. The writer is immeasurably obligated to Dr. Robert E. Powers and to Dr. John D. Hall, who during the past few months have devoted much time and effort in kind and patient assistance to the writer in her endeavors to put this work in scholarly form. Dr. R. R. Oglesby, the writer's adviser, who has consistently given invaluable advice, and who has been constantly patient and understanding, has been a source of strength to the writer. Indeed, for whatever value this work may have, Dr. Oglesby is largely responsible.

Understanding assistance and many helpful suggestions have come also from Professor Darryl Troxel, Professor Guy A. Donnell and Professor Louis Antrobus of the Political Science Department and from Dr. Alfred Levin of the History Department, and to them also the writer is deeply grateful. The writer wishes to express her gratitude for the friendly advice given her by her fellow students in Political Science Seminar 503: Jack E. Day, James Payne, Charles Owens,

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The writer is indebted to Harold E. Stassen, President of the University of Pennsylvania, who patiently and kindly spoke to her of the attitude of the American Delegation at San Francisco; to Mrs. Franklin D. Roosevelt, widow of the late President, for taking time from her numerous activities in Paris last autumn to write to the writer of her views on the subject; to the former dean of Barnard College, Dr. Virginia C. Gildersleeve, who also wrote to the writer of the attitudes of the American Delegation and to Alger Hiss, until recently the President of the Carnegie Endowment for International Peace.

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CHAPTER I

THE ATTITUDE OF THE UNITED STATES GOVERNMENT TOWARD THE
VETO: THAT PROFESSED IN 1945 COMPARED WITH THAT OF 1948

On the whole, sir, I cannot help expressing a wish that every member of the Convention who may still have objection to it would, with me, on this occasion doubt a little of his own infallibility and, to make manifest our unity, put his name to this instrument.

---Benjamin Franklin

A. Definition of the veto.

Wellington Koo, Jr., of China has said that although the United Nations is based on the principle of sovereign equality of all its members, as outlined in the Charter:

. . . its mainspring is the acceptance of the political fact that its members are far from equal, and that equality shall lie in every respect only among the five nations who contributed the greatest share toward the winning of the war.¹

[The rule of unanimity of the permanent members of the Security Council has been called the cornerstone upon which the United Nations was built,² and the condition of its existence.³] Despite the weight attached to the policy of unanimity, from the time the conception of that policy was introduced to the Big Three leaders during the events preliminary to the completion of the artifice of the United Nations, the possible aspects of that rule have posed an enigma not only to the other United Nations, but to the Big Three proponents⁴ as well.

¹ Wellington Koo, Jr., "The United Nations Security Council," Voting Procedures in International Political Organizations, New York, (1947), p. 225. (Hereafter referred to as Koo, Voting Procedures).

² Address before the General Assembly by Mr. Molotov on October 29, 1946, quoted in Official Records of the Second Part of the First Session of the General Assembly, Plenary Meeting of the General Assembly, New York, (December 16, 1946), p. 840.

³ "Address of Ambassador Andrei Gromyko," Information Bulletin, Embassy of the U.S.S.R., Washington, D.C., (November 21, 1944), pp. 3-4.

⁴ Great Britain, the United States of America and the Union of Soviet Socialist Republics.

The voting procedure as outlined in the Charter covers two kinds of issues that might be brought up in the Security Council, (1) procedural matters and (2) all other matters. In the first type of issue, a decision is reached by the affirmative vote of any seven of the eleven members of the Security Council.⁵ "All other matters" includes all substantive issues or issues likely to involve a threat to the peace. In the procedure detailed for deciding a substantive issue, a distinction was made between the permanent members and the non-permanent members of the Security Council, for although a vote of seven is required as in reaching a decision on procedural matters, that seven is qualified insofar as it must include the concurring votes of all five permanent members.⁶ The policy of unanimity of the Big Five⁷ that must be voiced affirmatively before any recommendation or action may be made to settle disputes peacefully, or to attempt politically to remove the causes of war, has come to be known as the veto, for the rule of unanimity necessarily implies that each permanent member has the prerogative to veto any decision the other nation members of the Council may desire to make on a substantive matter. [The functions for which the Council was designed and created, specifically, barring aggression and maintaining the peace of the world are, in each case brought before the Council for action, dependent upon the unanimous approval of the Big Five.]

[There are two exceptions to the rule, i.e., two kinds of substantive issues in which the five permanent members are denied the right of veto. The first

⁵ "United Nations Charter," Charter of the United Nations and Statute of the International Court of Justice, (Department of State Publication 2368; Conference Series 76) (San Francisco, 1945), Chap. 5, Art. 27, par. 2, p. 7 (Hereafter referred to as "United Nations Charter.")

⁶ Ibid., par. 3.

⁷ The United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China and Republic of France.

occurs when the Council is considering the peaceful settlement of a dispute as outlined in Chapter VI of the Charter. If a permanent member is involved, that member as well as any other party to the dispute, must abstain from voting.⁸

The second exception occurs when the Council is attempting to reach a decision under Paragraph 3, Article 52. In such a case also, the state involved must abstain from registering a vote. Paragraph 3, Article 52 follows:

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference to the Security Council.⁹

In an attempt to clarify the actual operation of the voting procedure to the nations assembled at the United Nations Conference on International Organization at San Francisco, the Big Five issued a joint statement in June 1945. A procedural vote, they declared, will:

. . . govern the decisions made under the entire Section D. of Chapter VI. This means that the Council will, by a vote of any seven of its members adopt or alter its rules of procedure; determine the method of selecting its president; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are especially affected; and invite any state when it is a party to a dispute being considered by the Council to participate in the discussions relating to that dispute.¹⁰

They further explained that unanimity would not be required for the consideration and discussion of a dispute or situation brought to its attention.¹¹

⁸ "United Nations Charter," op. cit., p. 8.

⁹ Ibid., Chap. VIII, p. 11.

¹⁰ "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council," United Nations Conference on International Organization, XI, Commission III, Security Council, New York and London, (1945), (Annex to Doc. 1050, III/1/58), Doc. 852, (ENGLISH), III/1/37 (1) (June 8, 1945), p. 711. (hereafter referred to as XI Commission III, Security Council).

¹¹ Ibid., p. 712.

Beyond that point, however:

. . . 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 make recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, . . . for abstention from voting by parties to a dispute.¹²

The Big Five declared that they deemed it unlikely that there would arise

. . . any matters of great importance on which a decision will have to be made as to whether a procedural vote will apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.¹³

The right of the Big Five to act in concord or not at all, is sustained by Chapter XVIII of the Charter which states in explicit terms the procedure involved in making amendments to the Charter. The vote required before any amendment can come into force must include not only those of "two-thirds of the members of the General Assembly, and ratified in accordance with their respective constitutional processes by two-thirds of the United Nations,"¹⁴ but those two-thirds of the United Nations must include "all the permanent members of the Security Council."¹⁵

B. Reaction of the Lesser United Nations to the Veto.

Almost as soon as the Dumbarton Oaks Proposals were received and digested by the United Nations, excluding the four proponents (the United States, Great Britain, the Soviet Union and China) who had drawn up the Proposals, protests

¹² Loc. cit.

¹³ Ibid., p. 714.

¹⁴ "United Nations Charter," op. cit., Art. 108 and Art. 109, par. 2, pp. 19-20.

¹⁵ Loc. cit.

were voiced by those other nations. Indicating that they did not accept the "political fact that its (the United Nations) members are far from equal,"¹⁶ willingly and without question, the middle and lesser powers fought this privilege of veto consistently until they were brought to the realization that the veto was the sine qua non for the establishment of the proposed peace organization.¹⁷

Shortly after the Dumbarton Oaks Proposals were made known, Mexico attacked especially what appeared to be a grant of power in perpetuity to be conceded the great powers. That government proposed instead:

. . . The Council shall be composed of six semi-permanent Delegates and six Delegates elected according to the procedure determined by the Assembly. The semi-permanent Delegates shall represent the States whose responsibilities for the maintenance of peace is more considerable in the international community. It shall be the duty of the Assembly to decide, (sic) every eight years which shall be these States.¹⁸

On October 31, 1944, the Government of Venezuela observed that the section outlining the authority and principal functions of the Security Council "contains

¹⁶ Cf. p. 1 supra.

¹⁷ See "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council," op. cit., p. 713; see comment by Security Council President, Mr. Castillo Najera of Mexico quoted in United Nations Security Council Official Records, First Year, Second Series, No. 2, Fiftieth Meeting, July 24, 1946, (August 6, 1946) p. 8; "It should be stressed that during the debates the representatives of the sponsoring Powers made it clear that they were neither prepared to accept any modification of the Yalta formula nor to agree to a more liberal interpretation thereof than that contained in their joint declaration of 7 June 1945, and that any unfavorable action by the Committee on the voting formula would imperil the whole work of the Conference. It was on this understanding, that many delegations voted for, or abstained from voting against, the Yalta formula." Statement by the Delegate of India quoted in "Summary Report of the Twenty-Seventh Meeting of Committee III/1," June 19, 1945." XI, Commission III, Security Council, op. cit. Doc. 1114 (ENGLISH), III/1/63, (June 20, 1945), p. 663.

¹⁸ "Opinion of the Department of Foreign Relations of Mexico Concerning the Dumbarton Oaks Proposals," October 31, 1944, United Nations Conference on International Organization, III, Dumbarton Oaks, Doc. 2 G/7 (c), (April 23, 1945), p. 58 (hereafter referred to as III, Dumbarton Oaks).

such a broad delegation of the powers of the International Union to the Security Council that it appears practically unacceptable in its present form."¹⁹

Although the Dumbarton Oaks Proposals were vague insofar as letting the world know what voting procedures had been discussed by the major powers at the Dumbarton Oaks Conversations in Washington, D.C. in the summer and fall of 1944,²⁰ not all the middle and lesser powers were unaware of those discussions, as evidenced by their comments, characterized by objections and proposed amendments, some of which were expounded several months before the major powers reached agreement on the stand they would collectively take in regards to the voting procedure in the Security Council, during the drafting of the Charter. The Government of Venezuela observed that two tendencies had manifested themselves in connection with the voting procedure, and she commented:

. . . the American and British drafts would apparently maintain the principle whereby any one of the permanent members could veto the application of penalties to an aggressor State, whenever it should be supported by two non-permanent members. One can understand the full value of the proposal, if one considers that the permanent member State could not vote if it is the one accused; and that it would suffice for the non-permanent members to obtain five votes of the six belonging to them to veto likewise any compulsive action. We know that the Russians did not admit one of the four or five Great Powers should be denied a vote even in case that it should be the possible aggressor. . . . "Izvestia," the official Soviet newspaper published, . . . the Russian thesis in virtue of which the permanent members would have their hands free to do whatever they may wish without any possible control. The Anglo-American opposition to such thesis is more than justified.²¹

Before the Big Three meeting at Yalta in February 1945, called to solve the

¹⁹ "Observations of the Government of Venezuela on the Recommendations Adopted at Dumbarton Oaks Conferences for the Creation of a Peace Organization," III, Dumbarton Oaks, ibid., Doc. 2 (ENGLISH), G/7 (d) (1) pp. 202-203. (hereafter referred to as "Venezuela")

²⁰ "The Dumbarton Oaks Conversations," Yearbook of the United Nations, 1946-1947, New York, (1947), Chap. VI, Sec. C., p. 6.

²¹ Cf. "Venezuela" pp. 202-203.

disagreement over the voting question, inter alia, the Government of the Netherlands transmitted suggestions to President Roosevelt, Prime Minister Churchill and Marshall Stalin, for the improvement of the Dumbarton Oaks Proposals.²²

"Against what contingencies," that Government wanted to know, "should such a general organization be set up? Is it to keep the smaller states in check, thereby preventing their possible quarrels from disturbing the peace of the world?"²³

After reminding the Big Three that in this century, there had been only two wars of any importance between the smaller states,²⁴ both of which had been local and neither of which had disturbed the general peace of the world, the Netherlands Government declared that "In their case, an organization as outlined at Dumbarton Oaks seems hardly necessary."²⁵

There remains the five great peace-loving states, with all their actual or potential resources for using armed forces on modern lines If, . . . they should ever threaten (a remote possibility, no doubt) to resort to the use of unauthorized armed force, everything will depend on the voting arrangements and on the readiness of the war-minded great power to abide by the voting.²⁶

The Netherlands expressed apprehension concerning the relationship between the great powers and the other powers in the proposed organization; she declared that this factor interested her Government to such an extent that her adhesion to the Plan might prove to be conditioned by the way in which this problem was

²² New York Times, February 8, 1945, James B. Reston, "Dutch Oppose Idea of Oaks Big 5 Veto," p. 1.

²³ "Suggestions Presented by the Netherlands Government Concerning the Proposals for the Maintenance of Peace and Security Agreed on at the Four Power Conference of Dumbarton Oaks as Published on October 9, 1944," (January 1945), III, Dumbarton Oaks, ibid., pp. 309-311. (hereafter referred to as "Netherlands").

²⁴ Chaco-war and Balkan wars of 1912. Loc. cit.

²⁵ Loc. cit.

²⁶ Loc. cit.

solved:

. . . the smaller powers, who are invited. . . to perpetuate and legalise an existing de facto position of inferiority, may be permitted to point out that, if exorbitant special rights were granted virtually placing the great powers above the law, this Plan would be of little avail for the rest of the world, inasmuch as a return to anarchy would not be excluded.²⁷

The Netherlands document especially expressed concern toward what might be incorporated in the voting procedure:

. . . , if there is to be any question of a right of veto, it can only be a right of veto with regard to measures of coercion, and they (the Netherlands Government) further think that, if insisted on, it should be restricted to cases of coercion by armed forces. . . .²⁸

The Polish Government in London also made known to the United States and Great Britain a list of twenty-nine amendments proposed by that Government to improve the Dumbarton Oaks Plan. Protraying the general consensus of the middle and small powers concerning the "big-power supremacy", the Polish Government suggested that the membership of the Security Council be increased to fifteen, and that the vote should be decided when a majority of the fifteen members and a majority of the permanent members of the Security Council voted affirmatively.²⁹

Indicative of the supreme responsibility the proponents attached to their own role in the proposed new international structure, these comments and observations that typically expressed the hopes and the fears of the other Nations were significantly overlooked in the formula devised by the State Department of the United States and agreed upon by the Big Three leaders at the Yalta Conference

²⁷ Ibid., pp. 309-319.

²⁸ Loc. cit.

²⁹ New York Times, February 11, 1945, James B. Reston, "Poles in London Ask Oaks Revision," p. 1.

in February, 1945.³⁰

The world was not informed of what the Yalta formula consisted until invitations were issued on March 6, 1945 to the other United Nations, asking them to meet with the sponsoring powers to write the Charter. Those Nations were invited to suggest amendments to the Dumbarton Oaks Proposals, in its now completed form, and the United States assured them that her Government would forward such suggestions to the other inviting powers, Soviet Russia, Great Britain and China.³¹

Upon the release of the Yalta voting formula, amendments were forthcoming from most of the other United Nations. Nearly every one of those Nations had something to offer to decrease the power of the Big Five in the proposed Council.³² The Nations of Latin-America wanted assurance that the Security Council would take action only when regional means of peaceful settlement of disputes failed, and also desired adequate representation for Latin America in the Security Council.³³ The United States Secretary of State, Edward R. Stettinius Jr., informed them at the Chapultepec Conference that the United States would not deviate from "its present foreign policy, as expressed in the Yalta Agreement,

³⁰ III, Dumbarton Oaks, op. cit., "Dumbarton Oaks Proposals for a General International Organization," Chap. VI, Sec. C., pp. 9-10.

³¹ New York Times, March 6, 1945, "Explanation by Stettinius," p. 10.

³² During the San Francisco Conference, those few nations which upheld the formula, other than the sponsoring powers and France, were Czechoslovakia, Yugoslavia and Byelorussia. See statements of the delegates representing those Nations, XI, Commission III Security Council, op. cit., "Summary Report of Tenth Meeting of Committee III/1," May 18, 1945, 8:45 p.m., Doc. 459 (ENGLISH), III/1/22, (May 21, 1945), pp. 332-337; "Summary Report of Eleventh Meeting of Committee III/1," May 21, 1945, Doc. 486, (ENGLISH), III/1/24, (May 22, 1945), p. 250; "Summary Report of Seventeenth Meeting of Committee III/1," June 11, 1945, Doc. 922 (ENGLISH), III/1/44, (June 12, 1945) p. 454.

³³ New York Times, March 4, 1945, Camilla N. Cianferra, "Americas in Doubt of Oaks Program," p. 24.

and made a strong appeal for its support by all the nations of (that) Continent."³⁴

France, who would become a permanent member of the proposed Security Council, though not an inviting power, on March 21, 1945 proclaimed that she would be willing to go further than the Proposals, and permit greater limitations on sovereignty in exchange for a better organization. She admitted, however, that the maintenance of peace during the period following the war, would depend on the agreement of the great powers and therefore, she would abstain from proposing anything that might compromise such an agreement.³⁵

Without wishing to overlook the element of weakness which the rule of unanimity entails for an institution, the French Government admits that it is not possible, under existing conditions, to set in motion the full force of the International Organization against the will of one of permanent members of the Security Council. It is therefore advisable, in its opinion, to make a distinction, from the standpoint of the voting procedure, between the recommendations of the Council and its decisions, inasmuch as the former do not involve recourse to force. The French Government suggests that the recommendations be passed by a two-thirds majority vote (without qualifications) of the members of the Council. The qualified two-thirds majority (a majority including unanimity of the permanent members) would, on the other hand, be required in the case of decisions.³⁶

A leader in the struggle to alter the voting procedure, Dr. Evatt of Australia, commented in April, 1945: "While we recognize the wartime leadership of the great powers, all the nations of the world have their due share. That leadership is quite distinct from dictatorship." He urged that the provisions regarding amendments be liberalized, and criticized, generally, the absolute veto of the big powers.³⁷

³⁴ Ibid., February 23, 1945, "US Promises Help for the Americas," pp. 1 & 14.

³⁵ III, Dumbarton Oaks, op. cit., Doc. 2 (English), G/7 (o), March 21, 1945, pp. 376-377.

³⁶ Ibid., p. 378.

³⁷ New York Times, April 20, 1945, Hanson Baldwin, "San Francisco Limits," p. 11.

At San Francisco, the question of voting procedure in the Security Council consumed more time than any other problem. Committee III/1, which was set up to work on the Structure and Procedures of the Security Council, and which worked specifically with Chapter VI of the Dumbarton Oaks Proposals, Section A, C, D, and paragraphs of Section B,³⁸ was besieged by proposed amendments; arguments and heated debates were profuse. It was feared that the Conference might fail its purpose of drafting the Charter because of the dissension over the veto and the interpretation of that enigma.

Describing the activities in Committee III/1, Rapporteur Hector David Castro of El Salvador declared that practically all proposed amendments concerned Paragraphs 2 and 3 of Section C, and that interest was shown by all Delegates in that Committee.³⁹

The central point for these deliberations seem to have been the qualified majority of seven members which is required for decisions of the Security Council on matters that are not of procedure. This majority must include, in accordance with paragraph 3 of Section C, the concurring votes of the five permanent members, excepting in matters of procedure and on the cases contemplated in paragraph 3, in connection with Chapter VIII, Sections A. and C. As a consequence, the unfavorable vote of a single permanent member might make it impossible for the Security Council to adopt decisions of importance, upon which the peace of the world may rest. This power vested in every permanent member of the Security Council which might enable him to block a substantial decision of the Council, has been known in our discussions as the 'veto power' of the permanent members.⁴⁰

In order to present the agreed views of the Delegations of the sponsoring

³⁸ "The United Nations Conference on International Organization," Yearbook of the United Nations, 1946-1947, op. cit., p. 13.

³⁹ "Continuation of the Report of the Activities of Committee III/1 Concerning Sections A, B, C and D of Chapter VI of the Dumbarton Oaks Proposals, Submitted by Rapporteur, Hector David Castro," XI, Commission III, Security Council, op. cit., WD 359, (ENGLISH), III/1/55, (June 16, 1945), pp. 604-609. (hereafter referred to as "Rapporteur's Report").

⁴⁰ Ibid., p. 609 as amended by "Summary Report of Twentieth-Fifth Meeting of Committee III/1," June 18, 1945, Doc. 1085 (ENGLISH), III/1/60, (June 19, 1945), p. 635.

Governments and France, on questions arising as a consequence of the attacks and amendments proposed in Committee III/1, the Big Five established a Committee of Five, where many questions were discussed and settled on the technical level and agreement was reached.⁴¹ The Big Five were thus able to confront the Delegates who would have the veto abolished or narrowed in scope, with their unanimous approval of the Yalta text. Declared Rapporteur Castro:

. . . The Honorable Representatives of the four sponsoring Governments, . . . , fought vigorously to defend the veto power of the permanent members, as they regard a complete unanimity of such permanent members, as absolutely essential to the effective functioning of the Security Council. . . . France will refrain from proposing anything that may eventually jeopardize such an accord.⁴²

While the Big Four⁴³ remained steadfast in their determination that the voting procedure which they had agreed upon, and which they had submitted to the Conference, be included in the final text of the Charter, the other Nations could see no possibility of adhesion to a formula of voting which gave the permanent members not only the prerogative of veto over enforcement action, but also gave a veto over the peaceful settlement of disputes; even when no permanent member was involved in a dispute, the great powers declared that each of them should have the right of vetoing any action excluding consideration and discussion, concerning the pacific settlement of such disputes.

It was admitted by the middle and lesser powers, however reluctantly, that

⁴¹ The existence of Committee Five "was not generally known save to certain discerning members of the Conference and the press." Koo, Voting Procedures, op. cit., p. 121; Herbert V. Svatt, The United Nations, Cambridge, Massachusetts, (1946), pp. 15-16.

⁴² "Rapporteur's Report" as amended by "Summary Report of Twenty-Fifth Meeting," op. cit., p. 635. The Chinese Delegate took exception to the description, "fought vigorously" as applied to his Government. Cf. supra cit., p. 632.

⁴³ Before the San Francisco Conference, China had agreed to concur in the Yalta formula worked out by the United States, the United Kingdom and Russia. France did not formally declare her adherence to that voting procedure until the "Statement by the Sponsoring Powers" was submitted to the Conference in June, 1945.

a veto was a conceivable and realistic approach to the question of enforcement measures, for in the game of international relations, forever subject to power politics, nations could not go counter the will of one great power without risking the possible consequence of war; even France, who alone among the permanent members of the proposed Security Council, expressed her willingness to relinquish a degree of her national sovereignty in return for a better security organization, conceded that after the war peace would be determined primarily by the will of the great powers, and she would not, therefore, wish to propose anything that might jeopardize their supposed accord.⁴⁴ The Netherlands, although generally denouncing the veto in principle, had in January, 1945, declared that it could be admitted only in regard to enforcement action.⁴⁵ Dr. Herbert Vere Evatt, of Australia, summed up the situation:

. . . Countries which might be prepared reluctantly, to accept a right of veto by the great powers upon action under VIII, B, (enforcement action) could see no reason at all for their having a right of veto under VIII, A. (peaceful settlement of disputes).⁴⁵

On a similar note, the Delegate of New Zealand said that:

. . . it was obvious to anybody that if the great nations, who have to set their military forces into operation, were required to do it by a majority vote of a number of small nations which could make no great contribution, the Organization would fail because of weight, but he thought the problem could be solved in another way. . . . sentiment was running deep in many countries. . . . against any provision for a "veto". If the view expressed that there was no veto sofar as paragraphs 1, 2 and 3 of

⁴⁴ Cf., p. 10 supra.

⁴⁵ Cf., p. 8 supra.

⁴⁶ "Corrigenda to Summary Report of Ninth Meeting of Committee III/1." May 17, 1945, XI, Commission III, Security Council, op. cit., Doc. 417 (ENGLISH), III/1/19 (1), (May 21, 1945), p. 309.

Section A, Chapter VIII, were concerned,⁴⁷ was a view of the other sponsoring governments that fact should be made clear. He suggested that the sponsoring governments should, at the very least, remove the power of veto concerning the amending process and pleaded that by their acceptance of changes in such important points, they would offer grounds for hope and confidence in the United Nations Organization.⁴⁸

It is worthy of note that at no time did the middle and lesser powers appeal for a veto for themselves under the liberum veto theory that had given each nation a veto in the old League of Nations; indeed, the Delegate of Peru hinted that the liberum veto was so faulty that it should not be given even to the permanent members, for he declared that:

. . . unanimity should not be insisted upon in regard to pacific settlement of disputes. . . . historically, the liberum veto had always led to great difficulty and that the League of Nations furnished the most recent example of its disastrous results. He felt that while unanimity might be a desirable ideal, the requirement of unanimity would cause trouble because it would encourage dissidence.⁴⁹

Rather than asking for a veto for themselves, the middle and smaller nations seem to have approached the whole subject of voting with a determination to incorporate the voting processes of a democratic institution, at least insofar as the pacific settlement of disputes was concerned. The majority, they believed, should rule in such cases. By arguments advanced by representatives of the middle and lesser nations, their thesis became discernible. The veto should be removed insofar as it applied to conciliatory measures. ". . . because a dispute might lead to a breach of the peace, conciliation must not be blocked. .

⁴⁷ See answers of Sir Alexander Cadogan in "Statement of Questions by the Delegate of New Zealand and of Replies by the Delegate of the United Kingdom at Ninth Meeting of Committee III/1, XI, Commission III, Security Council, Ibid., WD 3 (ENGLISH), (May 17, 1945), pp. 317-325. These answers were however, superseded by the joint "Statement" of the sponsoring governments. Cf. p. 3 supra.

⁴⁸ "Corrigenda to Summary Report of Tenth Meeting of Committee III/1," May 18, 1945, 8:45 p.m., XI, Commission III, Security Council, ibid., Doc. 459 (ENGLISH), III/1/22, (May 21, 1945), pp. 334-335.

⁴⁹ Ibid., p. 337.

