

REMARKS MADE BY COMMANDER STASSEN  
AT 19th MEETING OF COMMITTEE III  
AT 8.45 p.m. ON 12 JUNE, 1945.

CHAIRMAN (speaking in French): You have the floor, Commander Stassen.

DELEGATE OF THE UNITED STATES: Mr. Chairman, distinguished Delegates. I speak upon this subject not only to request your votes in favour of the formula that is before you, but even more important to ask that you cast your votes with the attitude that you are concluding one of the greatest documents ever set forth by the hand of man.

You may say to me, "how can you say that when there has been so much of cynical remarks expressed, so much of discouragement stated by distinguished delegates in this gathering?" I reply, these sessions are not the first time that there have been remarks of disappointment or cynicism about a great adventure that was being entered into.

May I just quote to you a few of the remarks made by distinguished statesmen at the time of the birth of our own United States of America 160 years ago.

William McClay said, in 1787: "My mind revolts in many instances against the Constitution of the United States. Indeed, I am afraid it will turn out the vilest of all traps that ever was set to ensnare the freedom of unsuspecting people. It certainly contradicts all the modern theory of government, and in practice must be tyranny."

Eldridge Gary said, in 1788, speaking of this same Constitution: "A Constitution which by the undefined meaning of some parts and the ambiguities of expression in others is dangerously adapted to the purposes of an immediate aristocratic tyranny; that from the difficulty if not impracticability of its operation must soon terminate in the most uncontrolled despotism."

And Joshua Tucker, another great writer of that time, said, 160 years ago: "As to the future grandeur of America and its being a rising empire under one head, whether Republican or Monarchism, it is one of the most idle and visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the American, their differences of governments, habititudes and manners, indicate that they will

have.....//

have no centre of union and no common union. They never can be united into one compact empire under any species of government whatsoever. A disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths of principalities according to natural boundaries by the great bays of the seas and by vast rivers, lakes and ridges of mountains."

So spoke three great statesmen at the birth of our country 160 years ago. And may I say to you, with all sincerity, I hope that some of the distinguished statesmen here will prove to be as wrong in their cynicism toward the birth of this United Nations organization as have those statesmen at the birth of our country. And I say that with all the earnestness at my command, because we have met for a purpose for which millions of men have been fighting for millions of years to attain. We have met not for a purpose that divides us. Certainly we have 50 different view points here, but we have the overwhelming common bond --- our peoples all desire peace and progress and the general welfare. That common bond is greater than all of the things that tend to divide us. We have this central thought, that it will be impossible to attain peace and progress for mankind unless the major powers of the world find the way to live together in harmony, live together in unanimity, and that regardless of what we put in Charters, if we lose that unanimity, then we have lost the purpose for which we meet.

Therefore, we ask: What is the best way to seek that unity, difficult though it will be -- and we know it will be difficult? What is the best way to seek it? Is it not to say: you shall seek a joint united position on the important and crucial issues of tomorrow? That is what this Charter says. It does not say one nation may flout its principles. The principles are binding on every nation, great and small. But it does say, when you come to these difficult problems of solving a dispute that is threatening world peace, then you cannot solve that dispute lest you find the basis on which the major powers and at least two of the other powers can agree.

And...../



And what does that mean? That means if you seek to recommend a settlement or even a means of settlement and major powers are on the other side, major powers with millions and millions of people within their borders are disagreeing, then there is no real hope of a successful peaceful settlement, and in fact you are building up and generating right then the very disunity that may cause the breach of the peace.

And what is the answer to that? How can you best insure that these major powers of the world do find that difficult answer of the place to stand together? Is it not by you, the fifty nations of the United Nations of the world, saying to them in this Charter, "You shall concur together in these critical decisions"? And let's make it clear. We do not say in this Charter that this is the sole means of peaceful settlement. We say to all the nations of the world -- settle your disputes by any peaceful means you can find, but settle them peacefully. Go your way in your regions, in your areas, in your agreements between yourselves. Find any method you decide upon for peaceful settlement and work out your disputes and your differences. And then we say, if you fail, if you are not able to settle your disputes, then those very difficult ones that cannot be settled in any other way, come to this Council of the Nations, upon which are seated six of the powers that are elected by the Assembly and the five of the permanent members, and there begins that final crucial consideration whether there is not a way to settle that dispute and in its settlement find an answer that will find the major powers united.

