

The proposal of a world government having supreme powers to enforce a "world law" may be the ultimate ideal towards which the peoples of all nations must strive. It is very doubtful, however, at this crisis, if it is wise or expedient to discredit the United Nations Organization, before it has even begun to function, by demands for another kind of world government.

The peoples of the world gathered together at San Francisco in the first real "Congress of Nations" felt that they had made great progress when they finally agreed on the Charter of the United Nations. They will not wish to have the task of the United Nations made more difficult by demands of statesmen, scientists, or perfectionists of any kind. Progress in international coöperation, even under the stimulus of the atomic bomb, should not be attempted by leaps and bounds beyond the power of adjustment by the bewildered and badly-frightened peoples of the world.

This crisis of civilization demands the best collective wisdom, the stoutest courage, and robust faith if we are to build a sound structure of international relations based on law. That law has grown out of the experience of mankind over the centuries. It cannot be "replaced" without chaotic results. It should be improved, strengthened, and implemented. That is a proper function of the United Nations Organization. By such orderly process a genuine "world law" may be evolved.

PHILIP MARSHALL BROWN

THE ATOMIC BOMB

Who shall control the atomic bomb, manufacture it, or prohibit effectively its use by individual nations? The invention of this lethal weapon has confronted the American Government with one of its most troublesome dilemmas. On the one hand, there are those who seem to believe that the manufacture of the bomb cannot be kept an American secret—practically all the scientists, apparently the British Government, the CIO, and others—and who advocate "internationalizing" the process and seem to think that the Security Council of the UNO as transferee constitutes such an international organ. On the other hand, there are those, like President Truman and the military authorities, who want to keep the manufacture an American secret as long as possible or who would in particular keep the secret from Soviet Russia.

In between, other alternatives are suggested, such as the alleged British proposal to vest the secret—said by President Truman to be known to Great Britain and Canada, and by Professor Urey, to France and Denmark—in the military staff of the Security Council, representing the Big Five only, or in a new committee of UNO, or by delegated authority from UNO to let the United States act as custodian of the bomb with the understanding that it is to be placed at the disposal of the Security Council and used exclusively under orders from the military staff. It is alternatively suggested that the plants be made extraterritorial.¹ Ex-Justice Roberts' group at Dublin,

¹ *The New York Times*, November 1, 1945.

New Hampshire, recognizing that UNO is only a confederation of states, recommend that the organization be scrapped and a substitute be created in the form of a true international government vested with sovereign powers² over the use of force internationally (which the individual states would by hypothesis abandon) and having federal rights of legislation and administration with power to bind the constituent states and their individual members.

On November 15, 1945, Messrs. Truman, Attlee, and King published a statement undertaking to share whatever secret of manufacture there may be in the bomb, but only to share by transferring it to UNO, or a commission thereof, and only after other Powers (Russia is thought to be intended) agree to share their own military secrets, "thereby creating an atmosphere of reciprocal confidence."³ Possibly better Russian coöperation with Anglo-American policies on other matters is an implied condition. In the meantime, however, we are informed that the United States is continuing to manufacture the bombs, but, it is said, only to insure the use of atomic energy "for peaceful purposes." Just how that can be done is not stated.

There is risk or futility in all these methods. Apart from the question how long any part of the process can be kept a secret—a possibility which the scientists seem to doubt—the gift of the secret to the UNO or the Security Council or the general staff of the Security Council or new organ of UNO, is in fact to give it to all the members of the Security Council if not of UNO. UNO is not a super-government or an organization independent of its members. The men who will compose its agencies, like the general staff, remain nationals of their own respective countries. If the secret is to be disclosed to all nations, vesting it in a UNO agency, established or new, is comprehensible. If the secret of manufacture is to be kept, even temporarily, it cannot be vested in a UNO agency, which merely represents the constituent powers. The states members of UNO have reserved all powers of sovereignty,⁴ including the control of their military forces. UNO has no powers other than those found in the Charter, which does not extend to a prohibition of the national manufacture of anything.⁵ If the secret is kept from Russia, for

² See also Norman Cousins, *Modern Man Is Obsolete*, New York, 1945, reviewed by John Davenport in same, November 4, 1945.

³ Same, November 16, 1945. There is objection to the exclusion of Russia from the conference. "Sixty Days to War or Peace," in *The New Republic*, November 26, 1945, p. 691.

