AN ALTERNATIVE TO THE CONNALLY RESERVATION

by

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(Editor's Note: *The views expressed in this article are those of the author and do not necessarily reflect the views of the Department of Defense or its agencies.)*

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(Should the Connally Reservation remain as a limitation to the jurisdiction of the International Court of Justice insofar as cases involving the United States are concerned? Is there a reasonable alternative that would provide the protection now afforded by the Reservation?)

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THE CONNALLY AMENDMENT

On 1 August 1946, the Senate Foreign Relations Committee reported Senate Resolution No. 196 to the Senate. The resolution advised and consented to the deposit by the President of the United States with the Secretary General of the United Nations of a declaration accepting compulsory jurisdiction by the International Court of Justice (ICJ) under Article 36 of the Court's Statute.

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Senator Thomas T. Connally (1877- 1963), author of the much-debated reservation to Senate Resolution No. 196, 79th Congress.

There were two reservations in this resolution. The second reservation was modified in the Senate by the addition of eight words: "as determined by the United States of America." These eight words were the Connally Amendment, and they appear in the declaration filed by President Truman with the Secretary General a month later. They were added to the reservation in which it is provided that the United States recognizes the compulsory jurisdiction of the Court except that the declaration shall not apply to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States."

The Senate Report discloses that the Committee had considered and rejected the self-judging clause. Considerably distilled,

Senator Connally's oratory in support of his short amendment laid emphasis on the fear that the Court "might decide that immigration was an international question . . . that tariffs were an international question . . . that navigation was an international question."

Although it is likely that the members anticipated Senator Connally's move, the *Congressional Record* gives the impression that the amendment was a surprise. Senator Vandenberg had already offered his amendment (accepted and included as paragraph (c) in the US Declaration); Senator Donnell seemed to be setting the stage for Senator Connally with questions about the Court's competence to determine its own jurisdiction; at this point, Connally introduced his amendment without comment.

Senator Thomas (Utah) immediately opposed the amendment, commenting, "The Amendment . . . would be a contradiction of compulsory jurisdiction itself." Apparently the Senators in opposition to the amendment, led by Senators Morse and Thomas, had concluded that the Senate would be unlikely to give its consent to the Declaration unless the Connally Amendment were included. Ending his long, erudite, and well-documented argument, Senator Morse said, ". . . I hope we will adopt the resolution, even with the amendment, if we cannot defeat the amendment." Senator Pepper continued his opposition to the amendment on the grounds that it would contravene Article 36 (6) of the Statute.

Nevertheless, the Connally Amendment passed 51 to 12, with 33 not voting. Among the 12 opposed were Fulbright, Morse, Pepper, and Thomas (Utah). The following day, the Senate passed the resolution 60 to 2, with 34 not voting.

The supporters of the self-judging reservation ignored or failed to understand the Court's statutory competency and the criteria it used for the determination of "domestic matters." They appeared unconvinced that the Court could not, out of hand and in the abstract, declare immigration, tariffs, or navigation to be "international matters." The Court's determination of jurisdiction must be made on the basis of whether the matter involves international obligations arising out of general international law, or out of international agreements. Such a decision must be made in connection with a concrete dispute before the Court.

The United States has concluded many agreements in all of these subject areas; it would be to the advantage of the United States, not to its peril, to be in a position to have disputes involving these agreements adjudicated by the ICJ. It might be possible that even the most conservative of our lawmakers could be convinced of this if they were offered concrete assurance that no state (nor the UN) could bring the United States to account before the ICJ on matters involving the political, social, or economic rights of United States citizens. The purpose here is to propose how that assurance might be provided.

Opposition to the Connally Amendment continued after its passage by the Senate. In fact, it continues to this day. Among the early leaders in the campaign to eliminate the self-judging clause were the American Bar Association and the American Society of International Law. Official expression was given these efforts when, on 24 March 1959, Senator Humphrey submitted his resolution to repeal the amendment (S. Res. 94). Humphrey was joined in sponsorship by Senator Kefauver in June.

Hearings were held on the Humphrey-Kefauver resolution in January and February 1960. The amendment proposed by Senator Humphrey was simply a restatement of the Declaration without the words "as determined by the United States of America," but including the Vandenberg Amendment pertaining to "disputes arising under a multilateral treaty."