This is not a matter of some legalistic question of whether some individual power may upset. Rather we are facing this difficult course in travelling the difficult road to peace as a crew or as a team, and we say, just as an oarsmen who does not pull his oar with the others can disrupt the entire craft, so we say you must find the way to keep all of these key oarsmen pulling together in rhythm. Certainly, it is a problem that will take the best of the attention of the best of the minds of today and tomorrow. But let's remember that difficult as will be the task of finding the joint positions between nations of different ideas, different backgrounds, that difficulty will not be any greater..../

greater than has been the difficulty of finding the combined position during the war.

Let us also remember that the tragic days of this war were those when the major powers of the world had not reached a joint position. That is the time that the aggressors ran rampant, when the major powers of the world found they could stand together, and then they had the backing of this great Assembly of the nations of the world, then the aggressors were stopped and driven back, and, of course, the joint Chiefs of Staff and the heads of these governments had difficulty in working out the intricate problems of the war, but they did work them out. And there will be difficulties tomorrow in working out the problems of peace, but the important thing is, they must be worked out and they must be worked out in joint positions and not on a basis of a divided world which can only mean the conflict for which we have met to prevent.

That is what is before you. So I ask you and plead with you -- not as an individual; as you know, I was not at Dumbarton Oaks or at Yalta, I am not any part of the Federal government of my country -- but I plead with you on behalf of the peoples of the world: Think carefully, meditate on the matter of the basis on which you are establishing this Organization and begin, not only to reach these final conclusions, but the time has come to begin to advocate and to sell and to champion the result of the great work you have done here in order that the world may have some confidence in the result, because if you continue to criticize your own work, you will undermine the structure before it ever begins, so that the people of the world will have no confidence in it and it will not have a chance to succeed. But if you say, "We have worked together; we have debated together; we have met together; and in a very difficult way we have worked out some forty amendments to the original draft; now we are presenting it to the world, not perfect, but nothing the hand of man ever conceived was perfect, not perfect but good -- not perfect, but holding the best hope of mankind, having in the years ahead the peace, the opening of the avenues of progress for which mankind has been fighting these recent difficult years."

REMARKS MADE BY COMMANDER STASSEN AT 20TH MEETING  
OF COMMITTEE III/1 JUNE 13. at 1030 a.m.

DELEGATE OF UNITED STATES: (Commander Stassen)

Mr. Chairman, and distinguished delegates, I would like to speak briefly upon it since it is now being interpreted as being all one section. Some of the delegates are saying they are going to abstain. It was very clear to me last evening from the discussion that there has been some misunderstanding in the meaning of this section in relation to section A because I think there is not misunderstanding of what committee III/2 has done with section A. I think it is very important and I present it to you briefly and technically now in the hope that we might get a unanimous, or almost unanimous, vote under all of the circumstances for the section that we are now discussing of the Dumbarton Oaks.

I have been serving on this committee, committee III/2, which has taken up the peaceful settlement and that, of course, is so much involved in your discussion. The committee has completed its work, has made its recommendations to the drafting committee, and the drafting committee is just now completing the draft. I believe that it presents a much brighter picture than some of the delegates here seem to think was existing in this Charter. This is what I mean specifically. Taking up first the question where a permanent member is a party to a dispute. There have been some statements that a permanent member was above the law or beyond jurisdiction. That is not correct. Under paragraph 3 of the voting, a permanent member cannot vote and it is agreed that, therefore, the other four of the permanent members, plus at least three of the non-permanent members, take all the decisions under section A. Or, if two permanent members are parties to a dispute themselves, both refrain from voting and then the other three permanent members, plus at least four of the non-permanent members, reach the decision under section A. Under section A, as we are drafting it in this committee, that decision can be a complete decision as to the rightness and wrongness of the dispute because it includes the authority to recommend the terms of settlement. That, of course, is what you might call the decision by the bar of the world.