. . . Since conciliation was a duty that the Council had to fulfill, there should be no veto."⁵⁰ Neither discussion, investigation of disputes, nor recommendations to end such disputes or situations, should be subject to the possible negative vote of any nation, great or small. Consequently, the controversy was not so much a struggle to eliminate the basic premise of unanimity of the Big Five, but rather a fight to narrow the scope of required unanimity to include enforcement action only. In brief, the middle and lesser nations attempted to lift the veto from the voting process insofar as it applied to Chapter VIII, Section A, and to the amendment process. Dr. Evatt, who continuously strived to alter the Yalta formula, declared that:

. . . a clear distinction should be drawn between pacific settlement of disputes under Chapter VIII, Section A, and action taken to deal with threats to the peace or acts of aggression under Chapter VIII, Section B. . . . He again appealed to the representatives of the four sponsoring powers to reconsider their position and to make it clear at least that the right of veto should in no case be applicable to pacific settlement of disputes under Chapter VIII, Section A.⁵¹

During the tenth meeting of Committee III/1, the Delegate from Canada suggested that: ". . . there should not only be no 'veto' under Chapter VIII, Section A for an interested party, as the Crimea formula provided, but also none for the permanent member who was not a party to the dispute."⁵²

Making a plea at least for the Australian amendment, which would provide for abstention from voting if a member were an interested party in a situation arising under Section A, Chapter VIII, and the first paragraph of Section C

⁵⁰ "Corrigendum to Summary Report of Eighteenth Meeting of Committee III/1," June 12, 1945, XI, Commission III, Security Council, *ibid.*, (Doc. 936 (ENGLISH), III/1/45); Doc. 973 (ENGLISH), III/1/45, (June 14, 1945), p. 493.

⁵¹ "Corrigenda to Summary Report of Ninth Meeting of Committee III/1," May 17, 1945, XI, Commission III, Security Council, *ibid.*, Doc. 417 (ENGLISH), III/1/19 (1) (May 21, 1945), p. 310.

⁵² "Summary Report of Tenth Meeting of Committee III/1," May 18, 1945, 2:45 p.m., XI, Commission III, Security Council, *ibid.*, Doc. 459, (ENGLISH), III/1/22, (May 22, 1945), p. 332.

of Chapter VIII, the Delegate of Mexico went further than the Delegates from Australia and Canada in his condemnation of the big-power veto:

. . . requirements of unanimity . . . unprecedented and against all concepts of justice. The right of a great power to veto measures under Chapter VIII, Section B, might lead to a situation similar to that of a murderer who is permitted to vote on his own guilt.⁵³

Supporting the big-power thesis, via her Delegate at the same meeting of Committee III/1, the Soviet Union voiced her opinion that:

. . . the question of voting had been subjected to more serious study than any other part of the Dumbarton Oaks Proposals and that the solution had been the result of the fundamental desire to strengthen the feeling of unanimity among the great powers. . . . any change in the Yalta voting formula would be undesirable because if decisions in the Security Council were not unanimous a cause of friction would occur. . . the right of "veto" would put the permanent members of the Council in a special position but . . . this corresponded to the responsibilities and duties that would be imposed upon them. . . . Such a fundamental matter as the voting formula could not be changed without weakening the effectiveness of the Security Council.⁵⁴

As there appeared to be no definite interpretation of the voting procedure, and as neither the Big Five nor the lesser powers seemed willing to deviate from their stand, the Delegate of Colombia, during the Tenth Meeting of Committee III/1, proposed that a Subcommittee III/1/B be set up to clarify the Yalta formula and to amend that formula if it deemed that advisable. The Subcommittee was set up, but only after the major powers were assured that it would be used only for clarification of the formula and not for attempts to amend it. "The Delegates of the United Kingdom and the United States asked that the Colombian motion be amended to limit the terms of reference . . . to clarification of the voting procedure."⁵⁵ They would not otherwise accept membership in that subcommittee.

⁵³ Ibid., p. 333.

⁵⁴ Ibid., pp. 332-333.

⁵⁵ Ibid., p. 335.

The members of III/1/B were representatives of the four sponsoring Governments, France, Australia, Cuba, Egypt, the Netherlands and Greece. In that Subcommittee questions from interested Delegations concerning the voting formula were sorted to present to the sponsoring Governments for explanation.⁵⁶ A list of twenty-three was prepared and forwarded. Important questions among them were:

- (1). If the parties to a dispute request the Security Council to make recommendations with a view to its settlement, would the veto be applicable to a decision of the Security Council to exercise its power to investigate the dispute for that purpose?
- (2). If the Security Council has investigated a dispute. . . would the veto be applicable to a decision of the Security Council to recommend to the Parties certain terms, with a view to the settlement of the dispute?
- (3). If the attention of the Security Council is called to the existence of a dispute, or a situation which may give rise to a dispute, would the veto be applicable to a decision of the Security Council to exercise power to investigate the dispute or situation?
- (9). Would the veto be applicable to a decision of the Security Council at any stage of a dispute, to recommend to the parties appropriate procedures or methods of adjustment? (Chapter VIII, Section A, paragraph 5).
- (10). Would the veto be applicable to a decision of the Security Council . . . that a dispute is of a justiciable character?
- (16). Would the veto be applicable to a decision of the Security Council that it determined the existence of a threat to the peace, etc.?
- (19). In case a decision has to be taken on 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?
- (20). If a motion is moved in the Security Council on a matter, other than a matter of procedure, under the general words in paragraph 3 (Chapter VI, C) would the abstention from voting of any of the permanent members of the Security Council have the same effect as a negative vote by that member in preventing the Security Council from reaching a decision in the matter?⁵⁷

⁵⁶ "Rapporteur's Report," op. cit., p. 611.

⁵⁷ "Questionnaire on Exercise of Veto in Security Council," XI, Commission III, Security Council, op. cit., (Annex to Doc. 1050, III/1/58), Doc. 855 (ENGLISH) III/1/B (a), (June 8, 1945), pp. 699-709.

The answer to the Questionnaire was received by the Subcommittee, ". . . many days later," reported the Rapporteur. The answer was issued in the form of a statement and "did not contain specific answers to the questions included in the questionnaire."⁵⁸ In this statement, to which the concurrence of France had been secured, the four sponsoring Governments advanced their "chain of events" theory. Although unanimity would not be required for the mere consideration and discussion of a dispute or situation, beyond that point, the Big Five declared, any decision or action taken by the Security Council might initiate a chain of events which might subsequently force the Council, under its responsibilities outlined in Chapter VIII, Section B, to invoke measures of enforcement. Therefore, the veto must apply to any stage following consideration and discussion of a dispute, except that in a case involving a permanent member, that member must abstain from voting.⁵⁹ Forwarding their thesis that the veto was the requirement for the establishment of the peace organization, the sponsoring Governments declared that they:

. . . agreed on the Kelta 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.⁶⁰

⁵⁸ "Rapporteur's Report," op. cit., p. 612. He declared, however, that a direct answer to the question of the effect of abstention from voting of a permanent member who is a party to a dispute was given by Harold E. Stassen of the United States Delegation. Ibid., p. 611. Commander Stassen declared that: ". . . when a permanent member (is) a party to a dispute, its enforced abstention would mean that the other four permanent members and three of the non-permanent members might reach a decision which involved a judgment concerning 'the rightness or wrongness of a dispute.' This decision could include recommendations as to the terms of settlement. . . . there is no exception from the judgment of the bar of the world." "Summary Report of the Twentieth Meeting of Committee III/1," June 13, 1945, XI, Commission III, Security Council, op. cit., Doc. 967, (ENGLISH), III/1/45, (June 14, 1945), pp. 513-514.

⁵⁹ For actual text of the "chain of events" theory, Cf. p. 4 supra.

⁶⁰ "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council," op. cit., p. 715.

Upon receiving the statement, a discussion followed in the Subcommittee in an attempt to secure an amplification of the Statement. That Subcommittee finally came to the conclusion that the sponsoring Governments "did not feel that it was possible . . . to amplify their statement or to give specific answers to all the questions that had been presented to them."⁶¹ With the realization that the sponsoring powers would not deviate from the Yalta formula, that it was indeed regarded by them as the sine qua non for the establishment of the organization, and further, that they would not be likely to enlarge upon their Statement, the members of Subcommittee III/1/B forwarded the Questionnaire and the Statement to Committee III/1, where discussion of Section C of Chapter VI was resumed.⁶²

In Committee III/1, it was decided to use the Australian amendment as a test case; although this amendment was intended to cut the requirement of unanimity from the procedure governing the pacific settlement of disputes under Chapter VIII, Section A, it more clearly stated the consensus of opinion among the middle and lesser powers, and it was milder in tone than many of the other proposed amendments. If this amendment was turned down by Committee III/1, other amendments had little chance of success. The Australian amendment proposed to:

Add the following at the end of Chapter VI, Section C, paragraph 2

Decisions made by the Security Council in the exercise of any of its duties, functions, and powers under Chapter VIII, Section A, shall be deemed to be decisions on procedural matters.⁶³

⁶¹ "Rapporteur's Report," op. cit., p. 612.

⁶² "Verbatim Minutes of Fourth Meeting of Commission III, " June 20, 1945, XI, Commission III, Security Council, op. cit., Doc. 1149 (ENGLISH), (June 22, 1945), pp. 117-121.

⁶³ Loc. cit.

In his argument in support of this amendment, Dr. Evatt declared that:

Unity among the powers had not been achieved because what was being set up was not the veto of all five powers but the veto of one.

. . . veto (is) unsound in principle and could not possibly lead to unity among the great powers. The only reason for unanimity was fear that the great powers would disagree. Under unanimity, agreement would be made outside rather than inside the Council, and this meant the possibility of *no* Munichs. Although practically everyone (has) said that they would tolerate the formula for a period, they deceived themselves if they thought that the veto would be removed from the amending process. . . . because a dispute might lead to a breach of the peace, conciliation must not be blocked.⁶⁴

In a plea against voting for the Australian amendment, and declaring that the passage of that amendment would frustrate the "hopes of the world for the completion of the framework of the Organization,"⁶⁵ Senator Connally, Delegate of the United States "dramatically tore up a copy of the Charter,"⁶⁶ while he answered the Australian Delegate's charges:

. . . Unanimity (is) necessary all along the line in order to prevent disputants from sowing the seeds of discord. . . . far from being frequently used, the veto would seldom, if ever, be exercised. Far from being used perniciously, it would be used by the great powers, . . . not for their own selfish interests but in the interests of the world organization. The great powers had every reason to exercise the requirement of unanimity for high and noble purposes, because they would not want to expend millions in wealth and lives in another war. . . . He asked if delegations could face public opinion at home if they reported that they had killed the veto but had also killed the Charter.⁶⁷

The Australian amendment failed by a vote taken in the Nineteenth Meeting of Committee III/1 on June 12, 1945. There were 10 affirmative votes, 20

⁶⁴ "Corrigendum to Summary Report of Eighteenth Meeting of Committee III/1," June 12, 1945, XI, Commission III, Security Council, op. cit., (Doc. 936, (ENGLISH), III/1/45; Doc. 973, (ENGLISH), III/1/45, (1), (June 14, 1945), pp. 492-493.

⁶⁵ Ibid., p. 493.

⁶⁶ Francis O. Wilcox, "The Yalta Voting Formula," The American Political Science Review, XXXIX, (October 1945), pp. 953-954.

⁶⁷ "Corrigendum to Summary Report of Eighteenth Meeting of Committee III/1," op. cit., pp. 492-493.

negative votes and 15 abstentions.⁶⁸

As the other amendments represented a greater departure from the Yalta text than the Australian amendment, and as the latter had failed to secure a majority vote in Committee III/1, no others were submitted for a vote.⁶⁹ Subsequently, at the Twentieth Meeting of Committee III/1, paragraph 5 of Section C (which incorporates the veto power) was put to a vote along with the rest of the original text of the Yalta formula. It was adopted by a vote which registered: 30 affirmative votes, 2 negative votes, 15 abstentions and 3 absences.⁷⁰

Aside from the issue surrounding the application of the veto to peaceful settlement of disputes, another controversy evolved around the hope that a new conference might be called in the future for possible amendment of the Charter. The Rapporteur reported that a number of delegations indicated that they would be more favorably inclined to accept the Yalta formula if:

. . . the revision of the Charter by another conference of the United Nations is made possible. They expressed hope that such a revision of the Charter will not be subject to the rule of unanimity of the permanent members of the Security Council.⁷¹

Due especially, to the initiative of the Delegates of the United States,

⁶⁸ "Verbatim Minutes of Fourth Meeting of Commission III," op. cit., pp. 117-121.

⁶⁹ Loc. cit.

⁷⁰ Affirmative votes were those of Brazil, Byelorussian S.S.R., Canada, China, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, France, Greece, Honduras, India, Iraq, Lebanon, Liberia, Luxembourg, Nicaragua, Norway, Philippine Commonwealth, Syria, Turkey, Ukrainian S.S.R., Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay, Venezuela, and Yugoslavia. Negative votes were registered by Colombia and Cuba. Abstentions: Argentina, Australia, Belgium, Bolivia, Chile, Egypt, El Salvador, Guatemala, Iran, Mexico, Netherlands, New Zealand, Panama, Paraguay, and Peru; absences were those of Haiti, Ecuador and Saudi Arabia; the Delegate of Haiti said that he would have voted affirmatively had he been present. Loc. cit.

⁷¹ Loc. cit.

provisions were made for another conference to be called for revision of the Charter, when a simple majority of the Assembly and any seven members of the Council should so decide. The United Kingdom, China and France supported the move of the United States, but the Soviet Union resisted this proposal:

The Delegate of the Soviet Union announced his opposition to the proposal. . . . (His) Delegation was opposed to facilitating such a conference for which there might be no need in the future. . . . another consideration for the Soviet opposition . . . was the desire expressed by many delegations to use such a conference to destroy the veto power. . . . such a conference would also be used to threaten the unanimity of the major powers.⁷²

Despite the opposition of the Soviet Union, the proposal was adopted by a vote of forty-two affirmative, one negative and three abstentions. However, the delegates were not able to remove the requirement for unanimous approval by all the permanent members of the Security Council that must be secured before any amendments provided by such a conference can come into effect.⁷³

C. Reassurances Given by Great Powers that Veto Power Would Not be Misused.

The Great Powers had declared, in an attempt to lessen the fears of the other delegates assembled at San Francisco, that, "It is not to be assumed that the permanent members, would use their 'veto power' wilfully to obstruct the operation of the Council."⁷⁴

The Great Powers had brought the other Nations to the realization that the Yalta formula had to be included, as it had been presented to the Conference, or there would be no Charter at all, and hence, no new international security

⁷² "Summary Report of the 27th Meeting of Committee 1/2," June 16, 1945, United Nations Conference on International Organization, VII, Commission I, General Provisions, New York and London, (1945), Doc. 1052, (ENGLISH), 1/2/71, (June 17, 1945), pp. 250-251; cf. statement by Harold E. Stassen, Chap. III, p. 115 infra; Koo, Voting Procedures, op. cit., pp. 223-224.

⁷³ "Summary Report of the 27th Meeting of Committee 1/2," ibid., p. 251.

⁷⁴ "Statement", op. cit., p. 714.

organization. Mr. Fraser, of New Zealand, summed up the attitudes of the delegates:

. . . it was not, in the last degree, a question of the rule of unanimity or a question of the veto, . . . --it was a question of organization. That was made perfectly clear by the powers, and they gave their reasons very earnestly, . . . , whatever doubt there might be as to the point at which the veto could be applied. There were differences of opinion even among the sponsoring powers in that matter. . . . Whatever differences there was, there was no doubt at all that they were all agreed that the rule of unanimity among them was an imperative and immovable condition. . . . Organization--and some of us have said it from the very first--is more important than any condition.⁷⁵

While the record showed only the two negative votes of Colombia and Cuba in opposition to the Valta text, when the final vote was taken the fifteen abstentions indicated that there was still passive opposition. Dr. Evatt expressed the hope that the permanent members would not insist on the veto in deciding such matters as conciliation and would not use their power lightly. He summed up his statement with "It is excellent to have a giant's strength, but it is tyrannous to use it as a giant."⁷⁶ Said Mr. Loudon of the Netherlands, at the Fifth Meeting of Commission III, "If, . . . , we acquiesce in giving the great powers this special status, we can only do so in the expectation that they will demonstrate that they are conscious of the special duties and responsibilities which are now placed upon them."⁷⁷ Mr. Loudon declared that this point had been admirably stated by the Chairman of the United Kingdom Delegation, Mr. Anthony Eden, in the first plenary session on April 26, and he quoted: "The greater the power any state commands, the heavier its responsibility to wield

⁷⁵ "Verbatim Minutes of the Fifth Meeting of Commission III", June 20, 1945, 3:30 p.m., II, Commission III, Security Council, op. cit. Doc. 1150, (ENGLISH), III/12, (June 22, 1945), p. 170

⁷⁶ "Verbatim Minutes of the Fourth Meeting of Commission III," op. cit., p. 127.

⁷⁷ "Verbatim Minutes of the Fifth Meeting of Commission III," op. cit., pp. 163-164.

its power with consideration for others and with restraint upon its own selfish impulses."⁷⁸

Mr. Garcia Robles of the Mexican Delegation, during the morning session of the Fourth Meeting of Commission III, declared that a few of the statements of the officials of the Great Powers, especially linking the Great Powers' responsibilities in the new organization with their special prerogatives, should be inserted in the minutes of that meeting, as they voiced the interpretation that had been acquired by Mexico. Among others, he quoted the late President Franklin D. Roosevelt of the United States:

"We cannot deny that power is a factor in world politics any more than we can deny its existence as a factor in national politics. But in a democratic world, as in a democratic nation, power must be linked with responsibility, and obliged to defend and justify itself within the framework of the general good."⁷⁹

Mr. Robles also reminded the Committee that the Soviet Delegate, A. A. Gromyko had stated in the Tenth Meeting of Committee III/1 that, ". . . (the special position of the Great Powers) corresponds to the responsibilities and duties that would be imposed upon them."⁸⁰

⁷⁸ Loc. cit.; Prime Minister Churchill in his report to the House of Commons on his return from Yalta, declared that although, the new organization must be so framed as not to compromise the unity or the capacity of the Great Powers for effective action, "At the same time a world organization cannot be based on a dictatorship of the Great Powers. It is their duty to serve the world and not to rule it." New York Times, February 28, 1945, "Text of Churchill's Report to the Commons on the Allies Decision at Yalta," p. 14; on another occasion, Anthony Eden stated that "British policy is opposed to the bullying of small powers by the great ones." Ibid., March 22, 1945, Clifton Daniel, "Eden Bars 'Bullying by Big Powers'; Sees 'Last Chance'", p. 1; said the Earl of Halifax, then Ambassador to the United States, "No one, not you, nor Russia, nor anyone else will be able to dictate to the world, . . ." Ibid., April 6, 1945, p. 13.

⁷⁹ "Verbatim Minutes of the Fourth Meeting of Commission III," June 20, 1945, op. cit., pp. 107-109; for actual text of speech referred to, cf. "Annual Message of the President to the Congress," January 6, 1945, Department of Statement Bulletin, XII, (January 7, 1945), p. 26.

⁸⁰ Loc. cit.; cf. p. 16 supra.

As the evening session of the Fourth Meeting of Commission III came to a close Senator Connally of the United States, made a statement to reassure the delegates that the veto would not be misused:

. . . the responsibility of the five permanent members of the Security Council is momentous; it is tremendous. It may have the effect of shaking the very foundations of the earth. I cannot conceive of any one of the great powers that shall be members of the Security Council considering lightly that sense of responsibility. It is our theory that they will be sensible of that sense of responsibility and that they will discharge the duties of their office not as representatives of their own ambitions or their own interests, but as representatives of the whole Organization in behalf of world peace and in behalf of world security. Any other course, Mr. President, would over a period of time, cause the disintegration of this Organization. Fifty nations would not permit the arbitrary or willful use of the powers of the Security Council when it was adverse to the interests of all the Organization or of world peace. And so I do not believe that it can occur. Let me say, furthermore, that if there should be one recalcitrant member of the Security Council, with four other members sitting by his side and counseling him and warning him as to the course that they thought he was going to pursue, and with six other members. . . , the moral influence, the pressure, and the prestige of these other members would make him think many times before that power should be used arbitrarily.⁸¹

During the closing days of the San Francisco Conference, President Harry S. Truman of the United States, addressed the Delegates:

. . . Out of this conflict have come powerful nations, now fully equipped and ready for war. But they have no right to dominate the world. It is rather the duty of these powerful nations to assume the responsibility for leadership toward a world of peace. That is why we have here resolved that power and strength shall be used not to wage war, but keep the world at peace, and free from the fear of war.⁸²

The delegates assembled at San Francisco, thus, were forced to conclude that if the new structure were to come into being, the major powers must be relegated a special position with special privileges. But the Great Powers had maintained that the privileged status was only commensurate with existing realities in the world, and with their own true situation therein. And they had

⁸¹ Ibid., pp. 130-132.

⁸² Quoted in Congressional Record, HCl, Part V, (June 29, 1945), p. 6980.

said that the rule of unanimity, (as they were pleased to call it), was not a requirement for selfish reasons but for insurance that effective action could be had to keep the peace. In the future, an aggressor nation would not be allowed to rise and threaten the world, for the new organization would have "teeth" since the major nations who had the wherewithal to fight aggression would be in the new structure and they would maintain a combined front to thwart aggression. The Egyptian Delegate, Badawi Pasha said that his delegation "hopes that the great powers will, . . . , revise their opinion and look upon the problem from the point of view of peace rather than the point of view of war."⁸³ It remained to be seen how the rule of unanimity would work out in actuality.

D. The Present Attitude of the United States Toward the Veto.

While it is not the purpose of this work to describe the negative results, or to determine the merits of the use of the veto in constructively promoting world peace, it is nevertheless necessary, in order to obtain an intelligent point of view in relation to the standpoint of the United States in regard to the rule of unanimity today, to examine briefly the use of that principle in the executive branch of the United Nations. As had been predicted at San Francisco, the most vital function of the Security Council has concerned the pacific adjustment of disputes. On his return from the United Nations Conference in June of 1945, Senator Vandenberg, in his report to the United States Senate, declared, "Never forget. . . my thesis that the use of force is wholly secondary to the use of pacific tools which this charter primarily provides. . ."⁸⁴

It is worthy to note, that at least two of the three proponents of the United Nations, i.e., the United Kingdom and the United States insisted that

⁸³ "Verbatim Minutes of Fourth Meeting of Commission III," op. cit., pp. 109-111.

⁸⁴ Quoted in Congressional Record, XCI, Part V, (June 29, 1945) p. 6984.

discussion, at least, would not be subject to the possible negative vote of any nation,⁸⁵ in order to secure the world from a recalcitrant nation even though that nation should be a permanent member, through the medium of world-wide knowledge of the situation. At the very least, the world would be made aware of the truth and could thus, act accordingly.

. . . You have heard much about a big-power veto. . . . There is no veto--no self-administered immunity bath--. . . . There will be no doubt about the record. The self-confessed criminal of tomorrow will stand condemned. I admit that the Security Council can not go as far against one of the five big powers as it can against the middle and lesser powers. . . . But I assert that there is no escape for any power, however great, from the clear responsibility which it unavoidably assumes before an outraged world if it takes to the warpath before it has exhausted the paths of peace. In my view, the spiritual forces of this earth--when once thus universally aroused and organized and given a mighty oracle for militant expression--will prevail against all enemies.⁸⁶

Briefly, the veto has been used primarily by the Soviet Union, although one veto was used in conjunction with France, and one veto has been recorded by the Republic of France alone. Adverse votes have halted work in the Security Council on such matters as acceptance of membership applications, the pacific settlement of disputes and issues relating to the enforcement of peace. Positive international control of nuclear energy, the most potent destructive weapon known to the human race still has not been accomplished because of the adverse vote of one nation, and the Security Council has failed to create the National Contingents of Armed Forces necessary for enforcement action by the Security Council because of the use of the negative vote. Three years have passed since the establishment of the United Nations, but those three years find the executive branch of the peace structure little more than a forum, because on many

⁸⁵ Koo, Voting Procedure, op. cit., p. 142 (footnote 40) and pp. 163 ff;

⁸⁶ Congressional Record, supra. cit., p. 6983.

major issues the resolution of disputes has occurred outside the realms of the Security Council and out of reach of the vetoes. The New Zealand delegate, Prime Minister Peter Fraser, recently said that "the Security Council, the only United Nations organ where the veto applies, had achieved no results and that the primary goal--prevention of war and aggression--was as far away as ever."⁸⁷

While the United States had recently maintained that the rule of unanimity is a "practical device in that it virtually precludes any U. N. decision that would almost certainly set off a war among the Great Powers," and in a similar vein the State Department explained that:

. . . with the safety valve of the veto always in reserve, discussions in the Security Council have sometimes reached a verbal violence unknown to pre-Charter diplomacy but nevertheless have been kept in the open and subject to the critical scrutiny of world opinion.⁸⁸

She has, at the same time, called the Soviet Union's use of the veto "obstructionist" and "needless".

The deep and pervasive disagreement on general policy which continues to exist between the Soviet Union and the other permanent members of the Council had led the Soviet Union by June 25, 1948, to exercise the veto at least 23 times--11 times on membership applications, at least 9 times on issues of pacific settlement, and 3 times on issues relating to the enforcement of the peace. This obstructive attitude of the Soviet Union has been further reflected in the stalemating of the Atomic Energy Commission, all of whose past and present members except the Soviet Union, Poland, and the Ukraine have approved a plan for international control. It has been reflected also in the long delays in the Commission for Conventional Armaments and the Military Staff Committee, in the failure so far to create the National Contingents of Armed Forces.⁸⁹

⁸⁷ New York Times, December 1, 1948, A. M. Rosenthal, "Vishinsky Warns Veto Must Stand," p. 9.

⁸⁸ "Building the Peace," Foreign Affairs Outlines, No. 17, (Department of State Publication 3233; International Organization and Conference Series III, 10), (August 1948), p. 5. (hereafter referred to as "Building the Peace.")

⁸⁹ Loc. cit.; in early April 1949, Russia recorded her 30th veto to block the admission of Korea to membership in the United Nations. Time, LXXI, (April 18, 1949), p. 31.

