

Dumbarton Oaks Conference
Oct. 1944 - 1945

PSF: Dumbarton Oaks
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THE UNDER SECRETARY OF STATE
WASHINGTON

October 2, 1944

MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Thirty-Seventh Day

Meeting of the Joint Steering Committee at 10:00 a.m.

(a) Procedural Arrangements

We held the first meeting of the Joint Steering Committee (with Chinese members substituted for the Soviet members) and agreed upon matters of procedure. Dr. Koo and Mr. Jebb (representing the Earl of Halifax) insisted that I continue as chairman.

(b) Emphasis on Publishing the Document on October 9

I impressed upon Dr. Koo our desire to publish the agreed proposals on Monday, October 9, as scheduled. Dr. Koo was hopeful that it will be possible to meet this schedule but asked to defer any commitment, adding that by tomorrow evening he might be in a position to comment further.

(c) Tentative Agreement to Publish Present Document

Mr. Jebb and I made clear to Dr. Koo the desirability of publishing the present text without changes, since any changes would necessitate consultation with the

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Soviet Government and consequent delay. We suggested that any additional points which might develop during the Chinese conversations could be incorporated in a separate document for release at the same time. While Dr. Koo did not wish to commit himself to make no recommendations for change in the present document, he tentatively agreed with our proposal.

The First Plenary Business Session

The first plenary session was devoted to clarification of certain points in the document. Dr. Koo's questions showed the care with which the Chinese group had studied the document. Among points of interest raised by Dr. Koo were the following:

(a) Absence of Detailed Statement of Principles

Dr. Koo commented that the stated principles of the proposed organization are quite general, but expressed some satisfaction with the explanations as to the desirability of dealing with these matters in general terms.

(b) Council's Authority to Deal with Breaches of the Peace

Dr. Koo noted that the document refers in several passages both to "acts of aggression" and to "breaches of the peace". He seemed satisfied with the explanations that the latter term is regarded as the more

inclusive and that the council would have full authority to deal both with acts of aggression and with other breaches of or threats to the peace.

(c) Chinese Apprehension About Unilateral Use of Force

Dr. Koo asked whether it would be possible under the document for either member or non-member states to use force unilaterally under the claim that such action was not inconsistent with the purposes of the Organization. He seemed satisfied with the explanation that, except in cases of self-defense, no unilateral use of force could be undertaken without the approval of the council. In this connection, Mr. Victor Hoo, Vice Minister of Foreign Affairs, desired explicit assurance that use of force in self-defense would not be regarded as inconsistent with the purposes of the Organization.

(d) Chinese Interest in Reconsideration of Treaties

In reply to an inquiry by Dr. Koo it was made clear that the authority of the Organization to consider situations affecting the peace would include situations arising out of existing treaties.

Meeting of the Joint Steering Committee at 4:00 p.m.

Dr. Koo was given full information as to the present status of the question of voting in the council and of other open matters.

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THE UNDER SECRETARY OF STATE
WASHINGTON

October 3, 1944

MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Thirty-Eighth Day

Second Plenary Session of Conversations with the Chinese

Dr. Koo presented for the first time the views of the Chinese group on the present document. He commended the proposals highly and expressed satisfaction that so many points in the Chinese memorandum had been included. He stated, however, that the Chinese group wished to raise several points for consideration. While these points might be implicit in the document, and were in no sense contradictory to it, the Chinese felt that explicit provisions concerning these matters would strengthen the Organization and enlist for it broader support.

The seven points raised by Dr. Koo were as follows:

(a) Law and Justice in the Settlement of Disputes

Dr. Koo suggested that reference be made to a body of law or principles of justice as criteria for the pacific settlement of disputes, on the grounds that such reference would expedite settlement, reinforce confidence, and offer assurance that the Organization would not degenerate into an instrument of power politics.

CONFIDENTIAL

(b) Respect for Independence and Territorial Integrity

Dr. Koo stated the Chinese view that a provision concerning respect for the political independence and territorial integrity of member states would foster the sense of security, particularly among the smaller states, and would give moral content to the stated purposes of the Organization.

(c) Definition of Aggression

The Chinese group would prefer to see "aggression" defined, preferably by means of an illustrative, but not comprehensive, list of acts. More explicit definition would, they felt, facilitate swift action by the Council, inspire confidence, restrain potential aggressors, and enable world opinion to recognize an aggressor immediately.

(d) An International Air Force

The Chinese favor an international air force under the direct control of the Council as a means of enabling the Council to act quickly and as a symbol of the Council's authority. Dr. Koo felt that the principle of such a force, as suggested in the present document, might provide a basis upon which details could be worked out by military experts.

(e) Codification of International Law

The codification of international law is regarded by the Chinese as of great importance to the promotion

of security under law. They favor the development of new rules of law through study, and through action by the Assembly.

(f) Compulsory Jurisdiction of the International Court

The Chinese favor extending the compulsory jurisdiction of the international court over justiciable disputes, and prefer to have this provided in the charter of the Organization rather than by amendment of the statute of the present Court.

(g) Cultural Cooperation

The Chinese recognize that cultural cooperation is already within the scope of the Organization under the present document, but wish to give greater emphasis to it.

Meeting of the Special Military Group

Military representatives of the three Governments discussed at length this afternoon the matter of an international air force. The Chinese were personally satisfied that the present provision would adequately take care of what they have in mind and are wiring Chungking to this effect.

Meeting of the Joint Formulation Group

The joint formulation group met this afternoon to review the present document and to consider the additional points raised by Dr. Koo.

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**THE WHITE HOUSE
WASHINGTON**

October 4, 1944

MEMORANDUM FOR THE PRESIDENT:

Director Smith is asking if he may see the letter describing Donald Nelson's duties. The Budget has to draw up an order and they are not quite sure what Mr. Nelson's duties are. Do you have such a letter and may Mr. Smith see it?

Mr. Stettinius called to say the discussions with the Chinese have been most satisfactory. They have persuaded them to make no changes in the document that you have already seen and that the Russians have agreed upon. Mr. Stettinius thinks they can close the conference within 48 hours as he promised you yesterday.

Mr. Roy North asks if, in sending the stamp sketches back showing the Wacs seeing a movie in the jungle, you desire to use the one with a large group which was on top or the small group.

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THE UNDER SECRETARY OF STATE
WASHINGTON

October 4, 1944

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MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Thirty-Ninth Day

Meeting of the Joint Formulation Group

The joint formulation group, with Dr. Koo present, considered yesterday afternoon the points raised by Dr. Koo at the plenary session yesterday morning, with the exception of the Chinese proposal for an international air force, which was considered by the special military group. The discussion resulted in the following disposition of these items:

(a) Justice and Law in the Settlement of Disputes

The Chinese group's desire for reference to justice and international law in the settlement of disputes led to the drafting of a supplementary statement to the effect that the charter should provide specifically for settlement "with due regard for principles of justice and international law".

(b) Political Independence and Territorial Integrity

The Chinese felt that the charter should make clear that member states should respect political independence and territorial integrity. We and the British explained

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that these principles are clearly inherent in the sovereign equality of states, the first principle of the present document, and the Chinese accepted this interpretation.

(c) Definition of Aggression

The Chinese restated their wish to define aggression. We and the British pointed out the great difficulties of reaching satisfactory definitions, either of aggression or of breaches of and threats to the peace. Dr. Koo then withdrew this point, with a suggestion that all three groups give it further thought.

(d) Codification of International Law

At the request of the Chinese a supplementary statement was prepared stating that the Assembly should be responsible for studies and recommendations concerning the development and revision of international law.

