REPRESENTATION OF THE UNITED STATES IN THE GENERAL ASSEMBLY OF THE UNITED NATIONS

The General Assembly of the United Nations met in the United States in the fall of 1946. The Assembly had first convened in London the preceding winter and had adjourned to New York in October. The New York meeting accordingly was the second part of the First Session of the General Assembly. I went to the session as adviser to the American delegation, and also became our representative on the Sixth (Legal) Committee.

The headquarters of the delegation were then at the Pennsylvania Hotel, where delegation meetings were held almost daily before we dispersed to attend the Assembly committee, subcommittee, or plenary sessions. These

sessions were at the temporary headquarters of the Assembly at Lake Success. Plenary sessions were held at Flushing Meadows.

As required by the Participation Act of 1945 President Truman, under date of February 5, 1947, transmitted to Congress his first annual report on the activities of the United Nations and the participation therein of the United States. This report reviews the work of this session. (Department of State Publication 2735, U. S. Gov't. Printing Office.) The report lists the delegation as follows: Hon. Warren R. Austin, Senator Tom Connally, Senator Arthur H. Vandenburg, Mrs. Franklin D. Roosevelt, and Representative Sol Bloom. There were four alternates: Representative Eaton, Representative Helen Gahagan Douglas, Hon. John Foster Dulles, and Hon. Adlai E. Stevenson. The report adds, "The Delegation was assisted in New York by Mr. Benjamin V. Cohen, Mr. Charles Fahy, and Mr. John C. Ross, serving as senior advisers; by a principal adviser, Mr. Durward V. Sandifer; and by advisers and assistants drawn from the Department of State and other agencies of Government."

Mr. Spaak of Belgium was President of this Assembly. President Truman addressed the Assembly with quiet dignity. He said, "The American people look upon the United Nations not as a temporary expedient but as a permanent partnership -- a partnership among the peoples of the world for their common peace and common well-being. . . . May God Almighty, in His infinite wisdom and mercy, guide us and sustain us as we seek to bring peace everlasting to the world. With His help we shall succeed."

The Foreign Ministers were meeting in New York during part of the session and each also headed his country's delegation to the Assembly, Byrnes, Eden, Bidault and Molotov. Here indeed were the nations gathered

within an international organization for peace under a Charter binding them to that purpose. Our Senate had ratified the Charter overwhelmingly. This was a far cry from the days of Wilson.

The Legal Committee had a fairly active session, with the United States taking a good deal of initiative. We introduced resolutions: 1. To further the provisions of Article 13, para. 1(a) of the Charter, to establish a committee of 17 members to study methods by which the General Assembly should encourage the progressive development of international law and its eventual codification, and to report to the General Assembly at its next regular session; 2. In the same general area, to affirm the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal, with directions to the above mentioned committee to treat as a matter of primary importance "plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized" in the Nuremberg Charter and judgment. (3) embodying regulations for the negotiation of treaties and international agreements in accordance with Article 102 of the Charter. I initiated these subjects but China jointly sponsored with the United States the resolution on Codification of International Law.

In the Legal Committee we actively supported also the resolution condemning genocide as a crime under international law. This resolution was unanimously adopted by the General Assembly December 11, 1946.

A very troublesome problem assigned to me became known on the agenda of the General Assembly as the "Treatment of Indians in the Union of South Africa." India, speaking through Mrs. Pandit, sought condemnation of

alleged discriminatory treatment of Indians resident in the Union of South Africa. Field Marshall Smuts represented South Africa. A jurisdictional problem was involved; that is, whether the question was "essentially within the domestic jurisdiction" of South Africa and therefore, under Art. 2, para. 7, not subject to United Nations intervention. General Smuts was of the view it was domestic, strongly supported by Sir Harley Shawcross of the United Kingdom; but General Smuts was willing to have the question submitted to the International Court of Justice for an advisory opinion. For the United States I supported such a reference. I will leave with these notes a copy of my statement to the Plenary Session on behalf of the United States.

I felt the Court probably would rule, in view of the history of the matter, that it was not essentially domestic. Then South Africa, having consented to a request for such an opinion, would I thought accept the jurisdiction of the United Nations and be under strong moral obligation to follow its recommendations. But India sensed a victory for condemnation, and pressed hard and successfully for it, gaining a two-thirds vote for a resolution offered originally by France and Mexico. Mrs. Pandit handled her case with skill, playing for an expression of the dominant sentiment of the membership against racial discrimination. The statesmanship of General Smuts, looking as it seemed to me to a better chance for help to the Indians actually subject to the discriminatory treatment, was not followed. The problem kept recurring at each subsequent session. According to my information the action of the 1946 General Assembly only made it more difficult to reach a solution in South Africa. I overheard General Smuts gently say to Mrs. Pandit after the vote, "Now, my daughter, what will you do?" General Smuts himself was not long to remain in power, but had our views been followed at that time I feel greater progress would have been advanced,

The 1947 Session of the General Assembly

The President nominated me as alternative representative of the United States to the 1947 Session of the General Assembly, though I had left the Government service in August to resume private practice. My senior associates, Senator Danaher and Mr. Rufus Poole, were willing, as was my associate Phil Levy, though it meant postponement for about two months of actually beginning practice.

The alternative representatives share the work with the representatives. The delegation, as set forth in the Report by the President to the Congress, for the year 1947, Department of State Publication 3024, describes the delegation as follows: "The Secretary of State, George C. Marshall, served as Chairman of the Delegation, and in his absence Warren R. Austin presided as Senior Representative. They, together with Herschel V. Johnson, Mrs. Franklin D. Roosevelt, and John Foster Dulles, of New York, constituted the Representatives on the Delegation. The Alternate Representatives were Charles Fahy, former Legal Adviser of the Department of State; Willard L. Thorp, Assistant Secretary of State for economic affairs; Francis B. Sayre; Adlai E. Stevenson, of Illinois; and Major John H. Hilldring, former