Ambassador Warren R. Austin, the United States Representative at the Seat of the United Nations has declared that:

We have encountered a misuse of the veto. It is in Chapter VI⁹⁰ where we seek to substitute for war the great principle of agreement, that the misuse of the veto has caused skepticism, criticism, and search for improvement.⁹¹

While Ambassador Austin insisted that the United Nations has succeeded in spite of the veto, he deemed it "true that the United Nations could expedite its service and accomplish more effective solutions of disputes and situations if the veto privilege were not permitted to interfere with pacific settlement of disputes."⁹²

Sir Charles Webster, who worked with the British Delegation at Dumbarton Oaks, has said that it is not the machinery but:

. . . it is the disagreement of the great powers which has prevented better results from being obtained. The United Nations was established on the assumption that, while the great powers would naturally disagree in the future as in the past on many points where their interests seemed to conflict, they would through the machinery provided in the Charter be able to find methods to resolve their differences. The attitude of the Soviet Union has been so different from that of the other great powers that this process has only been possible to a very limited degree. In the all important question of nuclear energy, in the organization of the special military force to be placed at the disposal of the United Nations, in the complementary problems of the regulation of armaments, and in many of the disputes brought before the Security Council, the Soviet Union has expressed a point of view so widely differing from the rest that no compromise has been possible, and the result has often been to prevent much from being done.⁹³

⁹⁰ Chap. VI incorporates Sec. A, Chap. VIII. (Peaceful Settlement of Disputes) of the Dumbarton Oaks Proposals.

⁹¹ "Statement Before House Foreign Affairs Committee on May 5, 1948," quoted in Strengthening the United Nations, (Department of State Publication 3159; International Organization and Conference Series III, 6) (reprinted from Department of State, Bulletin XVIII, May 16, 1948), p. 5. (Hereafter referred to as Strengthening the UN).

⁹² Loc. cit.

⁹³ Sir Charles Webster, "The United Nations Reviewed," International Conciliation, No. 443, (September, 1948), pp. 444-445.

To these charges of misuse of the veto, the Soviet Union has had much to say. In face of the fact that no vetoes, per se, have been registered by any of the permanent members other than herself and France, she has counter-charged that

. . . actually the West had been using a "shame-faced veto" by arranging for so many states to abstain that the Eastern European applicants (Albania, The Mongolian People's Republic, Hungary and Bulgaria), could not possibly get a majority.⁹⁴

The disagreement among the Great Powers, who had agreed to agree and who had requested from the other nations the special prerogative of a veto to assure their agreement, is indicated not only by the preponderant number of negative votes that have been registered by one of the great powers and the charges of misuse and counter-charges, but that disagreement is pronounced by the efforts made by the non-vetoing powers to "get around the veto" insofar as the peaceful settlement of disputes and the acceptance of membership applications is concerned.⁹⁵ It is pertinent to say, however, that concerning the unanimity requirement on enforcement action, no theory has so far been advanced by any of the great powers to remove it. It could not be expected that any one of the great nations would permit military action (using her manpower and materials) to be used under the Charter without her consent, nor could she be expected to permit a decision for sanctions under the Charter against herself. The theory on that score that had been advanced by the Great Powers at San Francisco, has been recognized as practical and realistic: when the world has reached that stage, the

⁹⁴ New York Times, November 25, 1948, A. M. Rosenthal, "Vishinsky Scorns Discard of Veto," p. 9.

⁹⁵ Jacob Malik, Delegate of the Soviet Union called the establishment of the Little Assembly a violation of the United Nations Charter set up with the aim of side-stepping the veto. New York Times, December 4, 1948, A. M. Rosenthal, "Little Assembly Gets an Extension," p. 2.

peace machinery will have broken down anyway.

Some advocates of Charter revision contend that the veto should be stripped from decisions involving enforcement action and the use of armed forces by the Security Council. It should be pointed out, however, that such a proposal would be vigorously opposed by all the great powers, who remain unwilling to permit their troops to be thrown into action without their consent, and by many other members of the United Nations as well. Moreover, it is significant that it is not enforcement action in a single instance which has been blocked by the veto.⁹⁶

As the Security Council has not been able to cope with or solve political problems due to the disagreement and divergence of opinion among the permanent members, the General Assembly has become increasingly important as a world forum for airing those problems. On November 13, 1947, acting on the initiative of the United States Delegation and the Secretary of State, George C. Marshall, the Interim Committee for Peace and Security, was adopted by the General Assembly to serve as a standing committee of the General Assembly.

. . . This Little Assembly, as it is generally known, is now studying a number of proposals aimed toward strengthening the machinery for the pacific settlement of disputes. Moreover, it is working on a series of suggestions to restrict the application of the veto and liberalize the voting procedures of the Security Council. . . . I believe that this distinguished Committee has a copy of a provisional list of Security Council decisions which the United States proposes should be made by an affirmative vote of seven members whether or not such decisions are regarded as procedural or non-procedural.⁹⁷

A manifestation of the present attitude of the United States toward the issue of the veto and its use developed on June 11, 1948, when the resolve

⁹⁶ S. R. 1361, 80th Congress, 2d Session, May 19, 1948, "Reaffirming the Policy of the United States to Achieve International Peace and Security Through the United Nations and Indicating Certain Objectives to be Pursued," (Report by Senator Arthur Vandenberg, Chairman of the Senate Committee on Foreign Relations, to accompany S. Res. 239), p. 4. (hereafter referred to as "Reaffirming the Policy of the United States").

⁹⁷ Statement by Ambassador Warren R. Austin before House Foreign Affairs Committee. May 5, 1948. Strengthening the UN, op. cit., p. 7.

known as Senate Resolution 239 or Vandenberg Resolution was passed by an overwhelming majority of 64 affirmative votes to 4 negative votes in the United States Senate.⁹⁸ That part of the resolution most pertinent to our discussion follows:

Whereas peace with justice and the defense of human rights and fundamental freedoms require international cooperation through more effective use of the United Nations: Therefore be it

Resolved, that the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest, and that the President be advised of the sense of the Senate that this Government, by constitutional process, should particularly pursue the following objectives within the United Nations Charter:

(1) Voluntary agreement to remove the veto from all questions involving pacific settlement of international disputes and situations, and from the admission of new members.

(5) Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation.

(6) If necessary, after adequate effort toward strengthening the United Nations, review of the Charter at an appropriate time by a General Conference called under article 109 or by the General Assembly.⁹⁹

It was deemed at the time the resolution was introduced in the Senate, that "Since time will be required to give effect to them, it is provided by the final paragraph that the results of these efforts should be awaited before any attempt is made formally to revise the Charter."¹⁰⁰ The Report of Mr. Vandenberg, which accompanied the Resolution, pointed out that voluntary agreement to waive their right of veto in regard to certain types of decisions would be requested of the permanent members, and that:

While the Soviet Union has, in the past, been unwilling to make important

⁹⁸ "Building the Peace," op. cit., p. 6.

⁹⁹ "Reaffirming the Policy of the United States," op. cit., pp. 1-2.

¹⁰⁰ Ibid., p. 4.

concessions on the veto, continuous and diligent effort should pursue this indispensable objective. In any event, the committee believes it would be extremely unwise at this time to adopt the alternative of insisting upon drastic revision of the Charter which might result in splitting the United Nations and further accentuating the differences already existing between East and West.¹⁰¹

In view of the work of the Little Assembly concerning the possible ways of restriction of the veto, and the policy of the United States announced in June by the United States Senate, it was not surprising that the problem came up for further discussion in the United Nations during the fall session of 1948. A preview of the attitude of the Soviet Union toward the fight to remove the veto came on November 25 from Mr. Vishinsky, who declared that the West had been using a "shame-faced veto" and that:

The veto is a powerful political tool. . . . There are no such simpletons here as would let it drop. Perhaps, we use it more, but that is because we are in the minority and the veto balances power. If we were in the majority we could make such grandiloquent gestures as offering to waive the veto on this or that.¹⁰²

On November 28, the New York Times announced that four of the Big Five, the United Kingdom, the United States, China and France, had agreed to waive the use of the veto on membership questions.¹⁰³ The next day, November 29, 1948, a four-power resolution was sponsored by the United States, the United Kingdom, China and France calling for a voluntary but drastic reduction in the use of the veto. Curiously, the motion affirmed the announced policy of the United States Senate in that it did not go so far as to call for a convocation to write out the veto. There has been a campaign by Argentina calling for such a world conference, but this was ignored by the joint resolution.¹⁰⁴

¹⁰¹ "Reaffirming the Policy of the United States," op. cit., pp. 4 and 8.

¹⁰² New York Times, November 25, 1948, op. cit., p. 9.

¹⁰³ New York Times, November 28, 1948, Sec. I. p. 10.

¹⁰⁴ Ibid., November 30, 1948, A. H. Rosenthal, "Four Powers Call for Fewer Vetoes," p. 7.

Important points of the resolution as announced by New York Times reporter,

A. M. Rosenthal, were:

(1). The Security Council should take the Little Assembly report (on the veto) as its own and that the Council members "conduct their business accordingly." Under the Little Assembly report, the Big Five would agree to eliminate the use of the veto on matters including appointment of subsidiary bodies to aid the Council. . . . Other questions deemed outside the veto deal with the mechanics of Council meetings and participation of non-members of the United Nations in Council debates.

(2). . . . that the Big Five agree to give up the veto on other matters admittedly non-procedural. These matters include admission of new states to United Nations membership, (and) Chapter VI of the Charter, dealing with peaceful settlement of disputes. To implement watering down of the veto, the resolution suggests the Big Five get together beforehand on important Council problems, consult before a vote is taken on a matter that can be voted and use the veto only when the interests of the United Nations as a whole is involved.¹⁰⁵

Though, not contained in the Big Four motion, the Little Assembly Report also covered a recommendation that the Assembly consider the possibilities of a world convocation to discuss the writing-out of the veto.¹⁰⁶

The United States delegate, Benjamin V. Cohen (one of the United States representatives at the Dumbarton Oaks Conversations in 1944) urged the adoption of the resolution and strongly criticized the abundant use of the veto by the Soviet Union; reaffirming the policy announced by the United States Senate in June, however, he expressed his belief that the time was not ripe for amending the Charter.

We do not believe that the great possibilities of the present Charter are fully understood or appreciated. . . . No charter can automatically resolve the conflicts in a living world. Instead of vainly seeking amendments, let us unite in a determined effort to make the charter work.¹⁰⁷

An appreciation of the attitude of the United States in asking for the

¹⁰⁵ Loc. cit.

¹⁰⁶ Loc. cit.

¹⁰⁷ Loc. cit.

voluntary reduction of the use of the veto, rather than calling for the assemblage of a world conference to completely write out the veto is understandable only in the light of the Soviet attitude toward the veto. The writing-out of the veto would preclude the extinguishment of the United Nations. During the debates that followed the motion of the Big Four, Mr. Vishinsky, the Soviet delegate, declared that the United Nations "would not survive 'one day' without the veto." He further warned that "If you bury the veto you are burying this Organization." He accused the West of "deliberately trying to wreck the United Nations." Mr. Vishinsky reiterated that the veto was "the cornerstone of the United Nations,"¹⁰⁸ and he argued that the aim of the "anti-veto fight was to free the hands of Britain and United States for an 'unbridled attempt to put world domination plans into operation.'"¹⁰⁹

Coming to the aid of Mr. Vishinsky, the delegate of Czechoslovakia, Dr. Vladimir Clementis charged that the struggle against the veto was "hypocritical because none of the Big Five had any intention of surrendering the right."¹¹⁰

Benjamin V. Cohen of the United States, who supported the fight for voluntary restriction of the veto said the "Soviet speakers use the terms 'principle of unanimity' and 'veto' interchangeably but that they really had nothing to do with each other."

The practice of the veto is the very reverse of the unanimity principle. . . the veto does not fulfill but frustrates the unanimity principle. The veto instead of leading to agreement and accord highlights and aggravates differences and conflicts. It contributes to wars of nerves, cold wars, and unforeseeable situations which may get beyond the

¹⁰⁸ *cf.*, p. 1. supra, footnote 2.

¹⁰⁹ New York Times, December 1, 1948, A. N. Rosenthal, "Vishinsky Warns Veto Must Stay," p. 9.

¹¹⁰ Loc. cit.

control of any of the parties and threaten the peace of the world.¹¹¹

Despite the objections of the Soviet Union, the joint resolution was approved by the United Nations' ad hoc Political Committee by a vote of 33 to 6 on December 5, 1943, and appeared certain of overwhelming support in the General Assembly. Mr. Rosenthal, reporter for the New York Times, declared however, that it is not expected that the veto situation would actually be changed.¹¹²

It has not been the purpose of this discussion to deliberate the pros and cons of the veto to determine whether the use of the veto is worthy of merit or whether, indeed, it has shown negative results; rather, it has been the aim of the writer to contrast the attitude of the United States toward the veto in 1943, with the position pronounced by that Nation in 1945 when the veto was incorporated in the voting procedure of the Security Council. In 1945, the United States and the other four Great Powers, announced in their joint statement, that the Great Powers not only should have a right of veto over enforcement action, but also should have that prerogative during any step in the peaceful settlement of disputes, following discussion, as a chain of events might occur of major political consequence, indeed, to the extent that enforcement action might be required of the major powers. In 1943, while the United States still stands for the right of veto over enforcement action, she would like to see the use of the veto restricted on pacific settlement of disputes. The United States representatives in the United Nations have acted upon the announced policy of the United States Senate in an attempt to seek approval by the permanent members, for the voluntary restriction of the use of the veto on membership applications

¹¹¹ New York Times, December 3, 1943, "U.S. Brands U.N. Veto as Threat to Peace," p. 6.

¹¹² Six negative votes were registered by the Soviet Union, Poland, Yugoslavia, Czechoslovakia, Byelorussia, and the Ukraine, New York Times, December 6, 1943, A. M. Rosenthal, "U. N. Unit Endorses Limitation of Veto," p. 1.

and the peaceful settlement of disputes. Less than three years after the drafting of the Charter, Senate Resolution 239 was passed by an overwhelming majority. Has United States policy changed so fundamentally in so short a time? The contrast between the two announced attitudes of the United States is indeed curious when it is recalled that the responsibility for the veto has been placed at the door of the United States Senate. "The voting procedure was devised by President Roosevelt in order to reassure the Senate that the sovereignty of the United States was safely protected."¹¹³

¹¹³ Clyde Eagleton, International Government, New York (1948), p. 330.

CHAPTER II

THE BUILDING OF UNANIMITY: FROM TEHRAN TO YALTA

We shall have to take the responsibility for world collaboration, or we shall have to bear the responsibility for another world conflict.¹

--- Franklin D. Roosevelt

A. Prelude to Teheran.

A review of the events that culminated in the convocation of the United Nations Conference at San Francisco is illuminating in viewing the principle of unanimity from the perspective of the United States Government. That Government early began work on a possible international peace structure; and, although that work was unorganized from 1939 until 1941, the State Department began definite planned activities within two months after the attack by the Japanese on Pearl Harbor in December 1941. "It seems to be accepted. . . that in no country were preparatory studies undertaken on so large a scale as in the United States."²

Within a number of days after the attack by the Japanese, the American Secretary of State, Cordell Hull began work on a document that was destined to have a lasting effect in the evolution of the unanimity principle and of the United Nations. It was remembered that President Woodrow Wilson had failed to get commitments from the Allies on war aims during the First World War, and, consequently, had to undergo great difficulties at the Peace Conference, where he was confronted with various secret agreements concerning boundaries. The President and Mr. Hull therefore, hoped to get affixed to a joint declaration of war, the signatures of those nations fighting the Axis, in an attempt not

¹ Department of State, Bulletin, XII, (March 4, 1945), p. 326.

² Clyde Kagleton, "The Charter Adopted at San Francisco," American Political Science Review, XXXIX, (October 1945), p. 934.

only to unify the commands of the four major powers, but also to acquire the consent of those nations to certain principles, such as the ones outlined in the Atlantic Charter. Both the Soviet Union and Britain denied that any secret agreements had thus far been made between them, and it was decided that boundary adjustments should be postponed for a later date.³ For the first time, the President proposed that in this document, the names of those major nations fighting the Axis should be taken from their alphabetical listing and placed at the head of the roster of nations that were to sign the document. Those nations were the U.S.S.R., China, Britain and the United States. Said the President, "I have a feeling. . . the U.S.S.R. would not be pleased to see their name following some of the countries which are realistically making a small contribution."⁴ On January 1, 1942, the Declaration by United Nations was signed in Washington, D. C. by Winston S. Churchill, Prime Minister of Great Britain, Maxim Litvinov, the Soviet Ambassador to the United States, T. V. Soong, the Chinese Ambassador, and President Roosevelt. The next day, the document was signed by the representatives of the twenty-two other nations who had declared war on the Axis. Mr. Hull declared that "It was a powerful factor in achieving the surprising degree of unity that was reached."⁵

Just as the achievement of unity among the major Allies was a prime factor in the demise of the Axis, so unity was the ingredient with which the President and the State Department hoped to mold the peace. Out of the struggle to attain unity, the theory of the veto was born.

On July 23, 1942, Secretary Hull publicly announced, over national radio

³ Cordell Hull, Memoirs of Cordell Hull, II, New York, (1948), pp. 1109-1126. (hereafter referred to as Hull, Memoirs).

⁴ Ibid., p. 1120.

⁵ Ibid., p. 1126.

hookups, that a major goal of the United States' post-war aims, was the building of an international security organization, and he said that he was "willing that that organization should be able to use force to maintain the peace."⁶

It has been maintained that part of the share of the blame for the failure of the League of Nations was due to the absence of the United States, and declared President Roosevelt in his annual message to Congress on January 11, 1944: "We shall not repeat the tragic errors of ostrich isolationism."⁷ In building any international security organization that would be able to fulfill its mission, it was deemed essential that the United States should take an active part; indeed, the United States should accept responsibility for insuring the peace of the world in a manner commensurate with her pre-eminent situation, and the President revealed that philosophy on numerous occasions, as for example:

When the first World War was ended, I believed--I believe now--that enduring peace in the world has not a chance unless this Nation is willing to co-operate in winning and maintaining it. I thought then--I know now--that we have to back our words with deeds. . . . the power which this Nation has attained--the moral, the political, the economic, and the military power--has brought to us the responsibility, and with it the opportunity, for leadership in the community of nations. In our own best interest, and in the name of peace and humanity, this Nation cannot, must not, and will not shirk that responsibility.⁸

Both Houses of Congress and both major political parties in the United States went on record in 1943 as favoring the active participation of the United States in an international security organization:

. . . It was a far cry from 1919 and 1920 when the Senate rejected the League of Nations, and from 1935 when the Senate rejected our participation in the World Court. Now at long last Congress was coming to support the view . . . that a world organization was necessary, and that

⁶ Hull, Memoirs, *ibid.*, p. 1177.

⁷ Quoted in Department of State, Bulletin, X (January 15, 1944), p. 76.

⁸ New York Times, (October 22, 1944), p. 34.

it could not function effectively unless the United States was a member.⁹

The big question that confronted the planners in the State Department evolved around the rising great power in Eastern Europe--Russia. Even before the entrance of the United States into the war against the Axis in December 1941, the United States Government was made aware of Russia's territorial intentions in Europe, and it was upon the insistence of the President and the State Department that Great Britain desisted from signing an agreement with Russia defining those aims.¹⁰ From that time, Russia posed as an enigma to the United States and to the rest of the world. "What could be expected of her in the postwar world? Would she join an international organization to maintain the peace? Would she insist on territorial expansion at the expense of her smaller neighbors?"¹¹

In every important Foreign Office in the world interest in Russia was rapidly developing. Allied statesmen were urging that somehow the intentions of the Soviet Union should be ascertained so that the United Nations might know how to plan the world that would exist after the peace.¹²

Mr. Hull has declared in his Memoirs that:

It seemed to me that it was all-important to bring Russia in on a common determination to set up an international organization after the war. If an agreement were reached on this point, the settlement of other problems would be easier. If Russia refused, all other problems would be magnified.¹³

It should be noted here also, that the Joint Military Chiefs of Staff in the United States advised the State Department and the President on several occasions of the advisability of maintaining friendship with Russia after the

⁹ Hull, Memoirs, ibid., p. 1259.

¹⁰ Hull, Memoirs, ibid., pp. 1165-1180; pp. 1247 ff.

¹¹ Ibid., p. 1247.

¹² Loc. cit.

¹³ Ibid., p. 1239.

war.¹⁴ Thus, it early became obvious to the planners of the new organization, that Russia as well as the United States should become an active member of the proposed security organization.

Russia held a deciding vote on whether the world would take the road to destruction or the road toward security and human welfare. Although the three most powerful nations might not be able to settle all international questions if they acted together, no one or two of them, acting alone, could hope to resolve these fundamental problems.¹⁵

In March 1943, Secretary of State Hull and Mr. Anthony Eden, the British Foreign Minister discussed the importance of discovering Russia's probable future course, and Mr. Hull asked Mr. Eden:

. . . whether he thought Stalin had any other choice than these two alternatives; one, isolation after lepping off certain territory along Russia's boundaries, accompanied by the maintenance of heavy armaments; two, become part of the world and meet all Russia's responsibilities under a sane, practical policy of international cooperation. Eden said he know of no other choice.¹⁶

Several months later, when Mr. Churchill was in Washington, D.C., Mr. Hull posed the question again and spoke to the British Prime Minister about the necessity of talking "Mr. Stalin out of his shell, . . ."¹⁷ During the same month, May 1943, Hull talked to Mr. Litvinov, the Soviet Ambassador, prior to the latter's departure for Russia and interjected the hope that Mr. Litvinov would take home to Moscow the attitude that the Big Three could work together, and that it was to their best interest and indeed, to their security, that they do so.¹⁸

¹⁴ Ibid., p. 1470.

¹⁵ Ibid., p. 1464.

¹⁶ Ibid., p. 1247.

¹⁷ Ibid., p. 1248.

¹⁸ Ibid., pp. 1250-1261.

From the summer of 1943, the State Department and Mr. Hull attempted to obtain a joint Four-Nation Declaration on a proposal for setting up an international peace structure. A draft of such a declaration was taken to the Quebec Conference in August, where Mr. Hull showed it to Mr. Eden. Mr. Eden agreed with the advisability of this move, and suggested that a copy of the draft be sent to Moscow for Soviet reaction.¹⁹

Despite the approval of the Four-Nation Declaration by the British spokesman, Moscow reneged as she found the inclusion of China unacceptable. Mr. Hull was notified by Foreign Commissar Molotov. It was not until the Moscow Conference of Foreign Ministers in October 1943, that the signing of the Four-Nation Declaration by representatives of the four major powers was accomplished.²⁰ At a dinner held during the Conference, Marshal Stalin remarked to Mr. Hull that "the Soviet Union was not for isolationism."²¹ The signing of this document marked the first step in a positive direction toward the establishment of the United Nations. The Big Four were agreed that the institution of that organization should begin at the earliest practicable date.²²

¹⁹ Ibid., p. 1289.

²⁰ Hull, Memoirs, ibid., p. 1306.

²¹ Ibid., p. 1310; an interesting conversation between Mr. Hull and Molotov took place at the Moscow Conference. "'Molotov. . . remarked: 'Isolation was almost your country's undoing, was it not, Mr. Secretary?' 'Yes, . . . , it was. And isolation was almost your country's undoing, was it not, Mr. Secretary?' 'After the war,' (said Mr. Hull), 'you can follow isolation if you want, and gobble up your neighbors. But that will be your undoing. When I was young I knew a bully in Tennessee. He used to get a few things his way by being a bully and bluffing other fellows. But he ended up by not having a friend in the world.'" Ibid., p. 1297.

²² Mr. Hull considered this almost a personal triumph and he remarked: "Now it was probable that the United States would be a member of a new security organization. It was equally probable that the Soviet Union would be one of the principal members. And China, too, would be one of the charter members by virtue of her signature of the Four-Nation Declaration." Ibid., p. 1307.

B. The First Meeting of the Big Three at Teheran.

It must be brought out that once it had been ascertained that the acquisition of Soviet collaboration in a proposed peace structure was a dire necessity, the late President Franklin D. Roosevelt and his Secretary of State were agreed on the methods of approach to the question of obtaining that collaboration. They attempted to understand the attitude of Russia toward the Western world, an attitude which had come about because of the cordon sanitaire,²³ and they hoped to still her fears on that point and broaden her perspective by persuasive methods such as consultation, friendship, and by seeing that the major powers indulged in no "cussin' matches."²⁴ There would be no secrets among the major powers, and the United States would consult all of them rather than separately with each. Said Mr. Hull on that score:

We received the closest possible cooperation from Britain in working out the bases for international institutions to handle problems arising out of the war and the peace, including the United Nations organization. We at the State Department were careful, however, to work with the Governments of the United Kingdom, the Soviet Union, and China rather than separately with any one of them. All the ideas we developed and all the moves we took with regard to the United Nations were meticulously coordinated with these three Governments, rather than with the British alone. This was my approach during the preparations for the Moscow Conference and at the conference itself, and similarly in preparations for the

²³ An instance that revealed Russia's fear of a new cordon sanitaire was brought out during the Moscow Conference when Anthony Eden brought up a proposal sanctioning confederations of European nations with special reference to those in the area of the Danube. Mr. Molotov sharply criticized the idea of confederations at that time and said that such plans reminded the Soviet people of the policy of "cordon sanitaire" directed in other years against the Soviet Union. The matter was therefore, dropped. Ibid., p. 1292.

²⁴ Ibid., p. 1465; in this regard, Mr. Hull compared Russia to a mule on his father's farm: "When I was a boy I had to handle a number of mules in plowing on my father's farm in Tennessee. One of them could outkick any three mules. When he did I would lay my whip on him. That just gave him more fuel, and he would kick all the more. I therefore had to give up and let him cool off. Then I would start quietly moving forward in the plow, whereupon he agreed to work. But whenever he kicked and I fought him with the whip he kicked all the more." Ibid., p. 1465.

Dumbarton Oaks Conference and at the conference itself.²⁵

This method of approach to acquiring the friendship of Russia was revealed by the President, himself, who to cite one instance, turned down an invitation to lunch from the British Prime Minister during the Teheran Conference because he "did not want the report to spread that he and the Prime Minister were hatching their own schemes."²⁶

A second method of approach was to use firmness with Russia when she stepped out of line (to constantly hammer home to the Soviet Government that other governments did not appreciate her methods of meddling in their internal governmental affairs); and thirdly, by setting concrete examples of how they expected Russia to act (the United States, for instance, should not attempt to hang on to those Pacific Islands that she might acquire as a consequence of the war, for a precedent would be set thereby for Russia to act in a similar manner).²⁷ Secretary Hull has written that he and the President were agreed on the procedures to be employed to get the Soviet Union into the United Nations as a collaborator:

President Roosevelt and I saw alike with regard to Russia. We both realized that the path of our relations would not be a carpet of flowers, but we also felt that we could work with Russia. There was no difference of opinion between us that I can recall on the basic premise that we must and could get along with the Soviet Government.²⁸

Out of the growing awareness by the Western powers of the rising great power on the Eastern European horizon, the principle of unanimity was born. The West must and could get along with the Soviet Union.