The Committee took over 500 pages of testimony and statements, but the resolution has never been reported back to the Senate. Among the individuals and organizations furnishing testimony and statements in favor of the Humphrey-Kefauver Resolution were President Eisenhower; Vice President Nixon; Senators Javits, Humphrey, and Keating; Professors Quincy Wright, Louis Sohn, Philip

C. Jessup, and Herbert W. Briggs; the State Department; the Justice Department; the American Society of International Law; the American Bar Association; the Association of the Bar of the City of New York; the Board of World Peace of the Methodist Church; and the United World Federalists.

The familiar sensitive subjects—immigration, tariffs, and the Panama Canal—appeared prominently as the major rallying points for those opposed to the resolution. The less informed of these witnesses raised the possibility of Court interference in the Guantanamo Naval Base, national security, naturalization, interstate commerce, domestic criminal jurisdiction, rights of private property, foreign aid, and the federal structure of the Union. Among those heard in opposition were the National Economic Council, New York City; the Daughters of the American Revolution; the Veterans of Foreign Wars; ex-Senator Connally (by letter); the Virginia Commission on Constitutional Delegates; Robert J. Kelley, speaking for the State Bar of Texas (which also favors US withdrawal from the UN); and the Southern States Industrial Council (which also favors US withdrawal from the UN).

Questioning Professor Briggs, Senator Lausche disclosed his own perturbation caused by United Nations civil rights declarations:

> If you concede that the Court has a right to explore international law as it is recorded and to consider what the United Nations declared to be the natural right to travel, and you recognize that the International Court would have the power to redeclare the international law on immigration—would it not be well to insert here that it shall take jurisdiction in all disputes hereafter arising concerning any question of existing international law?[1]

The record does not show whether Professor Briggs was successful in convincing the Senator that the Court could not legislate, and that UN declarations are not law.

Human rights and the Court's jurisdiction were joined in collective abhorrence by the Southern States Industrial Council:

> It [the Council] commends the Senate for its refusal to ratify the UN-sponsored Genocide Convention and calls upon it to take similar action when and if the UN-sponsored declaration of human rights and proposals to expand the jurisdiction of the World Court to include domestic affairs are submitted.[2]

The Daughters of the American Revolution expressed concern in similar terms, warning that if the United States gives the Court compulsory jurisdiction, and subscribes to the Covenant of Human Rights, Americans would lose their guarantee to ownership of private property and could be tried by the Court under provisions of the Genocide Convention.

It is impossible to assess the seriousness with which those Senators who favor retention of the Connally Amendment regard the impact of the UN Human Rights Declaration and the Covenant. Continued resistance to all efforts to remove the Connally Amendment from the US Declaration indicates, however, that this resistance is still based on these grounds. If the assault on the Connally Amendment is to be successful in the near future, these Senators must be convinced that the Court will not make the individual a subject of international law in his own country. Before describing how this might be done, we should examine in some detail the matter of jurisdiction as it applies to the ICJ.

JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

In examining questions of jurisdiction and competence as they relate to international courts, it is necessary to eliminate from consideration the familiar concepts and rules that apply to municipal court jurisdiction. For instance, in domestic legal systems, the hierarchy of courts provides a chamber competent for every subject and every object of justiciable dispute. The jurisdiction of the member-chambers may be based on

geographic considerations, on subject matter, on the point reached in the progress of appeals, or on other considerations. But regardless of the structure of the system, its jurisdiction is complete, organized, and temporally unlimited. These concepts do not apply to the international courts.

There is a seemingly random multiplicity of international arbitral and judicial bodies. Although there is no hierarchy of courts, the ICJ is preeminent. It occupies this position because of its identity as a principal organ of the United Nations (Art. 1, Stat. of the ICJ). There is no court superior to the ICJ, and the Court is responsible to no other UN body. But these facts in themselves do not determine the competence or extend the jurisdiction of the Court. The ICJ is not, in a jurisdictional sense, a Supreme Court, and the states are free to select any court or means of arbitration that suits their interests (Art. 95, UN Charter).

The jurisdiction of the ICJ—that is to say, its capacity to decide a dispute with binding authority—is unlimited in the first instance by the Statute of the Court which declares that the "jurisdiction of the Court comprises all cases which the parties refer to it . . . ." [Art. 36 (1)]. This broad jurisdiction becomes limited by Articles 34 and 35 which deal with *access* to the Court:

> Article 34: Only states may be parties in cases before the Court . . . .
> Article 35: The Court shall be open to all states parties to the present Statute.