In article 5 which we are putting in of this section A, you will find this language -- it comes with some clarification from paragraph 4 of the Dumbarton Oaks, chapter 8, section 4, paragraph 4 -- now, this is the language that the committee is agreeing on. I think, without this in the final Charter, if the parties to a dispute of the nature referred to in article 1 fail to settle it



by the means indicated in that article -- that is, peaceful means of our own choice -- that it shall refer it to the Security Council. If the Security Council deems that the continuance of the particular dispute is, in fact, likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 4 -- which is recommending procedures itself -- or whether itself to recommend such terms of settlement as it may consider appropriate. There is the place in which the permanent member, party to a dispute, must stand aside and let the bar of the world in the Security Council, including the non-permanent members elected by the assembly, pass judgment upon that dispute. We all know that when you recommend the terms of settlement of a dispute, you are passing judgment upon it. So that, clearly, the whole moral force of the world can be brought to bear upon that dispute even when a permanent member is a party to the dispute. That is tremendously important and I think it has not been fully understood.

There is no exemption from the bar of the world in this Charter. I say that again that when a permanent member is a party to a dispute, he is not above the law. He is not exempt from the passing upon his case. So that it means that the other four, and at least three of the non-permanent members, recommend the terms of settlement and thereby bring to bear the full moral force of the world.

Now, then, what is the situation if none of the permanent members are parties to a dispute. That is the other part of the question. Here is a dispute. None of the permanent members are parties to it. It is between two other powers. In the first instance, they, as everyone else, are obligated to settle by peaceful means. They can refer it to a regional organization, a regional arbitration or conciliation. They can refer it to the world court if it has proper questions for that. They can seek negotiation. Everything is open to them and that cannot be stopped under this Charter, but if they fail to settle by peaceful means themselves, then any state or any member can bring it to the attention of the Security Council, and those parties are also obligated to refer it to the Security Council.

Then, here comes this important procedural question and the interpretive statement which the four sponsors and France have presented. When that notice comes under section A, that here is a dispute which they have not been able to settle -- when it comes before the Security Council, it is a simple matter of

placing it on the agenda for the next day or the day after, to bring it up before the Security Council. There is no veto at this stage of the operation.

Furthermore, when the Security Council -- these representatives of the eleven powers sitting around and holding this preliminary discussion -- when they say that here is a state that is concerned in this matter under chapter 6, section D, they may invite in -- and, in fact, should invite in -- anyone who is interested in that dispute. That again is a procedural question. Any seven, as they sit around discussing this matter, any seven can say we want another state to be brought in and participate in this discussion. That is very important. Is it not clear that if the states who are interested in the matter -- not only the parties to a dispute, but those who are interested -- if they can be invited in by only seven votes and they can appear before these eleven states that are on the Security Council, that there will be a discussion, a consideration, a hearing, that these words are used, that they will get into the facts of the matter as to what is the situation which is of concern to the world, which is threatening the peace of the world. Perhaps, many times at this stage of the discussion, the solution will actually be worked out in the course of the discussion. That is, as you know here, so many problems have been worked out in discussion, but if it is a very difficult troublesome matter and it is going to require action, then the unanimous provision begins to apply because then you are getting into a serious situation in the world and if you have not been able to resolve it, then the Security Council begins to take decisions that are not procedural but are substantive. Here, if none of the permanent members are parties, then all five permanent members must agree -- must themselves agree -- either on what the terms of that settlement ought to be or what other steps should be taken for settlement, or whether a formal investigation should be ordered to go beyond what they have already discussed, or -- going on into B -- whether that involves economic sanctions or whether that brings military force to bear. It is at this point after all of this informal discussion and procedural discussion, consideration and hearing takes place with anyone present -- with any seven who should be present -- that the voting procedure goes into effect. At that point, if you want to be sure that you keep the major powers united, that you don't begin to divide them right then and create a cause for further difficulty and possible war, then it is important that you do discuss it through to unity and that does not mean that suddenly you take a quick vote. Now, are eleven men sitting around a table

going to reach that decision? They are going to discuss it until they find a basis on which they agree. They are not going suddenly to take a vote and then proceed to stir up difficulty in the world. It is a procedure of discussion leading up to agreement between the major powers. It is very much like in our country the requirement that in a serious criminal case all twelve jurors must agree, because it is recognized --

DELEGATE OF NEW ZEALAND: Except that a charged person is not on the jury.