During the interim period between the declaration of war by the United

²⁵ Ibid., p. 1476.

²⁶ Robert E. Sherwood, Roosevelt and Hopkins: an Intimate History, New York, (1948), p. 784. (hereafter referred to as Sherwood, Roosevelt and Hopkins).

²⁷ Hull, Memiors, op. cit., pp. 1451-1471.

²⁸ Ibid., p. 1467.

States on the Axis, and the signing of the Four-Nation Declaration at Moscow in October 1943, the Western powers had tried on various occasions to get together with Marshal Stalin for a conference on war aims and post-war objectives. Marshal Stalin, however, was too busy with military matters to venture far from Moscow. Mr. Roosevelt did not give up, as he especially, was interested in having a personal talk with Stalin.

For well over a year (since 1943) the President had hoped that, through a personal meeting with Stalin, he might iron out the problems that existed between Russia on the one hand and virtually all the United Nations on the other. He had been impressed by the head-on clash between Stalin and Churchill; but he thought that through the force of his own personality, and with the terrific power behind him that the United States was now demonstrating in the Pacific and in Europe, he could succeed where the Prime Minister had failed. He was eager to meet Stalin, whether alone or in company with Churchill.²⁹

Mr. William C. Bullitt, former United States Ambassador to the Soviet Government during the Roosevelt administration, also observed the hopes of the President in respect to a potential encounter with the Soviet Marshal:

President Roosevelt believed that if he could meet Stalin face to face he would be able to convince the Soviet Dictator of his own complete good faith and charm him--as he had often charmed Americans--into hearty collaboration for a lasting peace.³⁰

The long hoped-for meeting of Stalin, Churchill and Roosevelt was destined to be held at Teheran during the latter part of November 1943. The fact that Churchill and Roosevelt went to see Stalin, despite misgivings of both to traveling such a distance from their home governments, was in itself a manifestation of their great desire to see the Marshal. The United States Senate had heralded the Four-Nation Declaration that emanated from the Moscow Conference in a balloting that registered enthusiasm, by approving the Connally Resolution by

²⁹ Ibid., p. 1243.

³⁰ William C. Bullitt, "How We Won the War and Lost the Peace," Part II, Life, (September 6, 1948), p. 86.

a vote of eighty-five to five. This resolution provided for collaboration by the United States in the establishment of an international organization to maintain world peace and security.⁵¹ This factor greatly strengthened the President's hand as he left for Teheran, Robert H. Sherwood observed, "for it served notice on the other United Nations that in the settlement of the Second World War, as contrasted with the first one, the mortal Roosevelt had the backing of the Legislative branch which Wilson had so disastrously lacked."⁵²

Fifteen minutes after President Roosevelt arrived at Teheran at three o'clock on Sunday afternoon, November 28, 1943, Marshal Stalin came to see him. Said Mr. Roosevelt, "I am glad to see you. I have tried for a long time to bring this about."⁵³ At four o'clock, the first plenary session began, and Churchill and Stalin agreed that the American President should take the chair at that first meeting.

. . . he opened it by saying that he was glad to welcome the Russians as 'new members of the family circle' and to assure them that these conferences were always conducted as gatherings of friends with complete frankness on all sides. He believed that the three nations represented would work together in close cooperation not only for the duration of the war but for generations to come.⁵⁴

Although most of the time at the Conference was consumed by work and discussions concerning the opening of a second front in Europe, the President was able to bring up the subject of a post-war organization with the Soviet Marshal. (There is no evidence that Prime Minister Churchill was present at this particular discussion). On the twenty-ninth of November, when Stalin came to call on Roosevelt and they had completed other considerations for the time, the

⁵¹ Congressional Record, LXXXIX, (November 5, 1943), p. 9222.

⁵² Sherwood, Roosevelt and Hopkins, *op. cit.*, p. 757.

⁵³ Ibid., p. 775.

⁵⁴ Ibid., pp. 777-778.

President opened the issue, and the Marshal agreed that they could talk about such plans. Here, for the first time, the President made known his ideas for the bases upon which he hoped the powers would build an organization that could keep the peace, "by force, if necessary." He spoke of three main bodies, which showed a marked similarity to the General Assembly, the Economic and Social Council, and the Security Council which later were incorporated into the United Nations Organization at the San Francisco Conference. The latter body, the President designated as the "Four Policemen" and, of course, would be the Soviet Union, the United Kingdom, China and the United States, and they primarily were to be responsible for keeping the peace and "with power to deal immediately with any threat to the peace or any sudden emergency."³⁵ To this, Stalin expressed his opinion that:

. . . this proposal for the Four Policemen would not be favorably received by the small nations of Europe. For one thing he did not believe that China would be very powerful when the war ended--and, even if it were, European states would resent having China as an enforcement authority for themselves. . . . He suggested as an alternative, that there be one committee for Europe and one for the Far East--the European committee to consist of Britain, Russia, the United States and possibly one other European nation.³⁶

Roosevelt remarked that this plan was similar in substance to that proposed by Mr. Churchill for regional committees, but he doubted that the United States Congress would like a plan that would require American participation in purely European affairs. Mr. Roosevelt proceeded to discuss what he termed two types of possible threats to the peace: one, minor threats that might arise due to revolts and civil strife in smaller nations. These could be met with quarantine methods. The second type of threat that the President visualized might

³⁵ Ibid., pp. 734-735.

³⁶ Ibid., p. 736.

come from acts of aggression on the part of a large power; in such an event, the Four Policemen should issue an ultimatum to the offending power, and if that nation did not stop its aggressive actions, the Four Policemen should follow the ultimatum with bombardment and, if necessary, by invasion.³⁷

The President's son, Elliott Roosevelt, flew to Teheran to see his father, and there the President confided in his son that his biggest job in building the all-essential item, unanimity, was:

. . . in making clear to Stalin that the United States and Great Britain were not allied in one common bloc against the Soviet Union. I think we've got rid of that idea, once and for all. I hope so. The one thing that could upset the applecart, after the war, is if the world is divided again, Russia against England and us. That's our big job now, it'll be our big job tomorrow, too: making sure that we continue to act as referee, as intermediary between Russia and England.³⁸

It is important to note here also, that the subject of a possible veto, that controversial by-product of the unanimity principle, was brought up for discussion at Teheran. Elliott Roosevelt has written that his father told him that:

. . . there was explicit agreement that any peace would have to depend on these three nations acting in united fashion, to the point where-- on an important question--negative action by only one of them would veto the entire proposition. Father said that this question of a single veto had yet to be discussed thoroughly, but indicated that he was, generally speaking, in favor of the principle, in view of the hard-rock necessity of the future, and continuing unity of the Three.³⁹

Stalin, Churchill and Roosevelt reiterated at Teheran the pledge made by their foreign ministers in the Four-Nation Declaration at Moscow the month before. In the Teheran Declaration, the Big Three declared:

We express our determination that our nations shall work together

³⁷ Ibid., p. 786.

³⁸ Elliott Roosevelt, As He Saw It, New York, (1946), pp. 206-207.

³⁹ Ibid., p. 177.

in the war and in the peace that will follow. . . .

And as to the peace, we are sure that our concord will make it an enduring peace. We recognize fully the supreme responsibility resting upon us and all the United Nations to make a peace which will command goodwill of the overwhelming mass of the peoples of the world and banish the scourge and terror of war for many generations. . . .

We came here with hope and determination. We leave here, friends in fact, in spirit and in purpose.⁴⁰

As he left Teheran, the President felt "sure that, to use his own term, Stalin was 'gettable,'"⁴¹ and he later reported via a world-wide broadcast on Christmas Eve, 1943, that he believed that "we are going to get along very well with him and the Russian people--very well indeed."⁴²

That the conference at Teheran was indeed a positive step forward in the struggle to promote unanimity among the major powers and especially, in bringing the East and West together in the common purpose of establishing a peace structure after the war, was manifested by emanations from the

. . . American Embassy at Moscow on the Russian newspapers which indicated an almost 'revolutionary change' in the Soviet attitude toward the United States and Great Britain. It appeared that the whole propaganda machine was turned on to promote enthusiasm for the 'Historic Decisions' at Teheran which had solidified Allied unity in the common purpose to shorten the war and make secure the peace.⁴³

As far as the State Department was concerned, since the Teheran Declaration confirmed the Moscow Declaration, the planners there began at once to devise ways and means for implementation of those Declarations.⁴⁴ The Dumbarton Oaks

⁴⁰ "Conference of President Roosevelt, Prime Minister Churchill and Premier Stalin at Tehran: Declaration of the Three Powers," Department of State, Bulletin, IX. (December 11, 1943), p. 409.

⁴¹ Sherwood, Roosevelt and Hopkins, op. cit., p. 799.

⁴² "Address by the President on Christmas Eve," State Department, Bulletin, X, (January 1, 1944), p. 5.

⁴³ Sherwood, Roosevelt and Hopkins, p. 804.

⁴⁴ Hull, Memoirs, op. cit., pp. 1317-1318.

Conversations held in Washington, D.C. during the period between August 21 and October 7, 1944 saw the first concrete step performed in the actual creation of the peace structure, for there the Big Four--China, the United Kingdom, the U.S.S.R. and the United States--discussed the scheme, on the technical level, for implementation of the United Nations. But the Conversations at Dumbarton Oaks disclosed a basic fundamental difference in thinking among the Great Powers on the important point of voting in the Security Council, and that divergence evolved around the principle of unanimity and its by-product--the veto.

C. The Conversations at Dumbarton Oaks.

The Proposals for an international security organization that were drawn up at Dumbarton Oaks were released to the press on October 9, 1944.⁴⁵ The provisions for voting in the Security Council were significantly and conspicuously absent. Said the Proposals: "The question of voting procedure in the Security Council is still under consideration."⁴⁶ This problem was not resolved until the February 1945 Conference of the heads of State of the Big Three at Yalta. In the light of this study, it is essential to examine the evidence to deliberate just what differences were brought to light during the Dumbarton Oaks Conversations in the points of view of the major powers, that were so fundamental and so pronounced that at that stage of the planning the question resulted in nothing more than a deadlock, the resolution of which required a meeting of the heads of State, themselves.

James F. Byrnes, who accompanied the President to the Crimean Conference at Yalta, has described this difference:

. . . the Soviet Delegation had insisted that all decisions in the

⁴⁵ Ibid., p. 1710.

⁴⁶ "The Dumbarton Oaks Conversations," Yearbook of the United Nations, 1946-1947, op. cit., p. 6.

Security Council must be by a unanimous vote on the part of the major powers. (The United States) agreed that no decision committing (its) military forces to action should be taken without (its) consent but did not believe the right of veto should extend to all matters.⁴⁷

The statement quoted above, though not going into detail, leaves the inference that the Soviet Union may have initiated a motion at Dumbarton Oaks that the veto should be the prerogative of the permanent members of the Security Council, and that the United States had thereupon agreed to the advisability of such a proposal insofar as it applied to compulsory action. This indeed, was not the case however, for the evidence shows that the United States Government had been committed to the rule of unanimity since the Teheran Conference of 1943. During the September deadlock (at Dumbarton Oaks) over the voting procedure, President Roosevelt cabled Marshal Stalina in an effort to persuade the Soviet representatives to withdraw from their stand on that principle. The Marshal's reply was that: ". . . any departure from the principle of unanimity of the leading powers in establishing the international organization would be a deviation from the understanding reached on this point at Teheran."⁴⁸

Each of the four governments represented at Dumbarton Oaks had submitted plans for consideration, but because they differed little in their fundamental principles (Cordell Hull has disclosed that since there had been consultation between the Four, they were already thinking along the same lines),⁴⁹ and because the draft submitted by the United States' Government was constitutional in form, the latter was used as a basis for the discussions.⁵⁰

⁴⁷ James F. Byrnes, Speaking Frankly, New York and London, (1947), p. 34.

⁴⁸ Hull, Memoirs, op. cit., pp. 1700-1701; cf., p. 48 supra.

⁴⁹ Ibid., p. 1676.

⁵⁰ Bagleton, "The Charter Adopted at San Francisco." op. cit., p. 935.

The principle of the veto was stated in the drafts of both the United States and the British in their tentative proposals.⁵¹ The American draft which had been submitted prior to the Conversations, on July 18, 1944, embodied its earlier draft of April 24, 1944, insofar as voting procedure in the Security Council was concerned.⁵²

This draft recommended that the Council should make decisions by a majority vote—including the concurring votes of all permanent members—on four categories of questions. These were: the final terms of settlement of disputes; the regulation of armaments and armed forces; the determination of threats to the peace, of breaches of the peace, and of acts obstructing measures for the maintenance of security and peace; and the institution and application of measures of enforcement.

Other decisions would be taken by a simple majority vote. In this respect (they) were resolved to avoid the unhappy experience of the League of Nations, whose decisions required a unanimous vote of all members. Any member of the Council had the right. . . to abstain from voting, but that nation would still be bound by the decision.⁵³

The draft of July 18, 1944, also:

. . . specifically left open the question of voting procedure in the case of parties to a dispute by suggesting that provisions would need to be worked out to take care of cases where one or more of the permanent members of the Security Council were directly involved.⁵⁴

Those who had worked out the tentative proposals for the plan submitted by the United States, were convinced that they had prepared their draft on "a basis as broad and comprehensive as they could possibly prevail on all the nations to subscribe to"⁵⁵ at that time. It was deemed not feasible to attempt another League to keep the peace without the situation therein of all four of the nations which the United States believed to be the powers capable of keeping

⁵¹ Sherwood, Roosevelt and Hopkins, op. cit., p. 854.

⁵² Hull, Memoirs, ibid., p. 1674.

⁵³ Ibid., pp. 1752-1653.

⁵⁴ Ibid., p. 1674.

⁵⁵ Ibid., p. 1469.

or destroying the peace of the world:

. . . this movement depended on the ability and willingness of the four chief nations to work together. No two of the three great powers-- Russia, Great Britain, and the United States-- . . . , would undertake another world peace organization with one of them omitted, after the failure of the League of Nations when one of the great countries was missing.⁵⁶

From the foregoing evidence, it is reasonable to conclude that the State Department, in designing its draft for the international security organization, worked out a voting procedure which would be acceptable not only to her own Senate, which under the Constitution, would assume the responsibility for accepting or rejecting the charter, but also a plan of voting which would be acceptable to the other governments primarily obligated under this plan to keep the peace secure.

Although, President Roosevelt later declared that no political agreements had been made or attempted at the Conference of Teheran in November 1943,⁵⁷ actually, the United States, for all practical purposes, had been committed to "an understanding" on the principle of unanimity at that time. At least the Soviet Marshal seemed to think so,⁵⁸ and so far as the writer has been able to

⁵⁶ Ibid., p. 1666; The Secretary of State pointed out to the leaders in the Senate that the United States faced three pivotal questions in building the new organization. One was to keep Russia solidly in support of the movement; and the other two involved ways and means of securing the enthusiastic support of the United States. Ibid., p. 1659.

⁵⁷ "Report on the Crimea Conference: Message of the President to the Congress," Department of State, Bulletin, XIII, (March 4, 1945), p. 325.

⁵⁸ Hull, Memoirs, op. cit., pp. 1700-1701; the Soviet Government still supports her theory that the principle of unanimity was decided upon at Teheran and that was recently reiterated in an article in her Information Bulletin: "Representatives of the three great Powers set themselves a great goal when they declared. . . that the common agreement that existed among them then had to be maintained to insure lasting peace in the future." I. Ermasher, "Peace-time Unity Soviet Goal from Teheran to Paris," Embassy of the U.S.S.R., Washington, D.C., (December 9, 1943), p. 729.

discover, the late President Roosevelt did not refute Marshal Stalin's argument on that subject. A renunciation of that theory would have been tantamount to further renunciations of pledged words. Such an abjuration could not have been allowed in the struggle to build unanimity among the Three, deemed so vitally essential to the plans for international cooperation among them for maintaining the peace. The compulsive force inherent in the plan itself was unanimity.

And so it was that the United States did insert the unanimity principle in her draft submitted to the nations represented at Dumbarton Oaks. The other nations did likewise. It should be noted, however, that the support of the United States for the unanimity principle and the veto was chiefly for those decisions of the utmost consequence. Those who worked out the plan in the Department of State did not visualize at all its use as an obstructive or arbitrary measure in the hands of the permanent members. In the discussions within State Department circles concerning the requirement for unanimity, two conditions always had been understood in connection with that rule: First, none of the permanent members would exercise its right of veto capriciously or arbitrarily but would use this power only on matters of the gravest concern to that particular nation, ("never on secondary matters and never in a way to prevent thorough discussion of any issue."), further, it would be used chiefly as in pre-Charter days, to promote unanimity among the major powers. Secondly, the United States perceived the use of the veto power especially, in connection with its application to military or other compulsory action.⁵⁹ "It was our thought," said the former Secretary of State, "that the main focus of the veto would be military and other means of exercising force. . . and not the numerous other issues that were certain to come before the Council."⁶⁰

⁵⁹ Hull, Memoirs, op. cit., p. 1665.

⁶⁰ Loc. cit.

The main controversy over the vote question at Dumbarton Oaks was not focused on the principle of the vote itself, nor its various uses, but rather evolved around the one problem which the United States had herself omitted from her tentative draft, i.e., the extent to which a permanent member could vote in a dispute in which that nation was involved.⁶¹ Within two days after the Anglo-Soviet-American discussions opened at Dumbarton Oaks, President Roosevelt agreed to the position that the Americans should take that "the votes of the nations involved in cases before the Council, including the great powers, should not be counted in the Council's decision on such cases."⁶² In respect to this phase of the voting procedure, the British Government had steadfastly insisted that the votes of such members should not be allowed.⁶³

In opposition to the Western point of view on this question, the Soviet Delegation insisted that the permanent members should have a vote in any and every situation or dispute, whether or not that nation should be involved in the dispute being debated before the Council.⁶⁴ The attitude of the Soviet Government in this respect seemed antithetical to all known rules of civil justice to the British and the Americans. They maintained that:

. . . all the rules of civil justice provided that a person involved in a dispute should not be able to cast a vote in the decision relating to the dispute. He should not be one of the judges or a member of the jury. There was still some difference of opinion among (them), however as to whether this abstention from voting should apply only to the pacific settlement of disputes in which one or more of the major nations were involved, or should apply also to enforcement action.⁶⁵

⁶¹ Sherwood, Roosevelt and Hopkins, op. cit., p. 854.

⁶² Hull, Memoirs, ibid., p. 1677.

⁶³ Ibid., p. 1678.

⁶⁴ Byrnes, Speaking Frankly, op. cit., p. 34; Sherwood, Roosevelt and Hopkins, op. cit., p. 854; Hull, Memoirs, ibid., p. 1682 and p. 1700 ff.

⁶⁵ Hull, Memoirs, ibid., p. 1678.

A factor that underscored the vital need for unanimity was the revelation that those members of the American Delegation who seemed most anxious to please the Soviet Government and were most desirous of keeping on friendly terms with that power, even if it meant granting to the major powers an all-inclusive right of veto, were the military rather than the political advisers. They maintained and upheld the view expressed on May 16, 1944 by the Joint Chiefs of Staff in a memorandum to the State Department in connection with a British proposal for disposition of Italian overseas possessions. The Joint Chiefs of Staff at that time, declared that:

From the point of view of national and world-wide security, our basic national policy in postwar settlements of this kind should seek to maintain the solidarity of the three great powers and in all other respects to establish conditions calculated to assure a long period of peace, during which, it may be hoped, arrangements will be perfected for the prevention of future world conflicts. The cardinal importance of this national policy is emphasized by a consideration of fundamental and revolutionary changes in relative national military strengths that are being brought about in Europe as a result of the war.⁶⁶

Dissension also arose at Dumbarton Oaks in connection with the number of votes which should be required for a majority. Here again the British Delegates opposed the Soviet view. The British consistently held that a majority should be one of two-thirds, while the Soviets would not deviate from their theory that a simple majority should be the rule.⁶⁷ As some of the lesser nations acquired the understanding that the American Delegation supported wholeheartedly

⁶⁶ Ibid., p. 1470; this attitude supports the conclusion of Mr. William T. Fox, who said that the veto "demonstrates in our day that the possessors of great power are not willing to put full faith either in the United Nations Organization or in each other." "Collective Enforcement of Peace and Security," The American Political Science Review, LXXXIX, (October 1945), p. 971.

⁶⁷ Full, Memoirs, ibid., p. 1682-1693.

the British thesis,⁶⁸ it should be noted that this, indeed, was not the true case. In her own tentative proposals of July 18, 1944, submitted to the governments at Dumbarton Oaks, the United States had proposed a simple majority;⁶⁹ however, when the stalemate occurred over this question, the United States expressed her willingness to go along with either the Russian or the British theories if the deadlock were broken between the two latter parties. According to the British plan, even in cases involving force, at least two of the votes of the non-permanent members would have to concur along with the unanimous decision of the permanent members, thus avoiding enforcement action or decisions involving other methods of settling disputes by the will of the permanent members plus one only of the non-permanent members.⁷⁰ The controversy over this phase of the voting procedure resulted in a stalemate, the solution of which could not be found at Dumbarton Oaks.

The apprehensions of the Anglo-American faction to the Soviet insistence that a veto could be applied without exception was enhanced by the announcement, suddenly made during the Conversations by Soviet Ambassador Andrei A. Gromyko that "all sixteen Republics composing the Union of Soviet Socialist Republics should be made initial members of the United Nations." This proposal stunned

⁶⁸ Cf., observations of the Government of Venezuela, Chap. I, p. 6 supra.

⁶⁹ Cf., p. 53 supra.

⁷⁰ Many of the lesser nations approved the British thesis rather than that of the Soviets; for example the Netherlands Government declared: "If decisions, of whatever importance, were to be taken on the basis of a majority vote, the result would be that the vote of one single small power would be enough to give the great powers a majority. Is it not to be feared that in the hard practice of international relations one such vote will always be available?" "Suggestions Presented by the Netherlands Government Concerning the Proposals for the Maintenance of Peace and Security Agreed on at the Four Powers Conference of Dumbarton Oaks as Published on October 9, 1944, January 1945, United Nations Conference on International Organization, London and New York, (1945), III, Dumbarton Oaks, p. 314.

the British and Americans, but they were quick to inform him that this proposal would raise tremendous difficulties. President Roosevelt told Stettinius that he should inform Gromyko that the United States would under no circumstances accept such a proposal and that it would be just as reasonable for the United States to request forty-eight votes.⁷¹ "Mr. Gromyko proved most cooperative. He said that he had raised the point merely to advise (the United States) and the British that his Government had the matter in mind."⁷² Although this proposal did not effect the voting procedure in the Council one way or the other, the fact that it was made struck at the heart of the harmony of the Big Three because it disclosed within itself a great difference in interpretation on a vital point. In a discussion of the matter with Gromyko, Secretary Hull told him that this notion would "blow the lid off."⁷³

Though insistent that the Soviet demand not be granted, at the same time the State Department, in its usual policy of keeping peace among the Big Three and strengthening unity when it was threatened, kept the proposal under the utmost secrecy and referred to it only as the "X matter."⁷⁴ The American people (and it is presumed, the rest of the world) knew nothing of the issue until it was either accidentally or purposely disclosed in a break to the press just prior to the San Francisco Conference after Mr. Roosevelt informed his delegates in a "secret" session of the stand they should take on the issue.⁷⁵

⁷¹ Hull, Memoirs, ibid., p. 1679.

⁷² Loc. cit.

⁷³ Ibid., p. 1680.

⁷⁴ Loc. cit.

⁷⁵ Sherwood, Roosevelt and Hopkins, op. cit., p. 376.

A further manifestation of the attitude of the United States Government in this respect was made by the Secretary of State when he attempted to lessen the apprehensions of the Americans at Dumbarton Oaks with the statement that:

. . . the Soviet Union has made up its mind to follow the course of international cooperation. All Russia's interests caused her to take this course. . . . Like some other nations at various times and under various circumstances, the Soviet Union might get off the line, but if this happens she would have to come back into line in time because she would discover that any course other than cooperation was against her own interests.⁷⁶

In an attempt to solicit the Soviet's agreement to deviate from her stand that a party involved in a dispute should have a vote in the decision, if that party were a permanent member, President Roosevelt called Ambassador Gromyko early one morning for a bedside conference and explained to him the American position that:

. . . when a husband and wife fell out with each other they stated their case to a judge and abided by his ruling; they did not vote in the case. This principle had been imbedded by (their) forefathers in American law. . . . the idea of a member of the Council voting in a dispute involving itself would be unacceptable to the small nations, most of whom would be members of the Council.⁷⁷

After informing Mr. Gromyko that if the deadlock were not resolved before the close of the Conversations, the British and Americans would be forced to state that they had agreed on this point while the Soviets opposed, he asked and got Gromyko's agreement that a cable should be sent to Marshal Stalin. This effort of the President, however, resulted in nothing but failure, for the Soviet leader called to his attention that the principle of unanimity had been agreed upon at Teheran and could not be deviated from, and further that:

. . . unanimity among the great powers presupposed the absence of mutual suspicion between them, . . . the Soviet Union had to take account

⁷⁶ Hull, Memoirs, ibid., p. 1703.

⁷⁷ Ibid., p. 1700.

of the existence of . . . certain ridiculous prejudices which frequently hampered an objective view toward the Soviet Union. . . . other nations of the world should consider the consequences that would ensue if the leading powers failed to preserve their unanimity.⁷⁸

Although the Delegates of the United States, Britain and Russia worked out a compromise on the whole very similar to the one later accepted at Yalta by the Big Three leaders, none of the Governments represented at Dumbarton Oaks were inclined to agree to that compromise at that stage. President Roosevelt said that he thought that the problem should be left for the assemblage of the United Nations to decide, but that Prime Minister Churchill feared that such a solution would be opposed by the Russians as they "would know that they would be overwhelmingly defeated in a United Nations meeting and might 'get sore' and try to take it out on the other major nations on some other issue."⁷⁹ As the British and the Americans would not accept the compromise and as Gromyko informed them that his Government "probably would not accept it either,"⁸⁰ the question was left open. As the Anglo-Russian-American phase of the Conversations ended, Gromyko struck the ominous note that:

. . . he wanted to make it plain that his Government's agreement to a general conference of the United Nations depended upon two conditions. The first was that the British and American Governments should meet the Soviet proposals as to voting in the Council. Gromyko reemphasized his Government's contention that the principle of the unanimity of the four great powers had to be applied unconditionally. The second was that those Governments should agree that the sixteen Soviet Republics would be initial members of the United Nations Organization.⁸¹

The solution to this controversial question was found and agreed upon at Yalta by Mr. Roosevelt, Mr. Churchill and Mr. Stalin in February 1945.