The Articles, taken in conjunction with Chapter IV—Advisory Opinions—deny to the United Nations Organization access to the Court in any case other than in advisory opinions. (This denial is eluded through the provision in treaties, to which an international organization is party, of statements that place arbitral authority concerning treaty interpretation in the Court.) Furthermore, Article 35 implies the consensual nature of the Court's competence in that while it is "open to the states," it cannot force its jurisdiction upon them. In the *Peace Treaties* case, the Court said that the basis of the Court's jurisdiction was in the consent of the states, parties to a dispute.

Article 36 provides additional definition of the Court's jurisdiction. This Article permits the states to file with the Registrar of the Court (through the Secretary General of the UN) declarations accepting compulsory *ipso facto* jurisdiction of the Court in relation to another state accepting the same obligation.

The Court has held that the Court's jurisdiction is only as broad, in a particular case, as the reservations of the most narrowly limiting party. That is to say that if State A, having accepted the Court's unlimited jurisdiction, is sued by State B, which has not filed a declaration or has narrowly limited the Court's jurisdiction, State A is entitled as a right of reciprocity to invoke the same reservations in this dispute as State B. Thus, states that have declined to file declarations under Article 36 cannot secure decisions on merits from the Court in suits against states that have so filed if the respondent states choose to stand on rights of reciprocity. Similarly, states that have included reservations in their declarations can expect these reservations to be turned against them. This happened with significant effect in the *Case of Certain Norwegian Loans* in which Norway was successful in preventing a decision on merits by invoking reciprocally France's reservation under which France reserved the right to judge when a dispute was within the domestic jurisdiction of France. France later eliminated this reservation from its declaration.

Judge McNair, in his individual opinion in the *Anglo-Iranian Oil Company* case, described succinctly the system of compulsory jurisdiction:

> Under the Covenant of the League of Nations and the Statute of the Permanent Court of International Justice no State was under any obligation to accept the Jurisdiction of that Court. However, Article 36, paragraph 2, of the Statute afforded to States an opportunity of doing so by means of a voluntary act. That paragraph (which is reproduced in the Statute of the present Court in terms

which are identical in all material respects) was in the nature of a standing invitation made on behalf of the Court to Members of the League of Nations to accept as compulsory, on the basis of reciprocity, the whole or any part of the jurisdiction of the Court as therein defined. It should be noted that the machinery provided by that paragraph is that of 'contracting in,' not 'contracting out.' A State, being free either to make a Declaration or not, is entitled, if it decides to make one, to limit the scope of its Declaration in any way it chooses, subject always to reciprocity. Another State seeking to found the jurisdiction of the Court upon it must show that the Declaration of both States concur in comprising the dispute in question within their scope. 1952 at p. 116.[3]

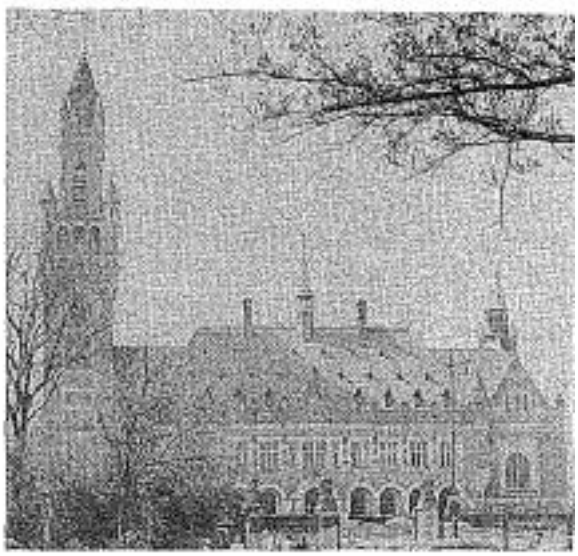
Whereas states are free to declare or not to declare, or to limit their reservations by any terms they so desire, the Court is competent to determine its own jurisdiction in each case. "The admissibility or validity of any specific reservation is a matter to be decided in each particular case."[4] An international court's ability to determine its own jurisdiction is a fundamental principle of international law that has never been challenged.

The Court's jurisdiction *ratione materiae* exercised under Article 36 is limited to:

a. the interpretation of a treaty;
b. any question of international law;
c. the existence of any fact which, if established, would constitute a breach of international obligation;
d. the nature or extent of the reparation to be made for the breach of an international obligation.[5]

Finally, the Court's jurisdiction is limited by Article 2 (7) of the UN Charter:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.



United Nations

Home of the International Court of Justice is the Peace Palace at The Hague, Netherlands.