(e) Compulsory Jurisdiction of the Court

We and the British pointed out that any statement concerning the jurisdiction of the court should await the court's establishment and that provision for compulsory jurisdiction over justiciable disputes would more appropriately belong in the statute than in the charter of the new Organization. This was acceptable to the Chinese.

(f) Cultural Cooperation

Agreement was reached upon a supplementary statement to the effect that the economic and social council should provide for the promotion of educational and other forms of cultural cooperation.

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Meeting of the Joint Steering Committee, 11:15 a.m.

We had a full and frank discussion of the preferences of the Chinese to publish, simultaneously with the principal document, a supplementary statement containing the additional items agreed upon in this phase of the conversations. Lord Halifax and I stressed the importance of ensuring that the agreed proposals will be regarded as the unanimous view of the four participating groups. Dr. Koo and his associate, Dr. Victor Hoo, Vice Minister of Foreign Affairs, were impressed with the force of the arguments presented, and agreed to withdraw their proposal.

It was understood that the three points to which the Chinese attach most importance (specific reference to principles of justice and international law, development and revision of international law, and promotion of cultural cooperation) are agreed upon by the three groups, and will be included among the points remaining under consideration. At an appropriate time they will be discussed with the Soviet Government in the hope that these points can be incorporated in the charter at the United Nations conference.

Accordingly, unless Dr. Koo receives contrary instructions from Chungking, the agreed proposals will be published in identical form in the four capitals.

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THE UNDER SECRETARY OF STATE
WASHINGTON

October 5, 1944

MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Fortieth Day

Status of Arrangements for Publication on Monday,
October 9

(a) Conversation with Ambassador Gromyko

I telephoned to Ambassador Gromyko this morning and he repeated to me his assurance that his Government is fully agreeable to the plan for simultaneous publication in the four capitals of the agreed proposals on Monday, October 9, at noon, Washington time, provided that agreement is reached in the meantime as to the fourth paragraph of the accompanying communiqué. In this connection I informed him that the Chinese group had agreed to the publication of the agreed proposals without modification and without a supplementary statement of additional proposals.

(b) Instructions Telephoned to Ambassador Winant

Ambassador Winant was informed by telephone that it is of the utmost importance that the British agree promptly to the proposed publication on October 9 and that, to this end, we are most desirous that they and

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the Soviet Government reach agreement as to the proposed communiqué. Ambassador Winant was requested promptly to inform the Foreign Office that because of our desire to avoid delay we would be prepared to agree to either the text of the fourth paragraph preferred by the Russians or the text preferred by the British. He was also asked to suggest to the Foreign Office that, in order to ensure expedition, consideration should be given to omission of the disputed paragraph altogether, in view of the fact that this paragraph merely reaffirms that portion of the Moscow Declaration which relates to solidarity in the enforcement of the surrender terms.

(c) Statement of the British Group

The British group informed me that they had today talked to Sir Alexander Cadogan by telephone. He had said that the entire question of publication would have to be passed upon by the Cabinet tonight but had felt that it was pretty well settled that the decision would be in the affirmative, provided the British proposal as to the fourth paragraph was adopted. I informed the British and Chinese groups of our position in the matter as communicated to Ambassador Winant.

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(d) Chinese Position

The Chinese were most cooperative, and assured me that they are prepared to publish the proposals on Monday, noon. They also gave every indication that they would go along with any decision reached in respect to the disputed fourth paragraph of the communiqué.

(e) Circular Telegram to our South American Missions

We are tonight cabling our South American Missions to be prepared, at the moment of release to the press, to present copies of the agreed proposals informally and as a matter of courtesy to the Foreign Ministers or Presidents to which they are accredited.

Meeting of the Joint Steering Committee at 3:00 p.m.

At Dr. Koo's request we held an interesting meeting of the Joint Steering Committee. Dr. Koo gave us a full expression of his views as to matters relating to voting in the Council. In this connection he and his associate, Mr. Victor Hoo, Vice Minister for Foreign Affairs, made a number of interesting and helpful suggestions. Dr. Koo stated that on the fundamental question of the right of a permanent member to vote in matters relating to a dispute in which it is involved, the Chinese position coincides with ours and that of the British. Lord Halifax again attended the meeting and took an active part in the discussion.

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DEPARTMENT OF STATE

NEWS DIGEST

No. 239a

October 5, 1944

DUMBARTON OAKS SUPPLEMENT

NEWS STORIES

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Four-power statement on Dumbarton Oaks achievements is being prepared for release at end of present conversations, it is learned as informed sources predict that decisions will parallel closely proposals put before delegates by U.S. Powers will not be able to report agreement on method to be used by proposed international council for ordering action when crisis concerns interests of one or more permanent members of Council, and on whether world organization will have control of international military force. Inclusion of France in permanent membership of Council has been agreed upon, according to informed sources, although French nation will not assume its responsibilities until French Govt. has been established that has formal endorsement of its people. It is said that big-four nations will endorse principle of regional responsibility in keeping the peace. One point which has not been resolved, it is learned, is method for dealing with certain colonial areas, although Chinese group is known to have asked for clarification on this point. Diplomatic sources predict that it will be left over to formal meeting of all United Nations. (Wash., Her-Trib., Polk)

Dumbarton draft differs from League of Nations in 5 important essentials: 1) new league contains no guarantee of territorial integrity and political independence of member states; 2) in new league only permanent members of Council have individual right of veto; 3) new charter does not place much reliance on definitions of "aggression", but stresses necessity for council to take action before aggression actually breaks out; 4) Dumbarton charter will not be negotiated with treaties of peace; 5) new charter has no "automatic sanctions", but leaves decisions to impose sanctions to judgment of 11 members of Council. Dumbarton Charter foresees that agreement to put force at disposal of league and amounts of those quotas should be established as soon as league is set up and not left to moment when an aggressor crosses another country's boundaries. (Wash., NY Times, Reston)

Sumner Welles, speaking in Philadelphia, endorses general framework agreed on at Dumbarton Oaks, but warns that Council's efficiency would be "fatally impaired if delegate of U.S. was unable to acquiesce, in moment of grave emergency, in full employment of police powers of international organization without first having to wait for consent of legislative branch of our Govt." Expresses regret that "full agreement" was not achieved at Dumbarton Oaks, but adds that he does not believe "any of us should at this moment concentrate on reasons for this lack of complete success". Denounces view that safety of U.S. can only be achieved through continuing alliance with Brit. and Soviet. (Philadelphia, NY Times, Her-Trib.; UP, Times-Her)

COLUMNISTS

Helen Essary, Times Her., Oct. 5: Right now, according to some of conferees who are worried over delay in reaching any important

agreement at Dumbarton Oaks, it is China who is stumbling block in peace plans. Chinese representatives, it is learned on excellent authority, insist on an international postwar police force.

Mowrer, NY Post, Oct. 3: In his speech, Churchill meant that he and Roosevelt want to sit down with Stalin and try to persuade him to modify his attitude on crucial point of deadlock at Dumbarton Oaks. In Soviet eyes, the really important thing is that any world organization should embody a military alliance among the major powers. To Soviet leaders, a new league without the alliance would, if it lacked strong teeth, be just another debating society, and if it possessed them, a positive danger to Soviet Union.

RADIO COMMENTATORS

Hurd, MBS, Oct. 3: China has sent to Wash. program for making lasting international peace which should end once and for all any doubts as to superb quality of Chinese thinking. Chinese practicality enters in, especially by there being two sets of proposals as alternate choices. Chinese frankly state everything as they open their conference, neatly by-passing the closed doors at Dumbarton Oaks.