⁷⁸ Ibid., pp. 1700-1701.

⁷⁹ Ibid., p. 1701.

⁸⁰ Ibid., p. 1702.

⁸¹ Ibid., p. 1706.

D. The Crimean Conference--the Second Meeting of the Big Three Leaders.

The late President Roosevelt, who made the journey to Yalta on the Black Sea, despite ill health, to meet the Soviet leader and Prime Minister Churchill in one of his last efforts to create "the beginnings of a permanent structure of peace upon which we can begin to build, under God, that better world in which our children and grandchildren--yours and mine, the children and grandchildren of the whole world--must live,"⁸² has been held largely responsible for the voting formula that was there agreed upon to fill the blank Section C of Chapter V of the Dumbarton Oaks Proposals. Indeed, President Roosevelt did take to Yalta the solution worked out by the State Department which was proposed and adopted there;⁸³ however, it should be noted that this compromise was almost identical in its outline of procedure to be taken in case a permanent member were involved in a dispute before the Council, as the one worked out originally by the experts of the British, American and Soviet Delegations at Dumbarton Oaks, but which at that time was found acceptable to none of their Governments. That earlier formula stated that during the settlement of a dispute, the permanent member involved should not cast a ballot unless enforcement action were implied.⁸⁴

The solution devised by the State Department was submitted originally to the Soviet and British Governments on December 5, 1944, and at Yalta was formally presented again by the new American Secretary of State, Edward R. Stettinius, Jr.⁸⁵ By agreeing to this solution, the Soviet Government withdrew from her

⁸² New York Times, "Report of President Roosevelt in Person to the Congress on the Crimea Conference," (text), March 2, 1945, p. 12.

⁸³ Wellington Koo, Jr., Voting Procedures in International Political Organizations, New York, (1947), p. 115; New York Times, April 8, 1945, p. 8; Byrnes, Speaking Frankly, op. cit., pp. 34-38.

⁸⁴ Hull, Memoirs, op. cit., pp. 1701-1702 and p. 1705.

⁸⁵ Byrnes, Speaking Frankly, op. cit., p. 35; Sherwood, Roosevelt and Hopkins, op. cit., pp. 854-855.

original position in one instance, i.e., that during the pacific adjustment of a dispute, the vote of an involved permanent member would not be counted. The British and Americans compromised their earlier stand that the vote of a permanent member involved in a dispute should in no instance be counted. They now agreed that that vote could be counted if enforcement action were implicated.

A reasonable conclusion as to why the United States' State Department found it necessary to deviate from her stand made at Dumbarton Oaks, is reached when it is remembered that some concession had to be made to the Soviets if an international conference for drafting a charter were to convene.⁸⁶ Assenting to the requirement of unanimity of the Big Four or Five, even if a permanent member were involved in a dispute implicating enforcement action, was the practical solution so far as the State Department was concerned for their spokesmen reportedly stated in explanation of this rule laid down at Yalta, that in the event the world were pitted against one permanent member of the Security Council, a negative vote by that member of enforcement action against itself, would not be able to stop the world from accounting with that power. At this point, the international machinery for maintaining the peace would have disintegrated anyway, and war would be the natural consequence.

But, it is objected, what happens if one of the Five permanent members embarks upon a course of aggression and refuses to recognize the machinery of the world organization? How can the aggressor be restrained if his own contrary vote prevents the Council from invoking force against him? In such an event, the answer is simple. Another world war has come, vote or no vote, and the world organization has failed.

But I think we should not be too deeply concerned with what Franklin Roosevelt always characterized as "iffy."⁸⁷

In view of the above explanation by the United States Secretary of State,

⁸⁶ Cf., remarks by Ambassador Gromyko quoted p. 61 supra.

⁸⁷ Radio address by the Secretary of State quoted in New York Times, May 29, 1945, p. 8.

Edward R. Stettinius, Jr., it might be concluded that, at least so far as the State Department was concerned, the greatest concession at Yalta concerning the voting procedure was made by the Soviet Government. Surveying the attitude professed by the Soviet Government prior to the Yalta Conference in regard to the unanimity principle, the question might well be asked as to how the Western powers were able to persuade the Soviets to retract from their avowed position that a vote by a permanent member must be counted in any case, whatsoever?

It has been said that Russia's insistence on the veto power can be traced in part to the cordon sanitaire,⁸⁸ and in considering the aspect of the unanimity principle from the point of view of the Soviet leaders, the Council on Foreign Relations⁸⁹ has given as the basis for the insistence by the Soviet Government at Dumbarton Oaks on an all-inclusive veto power for each of the Big Four, its observation that the Soviet leaders:

. . . though willing to go along with the idea of a general international organization, did not regard it as a substitute for direct negotiations and agreements among the great powers. It might be a convenient instrument for obtaining general acceptance of the big powers' decisions, or a good sounding board for propaganda. But they had no intention of accepting a procedure by which a mere counting of votes--and the capitalist world would have an overwhelming majority of votes--could produce decisions counter to Soviet interests.⁹⁰

The judgment voiced by the Council on Foreign Relations, that the Soviet Government regarded the proposed world organization as a secondary approach only in maintaining security for the U.S.S.R., is verified by the actions of

⁸⁸ Ibid., May 6, 1945, Arthur Krock, "Leaders Take UNCIO Past Many Obstacles," Sec. IV, p. 3.

⁸⁹ Some of the officers of that Council are R. C. Laffingwell, Allen W. Dulles, Isaiah Bowman, Frank Altschul, Clarence E. Hunter, Walter H. Mallory, Hamilton Fish Armstrong, John W. Davis, Lewis W. Douglas, Thomas K. Vinletter, etc.

⁹⁰ The United States in World Affairs, 1945-1947, New York and London, (1947), p. 29.

the Soviet Government after the Dumbarton Oaks Conversations and prior to Yalta.

The President had sent the proposal, devised by the Department of State as a compromise solution to the perplexing question of voting procedure, to the Governments of Great Britain and the U.S.S.R. on December 5, 1944. When the proposal again was put forward formally, and subsequently discussed, on February 6, 1945, it was apparent to Mr. James F. Byrnes, who had accompanied the President to the Crimea and to others that Premier Stalin had given little thought to the proposal.⁹¹ The Premier said, "I would like to have this document to study because it is difficult on hearing it read to come to any conclusion."⁹² In this connection, he apologized and said, "I have been very busy with other matters and have had no chance to study this question in detail."⁹³

At the time the United States' proposal originally was forwarded to Marshal Stalin and Prime Minister Churchill, the Soviet Government was engaged in concluding a treaty of alliance with the Republic of France, calling for bilateral action to obstruct possible future aggression by Germany, thus revealing a lack of confidence in the proposed security organization by those two nations

⁹¹ "I was deeply disturbed by the clear evidence that Stalin had not considered or even read our proposal on voting in the Security Council even though it had been sent to him by diplomatic air pouch on December 5. . . . it occurred to me that if in those sixty-three days he had not familiarized himself with the subject, he could not be greatly interested in the United Nations organization. It was all the more impressive since this certainly was the only proposal on the agenda with which he was not entirely familiar." Byrnes, Speaking Frankly, op. cit., p. 37. "At Yalta, when President Roosevelt raised the question, it is understood, Premier Stalin said that he did not realize that there had been any real difficulty about it. Delegates at the Crimea Conference, indeed, got the impression that he either did not know or pretended not to know anything about (it)" New York Times, February 14, 1945, James B. Reston, "Stalin Accepts Majority Vote on Non-Punitive Issues," p. 1.

⁹² Byrnes, Speaking Frankly, op. cit., p. 36.

⁹³ Ibid., p. 37.

as a primary means of maintaining security.⁹⁴ The Franco-Soviet pact was consummated on December 10, 1944.⁹⁵

The problem of persuading the Russians to retract from their position on the unanimity principle and assent to the position of the Western powers, therefore, hinged upon convincing the Soviets that the proposed organization would give adequate protection.⁹⁶

As he spoke in support of the State Department compromise formula, President Roosevelt reminded the other Heads of State of that part of the agreement which had been reached between them in December 1943 at Teheran, which read: "We recognize fully that supreme responsibility to make a peace that will command the good will of the overwhelming masses of the peoples of the world. . . ."⁹⁷

Mr. Byrnes took shorthand notes of the exchange of words during that meeting of the Big Three, and he reproduced them in 1947 in an effort to dispense with rumors which had arisen in connection with what took place at Yalta.

⁹⁴ For France's position in this regard, see New York Times, January 7, 1945, "French Get Wary Over Soviet Pact; Some Fear Alliance May End Ties of France with Powers in the Atlantic World," p. 10; ibid., February 11, 1945, Harold Callender, "De Gaulle Awaits News of Big Three," p. 7; ibid., February 27, 1945, "French Reluctant to Sponsor Farley," p. 10

⁹⁵ "Treaty of Alliance and Mutual Assistance Between the USSR and the French Republic," (text), Information Bulletin, Embassy of the U.S.S.R., Washington, D.C., (December 28, 1944) pp. 1-2.

⁹⁶ In the Senate on January 10, 1945, Senator Vandenberg said, "Fear of reborn German aggression is our apple of discord." Congressional Record, HCl, Part I, (January 10, 1945), p. 166. During the dinner staged the night before the second meeting, an exchange of words that exemplified Soviet fear in this connection occurred between Mr. Charles E. Bohlen of the American group and Mr. Vishinski of the Russian delegation. "Vishinski said that the Soviet Union would never agree to the right of the small nations to judge the acts of the Great Powers and, when Bohlen ventured the opinion that the American people were not likely to approve any denial of the small nations' rights, Vishinski said that the American people should 'learn to obey their leaders.' Bohlen then suggested that it might be a good idea for Vishinski to visit the United States and try to tell that to the people, and Vishinski remarked that he would be glad to do so." Sherwood, Roosevelt and Hopkins, op. cit., p. 852.

⁹⁷ Byrnes, Speaking Frankly, op. cit., p. 35.

As these notes are elucidating, and as they are singular insofar as none other of the men present during the second formal meeting has so far written such an account, Mr. Byrnes' report is noted here, in the effort to discover how the West was able to induce Premier Stalin to depart from his earlier position.

Mr. Churchill expounded his interpretation of the voting formula as follows:

His Majesty's Government see no danger . . . in associating themselves with the proposal of the United States. We see great advantage in the three great powers not assuming the position of rulers of all the rest of the world without even allowing them to state their case. It would not be right for us with the great power we possess to take that position, denying them the right to state their case, and to have measures taken to adjust difficulties short of the powers set out in paragraph 5, on which powers we rely if we are not convinced by our friends and colleagues on the Security Council.⁹⁸

The Soviet leader took the opposite position that the small nations which might bring a charge against one of the Big Powers, would do so because these nations would wish a decision, and not just a discussion of the matter, and he said:

We are accused of attaching too great importance to the procedure "how to vote." We are guilty. We attach great importance to the question of voting. All questions are decided by votes and we are interested in the decisions and not in the discussions. Suppose China is a permanent member and demands Hongkong be returned to her. I can assure Mr. Churchill that China will not be alone. They will have some friends in the Assembly.⁹⁹

The important problem, Stalin said, was to secure unity among the Three for, "The danger in the future is the possibility of conflicts among ourselves."¹⁰⁰

⁹⁸ Ibid., pp. 35-36. To these remarks by Mr. Churchill, Premier Stalin queried: ". . . I would like to ask Mr. Churchill to name the power which may intend to dominate the world. I am sure Great Britain does not want to dominate the world. So one is removed from suspicion. I am sure the United States does not wish to do so, so another is excluded from the powers having intentions to dominate the world." Ibid., p. 36.

⁹⁹ Ibid., pp. 36-37.

¹⁰⁰ Ibid., p. 37; Cf., remarks of Stalin in this connection, made in September 1944, which are quoted p. 52 supra.

He manifested again the fear of a reborn Germany which had prompted the French-Soviet pact of December 10, 1944 with: "If there be unity, then the danger from Germany will not be great." Premier Stalin closed his remarks on the Russian thesis by emphasizing the Soviet forebodings toward a possible new cordon sanitaire, i.e., the creation of a bloc of western states against the Soviet Union: "There is another danger. My colleagues in Moscow cannot forget the case which occurred in 1939 during the Russian-Finnish War, when Britain and France used the League against and eventually expelled and isolated us."¹⁰¹

Those apprehensions expressed by Marshal Stalin signified again the necessity for assurance from the United States and Great Britain that the U.S.S.R. would be protected in the proposed league; however, during the next formal meeting on February 7, 1945, the Soviet Government, through the personage of Foreign Commissar Molotov, announced its acceptance of the American proposal.¹⁰²

It has been said that the Soviet Government approved the so-called "Yalta voting formula" after no argument at all,¹⁰³ but in surveying the previous stand of the Soviet Government, which pronounced an opinion divergent to the point of view enunciated in the Yalta formula, which it had maintained from the time the question of the voting procedure evolved into a stalemate that could not be resolved at Dumbarton Oaks until the close of the plenary meeting of the Big Three on the day before the compromise was effected, is it not to be wondered how the Soviet Union found it expedient to change her National mind, it would appear, overnight?

As the Soviet spokesman had given as their Government's reasons for an all-

¹⁰¹ Loc. cit.

¹⁰² Ibid., pp. 37-38.

¹⁰³ Sherwood, Roosevelt and Hopkins, op. cit., p. 855.

inclusive veto, the possibility of a failure of the Three to maintain their unity, and her own unwillingness to permit judgment by small nations of the acts of the Great Powers,¹⁰⁴ the Soviet's sudden reversal of opinion must be attributed to a repelling of those fears ~~to such an extent~~ in other political or military aspects of the Conference in the Crimea, that Marshal Stalin found it possible to concede to the Western point of view on voting without further debate.

A perusal of the records now available reveals that the¹⁰⁵ concession was made, although not consummated until the signatures were affixed to the Yalta Agreement on February 11, before the political aspects of the disposition of certain Far Eastern territories then held by the Japanese and changes in the Polish boundary were brought forward for discussion by the Big Three. As the only meeting prior to the second formal meeting on February 6 involved military matters,¹⁰⁵ the report by James B. Reston, correspondent for the New York Times, which appeared in the issue of that newspaper for February 15, 1945 is revealing:

One American official expressed the opinion that it was the possibility of American participation in . . . a treaty to keep Germany disarmed that helped persuade Premier Stalin to depart from his original demand that the permanent members of the proposed security council should have a veto on all questions coming before the League for decision. Mr. Roosevelt, he said, made it clear to the Russian Premier that under certain circumstances, particularly if there was unity among the Big Three in support of a just settlement in Europe, the United States Senate might be prepared to ratify a treaty placing American forces against any revival of German militarism.¹⁰⁶

¹⁰⁴ Cf., p. 67 supra and p. 66 supra (footnote 96).

¹⁰⁵ Byrnes, Speaking Frankly, ibid., pp. 24 ff; Sherwood, Roosevelt and Hopkins, ibid., p. 853.

¹⁰⁶ New York Times, "Anti-German Pact Believed Studied," p. 1. It is significant that the Soviet Government, after Yalta, placed the proposed international structure ahead of the Franco-Russian Pact, and by so doing, ". . . shocked and puzzled French authorities." Ibid., March 6, 1945, Harold Callender, "French Refusal Laid to Moscow." p. 10.

If Mr. Roosevelt's assurance in this connection weighed Stalin's decision on the point of voting during the first formal meeting, is it not remarkable that he did not make that fact known to Mr. Roosevelt and Mr. Churchill before the close of the second meeting during which the matter of voting procedure was brought up and debated?

It is conceivable, therefore, that there was something on the agenda for February 7 that influenced Stalin's decision to withdraw from his original demand on voting. The evidence shows that on February 7, 1945, the Russian demand for the initial membership of Byelorussia and the Ukraine in the United Nations was brought up again, and Mr. Roosevelt and Mr. Churchill agreed to support this action at the San Francisco Conference.¹⁰⁷ The reasonable conclusion is that the hope for a concession by the West to allow three votes for the U.S.S.R. in the Assembly balanced the scales to the extent that Stalin conceded to the compromise proposal on voting, for immediately after announcing her acceptance of that procedure of voting, Mr. Molotov initiated the Russian request.¹⁰⁸

The headache over the voting question was at last over, and the Conference for drafting a Charter of the new international organization could be called for an early date.

Actually, the headache had just begun.

¹⁰⁷ Roosevelt insisted, however, that it must be a "matter for full discussion and free vote at (San Francisco), and not a fait accompli at Yalta." Sherwood, Roosevelt and Hopkins, ibid., p. 857.

¹⁰⁸ Byrnes, Speaking Frankly, ibid., p. 59.

CHAPTER III

THE UNITED STATES AND THE VETO: THE MOTIVES BEHIND UNANIMITY

The Moving Finger writes; and, having writ,
 Moves on: nor all thy Piety nor Wit
 Shall lure it back to cancel half a line,
 Nor all thy Tears wash out a Word of it.
 ---Omar Khayyam

A. Introduction.

In recent months, those who have been watching what appears to them to be an unsatisfactory method of action in the Security Council have been posing the reasonable question: What motivating factor prompted the United States Government to support the "big-power veto" in the voting procedure? It has been charged by a British writer, Gilbert Murray, that the veto was requested not only by an isolationist Russia but by an isolationist United States as well. Both nations, he declared, "demanded first the full privileges of isolation for themselves and secondly, a power of coercion over ordinary members of the League."¹ This responsibility for the insertion of the veto placed at the door of the United States Senate by Mr. Murray has found augmentation in the words of various personalities in the United States, individuals indeed, who have held such outstanding positions of authority as to lend an aura of authenticity to the argument.

How true is that hypothesis? It is very often difficult for the contemporary to cut the truth from the mass of propaganda purposely emitted to delude the public. Sometimes, the truth is obvious to such a degree as not to be discernible immediately; therefore, it is only after careful weighing of facts, analysis and calm deliberation that the scholar can approach a proximity of the

¹ From the League to the U.N., London, (1948), p. 157.

truth.

Was the United States and its Senate so expressive of isolationism during the years 1943 through 1945 that the planners in the State Department determined in their studies and deliberations that a "big-power veto" was vitally essential to the extent that it could not be hoped to acquire Senate ratification of a charter without it?

It might be revealing to make note of the situation in the Senate during those years when the opinions enunciated by the Senators and by the Senate as a whole conceivably could have had effect upon the decision made by those who directed the foreign policy of the United States that it was essential to support the unanimity principle. It might be interesting to survey the situation in the Senate to ascertain its relative value in determining the essentiality of the veto.

B. The Attitude of the United States Government Toward Unanimity.

1. Early Work of President Roosevelt and Secretary of State Cordell Hull.

As Europe stood on the threshold of another catastrophic war in the summer of 1939, the State Department saw the necessity for working toward the initiation of new forces to maintain peace. It was apparent that the League of Nations had not become the instrumentality for ending wars that its designers had hoped it would be. It has been maintained that a fundamental basis for the failure of the world to make complete use of the League was the absence therein of the United States.

In September 1939, England and France found themselves engulfed in the war with Germany, which within a matter of a few years was destined to plunge other nations into a Second World War. Almost immediately, President Franklin D. Roosevelt portrayed his own attitude and that of the State Department that the

United States should take the lead in the development of new forces of peace which would have power to write a finis to war.

It seems to me clear, even at the outbreak of this great war, that the influence of America should be consistent in seeking for humanity a final peace which will eliminate, as far as it is possible to do so, the continued use of force between nations.²

Almost immediately, organizations such as the Council on Foreign Relations in New York, the Federal Council of Churches of Christ in America and others manifested their interest in assisting in this endeavor. After messages were exchanged between the President and Pope Pius XIII, the Federal Council of Churches and the Jewish Theological Seminary of America in December 1939, the first step toward enlisting the assistance of the churches in working for a just and durable peace was accomplished.³ By the end of the year 1939, therefore, evidences had been created by the President, the State Department, leading church organizations and other groups that they at least were not isolationist, and they had indicated their hopes that the world could realize a peace that would be just and lasting.

Through the two years prior to the entrance of the United States into the Second World War, the State Department began and continued its organization of experts, its study and its research.⁴ Answers to communications sent to forty-seven neutral nations indicated that the majority of those states were willing to give full cooperation to the task of establishing stable international relations after the war.⁵ During the early part of 1941, the State Department

² Cordell Hull, Memoirs of Cordell Hull, II, New York, (1948), p. 1625. (Hereafter referred to as Hull, Memoirs).

³ Ibid., pp. 1625-1626.

⁴ Ibid., pp. 1625 ff; Clyde Engleton, "The Charter Adopted at San Francisco," American Political Science Review, XXXIX, (October, 1945), p. 934.

⁵ Hull, Memoirs, ibid., 1625 ff.

noted "numerous indications that other agencies of the Government were reaching out to assume responsibility for postwar planning,"⁶ and by May of that year, the State Department was visualizing the molding of a future world order, for in his radio broadcast of May 17th, Secretary Hull depicted that objective:

In the final reckoning, the problem becomes one of establishing the foundations of an international order in which independent nations cooperate freely with each other for their mutual gain--of a world order, not new but renewed, which liberates rather than enslaves.⁷

Before the United States found herself involved in the Second World War, she had indicated that she was progressing toward a policy of internationalism and hopes for a peace which would be world-wide and enduring, for could it be maintained that the people were hiding behind the illusion of isolationism while their chosen leaders were striving toward an opposite goal? Indeed, could the phenomenon be supported at all that the leaders of the United States are a power responsible to themselves alone? Said Leo Tolstoy, an eminent Russian philosopher and writer of the nineteenth century: "Power is the collective will of the people, transferred, by expressed and tacit consent, to their chosen rulers."⁸

It was brought out in Chapter II above that the attention of the President and the Department of State became focused in December 1941 upon the rising power in East Asia. As the postwar policy of Russia continued to be a riddle, and, as it was apparent that that Nation was rapidly becoming a great military power whose postwar policy was unknown, the State Department early determined

⁶ Ibid., p. 1631.

⁷ "Radio Address by the Secretary of State," State Department, Bulletin, IV, p. 575.

⁸ Leo Tolstoy, War and Peace, (The Inner Sanctum Edition), New York, (1942), p. 1323.

that, in plotting the course for international order, the Soviet Union of necessity had to be taken into account. This attitude of respect toward the strength of the Soviet Union was continually encouraged by the Military Chiefs of Staff who emphasized the importance of establishing and maintaining friendly relations with the Soviet Government.

It was believed by the designers in the Executive Branch of the United States Government that any international order capable of maintaining the peace of the world must have within its ranks all the major powers, for explained Secretary of State Hull, ". . . without an enduring understanding between these four nations . . . all organizations to preserve peace are creations on paper. . ."⁹ The problem of establishing friendly relations and collaboration between the Big Three with the objective of bringing the Soviet Union "into the fold" for international organization has been dealt with in the preceding chapter of this work.

Another major problem which faced the designers of the new plan was the solicitation of the wholehearted support of the United States Senate for the policy of international cooperation, for it was remembered by State Department officials that the Senate had defeated ratification of the Covenant of the League of Nations in 1920. Said Secretary Hull of the tasks which must be completed before the Dumbarton Oaks Conversations should commence: "We first had to be certain that Congress was with us, lest the tragedy of the League of Nations occur again."¹⁰

2. Development of Non-Partisan Policy.

From the time Japan attacked the United States at Pearl Harbor, Hawaii in December 1941, bringing the United States decisively into the war against

⁹ Hull, Memoirs, ibid., p. 1681.

¹⁰ Ibid., p. 1655.

the Axis, Mr. Roosevelt steadily intensified his determination that "we shall not repeat the tragic errors of ostrich isolationism."¹¹ Because of her pre-eminent position in world affairs, the President believed that the United States should be primarily obligated to insure the peace of the world for he argued that "In our own best interest, and in the name of peace and humanity, this Nation cannot, must not, and will not shirk that responsibility."¹²

As the President and the State Department were convinced that the United States must take an active part in the successful initiation of the potential international security organization, the approval of the Senate for the acceptance of that obligation amounted to a sine qua non. With the past to guide them, and with unusual adroitness and prescience, the President and his Secretary of State approached the vital question of the Senate. Motivated by the resolve not to commit the errors which had caused abuse to be heaped upon the Covenant of the League of Nations when it came before the Senate for ratification,¹³ certain lines of approach were evolved: First, the opposition party as well as the party in power had to be given a share in the planning and, secondly, the people had to be so educated and so made aware of the urgent need for establishing a peace artifice that fluctuations in public opinion detrimental to the scheme would be less likely.¹⁴ Under the first line of approach, it was deemed essential that there be a consistent striving toward the goal of non-partisanship in the field of foreign affairs. The Secretary of State preferred non-partisanship as bi-partisanship implied division rather than unity.¹⁵ Mr. Hull has declared

¹¹ The President's Annual Message to Congress quoted in State Department Bulletin, X, (January 15, 1944), p. 76.

¹² New York Times, October 22, 1944, p. 34.

¹³ Hull, Memoirs, op. cit., p. 1635.

¹⁴ Ibid., p. 1635.