⁴ With the veto power in each of the Big Five, and the reserved right of UNO to cross the territory of any smaller power, it seems unusual to speak of the "equality" of states; see *Report on the Charter* by the Secretary of State, June 26, 1945, p. 157. Former Secretary Eden in the House of Commons, on November 22, 1945, addressed a plea to the Big Five for the abandonment of the veto power and other *indicia* of sovereignty. *The New York Times*, November 23, 1945.

⁵ A ban on industrial activities imposed by the Potsdam Agreement, which imposes the victor's will upon the vanquished and, in confiscating enemy assets, disregards the rights of private property. Russia's alleged removal of machinery and personalty is explained in part on the ground that by alleged governmental control it became public property. A Chinese

example, it is possible, though improbable, that for a few years Russian scientists will not discover the secret, but the distrust evidenced⁶ will be considerable.⁷ The proposal to establish a world government among the United Nations or the democracies among them would make sense if there were a possibility of establishing such a government with federal powers. But what Senator or member of the House would vote for the abandonment of the American Army or Navy or for abandoning control of national finances to any international government? And if the new government adopted a bill of rights and respected private property, how could Russia join—the proposed Court of International Justice must climb this hurdle—and if it does not, how can the United States and Britain join?

Yet the idea of the Roberts group is sound and logical, and it is believed that there is a possibility, in view of the stark realities, of vesting in a group of men, who shall enjoy extraterritoriality and complete detachment from national connections—which the UNO or its agencies does not have—the secret of the atomic bomb or enough to enable them to identify and detect improper use. Unless they enjoy and maintain their detachment the experiment fails. But the nations must agree that as a condition of the group being given the secret or the indicia thereof, this group of men or any other

philosopher some years ago condemned the Treaty of Versailles—from which much of Europe's troubles emanate—as the “most uncivilized paper written since men knew how to record thought” and then prophesied that it would “lead to more wars.” John Bassett Moore, *Collected Papers*, New Haven, 1944, Vol. VI, p. 432.

⁶ *The New Republic*, Vol. 113 (November 5, 1945), p. 588, says editorially:

As long as we refuse to share the bomb with the rest of the world by placing its manufacture under international control, all our lofty sentiments, all our professions of peace and all our insistence on democratic processes will simply sound hypocritical to the other peoples of the world. The government's plan to exchange fundamental scientific information on atomic energy with other nations, but not to discuss “the processes of manufacturing the atomic bomb or any other instruments of war,” will surely give the impression that we intend to wield the bomb as a big stick in our foreign relations.

⁷ On the assumption that the process of manufacture, if not the scientific formula, can be kept secret, the proposal for national control of the bomb is embodied in the Johnson-May bill. This was adopted by the committee after hearing only eight witnesses, and the method has given rise to much objection. All but one scientist seems to have opposed secrecy. The bill sets up an advisory group of nine commissioners appointed by the President, two paid commissioners to have virtual control over developments in atomic energy, except in time of war, when the Army has control. The commission is to control government stocks of ores, Federal lands containing ores, and government plants and processes. They may condemn private property having these resources. The managers would conduct researches and experiments for the use of atomic energy for all purposes. The security regulations are strict and carry heavy penalties. This is deemed by opponents of the bill, who are the majority of the scientists, an effort at totalitarian control. The McMahon committee of eleven in the Senate which is to work out a system of regulation, superseding, as it would, the Attlee-Truman-King executive agreement, seems, if we are to judge by its chairman, to favor sharing the secret under certain conditions, by giving it to the UNO. Professor Gray of Illinois testified that under the Senate bill introduced by Senator Magnuson, the results of government research “could be turned over to some private corporation on a monopoly basis.” There seems to be general agreement that this must not happen.

centralized agency shall not manufacture the bomb but shall, on the contrary, destroy all atom bomb works which are within the national jurisdiction of any signatory. If any industrial nation remains a non-signatory, and unless export is completely prohibited, the whole experiment fails. The group may need a non-partisan military police for this purpose and must be empowered to engage one. In addition, they must have the power of national inspection to see that the destruction and prohibition of bomb manufacture is carried out. That is a form of intervention which only a super-state can indulge.⁸

The attempt at agreement with an offer to surrender the secret must be made soon. The *locus poenitentiae* is very restricted. The offer has only short-term value; delay diminishes the chances of agreement. Delay also gives distrust its opportunity; the mood for agreement will quickly vanish. Fully constructed works will not readily be surrendered; the gift must precede, not succeed, the atomic bomb race.