Heatter, MBS, Oct. 2: Some men complain we're not moving fast enough in our diplomatic conferences as at Dumbarton Oaks. But one can't help wonder whether these men realize how great a miracle it is that we've held our alliance together at all, that we've been able to meet at all.

MAGAZINES

Newsweek, Oct. 9: Course of Dumbarton Conference was less than smooth, but in circumstances there was no reason for chagrin. Important thing was that Big-3 were not only in full agreement on principle of collective security, but they were in 90% accord on how it should be done. In literal sense discussions were secret. To reporters covering conference, task of disentangling rumor from fact was therefore not easy. Out of maze, however, NY Time's Reston assembled an outline which passed unchallenged by chief delegates. ...Latin Americans complain that Hull left them on outside in arranging Dumbarton Oaks peace mechanism.

New Republic, Oct. 9: The press, which dearly loves a fight, has headlined disagreements at Dumbarton Oaks. Such disagreements certainly do exist; but they are far less important than things on which powers are all agreed.

Time, Oct. 9: Chinese at Dumbarton Oaks have everyone's sympathy. They, like everyone else, know that they are there largely to put their own thoughts on record, and then to give approval to what was agreed on by U.S., Brit., and Russia. ...Dumbarton Oaks turned out to be exactly as advertised: a technical meeting by non-policymaking officials. It now appears probable that full-dress international conference of all nations to form new league will not be held until next year.

Commonweal, Oct. 6: What seems to have emerged from Dumbarton Oaks looks like "sweet setup" for world hegemony on part of Brit., Russia, and U.S., with China and France perhaps playing secondary roles. Dumbarton scheme might easily be breeding ground for another and even more terrible world war. Practical choice seems to be between a generally bad international setup and no international set up at all. Probably wisest practical action is to accept the quarter loaf.

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THE UNDER SECRETARY OF STATE
WASHINGTON

October 6, 1944

MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Forty-First Day

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Meeting of the Joint Formulation Group

The joint formulation group, under the chairmanship of Dr. Wellington Koo, met at 10:30 and 2:30 for the purpose of examining the draft proposals in detail. Dr. Koo explained that it would be very helpful to the Chinese delegation to have the views of the United States and British delegations on a number of points which were not entirely clear to the members of his group.

The entire document was read through and at the request of the Chinese delegation meanings were clarified on a large number of minor points. The explanations given by the American and British delegates appeared to satisfy the Chinese delegation which seemed to feel that no important textual changes would be required. They reserved the right, however, to bring up certain points in the forthcoming United Nations conference.

PSF: Dumbarton Oaks
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THE UNDER SECRETARY OF STATE
WASHINGTON

October 7, 1944

MEMORANDUM TO THE PRESIDENT

Subject: Progress Report on Dumbarton Oaks
Conversations--Forty-Second Day

Meeting of the Joint Formulation Group

The joint formulation group held a brief meeting this morning to consider the problem of transition from the League of Nations to the new Organization. Mr. Pasvolsky explained that of the 45 members of the League, 28 are members of the united and associated nations; of the 44 united and associated nations, 15 are not members of the League; 17 members of the League are neither united nor associated nations. After some discussion as to how the problem could be resolved it was agreed that all three delegations would prepare research papers for exchange at an early date, preparatory to discussions on this subject, in order to present the forthcoming conference with some agreed proposals of the four delegations. It was agreed that Russia would be invited to prepare similar papers if she so desired.

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Final Meeting of the American Group at 11:00

The final meeting of the members of the American group was held in the American room. As chairman of the group I thanked the delegates for their conscientious and always helpful cooperation. I said that I felt sure that all of us would stand by for any future calls that might be made upon us by the President or the Secretary of State. In reply, Mr. Henry P. Fletcher was good enough to thank me, on behalf of his colleagues, for my efforts as chairman of the group and as chairman of the conference.

Final Plenary Session

The three delegations gave their approval to the text of the agreed proposals and to the brief communiqué, which is to be issued later today, announcing the termination of the conversations. Official copies of the proposals were thereupon endorsed for authentication by the three chairmen.

I then made a few brief closing remarks in which I emphasized the cooperative spirit which had marked our conversations and the importance to the peace of the world of the project in which the four nations represented at the conversations are participating. Dr. Koo and Lord Halifax responded with suitable remarks. The remarks of all three chairmen are to be made public.

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The Chinese delegation seemed particularly pleased that both Lord Halifax and I in our concluding remarks paid special tribute to China as a gallant ally, to the distinction of the Chinese delegates, and to their contribution to the work of the conversations.

Final Clearance on Date of Publication

You will recall that the British had not finally agreed to publication of the document on Monday and that they had, in addition, unyieldingly insisted upon the inclusion in the proposed identic communiqué of a fourth paragraph containing a reference to the part of the other United Nations in enforcing the surrender terms. They maintained their position until after the final adjournment today and this matter therefore was, at that time, left undecided. The British Embassy later informed us that the British Government had finally agreed with our proposal that the fourth paragraph be omitted altogether.

Harriman has today informed us by telephone of Soviet agreement to omission of the fourth paragraph from the communiqué and we are awaiting the imminent arrival of formal Soviet clearance of Monday publication.

The Chinese have agreed to omission of the fourth paragraph and to Monday publication.

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THE UNDER SECRETARY OF STATE
WASHINGTON

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October 13, 1944
file 7

MEMORANDUM FOR THE PRESIDENT

In view of the press statements made by Senator Ball recently, the following comments on his questions may be of assistance to you:

1. His first question as to the early formation of the Security Organization has already been covered in your Columbus Day speech in which you indicate that "our objective is to establish the solid foundations of the peace organization without further delay, without even waiting for the end of hostilities."

2. The second question as to opposing reservations which would weaken the power of the Organization to act to maintain peace and stop aggression is somewhat rhetorical. It may readily be answered in the affirmative. The answer, however, will of necessity be little more than a warning to those who, while claiming to favor world organization, will try to deprive the organization of effective power by emasculating amendments.

3. The third question relates to the authority of the American delegate on the Council to commit by his vote the use of the agreed upon quota of our military forces to action ordered by the Council to maintain peace without requiring further Congressional approval.

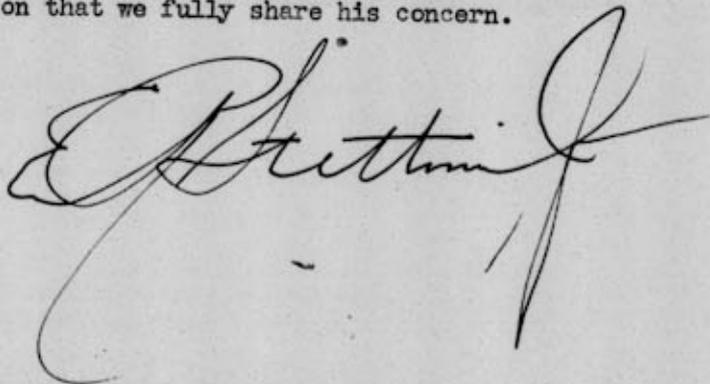
This question is not as simple as the other two, but there seems to be no essential difference between the position taken by the Administration and that advocated by Senator Ball.

The Dumbarton Charter contemplates that the governments should be committed to supply the forces specified in a special agreement or agreements when ordered by the Council. Although voting arrangements have not been agreed upon, there is no question that a great power will not be obligated to furnish forces if its representative votes against the application of force.