¹⁵ Ibid., pp. 1690-1691.

that he worked harder to create non-partisanship than in any other phase of the effort to construct the international organization. "I have never argued more strenuously for any objective than I argued, not only with the Republicans but also with the Democrats, for keeping the United Nations organization completely out of politics."¹⁶ Although he strived to maintain cooperation between both major political parties as well as between Congress and the State Department insofar as foreign affairs was concerned from the time he accepted the Secretaryship in 1933, following the entrance of the United States into the Second World War, he doubled his efforts in the hopes of realization of a more complete accord on foreign affairs. In this connection, he selected Mr. Breckinridge Long, Assistant Secretary of State, as a liaison officer between the State Department and Congress. It was Mr. Long's responsibility to keep in contact with both the Democrats and the Republicans.¹⁷

A further move in this direction was made by the establishment under Presidential authority of an Advisory Committee on Postwar Foreign Policy during the latter part of December 1941. This Committee included outstanding personalities who were believed capable of working on international affairs, and it included both government officials and individuals from outside the Government. The members were Cordell Hull, chairman, Sumner Welles, vice-chairman, Norman H. Davis, Myron C. Taylor, Dean Acheson, Hamilton Fish Armstrong, Adolph A. Berle, Jr., Isaiah Bowman, Benjamin V. Cohen, Herbert Feis, Green H. Hackworth, Harry C. Hawkins, Mrs. Anne O'Hare McCormick, and Leo Pasvolsky.¹⁸ The Committee was set up with the objective of keeping in contact with agencies of the Government and non-governmental agencies which might contribute in some manner to a

¹⁶ Ibid. pp. 1698-1699.

¹⁷ Hull, Memoirs, ibid., p. 1696.

¹⁸ Ibid., pp. 1632-1633.

comprehensive consideration of the problems involved in postwar planning.

Through its chairman, the Advisory Committee was obliged to keep the President informed of recommendations on postwar planning. On September 12, 1943, Mr. Hull described the method the Government was employing in the effort to bring the State Department and the Congress together in the goal to establish a lasting peace:

In doing this work, we have had the collaboration of representatives of other interested agencies of the Government and of many national leaders without regard to their political affiliations. . . . In proceeding with this work, we envisage the fullest co-operation between the executive and legislative branches of the Government.¹⁹

As in 1916, manifestations of the favorable disposition of the minority toward cooperation in the endeavor to create an international security organization were early evidenced, and should not be overlooked in any attempt to evaluate the situation in the Senate during the years leading up to the ratification of the United Nations Charter. Almost immediately after the entrance of the United States into the war, Roosevelt's opponent in the presidential campaign of 1940 joined with him in the struggle to unite the American people. Further to aid, Wendell L. Willkie wrote a treatise on the need for global unity. His One World early made the best-seller lists, and it was indicative of the awakening interest of the American people in the new promise of building an international security organization that Mr. Willkie's book sold rapidly for many weeks from coast to coast.

It is not known what measure of influence Wendell Willkie had in determining his party's policies; however, it was evident that the Republican Party as well

¹⁹ "Our Foreign Policy in the Framework of Our National Interests," (radio address), Department of State, Bulletin, LX, (September 12, 1943), p. 178.

²⁰ Wendell L. Willkie, One World, New York, (1943).

as the Democratic was progressing toward a policy favoring internationalism. During the summer of 1943, some of the Republican members of the Senate Committee on Foreign Relations²¹ drafted a resolution on foreign policy which was subsequently adopted at Mackinac Island in early September 1943 at the meeting of the Republican Post-War Advisory Council. The Mackinac Resolution called for:

. . . responsible participation by the United States in post-war cooperative organization among sovereign nations to prevent military aggression and to attain permanent peace with organized justice in a free world.²²

As early as January 1943, it became apparent that the non-partisan approach was bringing Congressional leaders together in a combined force to effect the eventual participation of the United States in the proposed international order. Throughout that year, the campaign to obtain the consent of the Senate in favor of American cooperation in building a world security organization appeared to be a matter of the utmost importance in the halls of Congress, and the campaign visibly gained ground. Legislative efforts to place the United States on record in support of such participation began as the 78th Congress convened. At least a dozen resolutions were introduced in the Senate and several also were introduced in the House of Representatives.²³ The introduction of resolutions by leaders of the minority, the so-called "isolationist" Republican Party, showed that the purpose was a united one.²⁴

²¹ Senator Vandenberg of Michigan and Senator Austin of Vermont were particularly active in the drafting of the resolve adopted by the Republicans at Mackinac Island. Congressional Record, LXXIX, (October 28, 1943), p. 8845.

²² Loc. cit.

²³ Leland M. Goodrich and Marie J. Carroll, Documents on American Foreign Relations, 1943-1944, Boston, (1945), VI, p. 316; see also Congressional Record, LXXIX, (October 28, 1943), p. 8843 ff.

²⁴ Ibid., p. 8844.

Perhaps the most important resolution to be ushered into the House of Representatives came from the Democratic Representative from the State of Arkansas, J. William Fulbright, on June 15, 1943.²⁵ As the Fulbright Resolution stands in the Congressional Record, it reads:

Resolved, by the House of Representatives, (the Senate concurring), That Congress hereby expresses itself as favoring the creation of appropriate international machinery with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring participation by the United States therein through its constitutional processes.²⁶

The Fulbright Resolution greatly cheered Secretary Hull when it passed the House on September 21, 1943, for this together with the Mackinac Resolution adopted earlier the same month by the Republicans, "was strong backing for the issue of an international organization which (he) expected to press at Moscow."²⁷ Furthermore, these two resolves showed that the non-partisan policy was succeeding, for said Secretary Hull:

It was a far cry from 1919 and 1920 when the Senate rejected the League of Nations, and from 1935 when the Senate rejected our participation in the World Court. Now at long last Congress was coming to support the view I and others in the minority had fought for during two decades and a half, that a world organization was necessary, and that it could not function effectively unless the United States was a member.²⁸

On October 14, 1943 Senate Resolution 192 was submitted by Senator Tom Connally, Democrat from Texas,²⁹ and was referred to the Committee on Foreign Relations of which Senator Connally was Chairman. After debates and proposals

²⁵ Ibid., (June 15, 1943), p. 5934.

²⁶ Ibid., (September 21, 1943), p. 7724; ibid., (October 28, 1943), p. 8844.

²⁷ Hull, Memoirs, op. cit. pp. 1258-1259.

²⁸ Ibid., p. 1259.

²⁹ Congressional Record, ibid., (October 28, 1943), p. 8841.

for amendments, the final vote on November 5 showed an almost unanimous approval of the amended Resolution 192, the result being announced as yeas 85, nays 5, not voting 6. The Connally Resolution reads:

Resolved, . . . That the United States, acting through its constitutional processes, join with free and sovereign nations in the establishment and maintenance of international authority with power to prevent aggression and to preserve the peace of the world.

That the Senate recognizes the necessity of there being established at the earliest practicable date a general international organization, . . . for the maintenance of international peace and security.

That, pursuant to the Constitution of the United States, any treaty made to effect the purpose of this resolution, on behalf of the Government of the United States with any other nation, or any association of nations, shall be made only by and with the consent of the Senate of the United States, provided two-thirds of the Senators present concur.³⁰

The Connally Resolution heralded Hull's return from the Moscow Conference with further assurances that the United States was now ready to accept her responsibilities in connection with insuring world peace, and it came just in time "to strengthen Roosevelt's hand"³¹ as he left the United States for his first meeting with Stalin at Teheran, for it gave notice to Stalin, Churchill and the rest of the world that "in the settlement of the Second World War, . . . Roosevelt had the backing of the legislative branch which Wilson had so disastrously lacked."³²

The compelling force of the attack by Japan at Pearl Harbor in December 1941 had brought to the American people, who had felt safe and secure in their land made impregnable by the Pacific and the Atlantic Oceans, the startling revelation that hereafter, those moats would furnish an exiguous protection, if any. This fear of an insecure existence in future days coupled with and

³⁰ Ibid., (November 5, 1945), p. 9222.

³¹ Robert E. Sherwood, Roosevelt and Hopkins, an Intimate History, New York, (1948), p. 757 (hereafter referred to as Sherwood, Roosevelt and Hopkins).

³² Loc. cit.

nurtured by the pleas for international order which came from the President, his Secretary of State and other national figures had found expression by the American people in those resolves which were accepted by overwhelming majorities by the Legislative branch of the Government.³³ The hard work, the planning and the methods employed spelled unity, and had borne results. It was a "tribute to the political leaders who realize that the national interest demands a national program now," said Mr. Roosevelt.³⁴ The American Senate, quite the opposite from expressing complacency and isolationism, were willing to accept their role in the attainment of international peace, for they had declared their desire to plan, to build, and then to accept their responsibilities in an international structure and they said that that structure should have ". . . power to prevent aggression and to preserve the peace."³⁵ They had expressed no interest in an impotent organization; they had indicated their wish that the proposed international organization should have the strength to protect its reason for being--

³³ During the debates in the Senate concerning the adoption of such resolves, Senator Pepper of Florida referred to ". . . a poll taken by the American Institute of Public Opinion. . . and the question was, 'Should the Government take steps now, before the end of the war, to set up with our allies a world organization to maintain the future peace of the world?'

The poll was taken on March 23 (1943) and showed this result: the national response was, 'Yes,' 64 percent, 'No,' 24 percent, 'No opinion,' 12 percent. among Democratic votes the vote was 65 percent 'Yes,' 23 percent 'No,' and 12 percent 'No opinion,' and among the Republican voters 63 percent voted 'Yes,' 28 percent, 'No,' only 3 percent difference, and 9 percent 'No opinion,' only 3 percent difference.

. . . this question was asked (also), 'After the war, do you think the United States should stay out of world affairs or take an active part in world affairs?' The national response was 76 percent for taking an active part, 14 percent to stay out, 10 percent no opinion. Among the Democrats, 78 percent voted that we should take an active part, 12 percent to stay out, 10 percent no opinion, and among the Republican voters 76 percent, practically the same, to take an active part, 15 percent to stay out, 9 percent no opinion." Congressional Record, ibid., (October 26, 1943), p. 8729.

³⁴ Department of State, Bulletin, X, (June 17, 1944), p. 552.

³⁵ Cf., Connally Resolution, p. 81 supra.

the peace of the world.

Within a matter of a few days after the passage of the Connally Resolution, President Roosevelt advanced to the Soviet leader at Teheran, the subject of an international order with power to keep the peace, and according to those who were "in the know" including Premier Stalin, the Big Three there agreed that in the years of peace that were to follow the war, the Big Three were determined to work in concord.³⁶ Immediately following the President's return from Teheran, the Secretary of State was consulted on agreements reached at the Big Three meeting, and the first draft of the American proposals for the proposed international order was outlined. Mr. Hull has declared that the final draft submitted in August to the Dumbarton Oaks conference was substantially the same as this earlier draft.³⁷

Recalling the tragedy of the League of Nations,³⁸ Secretary Hull himself conferred with four Democratic Senators of the Senate Committee on Foreign Relations, Connally, Markley, George and Gillette, and four Republican members, Vandenberg, La Follette, White and Austin, just prior to the Dumbarton Oaks Conversations in well-planned and diplomatic moves to retain and strengthen the corroboration of the Senate with the Executive Branch in the plans to mold the new order. The first meeting of which Mr. Hull relates occurred on April 25, 1944, and there the Secretary of State gave these leaders of the Senate copies of the draft prepared by the State Department to be submitted to the major

³⁶ Cf., portions of Teheran Declaration, quoted Chap. II, pp. 49-50 supra; cf., Chap. II, p. 49 and pp. 60-61 supra, Hull, Memoirs, ibid., pp. 1700-1701.

³⁷ "Practically all the points contained in this draft were later embodied in the proposals we submitted to the Dumbarton Oaks Conference." Ibid., p. 1649.

³⁸ Ibid., p. 1655.

powers at Dumbarton Oaks. There appears to have been no discussion at all on the question of unanimity at that time. The question was however, aired in a later meeting of the same eight Senators and Mr. Hull on May 12, 1944.³⁹ As the important question of this chapter is to determine the relative value of the attitude of the Senate toward the veto in the final decision of the United States Government to support that voting procedure, it is interesting to note that in the meeting of May 12, 1944 when the question first arose, the Senators expressed doubts and apprehensions concerning the particular point of the veto second only to their fears for a good peace. It is curious that during his talk with the Senate leaders, Mr. Hull reasoned with them to support the veto.⁴⁰

In the strengthening of nonpartisanship, it was deemed essential by the Secretary of State that the problem of building the international order should be kept out of the domestic political campaign of 1944, and he consequently pleaded to that end with the opposition Republican candidate for the presidency, Governor Thomas E. Dewey of New York and his adviser on foreign affairs, Mr. John Foster Dulles. Both men promised full cooperation in keeping the international question out of the campaign.⁴¹ Mr. Roosevelt, however, made numerous appeals to the anti-isolation flank of the Republican Party, which group he believed strong enough to decide the election. Senator Joseph H. Ball, spokesman for that wing of the opposition party, declared publicly and privately (to Harry Hopkins, personal adviser to the President) that he:

. . . would give his support to whichever candidate took the firmest, most unequivocal position on the cardinal issues relating to the postwar organization; the most important of these was the question as to whether the United Nations would have the authority to commit the United

³⁹ Ibid., p. 1658.

⁴⁰ Ibid., pp. 1662-1664; cf., pp. 91-92 infra.

⁴¹ Ibid., p. 1693.

States to the use of armed forces in emergencies without waiting for an act of Congress.⁴²

The reelection of Mr. Roosevelt for a fourth term was believed by some experts to be due to the stronger appeals made by him on internationalism; in other quarters, the results of the November 1944 election was heralded as the defeat of isolationism.⁴³ Despite his reelection, President Roosevelt did not forget the importance of maintaining friendly cooperation with the minority party in the final success of the international plan, and that factor figured highly in his selection of Edward R. Stettinius, Jr. to succeed Mr. Hull,⁴⁵ and in his selection of the delegates to represent the United States at the San Francisco Conference where the United Nations Charter finally was to be evolved. Numbered among the delegates were Senator Tom Connally, Democratic Senator from Texas and Chairman of the Senate Committee on Foreign Relations, Senator Arthur H. Vandenberg, Republican from Michigan, Commander Harold A. Stassen, U.S.N.R., a prominent Republican and former Governor of Minnesota, Dean Virginia Gildersleeve of Barnard College, representing the element of the American women, Representative Sol Bloom, Democratic head of the House Committee on Foreign Affairs and Representative Charles A. Eaton, Republican from New Jersey, and minority leader of the Foreign Affairs Committee.⁴⁶

⁴² Sherwood, Roosevelt and Hopkins, op. cit., pp. 825 ff.

⁴³ Ibid., pp. 822-827.

⁴⁴ Washington Evening Star, David Lawrence, "Strange Alibi Seen on Oaks Commitment," reprinted in Appendix to Congressional Record, XCI, (March 13, 1945), pp. A1162-A1163.

⁴⁵ Mr. Roosevelt resisted the desire to appoint Sumner Welles as it was believed that such a move would have been regarded by Congress as a direct affront to Mr. Hull and therefore, would have provoked resentment on Capitol Hill. Sherwood, Roosevelt and Hopkins, ibid., pp. 834-835.

⁴⁶ New York Times, February 14, 1945, p. 1.

3. Justification for United States Support of the Veto.

Prior to the divulgence of the American draft for the proposed international organization to the eight Senators (representatives of both parties in the Senate Committee on Foreign Relations) on April 23, 1944, the Senate had been outspoken in its determination to support the participation of the United States in the proposed order to keep the peace. It will be recalled that during the fall of 1943 and just prior to the Conference of the Big Three leaders at Teheran, the Connally resolve was approved by the Senate, not by a mere narrow margin but rather just failed of unanimity.⁴⁷

The American people had been historically isolationist; from the days of Washington they had avoided foreign entanglements and they were "subject to quick reactions in public opinion."⁴⁸ Now the pulse of the masses in the quickened surge of popular opinion in support of a new role for the United States, a role of international cooperation, had manifested itself in the Connally and Fulbright Resolutions, and had indicated that the United States had deserted its historical policy of isolationism.

In view of the fact that the Senate has been held responsible for the insertion of the veto in the first drafts drawn up by the State Department for the tentative proposals for an international organization, and for each increase of the veto power until its final interpretation was accepted reluctantly by the United Nations conferees at San Francisco, the question should be deliberated: Now that their long-protective frontiers were no longer capable of granting a sense of security, did the American people desire safety in an

⁴⁷ Cf., pp. 80-81 supra.

⁴⁸ New York Times, March 3, 1945, Anne O. McCormick, "Decisive Phase of Campaign for Collective Security," p. 12.

international order with "power to keep the peace," without the will to put up the necessary stakes to make safety possible? While the enunciations of policy expressed in the Connally and Fulbright Resolutions were evidence that the United States Senate had no intention of giving blanket approval to any formula which might be designed or agreed to by the Executive Department, there was no limit set by that body upon its readiness to allow American participation in the creation and maintenance of a new world organization other than the statement (which merely reiterated the powers of the Senate under the Constitution), that: ". . . any treaty made to effect the purpose of this resolution (Connally) shall be made only by and with the advice and consent of the Senate. . . , provided two-thirds of the Senators present concur."⁴⁹

This does not in itself lend credence to an indication of Senate reluctance to concede a measure of the sovereignty of the United States in the interest of the potential organization, for declared Senator Warren Austin, Republican from Vermont and member of the Senate Committee on Foreign Relations:

. . . it would be to stultify the Government of the United States to say that because we are a sovereign State, we cannot enter into a treaty with our neighbors and suspend for a time being some particular function of government in consideration of the other government suspending a corresponding function.⁵⁰

It should be noted that in the molding of any bi-lateral or multi-lateral agreement, one nation cannot concede more of its sovereignty than the other participants therein, or as a consequence, the nation which gives away its sovereignty lies in danger of suffering the loss of its identity. One nation cannot grant more in the interest of agreement than the other nations are willing

⁴⁹ Cf., p. 81 supra.

⁵⁰ Congressional Record, LXXXIX, op. cit., (October 28, 1943), p. 8850.

to concede. Acting Secretary of State Clegg in February 1945 declared, ". . . we must seek what is desirable within the realm of the attainable,"⁵¹ shortly before the voting formula was made known to the world.

The problem of voting had not been thoroughly discussed at Teheran,⁵² and there were no political conferences of the Big Three, nor their Ministers, nor any specially assigned plenipotentiaries held during the period intervening between the Conference at Teheran and the convocation of the Dumbarton Oaks Conference in August 1944, but Cordell Hull has revealed that the United States was already committed to the principle of unanimity and the veto before the Dumbarton Oaks Conventions convened.⁵³ Stalin was dogmatically insistent on that point,⁵⁴ and as the building of unanimity had been the compelling motivating force behind the construction of a United Nations organization, in the interest of unanimity held so vital to the plan, it was unquestionably important that the United States should find an issue upon which she could support the unanimity principle or the plan could never have proceeded beyond the stage of conception.

It will be remembered that almost immediately after the President's return from Teheran, he conferred with his Secretary of State and shortly thereafter, the first draft of the American proposals was drawn up by the Department of State. This first draft, declared Mr. Hull, was substantially the same as the later one presented to the other Governments at Dumbarton Oaks. In its plan

⁵¹ "Pioneering the Peace," Department of State, Bulletin, XII, (February 18, 1945). p. 293.

⁵² Cf., words of Elliott Roosevelt quoted Chap. II, p. 49 supra and of President Roosevelt, Chap. II, p. 54 supra.

⁵³ Hull, Memoirs, ibid., p. 1469.

⁵⁴ Ibid., pp. 1700-1701.

submitted to the representatives of Great Britain, the U.S.S.R. and China at that time, the State Department upheld the unanimity principle and supported a veto as it applied to:

. . . the final terms of settlement of disputes; the regulations of armaments and armed forces; the determination of threats to the peace, of breaches of the peace, and of acts obstructing measures for the maintenance of security and peace; and the institution and application of measures of enforcement.⁵⁵

In defense of this insertion of the veto, Cordell Hull has expounded his belief that the Charter might fail to meet Senate approval if a veto were not given the United States over enforcement action. He has written that he did not forget the fact that the United States had rejected the old League of Nations because of the "erroneous assumption" that the League could, without the consent of the United States Congress, use the military forces of the United States in enforcement of peace. His fear that the Congress in power during the Second World War would suddenly revert from its pronounced policy of internationalism to the old policy of isolationism adhered to during Wilson's days, was enhanced by advice given him by his associates and advisers in the State Department. Mr. Hull has argued that he and his associates especially "sounded out" the attitude of the Senate toward the theory of unanimity and the veto, and that through that process of sounding-out, they had come to the conclusion that on the particular point of impairing Congress' prerogative to declare war or the President's prerogative to direct the movement of American forces: ". . . there was not a chance for us to make any advance with a large number of leading members of both Houses of Congress and with many influential groups and persons in the country."⁵⁶

⁵⁵ Ibid., pp. 1652-1653.

⁵⁶ Ibid., pp. 1662-1663.

An augmentation of the Hull argument has been made by the Council on Foreign Relations whose president, Norman H. Davis, was a member of the Advisory Committee in the State Department during the pre-Charter days. Declared that body, the "United States was not ready to give up the right to determine for itself what should be done in a situation involving the possible use of its forces."⁵⁷ The Council on Foreign Relations intimated that it was the Senate who determined the unwillingness of the United States in this instance: "If the Soviet Government wanted safeguards, so did the U.S. Senate."

In a statement made before the American Association for the United Nations in May 1948, Sumner Welles, who was co-chairman of the Advisory Committee, argued in the same vein:

Resolutions are introduced in the Congress intended to bring about the immediate amendment of the United Nations Charter so as to provide for the elimination of the veto, although the authors of these resolutions apparently forget that the Congress itself would never have ratified the present Charter unless the United States had been accorded precisely that veto right which it is now desired to eliminate.⁵⁸

Just who these influential members of Congress and leading groups and persons were, it would be difficult to ascertain. It is curious to note that neither Cordell Hull nor his associates in the Advisory Committee have been specific concerning which Senators and influential leaders in the Nation would have caused the defeat of the Charter without the "saving clause"⁵⁹ of the veto,

⁵⁷ The United States in World Affairs, 1945-1947, New York and London, (1947), p. 30.

⁵⁸ Remarks of Sumner Welles, Honorary President, American Assn. for the United Nations, Before Organization Representatives Meeting Called by AAUN, Thursday, May 27, 1948, Hotel Waldorf Astoria, New York City, 8:30 p.m., New York, (1948), p. 13.

⁵⁹ ". . . one reason for insisting on the veto is that the United States would be the last to ratify a charter if it did not contain this saving clause." New York Times, May 30, 1945, Anne O. McCormick, "San Francisco and the Crisis in the Levant," p. 18.

nor have they intimated whether those consultations were held before or after the Conference at Teheran (conceivably they should have been held before Teheran to have had any appreciable effect upon the original commitment to the unanimity principle), nor have they mentioned the approach used by themselves when they "sounded out" the Senators.⁶⁰

The first meeting noted by Secretary Hull with leading Senators of the Senate Committee on Foreign Relations, occurred on April 25, 1944; there the Secretary of State gave the Senators copies of the draft of the tentative proposals to be presented to the other major powers at Dumbarton Oaks.⁶¹ Mr. Hull has recorded no discussion of the subject of unanimity at that time. In a later consultation held on May 12, 1944, the Senators raised protests and doubts concerning the desirability of the veto, second only to their apprehensions for a good peace. This factor apparently did not lessen the State Department's fear that the Senate might use the lack of a veto as a talking-point to defeat the Charter. In answer to the Senators' protests, Secretary Hull pleaded with them to support the veto. He emphasized that the United States would not remain in an untried world organization for one day⁶² without a veto as a safeguard,⁶³ and he declared that:

Without it the United States would not have anywhere near the popular support for the postwar organization as with it in, any more so

⁶⁰ Letters written by the writer to former Secretary of State, Stettinius and John Foster Dulles were forwarded by those men to the State Department with requests for answer. As the State Department found it impossible to explain either when the principle of unanimity was made known to the Senate or the Senate's reaction, the writer finds it possible that that information may be regarded as a secret, and cannot yet be divulged by the State Department.

⁶¹ Cf., p. 83 supra.

⁶² Hull, Memoirs, ibid., pp. 1662-1664.

⁶³ Ibid., p. 1662.

perhaps than in 1920. We might as well recognize that this is about the best that can be done as a beginning, and that it would be inadvisable to throw out this veto power for each of the four large nations, and especially the United States. We should not forget that this veto power is chiefly for the benefit of the United States in the light of the world situation and of our own public opinion. We cannot move any faster than an alert public opinion in perfecting a permanent peace organization, but we should not be deterred for an instant from pursuing the sole course that is open, the alternative being international chaos such as we have had heretofore.⁶⁴

Taking into account Mr. Hull's assertion that the veto principle was inserted into the draft because only then "could we hope to obtain Congressional approval of United States membership in the international organization,"⁶⁵ the statement above at once appears paradoxical to the writer. In the first place, Secretary Hull made those remarks to the leaders of the Senate, who supposedly are alert to and incidentally, expressive of public opinion themselves. In the second place, he informed them that it was "the sole course that is open" which intimated that agreement had been reached on that point. Indeed, the Government of the United States was committed to the unanimity principle (and its necessary by-product, the veto), and had been since the Conference at Teheran in November, 1943. The discussion above referred to occurred five months later. A renunciation of that theory (regardless of the views of the Senate on that subject) would have been tantamount to other renunciations of pledged words. Such an abjuration could not have been allowed in the struggle to build unity among the Three deemed essential to the plans for international cooperation among them for maintaining peace. The evidence further reveals that the State Department did not argue against the veto at any time, nor promote public opinion adverse to that policy, but rather pleaded the pros instead of the cons when debating that problem. These facts lead to the

⁶⁴ Loc. cit.

⁶⁵ Ibid., p. 1683.

conclusion that the dread of a Senate reversal of its announced policy of cooperation with the peace movement was so pronounced that it was feared that the mere mention of a charter without a veto would in itself have resulted in the feared reversal, or the reasonable deduction is promoted that fundamentally, there were more feasible reasons which necessitated the stand of the State Department in favor of the principle of unanimity. A substantiation of the latter conclusion is afforded by Mr. Hull's own statement concerning the deadlock at Dumbarton Oaks: ". . . our difference was not over the veto as such, to which the United States was as much committed as Russia. . . ." ⁶⁶ It has already been brought out in this connection that the United States conceived a plan which they hoped would be acceptable to all the major nations at that time. ⁶⁷

As the United States was already pledged to the principle of unanimity before the conferees assembled at Dumbarton Oaks, and whereas the Department of State specified in her draft submitted there that the veto be used in the instance of enforcement action and sanctions only, it appears that the veto as it was finally interpreted at San Francisco was not impelled by the demands of the United States Senate but rather by the compulsive force inherent in the plan itself. The Big Three had of necessity to act in concertence or any design for peace would have been corrupted by impotency.