As an integral organ of the United Nations, the Court is bound by this as well as by all the articles of the Charter. In this sense, the Charter is the Constitution under which the Court functions; the Statute of the Court cannot derogate any provision of the Charter.

The controversy between those who favor full US participation in the Court and those who would perpetuate the Connally Amendment revolves around the issue of "domestic jurisdiction."

The matter of domestic jurisdiction has become clouded as a result of the War Crimes Trials in Numberg and Tokyo, by attempts to codify the rules upon which these trials were based, and by General Assembly resolutions and covenants such as the Declaration of Human Rights that clearly enter into regions of traditionally domestic jurisdiction. The Charter does not define "intervention" or "domestic jurisdiction," but these UN excursions into areas commonly held sovereign by the states, while they are not accepted as law, have led some politicians and

others to be wary of any consent to jurisdiction by the ICJ.

These people are not comforted by the fact that the ICJ has held that the extent or absence of jurisdiction is determined not by subject matter or national interest, but rather by the obligations that the state has, as disclosed by the facts of the dispute, under general international law and particular international law (treaties). Neither have their fears been assuaged by the fact that the declaring nation retains the right to withdraw its declaration (the United States on six-months' notice), nor by the political reality of the Court's inability to compel compliance with its decision. Nevertheless, the Court looks upon "domestic jurisdiction" as "the residuum of sovereignty remaining outside a state's international obligations."[6]

The misunderstandings and suspicions of those who fear the Court's intrusion into domestic affairs have been given substance in self-judging reservations to compulsory jurisdiction declarations, even though seven judges of the ICJ have declared that such reservations are invalid as being in contravention of Article 36 (6) of the Statute under which the Court is competent to determine, with finality, its own jurisdiction.[7]

Summarizing the facts of the Court's jurisdiction, it is limited by the independent and collective will of the states to confer upon it a power to exercise jurisdiction. This jurisdiction is conferred neither by tacit consent nor by the mere fact of ratification by the state of the UN Charter and the Statute of the Court. The state's consent to jurisdiction depends upon explicit statements to that effect in particular treaties, or in general declarations filed in consonance with Article 36 of the Statute. In other forms, consent to the Court's jurisdiction may be restricted by agreement between parties to a dispute to narrow questions of fact or to narrowly defined issues; states may even confer appellate jurisdiction upon the Court by means of agreement. As Rosenne puts it:

> The conclusion may, therefore, be reached, that the Court will be competent, or will have jurisdiction, to decide a case, with binding force on the parties, whenever two or more States, parties to the Statute or having accepted the jurisdiction of the Court are, or may be inferred to be, in agreement that the concrete case is to be decided by the Court.[8]

But regardless of the limits to jurisdiction stipulated by the states, the competence of the Court to determine whether a dispute lies within or beyond those stipulated limits seems indisputable, self-judging reservations notwithstanding. The Court's recognition of the United States self-judging reservation has yet to be tested, although the United States invoked its Connally Amendment in one of its objections in the *Interhandel* case. Unfortunately for the development of the Court's position of this issue, the Court ruled instead in favor of another of the United States objections—that *Interhandel* had not exhausted local remedies in US courts.[9]

THE SOUTH WEST AFRICA CASE

The ICJ's 1966 decision against Liberia and Ethiopia in the *South West Africa* case has seriously discredited the Court in the eyes of many American and European observers, as well as in the eyes of the new states of Africa. The Court is probably at the nadir of its long and useful history. It would seem that now would be a most propitious time to demonstrate the interest and confidence that the United States has in the ICJ. The removal of the Connally Amendment from the US declaration would be a dramatic and influential means of accomplishing this end.

The decision in the *South West Africa* case provides an excellent clue to how an alternative to the Connally Amendment might be framed. A brief review of this case will illustrate this point.

In 1960, Ethiopia and Liberia brought proceedings against South Africa in the ICJ, contending that South Africa had violated the conditions of its mandate with regard to South West Africa. These proceedings were based on Article 7 of the Mandate that created an obligation, with respect to South

Africa, to accept the jurisdiction of the ICJ in the event of a dispute between members of the League of Nations and the Mandatory that could not be settled by negotiation. Three times, prior to this suit, in advisory opinions, the ICJ has asserted that the United Nations was the successor to the League of Nations and had inherited all rights and duties under the existing mandates.[10]

In 1962, the Court ruled that the ICJ had jurisdiction to decide the case on merits. Then, in 1966, the Court shocked much of the international legal community by ruling that Ethiopia and Liberia, although former members of the League of Nations, had insufficient legal interest in the enforcement of the mandate for the benefit of the inhabitants of South West Africa to obtain judicial satisfaction. In other words, the Court said that Liberia and Ethiopia would have to show some special, national interest before they were entitled to get a judgment. The court concluded, by a vote of 8 to 7, that the litigants had shown no such interest. Here lies the clue to an alternative to the Connally Amendment.