But there is no question so far as the Charter itself is concerned that a vote of the Council to use force, in which the American delegate concurs, would commit our Government to fulfill its treaty obligations with respect to the supplying of forces.

The relation of the American delegate to his Government is not a matter which can properly be dealt with in the treaty. It is a matter to be determined by the Constitution and statutes, present and future, of the United States. The American delegate would be appointed by the President subject to Senate confirmation. Thereafter he should function under the direction of the President within the framework of policy stipulated in the treaty. It might be provided that the President should make reports to the Congress.

An arrangement, however, which failed to give the American delegate adequate power to vote, when necessary to meet an emergency, to commit the use of the forces which, it is contemplated, our government should agree by treaty to provide on call of the Council, would be violative of the spirit if not the letter of the Dumbarton Charter. In all our discussions at Dumbarton it was understood that the Council must be in a position to act promptly and decisively in case of need, and that the American delegate should be able to vote on instruction from the executive branch of his government. That is apparently Senator Ball's great concern and on that we fully share his concern.

A large, stylized handwritten signature in cursive script, appearing to read "E. R. Stettin". The signature is written in dark ink and occupies the lower half of the page.

THE UNDER SECRETARY OF STATE
WASHINGTON

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PSF: Dumbarton Oaks
October 14, 1944

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Initial Reaction to the Dumbarton Oaks Proposals

We have had a study made in the Department of the initial reaction in this country and abroad to the Dumbarton Oaks proposals. On the basis of what are necessarily, as yet, incomplete reports as to such reaction, particularly abroad, the initial reaction may be summarized as follows:

1. In the United States -- The conference was widely regarded as successful and most commentators anticipated complete agreement would be reached in the future.
2. In other countries -- In London the reaction was rather reserved and somewhat mixed. In Moscow large-scale publicity was given to the proposals, thus apparently indicating official satisfaction with the progress made at Dumbarton Oaks. Little opposition appears to have been expressed in France, in Spain, or in Latin America (except that the nationalistic press in Argentina violently attacked the proposals).

E. A. Tamm

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DEPARTMENT OF STATE
WASHINGTON

October 20, 1944

My dear Mr. President:

Knowing your deep and abiding personal interest in developing among the peace-loving nations of the world a firm and permanent organization for the maintenance of international peace and security, it gives me great pleasure to send to you herewith, in Mr. Stettinius' behalf as well as in my own, facsimile copies of the Proposals as signed at Dumbarton Oaks on September 28 and October 7, 1944 by the heads of the delegations of the participating Governments.

In presenting these to you, at the end of the significant and perhaps historic first stage of progress in the direction of our ultimate goal, I cannot refrain from expressing the hope and faith, shared by all my associates, that it will be possible
at

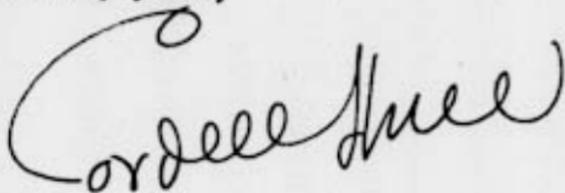
The President,

The White House.

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at a relatively early date to undertake the next great steps toward the establishment of the general international organization.

Faithfully yours,

A handwritten signature in cursive script, reading "Cordell Hull". The signature is written in dark ink and is positioned below the typed name "Cordell Hull".

Enclosures:

Facsimile copies of
the Proposals as signed
at Dumbarton Oaks
September 28 and
October 7, 1944.

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Dumbarton
Oaks

THE UNDER SECRETARY OF STATE
WASHINGTON

October 27, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Meeting with Chiefs of
Missions of Other American
Republics

Yesterday I held another informal meeting with Chiefs of Missions of the other American Republics at the Blair House for a further discussion of the Dumbarton Oaks proposals on international organization. The atmosphere was most cordial and friendly throughout.

The Uruguayan Ambassador made a fairly lengthy statement which in general backed up the Dumbarton Oaks proposals. The Mexican Ambassador asked a number of questions relative to our thinking as to the international court. There seemed to be a general feeling that additional meetings would be well worth while, and the Venezuelan Ambassador suggested that we take up the proposals point by point at these future meetings.

Before the meeting closed I had Vice Admiral Russell Willson and Major General George Strong each speak briefly on our views of the security aspect of the organization. At the beginning of the meeting I had Admiral Willson say a few words about the recent naval battle in the Pacific and Mr. Averell Harriman talked briefly about developments in the Soviet Union, referring especially to the recent conference in Moscow.

I feel beyond question that the meeting was well worth while and that recurring meetings of this type on the international organization, and later perhaps on other subjects, will do much to maintain our cordial relations with the countries to the south of us.

E. A. Tamm

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THE UNDER SECRETARY OF STATE
WASHINGTON

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file 1
November 15, 1944

MEMORANDUM TO MISS GRACE TULLY

Subject: Memoranda on World Security Organization

I attach hereto the working memoranda, original and duplicate, used in my discussion with the President this morning on the world security organization. The President has finished with these memoranda so no action is required as he cleared these with us verbally. These, therefore, are for your files only.



DECLASSIFIED
State Dept. 20000, 1-11-72

By R. H. Parks Date NOV 6 1972

note given to Dr. Tully for Map Room (1-2-44)

THE UNDER SECRETARY OF STATE
WASHINGTON

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November 15, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Questions Left Unsettled at Dumbarton Oaks

There are six principal questions which need to be settled in connection with the establishment of the United Nations organization. They are as follows:

1. Voting procedure in the Security Council
2. Initial membership
3. Location of the United Nations Organization
4. Arrangements for International Trusteeships
5. Drafting of Court statute
6. Procedure for the termination of the League of Nations

There are attached hereto recommendations as regards the first four of these questions.

As regards the Court statute, it was tentatively agreed at Dumbarton Oaks that a group of legal experts would meet two or three weeks prior to the opening of the Conference to draft the document.

As regards procedure for the termination of the League of Nations, the British and the Chinese governments have appointed committees to work on this subject and have promised to communicate their conclusions to us.

E. H. Parks

THE UNDER SECRETARY OF STATE
WASHINGTON

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November 15, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Voting Procedure in the Security Council

Background

There are three issues involved in this connection, as follows:

1. Size of majority
2. Unanimity of permanent members
3. Procedure in the event that one of the permanent members is a party to a dispute

The Russians took the position that the Council should make decisions by a simple majority vote; that unanimity of the permanent members should be required, except on procedural questions; and that the unanimity rule should prevail even when one of the permanent members is a party to a dispute.

The British took the position that the Council's decisions should be by a two-thirds majority vote, except that procedural questions might be settled by a simple majority vote; that unanimity of the permanent members should be required on all substantive matters; and that parties to a dispute should not vote.

The Chinese position was similar to the British.

In accordance with your instructions, our delegation took a position similar to the British, except that we expressed our willingness to accept either a simple majority or a two-thirds majority.

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In the course of the Dumbarton discussions, in order to meet the conflicting views, proposals were tentatively made that decisions should require the affirmative votes of seven members, rather than of six members, as would be the case under a simple majority rule, or of eight members, as would be the case under a two-thirds rule; and that unanimity of the permanent members should be required on all substantive matters, except that in decisions of the Council relating to pacific settlement of disputes (Section A of Chapter VIII) parties to a dispute should not vote. These proposals were not accepted, although they were favorably regarded by Sir Alexander Cadogan and his associates and by Dr. Koo and his associates.

