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PERSONAL

Mexico, D.F., August 15, 1944.

Dear Mr. Secretary:

I took the liberty of writing you a rather long letter under date of August 14, with regard to giving you some observations which I thought would be of interest to you respecting our inter-American picture and with particular reference to the considerations which can, I believe, usefully be given to the idea of an Inter-American Tribunal of Justice to fit into the general picture of the World Court.

I now take the liberty of giving you a few thoughts which are the result of rather mature observations and considerations and which may be of interest to you. My writing you on this matter is more or less precipitated by the conversation during a luncheon which Manley Hudson of the World Court and Finch of the Carnegie Foundation for Peace gave in Mexico City while they were here for the meeting of the Inter-American Bar Association. Hudson and Finch invited some of the leading Mexicans, Cubans, Colombians, etc., who were present at the meeting to this luncheon. They presented to them some of the conclusions which have been reached by a very large group of American and Canadian lawyers who have been making a careful study of international law after the war. Hudson and Finch had sent the printed pamphlet containing the conclusions of the American and Canadian group to these leading foreign international lawyers before the meeting.

It developed during the luncheon conversation that all of these foreign lawyers had read the studies of the American and Canadian lawyers and it was interesting to find them very much in accord with the conclusions so far expressed by the Americans and Canadians. Of course the group whom Hudson and Finch had invited was a very high class one but it was encouraging to hear them speak in so frank and so understanding a way.

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The Honorable  
Cordell Hull,  
Secretary of State,  
Washington, D.C.

I am not going to try to touch on what happened in the conversation during the luncheon or the major points which they discussed but at the end of the conversation a Mexican of rather insignificant capacity struck a discordant note when he said that what preoccupied him about the international law of the future, the World Court, etc., was to know to what degree one country was going to intervene on behalf of another for its commercial and financial interests. He showed by his remarks that he had a good deal of distrust of American capital going into Latin America and took the attitude that such capital and industry can depend only on the protection of the laws of the country in which it is domiciled and that any diplomatic intervention or protection should be completely out.

I think that the disgust which I had of what this man said was shared by the Americans and foreigners there but as a certain amount had been said in the more serious conversation with respect to the obligations of large states and as very little had been said about the obligations of small states under international law, I thought it desirable to say a few things which I did and the following is the substance of the ideas which I expressed.

I said that like many other people I was of the opinion that the problems which we had to face at the end of the war were just as serious as those which we had to face in winning the war. I said that I was as much concerned about unity and understanding among the United Nations after the war as I was during the war as I considered it just as necessary then as now. I said that while I had a certain amount of preoccupation about my own country, I did not have as much preoccupation about it as I did about some others, large and small.

I said that all of us after the war would have very real obligations, some of which would be very onerous and difficult. I said that so far as the United States was concerned, it would have very real obligations, a good many of which were not to our taste. Contrary to the opinion which might be entertained by some, we really liked to mind our own business and we didn't like to mix in other peoples affairs in any way. We had shown this only too definitely at the end of the last war and we had found that it was a mistake. We found that we had been in a great war and had made great sacrifices and then did not follow through. This

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time I thought we would follow through. I said that we would end the war not only with great sacrifices already made but with great burdens which we would have to carry on in the way of debt already occurred. I said the chances were that the obligations we would have to carry after the war would for a period at least further increase that burden of debt. Our people would have a natural tendency to shrink from these obligations but I thought that we would carry through. We knew it was necessary for the establishment and maintenance of peace for ourselves and for others.

I said that so far as the other great powers were concerned, although there were some differences between them which were natural and unavoidable, I had confidence that these differences would be composed because the issue at stake was too great. I said that the great powers would have made such sacrifices during this war that they would not wish to run the risk of another. There would, therefore, be every impulse for them, in spite of certain nationalistic trends, and certain trends from within certain countries, to compose differences between the major powers so that they could work together in harmony and in equity for the establishment and maintenance of peace. I expressed the opinion that so far as the great powers were concerned, I thought they would compose their differences and act wisely and justly and equitably in the postwar period.

I said that I was not so sure that the attitude of some of the small powers and of small powers in general would be as wise and understanding as that of the greater powers. I said that I had been in the Foreign Service of my Government for thirty years and that I had lived in a good many countries and one of the things I had learned very definitely was that the obligations of small powers were just as great as those of the great powers but that there was a great deal of talk on the part of the small powers of the obligations of the great powers and too little a tendency on the part of the smaller powers to assume their obligations and responsibilities.

I said that while it was true that this last war had been brought about by two great powers, it had really been possible in a measure only because some of the smaller powers also did not carry through all of their responsibilities and obligations. I said that there was too great a

tendency



tendency on the part of small powers to expect all of the sacrifices by the great powers and too great a tendency on the part of the small powers to expect the large powers to assume all of the responsibilities. I said that while some of the small powers laid these responsibilities on the shoulders of the great powers and expected them to compose their differences and to assume almost a benevolent and understanding attitude that these same small powers in this atmosphere of order thus created felt that they were free to air all their smaller differences among themselves and to pursue in some cases a highly nationalistic course.