AN ALTERNATIVE

An alternative to repeal of the Connally Amendment was advanced by the Maryland State Bar Association in 1961.[11] This recommendation would exclude from the Court's jurisdiction a list of "domestic" matters:

> . . . tariffs, immigration, atomic energy, offshore rights, and other such matters as have traditionally been considered within our domestic jurisdiction . . . and . . . disputes arising out of such matters as war, international hostilities and military occupation, our rights in canals, waterways, military, naval and air bases, and any other matter affecting the defense of the United States or its national security.

What is left for the Court's jurisdiction? What of all of the agreements the United States has concluded in these matters—agreements that contain provisions for the Court's jurisdiction, or for the Court's appointment of arbitrators?[12] Such an enumeration of excluded matters would be more crippling and irrational than the Connally reservation as it now stands.

It would be as easy to find a Castro-lover in the John Birch Society as it would be to find a Connally Amendment supporter in the American Society of International Law. Yet, for all the erudition and depth of legal experience in the latter organization, few if any of its writers have advocated anything other than complete elimination of the self-judging element of the domestic jurisdiction reservation. This all-or-nothing approach, while easily supportable on logical, legalistic grounds, is not designed to appeal to the minority of Senators who hold the power to control just enough in excess of one-third of the voting strength in the Senate to block an outright attack on the Amendment.[13] But these Senators have demonstrated, on occasion, a willingness to go part way, to compromise. Furthermore, most of these Senators are lawyers who would understand and might appreciate a well constructed, oblique approach—a provision that will produce the desired result without appearing too obvious and arbitrary in doing so.

This is the sort of alternative proposed for the Connally reservation; an alternative that will provide the desired safeguard against foreign intrusion in domestic affairs—most particularly in the area of civil rights—yet will be nothing more than a sound legal maxim. It will be, in fact, a restatement of an ancient rule of American (and English) common law. Moreover, the rule will be in harmony with the Statute of ICJ and with general and particular international law. Furthermore, this rule is suggested by the recent decision in the *South West Africa* case.

The rule of law that provides the foundation of this proposed alternative is that "... a tort committed upon one person furnishes no cause of action in favor of another." *(52 Am. Jur., Torts: 95).* Furthermore, "As a general rule, one having no right or interest to protect cannot invoke the jurisdiction of the court as a party

plaintiff in an action." *(39 Am. Jur., Parties: 9).* In another authority the rule is stated: "...the courts have recognized that a plaintiff must have a legal entity, the legal capacity to sue, and a remedial interest in the cause of action asserted." *(67 CJS, Parties: 3).* This principle is developed even more fully in *Corpus Juris* as follows:

> ...in order to be a party plaintiff in an action, he must ordinarily have some real, direct, present, and substantial right or interest in the subject matter of the controversy... as a rule, the interest ... should be such that he will be benefited by the relief granted therein.... Moreover, it has been held to be a rule of universal acceptation that in order to entitle any person to maintain an action in court it must be shown that he has a justiciable interest in the subject matter in litigation; either by his own right or in a representative capacity. (*67 CJS, Parties: 6*).

Again, in *American Jurisprudence,* the rule appears thus:

> [As a] fundamental principle ... courts are instituted to afford relief to persons whose rights have been invaded, or are threatened with invasion, by the defendant's acts or conduct, and to give relief at the instance of such persons; a court may and properly should refuse to entertain an action at the instance of one whose rights have not been invaded or infringed, as where he seeks to invoke a remedy in behalf of another who seeks no redress. (39 *Am. Jur., Parties: 10).*

How would reliance on this rule, in lieu of the Connally Amendment, prevent the ICJ from exercising jurisdiction in domestic American disputes? A suit by a foreign government on behalf of any US citizen or group of citizens would be impossible because of the action of this rule in conjunction with the universally accepted principle of international law that a state has no protective interest in the citizens of another state. A foreign government could show no *remedial interest* in a claim on behalf of any American, nor could it show a *substantial right or interest.* Neither could it demonstrate that it would be *benefited by the relief granted.* It is a clear principle of international law that a state has no *justiciable interest* in the civil rights of the citizens of another state *either by its own right or in a representative capacity.*

Who could bring suit in the ICJ on behalf of American citizens residing in the United States? The United Nations? No. The United Nations is not a state and only states may be parties before the Court in contentious disputes (Art. 34, Statute of the Court). The answer is that no legal entity exists that would have the capacity to call the US to account in the ICJ on behalf of any citizen or group of citizens of the United States.