Recommendation

It is recommended that

This government accept the formula embodied in the attached draft of a proposal on this subject and seek to obtain the acceptance of that formula by Soviet Russia and the United Kingdom.

The proposed formula is essentially along the lines of the compromise solution discussed at Dumbarton Oaks. It provides that parties to a dispute should abstain from voting in those decisions of the Council which relate to the investigation of disputes, to appeals by the Council for peaceful settlement of disputes, and to recommendations by the Council as to methods and procedures of settlement. It retains the unanimity rule for decisions relating to the determination of the existence of threats to the peace or breaches of the peace and to the suppression of such threats or breaches.

This proposal should be acceptable to this country, since no party to a dispute would sit as a judge in its own case so long as judicial or quasi-judicial procedures

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are involved, but would participate fully in procedures involving political rather than judicial determination. It should be acceptable to Soviet Russia because it meets her desire that no action be taken against her without her consent.



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November 15, 1944

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PROPOSAL FOR SECTION C OF THE
CHAPTER ON THE SECURITY COUNCIL

C. VOTING

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



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THE UNDER SECRETARY OF STATE
WASHINGTON

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November 15, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Invitations to the Conference and Initial Membership

Background

There are two issues involved in this connection, as follows:

1. Should only the 35 United Nations be invited to the Conference and decide at the Conference who should be the additional initial members; or should invitations to the Conference be sent also to the nine so-called "associated" nations which participated in the Hot Springs, UNRRA, and Bretton Woods Conferences?
2. Should the sixteen Soviet Republics be admitted to initial membership?

The Soviet delegation took the position that only the signatories of the United Nations Declaration be invited to the Conference. They raised no objection to the inclusion by the Conference of other nations in the list of initial members, but placed themselves on record as insisting on the inclusion in the initial membership of the sixteen Soviet Republics.

In accordance with your instructions, we took the position that invitations should be sent to the forty-four nations which had been invited to the previous conferences (list attached) and that we could not accede to the Soviet demand for the inclusion of the sixteen republics as members of the organization.

THE UNDER SECRETARY OF STATE
WASHINGTON

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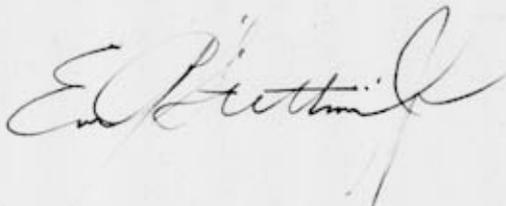
The British and the Chinese delegations supported our position fully in both respects.

Recommendation

It is recommended that

1. We take steps to induce the six American Republics now listed as "Associated" nations (Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela) to qualify as United Nations by declaring war on Japan or Germany or both; and

2. Failing this, we continue to maintain the position taken at Dumbarton Oaks.



LIST OF NATIONS WHICH PARTICIPATED
IN HOT SPRINGS, UNRRA AND
BRETTON WOODS CONFERENCES

United Nations

Australia	Iran
Belgium	Iraq
Bolivia	Liberia
Brazil	Luxembourg
Canada	Mexico
China	Netherlands
Colombia	New Zealand
Costa Rica	Nicaragua
Cuba	Norway
Czechoslovakia	Panama
Dominican Republic	Philippine Commonw
El Salvador	Poland
Ethiopia	Union of South Afr
Greece	U.S.S.R.
Guatemala	U.K.
Haiti	U.S.A.
Honduras	Yugoslavia
India	

States or Authorities Associated with
the United Nations in the War

Chile	Iceland
Ecuador	Paraguay
Egypt	Peru
French Committee of National Liberation	Uruguay
	Venezuela

Observers

Danish Minister at Washington,
attending in a personal
capacity

DECLASSIFIED
State Dept. Letter, 1-
By R. H. Parks Date

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THE UNDER SECRETARY OF STATE
WASHINGTON

November 15, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Location of The United Nations Organization

Background

This question was not formally discussed at Dumbarton Oaks, although there were some exchanges of views. The Soviet delegation objected to Geneva. One of the Soviet delegates very informally suggested Prague. The British and the Chinese raised no objection to Geneva, but had no positive suggestions.

We had a group of our own working on the question. It is recommended that, while the Assembly, the Council, and the various conferences should meet in various parts of the world, the headquarters of the Organization should be in Europe. It also examined the following possibilities and recommended number 6: 1. Prague; 2. Vienna; 3. Luxembourg; 4. Geneva; 5. an internationalized district in the vicinity of Lake Como; 6. An internationalized district comprising a strip of Swiss territory on which the League and the ILO buildings are located and the adjacent French territory of the Pays de Gex.

Recommendation

It is recommended that:

This government urge the proposal that the headquarters of the Organization be in an internationalized Swiss-French District as suggested above.

E. B. Tamm

THE UNDER SECRETARY OF STATE
WASHINGTON

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November 15, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Arrangements for International Trusteeship

Background

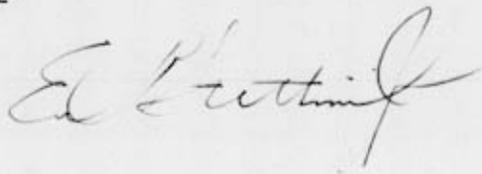
This question was not discussed at Dumbarton Oaks because of the desire of our Joint Chiefs of Staff that it not be discussed. The Soviet, British, and Chinese delegations expressed a desire that it be taken up at a later date, and we undertook to give consideration to the question of whether the matter should be postponed until the Conference or a preliminary exchange of papers take place before the Conference.

The Department of State has already prepared tentative proposals on this subject.

Recommendation

It is recommended that

1. The Department of State proceed, in consultation with the military and naval authorities, to a further examination of the tentative proposals; and
2. It be authorized, if you approve the proposals, to transmit them to the British, Soviet, and Chinese Governments prior to the convocation of the Conference.



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by Dept. Order, 1-11-78
H. Parks Date NOV 20 1972

THE UNDER SECRETARY OF STATE
WASHINGTON

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November 15, 1944

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MEMORANDUM FOR THE PRESIDENT

Subject: Further Steps with Respect to Items Left Open at the Dumbarton Oaks Meeting

There are two items left open at the Dumbarton Oaks meeting on which agreement is necessary between the Governments of the United States, the Soviet Union and Great Britain before a Conference of the United Nations can be called to draft a Charter of The United Nations Organization. The Government of China will undoubtedly go along with any agreement thus reached. The two items are:

1. Voting procedure in the Security Council
2. Invitations to the Conference and initial membership

The following alternative steps for seeking agreement on these items appear to be open to us:

1. The most promising method of handling the matter would be at a meeting of the three heads of government.
2. If such a meeting cannot be arranged soon, perhaps it would be possible to arrange a meeting of the three Foreign Ministers--preferably in London, but, if necessary, in Moscow. In the event that the Secretary found it impossible to attend, the United States could be represented by the Undersecretary.

3. If

THE UNDER SECRETARY OF STATE
WASHINGTON

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3. If the Russians or the British or both object to a formal meeting of Foreign Ministers, the next best thing might be for the Undersecretary to go to London, and then go to Moscow together with Eden or Cadogan.
4. If none of these procedures appears to be feasible, Ambassador Winant and Ambassador Harriman might be instructed to discuss the matter simultaneously in London and Moscow and attempt to reach agreement.
5. Finally--and this would appear to be the least promising alternative--we might attempt to handle the matter by correspondence, starting with a new statement of our position, made in the light of what has transpired since the Dumbarton Oaks meeting and communicated by cable to the other two governments.