The fallacy and invalidity in the explanations which have been given for the ultimate insertion of the veto that it was designed for the pacification or mollification of the Senate, lies not in the plausibility of that explanation as it pertained to enforcement action, but rather in using that reasoning as a justification for the veto in totum. The veto, as it finally evolved, covered

⁶⁶ Ibid., p. 1469.

⁶⁷ Cf., Chap. II, pp. 33-54 supra.

many phases of the work in the Security Council, and those who gave the fear of the Senate as an excuse for the support of the United States Government for each increase of that power, were correct only insofar as the vote on enforcement action was concerned; but, in juxtaposition, the underscoring motive was unity. It was essentially expedient that the United States should find an issue upon which she logically could support the theory or the project for peace could not have gone beyond the planning stage. The President and the Department of State, whatever their political guide to the attitudes of the public and of the Senate, were indubitably correct in ascertaining that the issue which the Senate might view as important enough for the requirement of unanimity was the ultimate action which could be taken to settle disputes--enforcement measures.

Support of the Secretary of State's argument came while the Conversations at Dumbarton Oaks were in progress. In a letter written to Mr. Hull on August 29, 1944, Senator Arthur H. Vandenberg, Minority Leader of the Senate Committee on Foreign Relations, posed the question of what should be done in the event that the American delegate on the Security Council voted for enforcement action. That, argued Senator Vandenberg, would be about the same as a declaration of war and he could not perceive how that could be done without Congressional consent.⁶⁸ A poll conducted by the New York Times and published during the Conference in the Crimea revealed that others shared Senator Vandenberg's position. Although this poll concerned primarily a proposal by Senator Vandenberg to conclude treaties immediately to demilitarize Japan and Germany, the poll disclosed that some of those who supported Senator Vandenberg's proposal on demilitarization treaties also held the opinion that the American delegate to the Security Council should not have the power to commit American forces to action without

⁶⁸ Hull, Memoirs, op. cit., p. 1695.

the consent in each instance of Congress.⁶⁹ This problem had been solved satisfactorially, however, at Dumbarton Oaks where it was decided that armed forces should be made available to the Security Council through special arrangements by each respective state subject to ratification according to its constitutional processes.⁷⁰ The fact that this question especially concerned the execution of a vote rather than the act of voting itself does not alter the implication which could be drawn from an expansion of that argument. If some of the Senators were unwilling (before the problem was solved) that the Delegate representing the United States should have power to commit American troops to action, it is not beyond the bounds of logic to assume that those same Senators and probably more would have been less pleased to permit other nations on the Security Council the power to bind American forces to action without at least the concurring vote of the American delegate.⁷¹

It has been brought out in Chapter II above that a compromise solution was devised by the Department of State in an attempt to break the stalemate which had presented itself at Dumbarton Oaks. This solution deviated from the original American plan to the extent that the United States declared itself now willing that a permanent member could vote in its own name if sanctions or enforcement action were implicated. In explaining the reasons behind the formula, individuals have intimated that this further increase of the "big-power veto" enunciated in what became known as the "Walta voting formula," was the fear

⁶⁹ New York Times, February 4, 1945, "Senate Majority Backs Vandenberg; Survey by the Times Shows Wide Support for Pact Now on Germany and Japan," p. 20.

⁷⁰ Hall, Memoirs, ibid., pp. 1696-1698.

⁷¹ cf., Chap. I, pp. 31-32 supra.

of the Senate,⁷² inferring thereby that the Senate had increased its demands for a more extensive use of the veto.

As Mr. Roosevelt had just won the presidential election and precisely so, some experts have said, because he made even stronger appeals on internationalism than his opponent,⁷³ and, further, as no evidence has been found that the Senate had given any indication that it would or might renounce its policy that the United States should work toward the early establishment of an international peace structure, which policy it had announced without any qualification whatsoever of requesting for the United States a veto in such an organization, such a deduction does not appear to be based on sound deliberation and cannot be substantiated except by inferences and intimations to that effect.

Indications made by the Senate just prior to the Yalta Conference appear to the writer to be a reassertion and strengthening of American cooperation rather than the reverse. During a debate in the Senate on January 10, 1945, Majority Leader of the Senate Committee on Foreign Relations, Tom Connally asked: ". . . is there any doubt among all the peoples of the earth that the United States is earnestly devoted to international peace?"⁷⁴ On the same occasion, the leader of the Republicans in the Senate Foreign Relations Committee, Arthur H. Vandenberg queried in reference to an implication made by Mr. Churchill that the foreign policy of the United States was still in doubt: ". . . what shall we say that we have not already said in the Connally resolution. . . and the Dulbright resolution. . . and in the presidential utterances?"⁷⁵ He further

⁷² Sherwood, Roosevelt and Hopkins, op. cit., pp. 854-855.

⁷³ Ibid., pp. 822-827.

⁷⁴ Congressional Record, XCI, Part I, (January 10, 1945) p. 168.

⁷⁵ Ibid., p. 165.

declared that:

I want maximum American cooperation, consistent with legitimate American self-interest. . . to make the basic idea of Dumbarton Oaks succeed. I want a new dignity and a new authority for international law. I think American self-interest requires it.⁷⁶

Senator Wiley, another Republican member of the Foreign Relations Committee depicted his opinion that:

. . . the House in adopting the Fulbright resolution and the Senate in adopting its resolution months before the holding of the campaign, (the political campaign of 1944), definitely indicated by almost unanimous vote, in this body (the Senate) at least, their position in relation to collaboration. All the smoke screens since must have been for some diabolical purpose.⁷⁷

In an address before the Town Meeting of the Air in New York on January 12, 1945, Senator Charles W. Tobey of New Hampshire argued that:

Coming events will prove whether or not the world is ready for a real peace. There are obstacles in the pathway. Some of the strongest nations are approaching the matter with reservations, and from a standpoint of self-interest. We need to learn the great lesson of interdependence.

Each of the Allied Nations must be willing to surrender some of its prerogatives for the common good, or else we shall fail.⁷⁸

An indication that the Senate was prepared to go farther than was desirable or feasible in the light of the situation with the Soviet Government and that Government's demands for an all-inclusive veto, was manifested by the President himself in his annual State of the Union Message to the Congress on January 6, 1945, in which he contested the trend toward what he designated "perfectionism."

Perfectionism, no less than isolationism or imperialism or power politics, may obstruct the paths to international peace. Let us not forget that the retreat to isolationism a quarter of a century ago was started not by a direct attack against international cooperation, but against the alleged imperfections of peace.⁷⁹

⁷⁶ Ibid., p. 166.

⁷⁷ Ibid., p. 172.

⁷⁸ Quoted in Appendix to Congressional Record, XCI, pp. A222-A223.

⁷⁹ Department of State, Bulletin, XII, (January 7, 1945), p. 26.

A further intimation that the United States was far from isolation (and the veto is a personification of isolationism) came from the same address by the President:

In August 1941, Prime Minister Churchill and I agreed to the principles of the Atlantic Charter, these being later incorporated into the Declaration by United Nations of January 1, 1942. At that time certain isolationists protested vigorously against our right to proclaim the principles--and against the very principles themselves. Today, many of the same people are protesting against the possibility of violation of the same principles.⁸⁰

These remarks by the President of the United States to the Congress, shortly before the Yalta Conference are inexplicable in view of the explanations to the effect that because of the desire to pacify the Senate, Mr. Roosevelt believed it necessary to adhere to a formula of voting in the Security Council which would give the United States a veto over enforcement action. These words by the President who had worked diligently and continuously to unite the Nation behind the program of international cooperation, and who, in fact, had done so, as evidenced by the Fulbright and Connally Resolutions, by the apparently successful approach to a nonpartisan policy in foreign affairs,⁸¹ and by the just concluded general election of 1944,⁸² are strange and curious until it is recalled that the compromise solution (which involved the allowance of a veto over enforcement action even in those cases in which a permanent member were involved) had been submitted to the Governments of Great Britain and the

⁸⁰ Loc. cit.

⁸¹ In a speech made in New York City on November 4, 1944, Governor Dewey said: "American participation in a world organization for peace can only be built by a President and a Congress--Republican and Democrat alike--working together in harmony and respect." quoted in "The Republicans Speak," Free World: An International Magazine for the United Nations, (December 6, 1946), p. 17.

⁸² Sixteen of the new Senators sent a letter to the President in January, 1945 declaring their adherence to the policy of American participation in a world security organization. Department of State, Bulletin, XII (January 7, 1945), p. 121.

U.S.S.R. a month earlier.⁸³

Mr. Robert L. Sherwood, a friend of the President and the President's close adviser and associate, Harry L. Hopkins, has written of this paradox that the:

. . . most important criticisms came not from the irreconcilable isolationists but from the "perfectionists" who wanted the peace to be pure and unadulterated, and it was this criticism which irritated Roosevelt most acutely--perhaps because he himself was a perfectionist at heart.⁸⁴

Actually, the deviation of the State Department from its stand made at Dumbarton Oaks was prerequisite for further Soviet cooperation in the peace movement.⁸⁵ That Government had made clear her demands through her representative, Andrei A. Gromyko at Dumbarton Oaks,⁸⁶ and the disallowance of the right of veto for the permanent members in issues where enforcement action was concerned was negated by Soviet insistence on that prerogative. In the formula agreed upon at Yalta, the Soviet Government, however, compromised her former position to agree that during the pacific settlement of disputes, no ballot by any member involved should be counted.

As evidence of the supreme importance which the President attached to the successful initiation of the United Nations, he went at once, upon his return from the Crimea where the "Yalta voting formula" had been formally agreed upon by the Big Three leaders, to report to the Congress, and he said: "I am confident that the Congress and the American people will accept the results of this

⁸³ Cf., Chap. II, p. 63 supra.

⁸⁴ Sherwood, Roosevelt and Hopkins, op. cit., p. 275.

⁸⁵ Cf., Chap. II, pp. 51-61 supra.

⁸⁶ Cf., Chap. II, p. 61 supra.

Conference as the beginnings of a permanent structure. . . ."87

The public as yet did not know the extent of the agreements reached between the Big Three leaders, and news reports indicated that Congress itself had little knowledge of the content of the Yalta voting formula. Although at this early date, Congress was reported to have praised in general the President's report from Yalta: "The President's observation that it was not yet possible to announce the arrangements made at Yalta for voting in the World Security Council was perhaps the most criticized part of his report."⁸⁸ Robert E. Sherwood has written his observation that:

After this speech, disillusionment began to set in. . . . There was some question as to why this could not have been announced before--and there began to be speculation as to whether there were other secret agreements as yet unrevealed.⁸⁹

During the period intervening between the close of the Crimea Conference on February 11, 1945 and the announcement of the voting formula, the President and the Department of State, however, did attempt to set the stage for the possible repercussions which might be effected by its release. It is curious that their statements were directed not toward isolationists, but rather toward the so-called "perfectionists." On February 18, the Under-Secretary of State, Mr. Grew declared:

Without a sense of realities, we shall lose ourselves in a maze of wishful thinking and impractical perfectionism. We must shape our world peace structure, as best we may, with the tools at hand, inflexibly determined that whatever its original imperfections, it must be made to work. . . . My point is that we must seek what is desirable within the realm of the attainable. . . . One thing we must realize is that perfection will not

⁸⁷ New York Times, March 2, 1945, "Report of President Roosevelt in Person to the Congress on the Crimea Conference," (text), p. 2.

⁸⁸ Ibid., p. 13.

⁸⁹ Sherwood, Roosevelt and Hopkins, op. cit., p. 875.

came overnight.⁹⁰

In his report to the Congress, the President himself minimized the differences which had existed between the Big Three Governments on the subject of voting in the Security Council, for he declared that:

. . . there was the settlement of the few differences which remained among us with respect to the international security organization after the Dumbarton Oaks Conference. As you remember at that time, I said afterward we had agreed 90 percent. I think the other 10 percent was ironed out at Yalta.⁹¹

To the "perfectionists," he explained:

It cannot be a structure of complete perfection at first. . . . No plan is perfect. Whatever is adopted at San Francisco will doubtless have to be amended time and again over the years, just as our own Constitution has been.⁹²

Early in March, Under Secretary of State Clegg again suggested the Administration's awareness of the "perfectionists": ". . . whatever plan may eventually emerge from the Dumbarton Oaks Proposals, we can't afford to turn it down because it isn't perfect. We can't expect anything 100 percent to our liking"⁹³ He added that: "The choice is not between an organization along the lines of the Dumbarton Oaks Proposals and some ideal formula. It is between such an organization and no organization at all on a world-wide basis."

Secretary of State Stettinius announced the Yalta voting formula from Chapultepec on March 5, 1945.⁹⁴ American public opinion reacted violently to

⁹⁰"Pioneering the Peace," Department of State, Bulletin, XII, (February 18, 1945), p. 223.

⁹¹New York Times, March 2, 1945, "Report of President Roosevelt in Person to the Congress on the Crimea Conference," (text), p. 2; Department of State, Bulletin, ibid., (March 4, 1945), pp. 324-326.

⁹²Loc. cit.

⁹³Ibid., p. 300.

⁹⁴Ibid., (March 11, 1945), p. 294.

the plan, and although there was some divergence of opinion concerning the compromise,⁹⁵ the main contention was that it lacked justice.⁹⁶ Indicative of the conversion of the American people and their representatives in the United

⁹⁵ Roosevelt and Hopkins, op. cit., p. 275; New York Times, February 14, 1945, James B. Reston, "Stalin Accepts Majority Vote on Non-Fundative Issues." p. 1: eminent men in the field of Political Science had much to say against the voting formula: Mr. Pittman B. Potter, outstanding personality of the American Society of International Law argued that: "These three Powers have not been very well united at any time since August 23, 1939. . . . To try to found international order on the domination of a somewhat artificial and unwholesome triumvirate is surely unwholesome and vain to the last degree." "Voting Procedure in the Security Council," American Journal of International Law, XXXIII, (April 1945), pp. 320-322; Leo Grass, Professor of International Law and Organization at the Fletcher School of Law and Diplomacy emphasized that: "The Yalta voting formula, unless amended, will afflict the organization with constitutional lockjaw." New York Times, May 27, 1945, (letter), Sec. IV, p. 8; Professor Harold S. Quigley of the University of Minnesota, argued that: "Governmentally, the liberum veto is paralyzing. Not those who oppose it but those who accept it are the perfectionists, since they place their faith in the good-will or moral sense of peace-loving powers rather than in the restraints which may be exercised by the international community." And he quipped: "Why extenuate the negative?" Ibid., March 16, 1945, (letter), p. 14; in an address before the initial session of the annual meeting of the American Academy of Political and Social Science, Dr. Philip C. Nash, President of the University of Toledo and for a period of four years, the executive director of the League of Nations Association condemned the proposed voting formula: ". . . the veto authority vested in the Great Powers would enable any one of them to block completely 'any world-wide attempt to prevent or forestall aggression by one of its satellites.' It is highly important that this voting procedure be changed, so that votes concerning discussion and peaceful methods envisaged under Section A of the Dumbarton Oaks agreement shall be decided by any seven votes." quoted in New York Times, April 14, 1945, p. 13; in a contrary and somewhat singular vein, Professor Frederick L. Schuman of Williams College, denounced the power which had been given the smaller states in the voting plan: "A mistake has already been made in giving the non-permanent members a majority of the seats on the Security Council. . . . The retention of a veto by the Great Powers is necessary for peace. But the grant of a veto to the small states against concerted action by the Great Powers is a formula for anarchy which will provide ample opportunity for more aggression, evasion, appeasement and wars." Ibid., March 8, 1945, (letter), Sec. IV, p. 8.

⁹⁶ Ibid., March 11, 1945, Edwin L. James, "Justice is Tocsin Cry in League Debate Now," Sec. IV, p. 3.

States Senate to an internationalist point of view,⁹⁷ the controversy provoked in March 1945 by the announcement of the voting procedure which was to prevail in the proposed new Security Council was almost wholly devoid of argument to retain national sovereignty but rather was based on the want of justice which the critics feared the new system implied; the condemnation of the plan, however, centered around the amendment procedure and the right of veto to be given the permanent members over the pacific settlement of disputes. Those who supported the plan did so on the assumption that it was a practical solution which ". . .

⁹⁷ A significant reaction came from Swarthmore, Pennsylvania, polled by the New York Times. Virtually the entire borough of 1,384 people cast ballots. Questions and answers follow: "Do you think the United States should join an international security organization to keep the peace? Yeas 1,339, nays 28, no objection 13. Should the organization have some kind of military force which could be called upon to keep the world order? Yeas, 1,243, nays 85. Should the United States be ready to use its armed forces along with those of other nations? 1,273 yeas, 49 nays. In about the same proportion, they supported the idea of giving the international organization power to intervene to settle disputes, peaceful methods having failed, even in a dispute in which the United States is a party. On how the organization should be run, 6% thought the United States, England, Russia and China should manage it completely. 53% believed the Big Four should have more to say than the rest, but not full control. 82% declared that no one of the four Great Powers should have the right to veto the use of force when the majority of the members wished to use it. Ibid., p. 8; In New Hampshire, town meetings were held to study the question "To see if the town will support United States membership in a general system of international cooperation, . . . having police power to maintain the peace of the world." The tabulated vote showed 16,825 votes for the article with 813 against. In the affirmative vote there were, however, 31 towns that voted unanimously who failed to tabulate the vote and are therefore counted as having cast 31 votes in the total. Quoted by Senator Styles Bridges from an address by State Senator Earl S. Hewitt of New Hampshire, printed in Appendix to Congressional Record, op. cit., p. A1652; while both the Catholic and Protestant Churches in the United States upheld the Dumbarton Oaks Proposals, neither liked the aspects of the voting procedure which appeared to give the permanent members of the Security Council special rights in perpetuity. See letter by J.J. Nickles, delegate to the conference of the Commission on a Just and Durable Peace of the Federated Council of Churches, New York Times, February 4, 1945, Sec. IV, p. 8; for Catholic views, see ibid., April 15, 1945, "Statement Issued by the Archbishop and Bishop of the Administrative Board of the National Catholic Welfare Committee," Sec. I, p. 7; the American Labor Party upheld and supported the Administration's policy in regards to the voting formula. ibid., February 6, 1945, p. 12. However, the American Labor Conference on International Affairs announced that it was opposed to the veto rights proposed in the Dumbarton Oaks Proposals. Ibid., May 5, 1945, p. 11.

recognized the reality that if a point is ever reached when one of the five Great Powers must be coerced by force, then peace is lost anyway. . . ."⁹⁸

Much of the criticism came from minority ranks. Typical arguments and criticisms which came from sources of authority which could have had effect upon the thinking in the Senate, are listed below:

Herbert Hoover, a prominent Republican and former President of the United States, pleaded for the cause of justice in a series of articles published in the New York Times,⁹⁹ and was immediately blasted by Russia.¹⁰⁰ In a talk before the Foreign Policy Association of Philadelphia, Mr. Hoover argued that by the compromise solution, the Great Powers had a prerogative of veto "to prevent any designation of their acts of aggression. . . . And World wars are not started by small nations."¹⁰¹ Former President Hoover, however, gave some support to the Hull thesis that Congress might have failed to ratify a charter without a veto for the United States over enforcement action, for he asked that the President rather than the United States delegate on the Security Council be given the power to commit forces to war, and in such an instance, the President should be bound by a decision of a majority vote of a joint Foreign Relations Committee of the Senate and the House on whether the issue should be submitted to the entire Congress.¹⁰²

⁹⁸ New York Times, March 9, 1945, (editorial), p. 18; ibid., March 7, 1945, Anne G. McCormick, "Beginning of the Question Period for the Big Three," p. 20

⁹⁹ Ibid., "Some Additions to the Dumbarton Oaks Proposals," March 25, 1945, Sec. I, p. 29; March 26, 1945, p. 18; March 27, 1945, p. 11; March 28, 1945, p. 16; see also Appendix to Congressional Record, ECI, pp. A1614 ff.

¹⁰⁰ Pravda, (editorial), quoted in New York Times, April 6, 1945, p. 12.

¹⁰¹ New York Times, April 18, 1945, p. 17.

¹⁰² Appendix to Congressional Record, ibid., p. A1614.

In a letter published in the New York Times, Mr. John Foster Dulles, adviser on foreign policy to the Republican Party during the general election of 1944, supported the Yalta voting formula as a "statesmanlike solution of a knotty problem,"¹⁰³ although he urged that the "Security Council . . . be bound to standards of justice rather than mere expediency." He also declared that the procedure for amending the Dumbarton Oaks Proposals should be liberalized:

The proposed voting formula is one of several provisions which ought to evolve into something better. Yet it can never be changed without the unanimous consent of the permanent members and there can never be any change in the five States which initially become permanent members. When we are dealing with an instrument which all recognize will require frequent amendment we ought not to give five nations a veto power in perpetuity.¹⁰⁴

Senator Burton K. Wheeler insisted that it was an isolationist Russia, and not an isolationist United States which had provoked the necessity for the veto power, for said Senator Wheeler:

It should be recalled that it was the so-called isolationists back in 1918, when the Versailles Treaty was before the Senate, who objected, and said, that the United States should have a veto so that other nations could not involve the United States. This time, it was Russia that took the position that the so-called isolationists took at that time.¹⁰⁵

On an earlier occasion, Senator Wheeler had charged that:

. . . the Yalta decisions were a proof that the principles of brute force is now a criterion of future action in international affairs. . . there was final agreement of the Big Three to veto action against its own aggression.¹⁰⁶

¹⁰³ New York Times, March 7, 1945, (letter), p. 20.

¹⁰⁴ Ibid.; see also ibid., March 18, 1945, p. 14.

¹⁰⁵ Appendix to Congressional Record, op. cit., p. 41162.

¹⁰⁶ New York Times, February 29, 1945, p. 12; the attack against the veto was begun in the Senate on the day after it was announced, on March 6, 1945. It was led by Senator Harley J. Duffield, Republican of South Dakota, who assailed the plan "as a step toward 'three-man domination of the world'. . . ." Ibid., March 7, 1945, Arthur Krock, "Assault on the Yalta Plan," p. 10.

On June 1, Senator La Follette made a three-hour speech in the Senate, and especially attacked "the proposal under which one of the Big Five could veto action against a peace breaker and asserted that 'double talk and semantics of internationalism' were surrounding the San Francisco meeting."¹⁰⁷ He argued that:

If we are going into this in good faith, . . . we ought to go far enough to make it work. If this plan is going to mean anything at all we have got to do something about this veto arrangement. The present plan has congenitally got creeping paralysis.¹⁰⁸

Despite their pleas for liberalization of the Dumbarton Oaks voting procedure, minority leaders did not at any time suggest abandoning the whole scheme because of disagreement over the advisability of a veto; rather they appear to have accepted the philosophy expounded by former Secretary of State Hull who had pleaded with the leaders of the Senate Committee on Foreign Relations that the United States "should not be deterred for an instant from pursuing the sole course that is open."¹⁰⁹ Senator Vandenberg backed in general the Dumbarton Oaks Proposals in the acceptance of his nomination as a delegate to the Conference at San Francisco, although he later suggested amendments to make of the Security Council a more fluid body,¹¹⁰ for he declared:

I wish to do everything in my power to establish a practical system of collective security as a basis for effective peace. I believe it is indispensable in this scarred and foreshortened world. I believe it is indispensable to American self-interest. An excellent start has been made.¹¹¹

¹⁰⁷ Ibid., June 1, 1945, Lewis Wood, "La Follette Asks Veto Power Shift," p. 11.

¹⁰⁸ Loc. cit.

¹⁰⁹ Op. cit., pp. 91-92 supra.

¹¹⁰ New York Times, March 19, 1945, p. 1; April 2, 1945, pp. 1 and 11.

¹¹¹ Ibid., March 6, 1945, Lansing Warren, "39 Nations Invited to Security Parley at San Francisco," p. 1.

The ranking minority leader of the Foreign Affairs Committee of the House, Representative Charles A. Eaton, Republican of New Jersey, in his statement of acceptance as a delegate to the San Francisco Conference, stated that he had been for a long time in complete accord with Mr. Roosevelt's philosophy that: "We shall have to take the responsibility for world collaboration or we shall have to bear the responsibility for another world conflict."¹¹²

Commander Harold E. Stassen, another Republican delegate, expressed his belief that the: "American delegates would seek a result at San Francisco that would have the overwhelming support of the American people regardless of party."¹¹³ Commander Stassen, who personified the liberal element of the Republican Party perhaps more than any other leader of the day, declared in Minneapolis on March 7, 1945 that: "We do not subscribe to the extreme view of nationalistic sovereignty. . . . We are willing to delegate a limited portion of our national sovereignty to our United Nations organization."¹¹⁴

Notwithstanding these apparent reassurances from leaders of the Republican Party leaders on the eve of the San Francisco Conference, the Department of State apparently feared that the charter which would eventually evolve might be defeated because of the veto. On March 17, 1945, Under Secretary of State Gros again pleaded with those who desired "perfection": "No plan is perfect. Every plan is capable of amendment and improvement, including our own Constitution."¹¹⁵ During the midst of the rumblings against the veto privileges to

¹¹² Ibid., March 4, 1945, p. 23.

¹¹³ Ibid., February 28, 1945, p. 12.

¹¹⁴ Quoted in "The Republicans Speak," Free World: An International Magazine for the United Nations, (December 6, 1945), p. 17.

¹¹⁵ "A Message for St. Patrick's Day," Department of State, Bulletin, XII (March 18, 1945), p. 433.

be accorded the major powers under the Yalta voting formula, Mr. Grew, in a statement to the press on March 24, announced that the voting formula was, in fact, proposed by the United States Government and "left the inference that the United States would not itself be disposed to support a more extensive engagement on the use of force."¹¹⁶

It was early predicted that the voting procedure would be a problem of great controversy at the San Francisco Conference,¹¹⁷ and by the first of April, President Roosevelt was under pressure from the Russians who demanded that the Yalta plan be adhered to, and from the American delegates who insisted that amendments be made. James B. Reston, of the New York Times, reported that Mr. Roosevelt was well "aware of the advisability of accepting some of the amendments on behalf of the United States, especially as a means of gaining support of the Senate."¹¹⁸ On April 11, Mr. Reston reported that the United States Delegation had been instructed that its freedom of action would be restricted to the extent that the limited veto (inter alia) as agreed upon by the Big Three was to be adhered to.¹¹⁹

As had been foreseen, amendment after amendment besieged the Big Four at San Francisco, in attempts by the lesser powers to curtail and modify or even abolish the "veto" power. Debates were so heated and so long that the room

¹¹⁶ New York Times, March 23, 1945, Lansing Warren, "Grew Clarifies Security Voting." Section I, p. 23.