DELEGATE OF THE UNITED STATES: We are talking about a case, Mr. Fraser, in which none of the permanent members are parties, and if the charged one is a party, then he must step aside. So it is comparable to the requirement in our country -- I don't know how it is in the others -- to have a unanimous decision of the jury, and you must keep talking it through and if you cannot reach a decision on these facts, you must postpone.

And remember, we are not just thinking of individuals; we are thinking of whole states being represented on the Security Council. They are not just eleven individuals who are taken away from their background in the world. It is a matter of where they come from and the matter of the power that is in the world to follow through and enforce decisions. So that actually this is not a situation in which any one can be above the law. It is not a situation in which you defeat the moral persuasive force of the world. It is, if you please, a sort of a court of last resort, in which serious difficulties, if they cannot be resolved, come before the Security Council to seek a solution in which all of the five permanent members, and at least two others, can agree before you begin the steps that might lead to the ultimate enforcement action.

Is it not clear that the very fact that they all must agree as to first important decisions means that those peaceful recommendations are more apt to succeed, because if there was a divided vote in the peaceful steps, then the states who did not like the result would say, "Well, I think we have a divided situation; we do not need to try to settle, because they will not enforce"; whereas if they know when they make a peaceful recommendation that it has this great weight of world decision behind it, then there is a greater probability that we won't have to use the enforcement procedures.

It is very important that we think that part through.

Now, then, there is one other question, and that is the fact that a major power does not have to abstain when you come to enforcement? What does that



really mean? That means that this organization within itself does not have the police power to enforce a decision because, as we all know, the enforcement of a decision against a major power after the whole moral force of the world has failed -- that is not preventing war; that is war. That is the fact of the situation -- that if we have failed to settle, by the whole moral force of the world, a dispute involving a major power and any major power then acts arbitrarily and becomes an aggressor, then you have failed to prevent war. It is a matter of the solemn decision of the nations of the world whether they go to war because of that aggression. And the nation that commits an aggression under this Charter is guilty under its terms, whatever its voting rights may be.

Then you come over to the new clause that is in, which says the inherent right of self defense, individual or collective, against an armed attack is unimpaired. Now, there are no strange loopholes. There are no unusual exemptions that are in this provision. I will be the first to say it is not perfect. I do not believe anyone can anticipate future events of men and devise a perfect result. But I say that when you consider the result that the Committee that is taking up peaceful settlements has attained and when you consider the realistic facts in the world today, that this system has as good or perhaps a better chance of really working out to attain the result of peace than any other system that could be devised. I say that with all seriousness. I know it will be difficult to operate this system. That is not because of the system so much as it is because it is difficult to follow the road of peace in the modern world. It is a difficult course to follow, but we all know it is the course we must strive mightily to follow. It is the course the peoples of the world want us to find the way to follow, and in the final analysis, this system and any system will rest upon the good faith and the desire of the nations, major and middle powers and smaller powers, to really have peace, because if any nation decides to be arbitrary, to be aggressive, to flaunt the public opinion and moral force of the world, then we are going to have trouble regardless of what organization we develop. That is the basis of this voting procedure. It is not perfect, but neither does it have some of the things which some of the misunderstandings have attributed to it.

And I hope so much that, as you think it through, as you relate it to the realistic facts of the world, that we can have in the final vote on this Charter a unanimous support for it, with such recordings as you very properly wish to make of

your individual views by the test vote which we have had, or things of that nature.

May I say to the distinguished Delegate of Australia, I am very sorry that he took any implication that I had made any special criticism of his motives last evening. I think if he will look at the transcript of my remarks, I made a plea for a recognition that a document which was not perfect had great potentialities in it, and that it needed the support of all of us before the world. I wish that he would read over the stenographic transcript of what I said last night, because I salute him, I salute every delegate here for the very frank and full discussion we have had as we have searched through; and progress, great progress, has been made at this Conference in the adoption of these many amendments and practically all of the amendments came forward in the first instance from the other powers in addition to the sponsoring powers, and have been studied and adjusted and worked out. It has been a great progress for the world.

But my point is that we must carry that process of attempts to amend and to correct and express our views and then when that discussion is completed and we have reached the point of final decision, then let's reach as near a unanimous conclusion as we possibly can, as that will be the best omen for the future welfare and peace and happiness of the peoples of the world whom we are here to serve.

(Applause)



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