News Service
Carnegie Endowment for International Peace
Room 731, 342 Madison Avenue, New York, N. Y.
Telephone: Murray Hill 2-6215

PSF
Dumbarton Oaks

FOR RELEASE DECEMBER 4, 1944

New York, N. Y., Dec. 3. - "The Dumbarton Oaks Proposals should be given unhesitating support by the American public as a basis for the new international organization." This hope was expressed by a group of Americans experienced in the work of various international organizations. The group which has just concluded a study pursued during several weeks is the same group as that which prepared a Design for a Charter of the General International Organization published on August 1st. It includes seven men who were at Paris with the American Commission to negotiate Peace in 1919, and eight men who were formerly officials of the League of Nations.

After consulting with officials of the Department of State, the group has made a detailed study of the Proposals, in response to President Roosevelt's general invitation to the American public to subject them to "full discussion." Noting that the Proposals have not been reduced to a formal draft and that they are yet to be presented for consideration at a "wider conference" in which other States will take part, the group has addressed itself particularly to the numerous questions which Dumbarton Oaks left in the category of unfinished business. On some of these questions it has prepared specific suggestions, particularly with reference to the preservation of the existing World Court, the extension of pacific settlement of international disputes, the development of international law, voting in the Security Council, and the protection of dependent peoples.

On the proposals, in general, the group stressed the paramount need of establishing an international organization to maintain peace and security at the earliest possible time: the impossibility of any such organization unless all of the principal nations take part in it, and the consequent necessity of taking into account the views of various Governments. On this basis, it found "no alternative to proceeding along the lines adopted at Dumbarton Oaks, and without an illusion to perfection" it concluded that "these lines offer solid foundation for hope of a practical approach to an effective organization." The great gain, it was thought, is the agreement of the four principal nations to proceed on this basis.

Judge Manley O. Hudson, of the Permanent Court of International Justice, is convenor of the group, and its membership includes:

- FRANK AYDELOTTE, Princeton, New Jersey
Director of the Institute for Advanced Study; American Secretary of the Rhodes Trusts; Chairman of the Educational Advisory Board of the Guggenheim Foundation.
- FRANK G. BOUDREAU, New York City
Executive Director of the Milbank Memorial Fund; Official of the Health Organization of the League of Nations 1925-1937.
- MALCOLM W. DAVIS, New York City
Associate Director of the Division of Intercourse and Education of the Carnegie Endowment for International Peace; formerly Associate Secretary General of the International League of Red Cross Societies.
- CLARK M. EICHELBERGER, New York City
Director of the League of Nations Association; Director of the Commission to Study the Organization of Peace.
- RAYMOND B. FOSDICK, New York City
Under-Secretary General of the League of Nations, 1919-1920.
- HUNTINGTON GILCHRIST, New York City
Official of the League of Nations Secretariat, 1919-1928; Secretary of the Council of the United Nations Relief and Rehabilitation Administration 1944.
- PHILIP C. JESUP, New York City
Professor of International Law, Columbia University; Secretary pro tempore of the Council of the United Nations Relief and Rehabilitation Administration 1943.
- HERBERT L. MAY, New York City
Vice-President of the Permanent Central Opium Board and Acting Chairman of the Drug Supervisory Body affiliated with the League of Nations.
- PHILIP C. NASH, Toledo, Ohio
President of the University of Toledo; formerly Executive Director of the League of Nations Association.
- GEORGE RUBLEE, Washington, D. C.
With the American Commission to Negotiate Peace, Paris, 1918-1919; legal adviser to the American Delegation at the London Naval Conference, 1930; Director of the Inter-Governmental Committee on Political Refugees, 1938-1939.
- JAMES T. SHOTWELL, New York City
Chairman of the Commission to Study the Organization of Peace; Director of the Division of Economics and History of the Carnegie Endowment for International Peace; member of the International Committee on Intellectual Co-operation; with the American Commission to Negotiate Peace, Paris, 1918-1919.
- PRESTON T. SLOSSON, Ann Arbor, Michigan
Professor of Modern European History, University of Michigan; with the American Commission to Negotiate Peace, Paris, 1918-1919.
- ARTHUR SWEETSER, Washington, D. C.
With the American Commission to Negotiate Peace, Paris, 1918-1919; official of the League of Nations Secretariat, 1919-1942; Chairman of the United Nations Information Board, 1942-1943.
- QUINCY WRIGHT, Chicago, Illinois
Professor of International Law, University of Chicago

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3-44

DEPARTMENT OF STATE
WASHINGTON

December 5, 1944

MEMORANDUM TO THE PRESIDENT

Subject: John Foster Dulles

John Foster Dulles called me the other day to ask advice as to how he could put the Dumbarton proposals on international organization in a favorable light before a meeting of the Council of Churches. He was anxious to get a good statement from them, which he did, but indicated that he was finding considerable opposition.

He then said he would like to come down and talk over with us in detail the present status of the Dumbarton proposals. I have agreed to see him Friday to do this. I shall report to you on your return the results of the discussion.



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State Dept. Letter, 1-11-78

By R. H. Parks Date NOV 22 1972



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PSF: *Dumbarton Oaks points*
→ ~~SECRET~~ 3-00

THE SECRETARY OF STATE
WASHINGTON

December 12, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Conversation with
John Foster Dulles.

I had a most interesting talk with Dulles on Friday. He seems most cooperative about the whole idea of a general international organization and the Dumbarton Oaks proposals in particular.

The most interesting point in the conversation which came out entirely voluntarily on his part was his statement that if he were writing the plan himself, he would cover the question of voting in the council on lines which are practically identical with the compromise position we have wired to Stalin and Churchill.

E. A. Tamm

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DEPARTMENT OF STATE
WASHINGTON

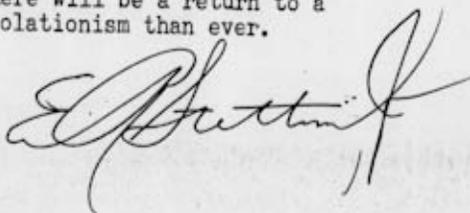
December 21, 1944

MEMORANDUM FOR THE PRESIDENT

Subject: Observations from the Middle West

Mr. Edwin Wilson, one of our keenest observers, has just returned from a speaking trip on the Dumbarton Oaks Proposals to Kansas City, Des Moines, St. Paul and Minneapolis. He talked with many people including leading newspaper editors and I have been greatly impressed by his observations. I think you will be interested in the following:

- (1) Sentiment was generally favorable to the Dumbarton Oaks Proposals.
- (2) There is wide-spread discussion and concern over recent events in Italy and Greece, but a minority of "thinking people" feeling the British had a good case.
- (3) Fairly strong anti-British feeling throughout the region.
- (4) The editors feel that the people out there would prefer to have the United States participate actively in these European decisions.
- (5) The editors agreed that if developments along the line of Greece, the Baltic States and the Balkans continue, favorable action on the world security organization may be jeopardized.
- (6) One editor expressed the feeling that isolationism had almost disappeared in that section but that if recent developments continue there will be a return to a stronger isolationism than ever.



PSF Dumbarton Oaks folder 3-44

OFFICE OF WAR MOBILIZATION

WASHINGTON, D. C.

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James F. Byrnes
Director

December 22, 1944.

Dear Mr. President:

You may be interested in the attached copy of a letter to the Secretary of State with comments on the Dumbarton Oaks proposals prepared by a small group working with Manley Hudson, including among others, Shotwell, Hubble, Malcolm Davis, Jessup, Eichelberger, Fosdick and Quincy Wright.