Prime Minister Attlee asks in a recent speech for the return of the rule of morality and of law in international relations.⁹ In the debate in the House of Commons on November 23 Mr. Attlee made a plea for "mutual confidence" among nations and outlawing of war, a goal much to be desired. But when the larger nations undertook, to use Asquith's words, not to be "hampered by juridical niceties," i.e., law, in the conduct of war, they abandoned the rule of morality and of law and returned to primitive violence. It is doubtful whether exhortation can now produce the desired result. Neither confidence, nor an outlawry of war, nor an abatement of sovereignty is consistent with such a dispensation as was prepared by the Big Three at Potsdam.

If established, the group proposed would constitute an international government for the sole purpose of controlling the atomic bomb. In every

⁸ In his speech of October 31, 1945, in New York, Secretary Byrnes reaffirmed the American policy of non-intervention, but qualified it by saying (*The New York Times*, November 1, 1945, p. 4):

We have learned that tyranny anywhere must be watched (more than watching marks recent policy!—E. B.) for it may come to threaten the security of neighboring nations and soon become the concern of all the nations. If, therefore, there are developments within the inter-American system which, realistically viewed, threaten our security (note the transition!) we consult with other members in an effort to agree upon common policy for our military protection.

At Montevideo, Buenos Aires, and Lima, the United States committed itself to non-intervention in the external or internal affairs of our neighbors to the south. This abnegation has been criticized as too sweeping and unrealistic. S. F. Bemis, *The Latin-American Policy of the United States*, New York, 1943, pp. 226, 276. It is unsafe to rely on American policy in the face of the somewhat contradictory record. Compare the statement of Assistant Secretary Berle with that of Senator Fulbright, this JOURNAL, Vol. 39 (1945), p. 771, note 11. Harold Laski, in denouncing Franco in Spain, has also said: "The day of non-intervention [in foreign internal affairs] is over." See criticism of this new doctrine in W. A. Orton, *The Liberal Tradition*, New Haven, 1945, pp. 231 and ff.

⁹ *The New York Times*, November 20, 1945, p. 3.

other respect the nations retain their sovereignty. The difficulties of administration may prove great and, in any event, will require exceptional coöperation from every Power. No lethal weapon has ever been successfully outlawed; the success achieved by the reciprocal fear of poison gas is no analogy for the atom bomb. There would be a temptation to gain conclusive advantage from its early use. It may prove difficult to distinguish forbidden uses from purposes that are to be permitted and encouraged. It may be objected that while constituent governments may agree to the appointment of such a supernational group,¹⁰ the attempt to destroy forbidden works or to inspect them will be resisted by individual powers. If that is the verdict of experience then we must face the inevitable consequences: the atomic race will be on.

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INTERNATIONAL CONTROL OF THE ATOMIC BOMB

The atomic bomb is the most efficient instrument of mass destruction so far devised by the genius of man. Its use against the cities of Hiroshima and Nagasaki, however it may be justified, might seem to imperil "those standards of humane conduct which have been developed as an essential part of modern civilization."¹ We are warned in the Truman-Attlee-King Declaration that even graver threats to civilization may be in store for us.

Having developed the bomb under the stimulus of fear that it might be developed first by Germany, and having used it, as Cromwell said of a sanguinary massacre in Ireland, to prevent the effusion of blood, we are charged by our consciences to see that it shall never be used again. We can hardly be surprised, however, to find that some of those who have the strongest reasons for confidence in our magnanimity are deeply resentful of the fact that we have it in our power, temporarily, to destroy them without being ourselves destroyed.

The atomic bomb is an equalizer of nations in the same way that the six-shooter was an equalizer of men in our "Wild West." We may be sure that if one nation has atomic bombs in its armory, all other self-respecting nations will have atomic bombs in their armories as soon as they can get them. We

¹⁰ It must be admitted that evidence of a genuine internationalism is sadly lacking. The demand for national conscription in peace, coming after two world wars, the pride taken in a monster navy, the celebration of Navy Day, the receptions given in this country to Messrs. Eisenhower, Wainwright, and Nimitz, are hardly manifestations of a growing internationalism. Wars promote not internationalism but nationalism. And yet, since an atomic bomb race signifies the possible passing of the human species, the nations may find the necessary courage to vest control of the bomb and the destruction of all the incidental works in an international group having this authority only. If successful in this experiment, the nations might be willing in time to go somewhat further. The gap between international science and national politics and economics was never more ominous.

¹ Quoted from a press release of Acting Secretary of State Welles, June 4, 1938, denouncing aerial bombings which had resulted in the death of "many hundreds of the civilian population" in China and Spain.