How should the provision be constructed in the US Declaration? Certainly the clause should be framed by a committee of competent lawyers, but the following might be a working draft for such a committee:

> (1) Delete the words 'as determined by the United States of America.'
>
> **(2)** Add, in clause (c) after the words '... specially agrees to jurisdiction; and'—and before the clause relating to the period of force of the declaration—the following:
>
> **(3)** 'Provided further that this declaration shall apply only to legal disputes arising out of matters in which the complaining party, that is to say, the plaintiff, can show a real, direct, present, and substantial right or interest in the subject matter of the controversy, and that such right or interest is such that the plaintiff will be benefited by the relief asked.'

This reservation contravenes no generally accepted rule of international law. It does nothing to the obligations which states may assume in collective security agreements or under any other treaty or convention.

Furthermore, the elimination of the self-judging portion of the Connally Amendment would relieve the present conflict with the Statutory provision [Article 36, (6)] that gives the Court competence in jurisdictional disputes. This alternative reservation would in no way contravene or derogate the competence of the Court. It would place the United States in the company of other nations that have taken seriously their international obligations, having placed their confidence in the ability of the ICJ to settle impartially, within the body of accepted rules of law, justiciable disputes.

FOOTNOTES

1. *105 Cong. Rec.*, p. 49.
2. *Ibid.*, p. 93.
3. As quoted in Shabtai Rosenne's *The International Court of Justice* (Leyden: A. W. Sijthoffs Uitgeversmaatschappij, 1957), p. 341.
4. *Ibid.*, p. 311.
5. Article 36 (2), *Statute of the International Court of Justice*; Kelsen points out that a, c, and d are superfluous—*The Law of the United Nations* (New York: Frederick A. Praeger, Inc., 1951), p. 482.
6. Quincy Wright, *International Law and the United Nations* (London: Asia Publishing House, 1960), pp. 57, 67.
7. See Arthur Larson, *When Nations Disagree* (Louisiana State University Press, 1961), for a lucid, nontechnical discussion of the Connally Amendment. The Court's jurisdiction to determine jurisdiction is discussed in, inter alia, D. P. O'Connell, *International Law; Volume Two* (London: Stevens and Sons, 1965), p. 1177.
8. Rosenne, *op. cit.*, p. 256.
9. See the report on the *Interhandel* case by the Attorney General in Hearings before the Committee on Foreign Relations, US Senate, 86th Cong., 2d Sess., on S. Res. No. 94, a resolution to amend S. Res. No. 196, Compulsory Jurisdiction, International Court of Justice, 1960, pp. 35-7.
10. R. A. Falk, "The South West Africa Cases," *International Organization*, 21: 1-23, Winter 1967. Also see Faye Carroll, *South West Africa and the United Nations* (Lexington: University of Kentucky Press, 1967).
11. Rignal W. Baldwin, "An Alternative to the Connally Amendment as a Practical and Realistic Step Toward World Peace Through Law," *South Carolina Law Quarterly*, 13: 516-17, (1960-61).
12. According to Professor Briggs, the United States is committed to compulsory jurisdiction in at least 19 economic cooperation agreements, a sample of which he included in his testimony before the Senate Foreign Relations Committee. See *Hearings on S. Res.* 94, pp. 57-58.
13. At the time of the Senate's advise and consent to the Declaration in 1946, there was a discussion on the constitutional requirement for Congressional approval of the Declaration. It was eventually decided, although there was no precedent for this action, that the effect of the declaration was similar to that of a treaty; therefore, the Senate's treaty-approving authority would be necessary and sufficient. See US Senate, *Report No. 1835*, Calendar No. 1874, 79th Cong., 2d Sess., 25 July 1946, International Court of Justice, pp. 9-10. This report contains the text of the resolution. This matter was also discussed on the floor of the Senate in executive session by Senator Murdock. See *92 Cong. Rec.*, pp. 10617-18.