The suggestion on voting in the Council on page 6, paragraph 5, may interest you as a possible method of reaching a compromise on the unanimity point.

Sincerely yours,

Ben V. C.
Ben V. Cohen

The President,

The White House.



COPY

December 19, 1944

My dear Mr. Secretary,

On August 1, 1944, I had the honor to communicate to you a copy of a Design for a Charter of the General International Organization which was prepared by a group of Americans who have had experience with various international organizations.

The same men have more recently engaged in a study of the proposals which emanated from the conversations held at Dumbarton Oaks. In a series of meetings at the Association of the Bar of the City of New York, on October 29, November 12 and 25-26, and December 17, 1944, some suggestions were formulated with a view to the possible clarification and strengthening of the proposals.

On behalf of the group, I take pleasure in sending to you five copies of the "Weight of the Meetings," and I venture to hope that you may be willing to give to the suggestions such consideration as they may merit.

With warm personal regards, I am, Sir,

Faithfully yours,

(signed)

Manley O. Hudson

The Honorable
Edward R. Stettinius, Jr.
Secretary of State
Washington, D. C.

United Nations
~~Confidential Document~~ ---
~~Not for Publication~~

December 19, 1944

Weight of the Meetings

of October 29, November 12 and 25-26, and December 17, 1944

The group which drafted the Design for a General International Organization published on August 1, 1944 expresses the hope that the Dumbarton Oaks proposals will be given the unhesitating support of the American people.

All members of the group wish to direct their individual efforts to this end.

As the Governments which participated in the Dumbarton Oaks Conferences "agreed that after further study of these proposals they will as soon as possible take the necessary steps with a view to the preparation of complete proposals, which could then serve as a basis of discussion at a full United Nations conference," as the proposals are not yet in the form of a draft, and as a note to the proposals states that "several" questions "are still under discussion," the group has undertaken to formulate, for such consideration as they may merit, the following suggestions as to the clarification and strengthening of the proposals. The group itself will give no publicity to these suggestions.

1. Introductory Statement.

This might include paragraph 1 of Chapter II, to give emphasis and to make Chapter II less heterogeneous.

2. Purposes.

The statement of purposes in Chapter I might be made more striking and more embracing. Perhaps the text could be made to read somewhat as follows:

1. To maintain international peace and security by collective action;
2. To develop just and friendly relations among nations;
3. To achieve international cooperation in the solution of international economic, social, cultural and other humanitarian problems;
4. To revitalize and strengthen international law;
5. To promote respect for human rights and fundamental freedoms;
and
6. To afford a center for harmonizing the actions of nations in the achievement of these common ends.

3. Principles.

Chapter II seems confused. Paragraph 1 seems to belong to the Preamble. Paragraph 2 serves little purpose. The introduction leaves in doubt the character of Paragraphs 3 to 6. In line with the concluding paragraph of Chapter II, they might be stated as legal principles applying to all States. If so, the drafting might be along the following lines:

In pursuit of the purposes mentioned in Chapter I, the Organization affirms the following as fundamental principles applicable to all States:

1. All States shall seek to settle their disputes only by peaceful means in such a manner that international peace and security are not endangered.
2. All States shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.
3. All States shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.
4. All States shall refrain from giving assistance to any State against which preventive or enforcement action is being undertaken by the Organization in accordance with the provisions of the Charter.

To assure the observance of these principles by all States, the Organization should be empowered to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace.

All members of the Organization undertake to carry out in full good faith the obligations assumed by them in accordance with the Charter in order to ensure to all of them the rights and benefits resulting from membership in the Organization.

Principal Organs.

The Economic and Social Council should be listed or mentioned in some way in Chapter IV. For example, paragraph 1

(a) might read:

A General Assembly, with an Economic and Social Council under its authority.

General Assembly.

(a) The form of Section A of Chapter V might follow that of Section A of Chapter VI, so that the former would read:

The General Assembly should consist of representatives of all members of the Organization. The number of representatives of each member should be specified in the Charter.

(b) The limiting effect of the last sentence of paragraph 1 of Section B of Chapter V might be restricted by adding at the end the phrase "under Chapter VIII, Section B."

(c) To strengthen the General Assembly, the concluding phrase "upon recommendation of the Security Council," in paragraph 2 of Section B of Chapter V, should be omitted.

(d) The functioning of the Organization would be better assured if no provision were made for expulsion, and the concluding sentence of paragraph 3 of Section B of Chapter V should be omitted. In paragraph 2 of Section C of Chapter V the words "and expulsion of members" would then have to be deleted.

Voting in the Security Council.

(a) The following suggestions are offered for Section C of Chapter VI:

1. Subject to the provisions of paragraphs 4 and 5 of this Section, each member represented in the Security Council should have one vote.
2. Except where a special majority vote is expressly required, all decisions of the Security Council should be taken by the concurring votes of a simple majority of the representatives present and voting.
3. Where a special majority vote is expressly required, all decisions of the Security Council should be taken by the concurring votes of two-thirds of the representatives present and voting, including the representatives of the permanent members present and voting.

4. A party to a dispute, represented in the Security Council, should have no vote on any decision which may be taken by the Security Council under the provisions of Chapter VIII, Section A.

5. Where a special majority vote is expressly required, the Security Council should be empowered to determine, as a preliminary matter, that because of a member's special relation to the subject-matter, its representative should not take part in the voting; such a determination should require the concurring votes of the representatives of two-thirds of the permanent members present and voting and of two-thirds of the non-permanent members present and voting.

(b) A special majority vote should be expressly required for decisions which may be taken by the Security Council under paragraph 3 of Section B of Chapter V; under paragraph 5 of Section B of Chapter VI; under Section B of Chapter VIII; and under paragraph 2 of Section C of Chapter VIII. This could be effected either by provisions in those places, or by a provision in Section C of Chapter VI.

7. International court.

(a) A failure to continue the Permanent Court of International Justice would jeopardize a vast structure of treaty law. While some modification of the Statute of the Court will be necessary, alternative (a) in paragraph 3 of Chapter VII should quite clearly be adopted.

(b) The Charter should include a general provision empowering the Security Council, in the event of a State's failure to comply with a judgment of the court, to make recommendations or decide upon the measures to be taken to give effect to the judgment.

(c) The Charter should include provision empowering the General Assembly, the Security Council, and the Economic and Social Council to request the court to give an advisory opinion on any legal question.

8. Settlement of Disputes

(a) Section A of Chapter VIII is not satisfactory. Particularly, paragraph 3 seems to call for the assumption of an obligation by all States; to some extent it repeats what is already contained in numbered paragraph 3 of Chapter II. Paragraph 4 is prolix; and it introduces an objectionable conception of reference by the parties to the Security Council, and is thus inconsistent with paragraphs 1 and 5. Paragraph 6, first sentence, ignores the progress achieved by many States during twenty-five years;

in the second sentence, the word advice is objectionable. Paragraph 7 is too broad in the reference to paragraphs 1 to 6; and it appears to imply that each State may decide for itself whether its dispute involves a domestic question.

(b) Section A might be re-drafted and re-arranged along the following lines:

(1) Any State, whether a member of the Organization or not, may bring to the attention of the General Assembly or of the Security Council any dispute between States the continuance of which would in its opinion be likely to endanger the maintenance of international peace and security, or any international situation which in its opinion may lead to international friction or give rise to a dispute.