¹¹⁷ Ibid., April 5, 1945, James B. Reston, "Washington Seeks Formula on Issues," p. 1; ibid., March 18, 1945, Lansing Warren, "Hurdles for San Francisco," Sec. IV, p. 3; cf., Chap. I, pp. 4-10 supra.

¹¹⁸ Loc. cit.

¹¹⁹ Ibid., April 11, 1945, "Majority to Hurl Our Delegation; Justice Theme Gains," p. 1; the other point on which the American Delegation was restricted was that they should support "Russia's claim that the Ukraine and White Russia" be admitted as original members of the organization. Loc. cit.

where the Committee III/1 met was soon known as "Madison Square Garden."¹²⁰

In view of the widespread disapproval of the formula both in other nations and in the United States (and it was said, and rumored many times, within the United States Delegation),¹²¹ the question could reasonably be asked: Why did the United States feel morally justified in supporting the veto?

First, the United States insisted on an amendment modifying the veto to the extent that regional arrangements such as the Pan-American, would be protected and allowed to operate without the fear of the paralyzing influence of a veto by one permanent member of the Security Council.¹²² It should be noted, however, that each of the Big Five, excluding China, had proposed amendments concerning regional arrangements, but the American amendment cut drastically at the heart of the veto over such situations.¹²³ Although it was rumored that

¹²⁰ Francis O. Wilcox, "The Yalta Voting Formula," American Political Science Review, XXXIX, (October 1945), p. 943; cf., Chap. I, pp. 11-23 supra.

¹²¹ New York Times, May 9, 1945, Arthur Krock, "Regional Pacts a Problem," p. 19; ibid., May 12, 1945, Anne O. McCormick, "Small Nations Try to Limit Veto By Big Powers," p. 12; ibid., May 19, 1945, John H. Crider, "Drive to Temper Veto Power Gains in Issue Over Yalta Agreement," p. 11; ibid., May 22, 1945, James B. Reston, "Small Nations Challenge Big Powers on Veto Rights," p. 1

¹²² ibid., May 13, 1945, James B. Reston, "Delegates of US Map Plans to Keep Regional Powers," p. 1; see also "Additional Amendments to the Dumbarton Oaks Proposals Proposed by the United States," United Nations Conference on International Organization, III, Dumbarton Oaks, London and New York, (1945), Doc. 2 (ENGLISH), G/14 (v) (May 6, 1945), pp. 598-599, (hereafter referred to as III, Dumbarton Oaks); "Proposal for the Amalgamation of Amendments Offered to Chapter VIII, Section C Prepared by the Delegation of the United States in Consultation with the Other Sponsoring Governments and France," May 21, 1945, III, Dumbarton Oaks, ibid., Doc. 510 (ENGLISH), G/62 (May 23, 1945), pp. 634-636; United Nations Conference on International Organization, XI, Commission III, Security Council, Doc. 972 (ENGLISH), III/6, (June 14, 1945), pp. 48-52 (hereafter referred to as XI, Commission III, Security Council).

¹²³ Loc. cit.; see also "Amendment to the Dumbarton Oaks Proposals Submitted by the Delegation of the Soviet Union," III, Dumbarton Oaks, ibid., Doc. 2, (ENGLISH), G/14 (w)(1), (May 8, 1945), p. 601; "French Draft Amendment to Chapter VIII, Section C," ibid., Doc. 2 (ENGLISH), G/7 (o)(2) (May 6, 1945), p. 392; "Proposed Amendments to the Dumbarton Oaks Proposals Submitted by the United Kingdom Delegation," ibid., Doc. 2 (ENGLISH), G/14 (p), (May 5, 1945), p. 275.

the Senate might make reservations on this point because of the Monroe Doctrine,¹²⁴ the Latin-American nations and others of the lesser powers probably had as much or more influence on the final decision of the American Delegation to initiate and support an amendment to protect regional arrangements for the peaceful settlement of disputes from the negative vote of a single Great Power. "Delegates to the Conference thought they saw a connection between the American formula for solving the regional problem and the sudden decision of the Latin-American countries to halt their campaign to enlarge the Security Council. . . ."¹²⁵

Secondly, because the United States had insisted on this one amendment, she did not feel justified in insisting on any other amendments. Actually, many of the American delegates favored action to take the right of veto away from the Big Five when they are not parties to a dispute for which the Security Council might be attempting to effect a peaceful settlement. James B. Reston observed that all of the Great Powers excluding Russia favored abolition of the prerogative of veto in such cases.¹²⁶ However, other problems influenced the American decision to abstain from offering an amendment. At this time, both the United States and Great Britain insisted that Russia stick to the "letter and spirit" of the Yalta Agreement on the issue of Poland, and they felt it to be expedient not to deviate from that agreement in another instance.¹²⁷ Russia insisted on the veto always, and for a time, it was feared that the Conference would fail

¹²⁴ New York Times, May 9, 1945, Arthur Krock, "Regional Facts a Problem," p. 19; ibid., May 10, 1945, James B. Reston, "Attack is Opened on Big-5 Veto Right," p. 1.

¹²⁵ Ibid., May 13, 1945, James B. Reston, "Delegates of US Map Plans to Keep Regional Powers," p. 1.

¹²⁶ Ibid., May 19, 1945, "US Avoids Pledge to Free Colonies; Veto Plan Stands," p. 1; ibid., May 26, 1945, "Yalta Differences Snarl Veto Issue," p. 1.

¹²⁷ Loc. cit.

because of the strict interpretation placed on the Yalta voting formula by the Soviet Government, which from all appearances was about the same as the one she had entertained at Dumbarton Oaks before the compromise was effected.¹²⁸ On June 2, 1945, Ambassador Andrei Gromyko of Russia threw a bomb-shell into an evening meeting of the Big Five with the announcement that his government had rejected the American and British interpretation of the voting procedure which had been agreed upon at Yalta. The Russians insisted that the veto should be required even to deny discussion of international disputes.¹²⁹ Rather than offering amendments to abolish the right of veto from the pacific settlement of disputes, the United States found it necessary to send Harry Hopkins, the personal adviser of the late President Roosevelt, on a special mission to Moscow to plead with the Soviet Marshal to allow the discussion of disputes in the Security Council without the possibility of a veto paralyzing such discussion.¹³⁰ It should be recalled that this problem had been cleared with Marshal Stalin at Yalta previously.

Thirdly, in upholding the unanimity procedure at the Fifth Meeting of

¹²⁸ Wellington Koo, Jr., Voting Procedures in International Political Organizations, New York, (1947), p. 132; New York Times, June 3, 1945, James B. Easton, "Russia Asks Global Veto," p. 1.

¹²⁹ Loc. cit.

¹³⁰ Sherwood, Roosevelt and Hopkins, op. cit., pp. 910-911; concerning Mr. Hopkins "victory" at Moscow, Senator Bridges had this to say: ". . . nobody seems to want to challenge that preposterous formula, contenting themselves with praising victory on an issue which not only was never raised before but which is even unthinkable to be raised in any non-totalitarian society, namely, the right of free discussion. . . . I am disappointed that we apparently can get no more perfect a set-up, but I want a world organization for peace, so I shall accept the best we can get out of San Francisco as our only hope. I wish, however, to state very clearly that it is not what the American people wanted." Congressional Record, XCI, (June 11, 1945), p. 5345.

Commission III, Senator Connally opened his statement with:

. . . you will recall that it was originally proposed by our great lamented President Roosevelt in the sessions at Yalta. The American Delegation redeemed his pledge. We have kept the faith. And everyone knows that he was a great leader for peace and that his great heart beat in unison with the high purposes and the noble aspiration which we have undertaken to write into this Charter. . . .¹³¹

Within Senator Connally's statement lay the fundamental reason for the final decision of the American Delegation to support the Yalta voting formula, despite its reluctance to accept it in totum. "(There) was no alternative opportunity," declared Senator Vandenberg to the Senate upon his return from the Conference at San Francisco.¹³² "(Also) the late President pledged his country to this formula at Yalta. We Americans have a habit of keeping our country's word." And he added:

¹³¹ "Verbatim Minutes of the Fifth Meeting of Commission III," XI, Commission III, Security Council, ibid., Doc. 1149 (ENGLISH), III/11 (June 22, 1945), pp. 130-132; Francis G. Wilcox, who worked with the American Delegation voiced a similar opinion: "The answer is simple. As Senators Connally and Vandenberg pointed out on the floor of the Senate in July, there was no other course open. The Yalta formula was proposed by President Roosevelt at Crimea and was accepted by the powers represented there. To have repudiated it at San Francisco would have been tantamount to repudiating the pledged work of a departed leader." "The Yalta Voting Formula," op. cit., p. 943; James B. Reston declared: ". . . Russia has insisted on the veto, and the United States and British Delegations, not out of conviction, but because of the Yalta promise, are going along with her." New York Times, May 21, 1945, "Region Issue Ends as Big Five Ratify U.S.-Soviet Accord," p. 1; another New York Times reporter wrote: "So far as the United States Delegation is concerned, the position appeared to be somewhat comparable with that involving the admission of the two Soviet Republics to this Conference; none of them like the idea very much but they felt committed by the word of a deceased President for whom they have great respect." Ibid., May 19, 1945, John H. Crider, "Drive to Temper Veto Power Gains in Issue Over Yalta Agreement," p. 1.

¹³² Congressional Record, XCI, Part V, (June 29, 1945), p. 6954; Dr. Virginia Gildersleeve, in a letter to the writer, explained: "The United States Delegation in general tended to support any commitment which seemed to have been made by our Government." And she added: "You will recall that we had two Senators as members of the Delegation. I certainly received the impression that in order to secure ratification by the Senate, it would be necessary for the United States to have a veto in the Security Council." Letter, postmarked Bedford Village, New York, (November 15, 1945). See Appendix A.

To have denied it at San Francisco would have been to kill the Conference before it ever got under way. I doubt whether there would have been another Conference. . . . The vast advantage which the San Francisco Charter--regardless of its infirmities--holds for the hopes of humankind would have perished in the wreckage of a broken pledge.¹³³

On October 14, 1948, Mr. Harold E. Stassen, during a visit to Oklahoma A. and M. College, depicted the attitude of the American Delegation in a discussion with the writer:

As you know, the formula had been agreed upon at Yalta by the President, Mr. Churchill and Stalin. I, myself, called the veto the "Achilles heel" of the Organization. We wanted to get rid of it at San Francisco, and tried to, but could not, as that would have broken up the Conference. We attempted also to change the amending process, so as to create a possibility of ridding the Security Council of the veto at a later time, but we were not able to do that either, for the same reason, that it would have broken up the Conference.¹³⁴

Upon submitting the Charter to the Senate, President Truman underscored the motive behind the veto as far as the United States was concerned, which had inspired that Government's conduct in regard to the policy of unanimity since the close of the Conference at Teheran in December 1943: "The choice before the Senate is not clear. The choice is not between this Charter and something else. It is between this Charter and no Charter at all."¹³⁵

Notwithstanding the misgivings which various leaders of the Senate (and of the country) had professed toward the voting formula in totum, the Charter

¹³³ Congressional Record, ibid., p. 6984.

¹³⁴ The writer obtained the permission of Mr. Stassen to use his statement obtained during the latter's visit to Stillwater, Oklahoma on October 14, 1948.

¹³⁵ Congressional Record, ibid., Part VI, (July 2, 1945), p. 7119; other than in its acceptance of the Charter, the Senate did not go on record supporting any part of the veto until the Vandenberg Resolution was passed in May 1948. At that time, the Senate upheld the veto theory only insofar as it applies to enforcement action and sanctions. See Chap. I, pp. 31-32 supra.

received an almost unanimous vote in the Senate. The vote was 89 yeas and 2 nays,¹³⁶ a fact which emphasized that the Senate had accepted the Hull philosophy that the United States "should not be deterred for an instant from pursuing the sole course that is open."

¹³⁶ Congressional Record, ibid., (July 28, 1945), p. 8190. The two negative votes were recorded by Senators Langer and Shipstead; those not voting because of absence were Senators Bailey, Glass, Johnson (of California), Reed and Thomas (of Idaho). Loc. cit.

CHAPTER IV

CONCLUSION

. . . we concede that the good old world cannot arrive at Utopia overnight. But I would rather be a builder than a wrecker, hoping always that the structure is growing, not dying.¹

--Franklin D. Roosevelt

Out of the rubble-heap of that disastrous holocaust, World War II, which saw the removal from their pinnacle of power of both the original contenders, Great Britain and Germany, two comparatively new Great Powers stand alone and face to face in this Spring of 1949. Each confronts the other with the fear and the dread of a third catastrophic death-struggle, for the disruption of the balance of power with its resultant "total war" means not in the mid-twentieth century that the fittest shall survive, but the bankruptcy and possible demise of all those nations thus engaged.

Prescience came to the aid of President Roosevelt and Secretary of State Hull in the evolution of their plans for a new world order, for from their own intellect, and from the counsel of their civilian and military advisers, they were able to foresee the world of the future. They feared the outcome that feasibly could ensue from the emergence of two giant nations with mutually alien ideologies. Because of this deep-rooted dread of a third world war, they attempted to "corral" the so-called peace-loving Great Powers, and to make them accountable for effectuating peace.² This could be accomplished only by extending

¹ "Address by the President Before the Canadian Parliament at Ottawa," Department of State, Bulletin, IX, (August 28, 1943), p. 124.

² "Did they (Roosevelt and Churchill) not have a presentiment that the war-time unity with the Soviet Union, won so slowly and maintained with so much difficulty, might not prove so strong in the peace? Did they not determine to do their utmost to lay the foundations of an international peace organization while the ties of war alliance still were strong, hoping that if an agreement was reached in time of war it might be maintained in time of peace" Herbert V. Evatt, The United Nations, Cambridge, Massachusetts, (1948), p. 7.

friendship and by attempting as each opportunity availed itself, to allay whatever mutual suspicion existed among them.

During World War II, the Axis powers were beaten to the point of devastation, and the powers which survived that struggle were the Allies. Rather than standing pitted against each other, watchfully determined to strike at each tip of the balance of power scale, could they not expend their energies to insure the tranquillity of the world as they had worked together to effect the demise of the Axis? Thus, it followed that in the chess-game of world power politics and power relationships, a new philosophy was born. The Great Powers called it unanimity, and through it gave conception to a new world order.

At this period of world development, the planners had no scheme for world government, but they hoped to put "teeth" into the design for peace by requiring those nations to stop aggression and wars, which were capable of supplying man and arms. The envoys of those nations would sit in the executive council of the new League. Therein lay the significant feature of the new plan, for embodied in the idea of a Security Council was Roosevelt and Hull's basic concept, that the Great Powers themselves should put "their feet under the same table" and work things out together. Here they hoped, trust and friendship among the powers would be strengthened over the conference table, for upon the friendship of the Great Powers the peace of the world would owe its existence.

During the development of the plan, the problem which confronted and tormented the designers from each of the Big Three nations was that of balloting in this executive council. Upon what requirements of voting should decisions rest? Throughout the planning stage, the United States held essentially the same perspective of voting as that expounded in the Vandenberg Resolution of May 1948: that the area of required unanimity should be limited to measures of the utmost consequence, viz., sanctions and enforcement measures. Why then, did the

Government of the United States support an antithesis to the extent that the process of discussion alone is permitted today in the Security Council without the hampering influence of a possible negative vote?

The support of the United States Government for that thesis was predicated by a motive at least as compelling in its force as that which prompted the designing of a world peace structure. It was expedient and imperative that the Great Powers should find a common ground upon which they mutually could consent to come into the new organization. The United Nations would be worth more than a "scrap of paper" only then. Of what avail would any artifice for peace be if, because of mistrust and suspicion, the Great Powers should come to a parting of the ways before the structure were completed? The success of the plan depended essentially upon the new philosophy--unanimity.

As the Charter approached completion, the United States Delegation realized that from the new Security Council little more than a world forum of public opinion could be expected, but, because it was the only hope of escape from a third world war, the Delegation gave its support to the Yalta voting formula, and members of both political parties represented in that Delegation urged the early ratification of the Charter by the Senate. It was a far from perfect plan, they agreed, but it was the only plan that could be had. Said Senator Vandenberg: "In the San Francisco Charter, we undertook to plant the roots of peace. No one can say with finality, how they will flower, but this I know: Without roots there will be no flower. I prefer the chance rather than no chance at all."³

What of the United States Senate and the much-heard charge that an isolationist United States had requested the veto as the price for its adhesion to

³ Congressional Record, XCI, Part V, (June 29, 1945), p. 6982.

the plan? While eminent leaders of both major political parties made statements which could be enlarged to support the Hull thesis that the veto over enforcement measures was prerequisite for Senate ratification of the Charter, the story of the Senate's "request for a veto" is a paradox. In the first place, the designers were not planning a world government, and a scheme for world order which allowed no area for disagreement, i. e., a plan which permitted no nation a prerogative of veto over any decision, would have been a plan for world government. Secondly, the Senate was never asked to support a plan without a veto and, indeed, the Senate was urged to adhere to the principle of unanimity.

The greatest candor and an accurate perspective of the situation in its entirety is required before a logical conclusion can be reached as to why various members of the State Department's Advisory Committee found it expedient to circulate the "word" that the United States and her Senate wanted the veto. That was done, it will be recalled in retrospect, during those periods of the utmost trial over the unanimity principle, and amidst pleas for a more-perfect plan. What better explanation could have been found to present a nation, which historically had been isolationist and which remembered well the failure of the United States to accept her role in an earlier scheme for world peace, than that the veto was placed in the Charter to mollify the Senate? As the planners in the Department of State attempted to allay the suspicions and mistrust of the Soviet Union toward the West, so they endeavored to assuage the presentiments expressed by the American people toward the new system.

Although during the early stages President Roosevelt and Secretary of State Hull, both of whom had seen and did not forget the results of isolationism in other years, may have deemed it desirable that that question should not be brought up again to defeat a new charter, the question of whether or not the American Senate would have accepted a charter without a veto was not studied

seriously. The essential ingredient in the new scheme was unanimity. It was imperative that the United States and the other Great Powers should accept the new philosophy. After those nations consented to sit down at the same conference table to discuss the problems of the world,⁴ perhaps in time, they could become true friends. Then and then only, the world might be able to withstand the disturbances in her equilibrium—"balance of power" wars.

Indicative that isolationism had been eradicated in the United States, her Senate accepted a contrary role in an organization which was, to her, faulty and imperfect. Today those misgivings have been enhanced by what the spokesmen of the United States view as an "excessive use" of the veto in "obstructionist tactics" by the Soviet Union. Notwithstanding that fact, the Senate has indicated that she has, indeed, accepted the Roosevelt-Hull philosophy of unanimity of the Great Powers, for that body has expressed its hope that peaceful persuasion will be used with Moscow in the attempt to have the veto removed from the pacific adjustment of disputes and from membership applications rather than endeavors to initiate or to support moves to call a conference for that purpose. At the present time, a step in the latter direction would mean the complete alienation of the East and the West and the demise of the core of the United Nations—the philosophy of unanimity.

⁴ Said Eleanor Roosevelt, wife of the late President, in a letter to the writer: "Our acceptance of the veto as a voting procedure, I think, was based on the experience that the big five nations had been able to agree during the war and that none of the nations were ready to accept interference in what they called their vital interests." Letter, postmarked Paris, France, (November 23, 1943). See Appendix A. In the absence of concrete evidence on the issue involved, it has been necessary for the writer to deduce these conclusions as the object of their efforts.

I

APPENDIX A

Hotel Grillon
Paris
November 21, 1948

My dear Miss Fernia:

I very much appreciate your invitation to speak at your conference in late March or early April and I wish I could accept it, but I fear I shall have to be preparing for a Human Rights Commission meeting at that time.

Our acceptance of the veto as a voting procedure, I think, was based on experience that the big five nations had been able to agree during the war and that none of the nations were ready to accept interference in what they called their vital interests.

With my regrets that I can not be with you and my best wishes for a successful conference, I am,

Very sincerely yours,

ELEANOR ROOSEVELT

(Mrs. Franklin D. Roosevelt)

II.

VIRGINIA C. GILDENSLIEVE
BEDFORD VILLAGE
NEW YORK

November 15, 1948

Miss Mary Allan Pernis
Oklahoma Agricultural and
Mechanical College
Stillwater, Oklahoma

Dear Miss Pernis:

In answer to your letter of November 6, I am writing to say that without considerable research and a very long letter I could not reply adequately to your questions.

(1) I do not recall any precise and binding instructions on voting procedure. I do remember that a new formula was found towards the end of the conference.

(2) The United States Delegation in general tended to support any commitment which seemed to have been made by our Government.

(3) You will recall that we had two Senators as members of the Delegation. I certainly received the impression that in order to secure ratification by the Senate, it would be necessary for the United States to have a vote in the Security Council.

Sincerely yours,

VCG:mec

VIRGINIA C. GILDENSLIEVE

III.

UNITED STATES SENATE
Committee on Foreign Relations

Marlin, Texas,
November 10, 1948

Mrs. Mary Allen Pernia,
Department of Political Science,
Oklahoma Agricultural and Mechanical College,
Stillwater, Oklahoma

Dear Mrs. Pernia:

On behalf of Senator Connally, I am acknowledging your letter of the sixth instant with the assurance that it will have his attention.

Sincerely,

RAYMOND BARRETT

* * * * *

IV.

UNITED STATES SENATE
Committee on Foreign Relations

November 15, 1948.

Mrs. Mary Allen Pernia,
Oklahoma Agricultural and Mechanical College,
Stillwater, Oklahoma.

My dear friend:

This will reply to your letter of November 8th which has followed me from Grand Rapids to Washington.

Under the pressure of the moment I am sorry to say that it is entirely impossible for me to give you any sort of an adequate answer to your questionnaire. But I shall put it aside for further attention when the opportunity permits.

Cordially and faithfully,

A. H. VAMBERG

V.

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

November 10, 1948

Dear Mrs. Pernia:

The questions which you ask in your letter of November 6 should not be answered on the basis of offhand memory as each of them relates to a complex situation as to which there is considerable documentation, some available and some still unpublished. Dr. Leo Pasvolsky of the Brookings Institution is on the point of publishing a book on the development of the Charter which will authoritatively cover most if not all of the points in which you are interested. I suggest that you find out from him when the volume will appear and whether in the meantime it would be possible for you to consult his manuscript. Another suggestion is to write to Mr. Daniel S. Cheever, 57 Brewster Street, Cambridge 38, who has recently completed a thesis at Harvard on the voting procedure in the Security Council and so has had occasion to check the records. Both Dr. Pasvolsky and Mr. Cheever served in the State Department and are familiar with the unpublished as well as with the published material.

I am sorry not to be able to be more concretely helpful to you. Please let me know if you are unable to get satisfactory bases for answering your questions from Dr. Pasvolsky and Mr. Cheever.

Yours sincerely,

ALGER HISS

* * * * *

VI.

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

November 17, 1948

My dear Miss Pernia:

Your letter of November 6th has been received in the absence of Congressman Bloom.

I shall be glad to bring this to his attention upon his return to Washington.

Sincerely yours,

MARY G. CHACE

VII.

UNIVERSITY OF PENNSYLVANIA
Philadelphia 4

November 24, 1948

Miss Mary Allen Perna
Oklahoma Agricultural and
Mechanical College
Department of Political Science
Stillwater, Oklahoma

Dear Miss Perna:

Thank you for your kind letter of November 6, 1948.

You have my permission to quote me on the veto background.

Sincerely,

HAROLD E. STASSEN

* * * * *

VIII.

THE WOODS
Rapidan, Virginia

November 16, 1948

Dear Mrs. Perna,

Thank you for your letter of
November 8th which I am acknowledging
in the absence of Mr. Stottinius who
is away on an extended trip.

In order that there may be no
delay in your receiving a reply to
your questions, I am forwarding your
letter to the Department of State with
a request that they reply direct to you.

With best wishes,

Sincerely yours,

Betty Jane Swan
Secretary to Mr. Stottinius

IX.

UNITED STATES DELEGATION TO THE
GENERAL ASSEMBLY OF THE UNITED NATIONS
Paris, France

November 29, 1948

My dear Mrs. Pernia:

On behalf of Mr. Dulles I wish to
acknowledge your letter of November 15,
and to inform you that your letter has been
forwarded to the State Department in Wash-
ington, D. C. for reply.

Sincerely yours,

DAVID W. WAINHOUSE

* * * * *

X.

THE BROOKINGS INSTITUTION
Washington 6, D. C.

April 1, 1949

Mrs. J. Luis Pernia
Apt. 4
606 McGeorge Avenue
Stillwater, Oklahoma

Dear Mrs. Pernia:

I am sorry to say that no publication
date has been fixed for my book on the United
Nations Charter. I shall be glad to keep your
letter in mind and give you information about
it as soon as it becomes available.

With kindest regards,

Sincerely yours,

LEO PASVOLSKY

XI.

DEPARTMENT OF STATE
Washington

December 22, 1948

My dear Mrs. Ferris:

Your letters to Mr. Edward R. Stettinius of November 9, 1948, and to Mr. John Foster Dulles of November 15, 1948, in which you raise a number of questions concerning the origin of the veto right in the Security Council, have been referred to me for reply.

I regret that it has not as yet been possible for the Department of State to make the documentation relating to the origins of the United Nations wholly available for publication and that, accordingly, I am not in a position to supply detailed answers to your questions. However, as of possible use to you in this connection, I am enclosing a copy of the Department of State Bulletin of July 4, 1948, which contains an article by Mr. B. G. Beckhoefer entitled "Voting in the Security Council". You may also find useful material in the Report to the President on the results of the San Francisco Conference, by the Chairman of the United States Delegation, the Secretary of State, dated June 26, 1945 (Dept. of State Pub. 2349), and the Hearings before the Committee on Foreign Relations, U. S. Senate, on the Charter of the United Nations (79th Congress, 1st Session). I assume that the latter two documents are available in your college library.

You are, I presume, familiar with such unofficial writings as the memoirs of Mr. Cordell Hull, former Secretary of State, which might contain information of value to your study.

Sincerely yours,

WILLIAM SANDERS
Acting Director
Office of United Nations Affairs

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