I took the liberty of saying to this group that one of the things which I had learned was that there would have to be a certain amount of restriction of sovereignty as we had it written in the books of international law and national practice. I was not pretending to say in what directions sovereignty would have to be restricted but I said that if there was to be a peaceful world there would have to be a change of attitude on the part of all countries with respect to these attitudes on sovereignty. I said that in my opinion the larger states which had the greater sacrifices to make would be much more prepared to sacrifice some of their sovereignty for the common good than the smaller states. There were indications increasingly that the smaller states were talking about sacrifices of sovereignty but only in terms of the greater states which had to carry the greater burden but these same small states at the same time were thinking of merely stressing their own sovereignty and their own nationalistic practices.

I said that the large states were in a position to maintain their sovereignty and all of their prerogatives under international law as it stood. I said that the smaller states were not. There was such a thing as equality among states but this involved equality in every respect. I saw too great a tendency for smaller states to stress this equality and at the same time to claim for themselves greater privilege and freedom than they were willing to admit for the larger states.

I took the liberty of saying that one of the things which always caused me a certain amount of surprise was that there was so much talk about the obligations of large states and so little talk about the obligations of small states. I said that even among the great states there was a tendency to talk about their obligations but little tendency

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to talk about the obligations of smaller states. This was probably the generosity and understanding of the greater. On the other hand, I hear constantly and now increasingly a lot of talk about the obligations of great states, by the smaller states, but very little talk by the smaller states of their responsibilities vis-a-vis the stronger states. I said that this was one of the most disturbing things I saw on the horizon.

I said that the obligations for maintenance of the peace would have to remain on some of the stronger states no matter what collective security machinery we set up. All states should figure in this machinery and all should have their responsibilities but it would have to be recognized that the responsibility would always be in a major measure on some of the stronger states. This was just in the nature of things and just couldn't be avoided. It didn't in any way destroy the plan of equality among states. On the other hand, in such a security system or in any world order, the small states had just as much responsibility not to disturb the peace and to maintain the peace as the larger states did. I said that just as the larger states had to consider the special problems of the smaller states, so the smaller states had to consider the special problems of the larger states. As I saw it now too many of the smaller states wanted their special problems to be considered and were not willing to take into account or have adequate understanding of the extraordinary problems and responsibilities of the larger states.

With specific reference to the remarks which had been made with regard to capital and industry, I said that the fear which smaller states had or professed to have of such foreign capital was in a large measure merely a projection of extreme nationalist tendency. I said that if capital which had been earned in the security and peace of a larger state was desired by a smaller state in order to develop its economy, it could be expected that that capital would enjoy peace and security when it translated itself to another country to work for the advantage of that country. It was quite right and proper that capital which went into another country should accommodate itself in every respect to the laws and economy of that country. On the other hand, it was to be assumed that the laws of that country would be such as to give that capital adequate protection and not make it the prey of local and rapacious interests. I said

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that the laws of weaker states with respect to the protection of capital had to be at least as equitable as those of the larger states from which the capital was supposed to come for it could not be expected that capital should take an adventure which was sure to lead to disaster.

I said that the smaller states were talking about access to raw materials and equal opportunity in world markets. I said that all this was based on good ground but that if the smaller states wished to participate they would not have to claim special advantages over the larger states as some of them were pretending to claim and at the same time berating larger states for what they called improper protection of their capital and industry. I pointed out that there was no reason why property should not have the same protection and capital should have the same opportunity in small countries as it did in large countries and that small countries could not emerge from their position of economic dependence until it was recognized that the principles of equity applied all around equally among the weaker and the stronger.

This theme which I propounded before these international lawyers, strange as it may seem to you, seemed to be rather a novel one for them and I was very happy to see that some of those present from some of our Latin friends caught the point and expressed themselves warmly as understanding of the point of view which I had expressed. I could elaborate and make more concrete this idea but I will not go into detail as the concrete examples of the small pressing forward their so-called rights and sovereignty at the expense of the stronger are obvious. I took the liberty of expressing myself so frankly among these international lawyers because it was an entirely unofficial luncheon and I said that I was talking entirely unofficially and expressing only my own personal points of view growing out of my experience and that I took the liberty of expressing them because of the preoccupation I felt over some of the problems which we had to face after the war. I naturally thought it particularly helpful as there were some intelligent and outstanding international lawyers present from a few of the other American countries to emphasize this point that nationalism in international legislation as well as in external attitudes can be one of the most disturbing factors in the peace of the world.

I am sure that nothing that I have expressed in this

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letter is in any way novel to you but I thought this letter might be of some interest to you and your associates in the Department.

With all good wishes,

Cordially and faithfully yours,

GSM:NA

G. S. MESSERSMITH