(2) The Security Council should also be empowered, on its own initiative, to investigate any dispute between States or any international situation, in order to determine whether its continuance would be likely to endanger the maintenance of international peace and security.

(3) If the Security Council determines that a dispute between States is of such a nature that its continuance would be likely to endanger the maintenance of international peace and security, it should call upon the parties to the dispute to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or by other peaceful means of their own choice.

(4) The Security Council should be empowered, at any stage of a dispute which it has determined to be of such a nature that its continuance would be likely to endanger the maintenance of international peace and security, or in any situation which in its opinion may give rise to such a dispute, to recommend appropriate procedures or methods of adjustment.

(5) The provisions of paragraph 4 of this Section should not apply to any dispute or situation which is found by the Security Council to arise out of a matter which by international law is solely within the domestic jurisdiction of a State concerned.

[If the suggestion made in paragraph 7 (c) of this document were not adopted, a paragraph should be added, as follows:

[(6) The Security Council should be empowered to request the international court of justice to give an advisory opinion on any legal question connected with a dispute which the Security Council has determined to be of such a nature that its continuance would be likely to endanger the maintenance of international peace and security.]

as to the Peace or Acts of Aggression.

Paragraph 5 of Section B of Chapter VIII should be elaborated to give a role to the Security Council which would enable it to initiate, and participate in, the negotiation of the special agreements. To facilitate such action by the Security Council, it should be empowered to become a party to such agreements.

Cultural Relations.

The proposals fail to place emphasis on the importance of cultural relations between peoples as a bulwark of peace. It has been suggested above that the word cultural should be added in paragraph 3 of Chapter I. A reference to problems of cultural relations should also be made in paragraph 6 of Section B of Chapter V, in paragraph 1 of Section A of Chapter IX, and in paragraph 1 (b) of Section C of Chapter IX. Reference to cultural agencies should also be added in paragraph 1 (c) of Section C of Chapter IX, and a cultural commission should be provided for in paragraph 1 of Section D of Chapter IX.

Human Rights.

(a) In view of recent events, the bare mention of human rights in paragraph 1 of Section A of Chapter IX seems to be a slighting of the subject. Especially is this true because of the reference to human rights in the United Nations Declaration of January 1, 1942.

(b) It has been suggested above that a reference to human rights should be included in Chapter I. At the end of paragraph 6 of Section B of Chapter V, also, the following might be added:

and of promoting respect for human rights and
fundamental freedoms.

12. International Law.

(a) Though the Moscow Declaration stressed the "re-establishment of law and order," the proposals give an impression of subordinating international law to international politics. The subordination is enhanced by the failure to propose any measure of compulsory jurisdiction over legal disputes for the court.

(b) It has been suggested above that international law be mentioned in Chapter I (our paragraph 4), in the striking language used by our Secretary of State in 1937. It might also be possible to mention "the development of international law" in paragraph 6 of Section B of Chapter V.

(c) It is further suggested that two new paragraphs be added in Section B of Chapter V, along the following lines:

The General Assembly should be empowered to adopt general conventions to be submitted to States for acceptance.

The General Assembly should endeavor to encourage the progressive development of treaties concerning the pacific settlement of disputes between States, and the extension of the jurisdiction of the international court of justice with respect to legal disputes.

5. Dependent Peoples.

(a) This is doubtless an item of the unfinished business of the conferences at Dumbarton Oaks. It is suggested that the Charter should affirm the principle that the well-being and development of dependent peoples form a sacred trust of civilization. The General Assembly should be empowered to establish procedures and agencies, general and regional, to facilitate the performance of this trust.

(b) The General Assembly should also be empowered to assure the effective execution of any mandate conferred on a State with respect to any particular territory.

6. Secretariat and Immunities.

(a) Chapter X covers the Secretariat inadequately. It should be expanded to deal with the selection of officials, their freedom from national control, and their immunity from national jurisdiction.

(b) In paragraph 3 of Chapter X, the General Assembly should be mentioned as well as the Security Council.

(c) The Charter should also contain a general provision concerning the immunities of the representatives of members and of international officials, and concerning the inviolability of the premises and archives of the Organization. Provision should also be made to assure to the organs of the Organization general freedom of communication.

Headquarters.

Though a fixed seat, or headquarters, is most important to the effectiveness of administration, the proposals contain but a bare reference to "a center" in paragraph 4 of Chapter I, and to "the headquarters" in paragraph 1 of Section D of Chapter VI. The headquarters should be established, if possible, in territory made available by more than one State; for example, Switzerland and France might be willing to lease to the Organization parts of the Canton of Geneva and of the Zone of Gex. The General Assembly should be empowered to provide for the administration of any territory thus made available to the Organization.

Registration and Publication of Treaties.

Despite the great advance achieved in this field, the topic is not mentioned in the proposals. It seems desirable that members of the Organization should be obligated to register all treaties, and that the Secretariat should publish the registered texts.

Supremacy of the Charter.

As the basic instrument of the Organization, the Charter should prevail over inconsistent agreements made by the members. Some provision to this effect would seem to be desirable.

Amendments.

A provision of the Charter implementing Chapter XI of the proposals should set a time-limit on the ratification of amendments. The experience of the League of Nations, as well as that of the United States, has indicated the desirability of a time-limit.

Transitional Arrangements.

(a) The introductory phrase of paragraph 1 of Chapter XII seems to need more precision; otherwise the transitional period might be greatly extended. The final phrase of the paragraph might be made to read:

as may be found by the Security Council to be necessary for the purpose of maintaining international peace and security.

(b) The provision in paragraph 2 of Chapter XII is exceedingly broad. The words "action taken or authorized" might be qualified by a reference to agreements which may be made with or with respect to the specified States. The characterization of these States as "enemy" States will doubtless be avoided in such an instrument as the Charter.

20. Succession to the League of Nations.

The Charter should envisage the possibility that some of the functions entrusted by international instruments to organs of the League of Nations may devolve upon organs of the Organization. For this purpose, provision might be made for arrangements with reference to acquisition of archives and other properties of the League of Nations.

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Duffin

THE WHITE HOUSE
WASHINGTON

January 11, 1945

MEMORANDUM FOR THE PRESIDENT

Dear Mr. President:

Senators Hall and Hatch came to see me this morning with a draft of a proposed Senate Resolution, going further than the Connally Resolution, but tending to show that the Senate was behind you in winding up Dunbarton Oaks properly.

I told them these things:

1. That the Senate had in Tom Connally an altogether friendly Chairman of the Foreign Relations Committee and that they should be very careful not to offend Tom's sensibilities. Under any circumstances Tom must take the leadership in whatever you and Tom agree to.
2. I told them that I thought the timing was bad; that there was no possibility of passing such a Resolution quickly and that you might find yourself in the middle of an important international conference with the Senate taking an unfavorable action. Furthermore, the Connally Resolution passed with only 5 votes against it. If this Resolution had 12 or 15 votes against it, or should fail to have two thirds in favor, the world would think that you did not have the Senate with you.
3. They told me that Wallace White is going to raise this general question with you at the meeting this morning and they hoped that you would not throw too much cold water on White pending a private conference with you and Senator Connally. They indicated that Tom Connally wants to do whatever you want but I know Tom well enough to know that he wants to take his advice directly from you and not from other Senators.

H.L.H.

P.S.

Joe Green called me up a few minutes ago and said that he was bringing Dean Acheson along because the Senate knew that Dean Acheson has been assigned the job BY Stettinius of dealing with the Senate so far as the State Dept. is concerned.