The 1949 Session of the General Assembly

The President again (I was first called as to my availability by Mr. Dean Rusk, of the State Department) nominated me as Alternative Representative to the 1949 General Assembly to meet in New York in September. My associates in practice, Senator Danaher, Mr. Poole and my more immediate associate Mr. Phil Levy, again acquiesced; and, as it turned out, I was not to return to practice except to "finish up" and "turn over" to others, because in October, while at the General Assembly, the President appointed me to the Court. My part of the Assembly work was completed so I could return

to Washington in time to arrange to take the oath December 15, 1949, under recess appointment as desired by the President. Judge Bazelon and Judge Washington were appointed at the same time but were able earlier to take office.

At this Assembly my principal tasks were not legal but items assigned to the Fourth (Trusteeship) Committee, concerned with the non-self-governing and dependent territories. I also handled for the United States the Korean question in the First (Political) Committee, and, again, the Indian-South African problem, and helped on the Spanish question. In the delegation meetings itself I disqualified and left the meetings when the Palestine issue came up in any form because of private representation which had intervened since the last session. This representation had terminated some months before and I had informed Mr. Rusk when he inquired of my availability that I would be disqualified on this subject and could not participate. I carefully refrained from doing so.

The work of the Session is discussed in general outline, though in a changed form, in the Report of the President to the Congress for the year 1949, United States Participation in the United Nations, Department of State Publication 3765, released May 1950. The delegation consisted of: Representatives, Secretary of State Dean G. Acheson, Chairman, Warren R. Austin, Philip C. Jessup, Mrs. Franklin D. Roosevelt, John Sherman Cooper, and Alternative Representatives Benjamin V. Cohen, Charles Fahy, Wilson M. Compton, John C. Hickerson, Mrs. Ruth B. Rohde, John C. Ross. (Upon departure from the Delegation of the Secretary, Ambassador Austin assumed the Chairmanship, Mr. Cohen became a Representative and Mr. Ross an Alternative Representative.)

I should state here that in all my Assembly work there were able assistants and able staffs, as well as the whole Department in Washington, as necessary, supporting the delegations in New York. Mr. Ernest A. Gross had succeeded me as Legal Adviser in 1947, followed by Mr. Adrian Fisher. In New York I usually had the fine help of Mr. John Maktos on legal problems, also at numerous times of Mr. Carl Marcy and at less frequent times of Mr. Halderman, Miss Brown and others. At the 1949 session there was Mr. Benjamin Gerig on the difficult trusteeship items. And the political questions always gathered, according to the nature of the question, the capable help of the political advisers. I acquired again, as when Legal Adviser, a great respect for the talents of the career men in the Department.

The questions before the Fourth Committee were not easy for the United States, though not of such direct and immediate concern to this country as to the colonial powers. We were anxious to further the principles of the Charter and our own traditions of liberty and independence among the millions of dependent peoples. At the same time we wished to avoid change which would be too rapid and difficult for our allies who had more immediate responsibility. To keep the proper balance while moving in the right direction without at the same time exceeding Charter limitations, proved difficult. The situation was complicated by the constant readiness of the Soviet bloc to seek propaganda advantages among the smaller nations. The membership of the Committee itself, with of course the non-colonial constituting a majority, could always outvote the colonial powers. Our great record in the Philippines stood us in good stead, but did not prevent at one point an uncalled for attack by the Ukrainian representative on our Puerto Rican responsibilities. After overnight consultation with the De-

partment and staff, I made a detailed reply, and ended by saying that Ukraine itself was non-self-governing, which infuriated the Ukrainian spokesman. See Part III of the Report of the President, pp. 145-165 particularly.

General Carlos Romulo was President of this General Assembly, and closely followed the work of the Trusteeship Committee. I received a cordial letter from him at the close of the Session. He had followed with special interest the positions of the United States in the Committee.

The General made an excellent President, equal to every occasion. He has been a consistent friend of the United States. He called me to the rostrum twice to preside over the General Assembly for brief periods, a courteous gesture to the United States. Our record in the Philippines, which has on appropriate occasions evoked his eloquent defense of the United States, has greatly added to our standing among the non-self-governing peoples.

It was something of a relief to leave the Fourth Committee and to move into the ad hoc Political Committee to represent the United States on the Korean item on the agenda. The question was the continuation of the United Nations Commission in Korea, established under the General Assembly Resolution of December 12, 1948, at the Paris session. On the basis of the Commission's report (see synopsis in Report of the President to the Congress, pp. 34-37) the principal debate in the Committee was on a resolution introduced by the United States, Australia, China and the Philippine Republic, for continuation of the Commission, with the new functions of observing and reporting any developments that might lead to or otherwise involve military conflict in Korea, et cetera. The Soviet introduced a resolution calling

for the termination of the Commission. "On October 3, 1949, the Ad Hoc Political Committee by a vote of 44 to 6, with 5 abstentions, adopted the joint resolution, and rejected by identical vote the Soviet resolution." (Ibid, p. 37) In plenary session the General Assembly, October 21, 1949, voted 48 to 6, with 3 abstentions, for the joint resolution, and 42 to 6, with 5 abstentions, against the Soviet. I spoke on the resolution on behalf of the United States in the plenary session. It was the United Nations Commission thus continued which was on the ground and alerted the world to the Communist attack across the 38th parallel in August, 1950.

I was very happy that during this, my last representation at the General Assembly, so many of the family were in New York at different times. Duke and Rosa came and saw the Assembly functioning. I wanted Mary Agnes to see the United Nations operating and we had a nice little visit, with Joe Jr. going to sessions with us. Earlier Anne and Sarah came for the beautiful ball given by General Romulo as President of the Assembly. Agnes and I went too, though Anne and Sarah had their own escorts. Agnes Stephanie was of course living in New York and occasionally came to a session and we would see one another at other times. Charles was at Notre Dame.

A week or ten days before December 15 I returned to Washington to finish arranging affairs with my associates so as to take the oath as judge December 15, 1949. Chief Justice Vinson kindly consented to administer the oath. Good friends had presented me with a handsome robe at Larry Knapp's home, which touched me very much. Gertrude O'Donnell, Margaret and Tom Lane, my sister Sarah and Julian and his wife Frances were present. There were kindly greetings and remembrances from all in Rome and from Agnes in New York. Charles came on from Notre Dame for the event, so

all of the family were together, Agnes, Charles, Anne, Sarah and Mary Agnes. With the Chief Justice for the swearing in came from the Court, where in earlier years I had argued so much, Justices Black, Burton, Clark and Minton, which I appreciated a great deal.

Though the period covered by these notes really ends now, the notes have not been typed in this form until later; so I take advantage of the situation to add a few words about our children:

In August, 1952, after he graduated in June Magna Cum Laude at Notre Dame, Charles (Dom Thomas) entered the Order of St. Benedict.

In January, 1953, after graduating at Trinity in June, 1952, Anne married Rourke J. Sheehan.

In August, 1953, after graduating that June at Trinity, Sarah entered the Order of Notre Dame de Namur.

Mary Agnes is continuing her college progress at Trinity. Agnes and I are very blessed in our children, and I in her, through the mercy of God.