a little tin god, to be known as the Authority with a capital A: "The Authority would be empowered to supervise and control progress and proposed disclosure of verification of all Armed Forces, including paramilitary, security, and police forces, and all "materials, substances, and products of armament." And what is the little tin god to do if it finds a violation of the agreement? The little tin god is to report to the Security Council where the General Assembly, and all states—all of them "inherently" incapable of waging war—"to permit appropriate action to be taken."

So much for Mr. Lippmann's conviction of the impossibility of general disarmament. What is his alternative? He writes:

The fallacy of the conception we have been working with is, I believe, to suppose that there is an inherent incapacity for making war which makes it most unlikely that they could win a war. As a matter of fact, the East and West are now in such a balance of power. The existence of this balance of power is the reason why they are beginning to negotiate, and the preservation of this balance of power can always be waged. There will long be men who are willing to wage wars. What will inhibit them is not that everyone is less well armed but that they have no plausible hope of winning a war.

This is a feasible goal, which is attained now and then—whenver military rivals, and especially military dictatorships, are in a balance of power. He is probably right in this statement, but he has reckoned what the balance of power is costing us? For the Defense, we appropriated nearly $31,900,000,000. For the military part of the foreign-aid program, we appropriated $1,125,000,000; and for the Atomic Energy Commission, whose fringes only are devoted to peacetime uses, we are proposing to appropriate more than $1,480,000,000. This amounts to more than $34,500,000,000. That is the cost for the coming fiscal year of maintaining this highly prized balance of power.

The cost to the Soviet Union cannot be given in corresponding dollars. The cost is best realized when we consider the drain on the natural resources of the Soviet area and the diversion of the labor of its inhabitants away from their own well-being to the heavy task of maintaining this balance. Not only is this balance maintained at an enormous cost in natural resources and physical toil, but the most that our allies or the Soviet Union can do with this tremendous expenditure is to maintain a precarious balance. There is no security in this balance. Like a lightening flash from the sky, it can be demolished by a single atomic raid. Never have balances of power existed under such burdens of expense or under such shattering dangers as those which exist today. We must be thinking new thoughts for this new age. This is what Mr. Lippmann means by disarmament.
moral degradation which in the past have so often been experienced by the victims of war.

The four Geneva Conventions grew out of a recognized need for revising the existing conventions dealing with sick and wounded of the armed forces, prisoners of war, and the treatment of the civilians. The United States had previously signed the first Geneva Convention on prisoners of war in 1864, as a member of the belligerent party to the Geneva Convention of 1929 to ameliorate the condition of wounded and sick of armies in the field; the Geneva Convention of 1929 on prisoners of war, and the Hague Convention (No. X) of 1907 for adapting maritime warfare to the principles of the Geneva Convention of 1906.

It has become apparent, during the Italo-Ethiopian campaign and the Spanish Civil War, that the conventions needed revision. Experience in the Second World War confirmed the necessity of both. It was generally recognized in belligerent and occupied territories, international legal protection by treaty.

Basically, therefore, all of the conventions which the Senate is now asked to approve, with the exception of the convention relative to civilians in time of war, embody principles which the United States had accepted in previous years. The 1949 texts are an effort to provide greater protection and to fit the conventions to modern conditions. While the convention on civilians is itself a brand new document, the principles which it contains generally rest on the combination of concepts contained in the fourth Hague Convention of 1907 on the protection of civilians in occupied territory, and, with respect to civilians found outside belligerent territory, on the practices we ourselves have regularly followed.

A considerable portion of the United States position on all of the conventions was accepted by the Conference as presented. We supported, for example, a rewording of the 1929 article on food, so as to require that food of prisoners of war must be sufficient in quality, quantity, and variety to keep prisoners in good health and prevent nutritional deficiencies. We also obtained a new and simplified formula regarding employment of prisoners of war which, among other things, prohibits their use for clearing fields and found inside belligerent territory, and, with respect to civilians outside belligerent territory, on the principles of the Hague Convention of 1907.

While it is obviously impossible to discuss here in any detail all of the 429 articles of the conventions, I should like to refer to certain aspects of these instruments which merit particular notice.

The Geneva Convention of 1929 with respect to the treatment of sick and wounded of the armed forces permitted the military authorities to call upon the charitable zeal of the civilian population to collect and nurse, under appropriate direction, all wounded and sick prisoners of war found on their territories. The Convention stipulates that the military commanders must allow the population and relief associations to volunteer in such humane tasks, irrespective of the nationality of the sick or wounded victims.

Another modification which was introduced relates to the controversial status of medical personnel. Traditionally, hospital personnel have enjoyed immunity from capture and the right of repatriation. But the last war showed that there was a need for providing recognition of a part of the hospital personnel which fell into enemy hands, in order to nurse sick prisoners of war for whom adequate care would otherwise be lacking. The compromise adopted at the conference provided that doctors, chaplains, and medical orderlies shall be considered as prisoners of war, they shall enjoy the advantages of the 1949 Prisoner of War Convention only to the extent that the health, moral needs, and numbers of the prisoners may demand.

The 1949 Convention on Prisoners of War adapted provisions to the categories of persons whose protection is guaranteed by the convention; but such organized resistance movements are placed on the same footing as militia and volunteer corps not forming part of the regular armed forces. These forces as well as prisoners must conform to the requirements of the Hague Regulations relating to the treatment of persons deprived of the protection of the convention; and violations which are common to all four conventions. Thus, it is stipulated that they apply not only in the case of formally declared international war, but also on the outbreak of de facto hostilities, without a declaration. Moreover, to prevent a practice followed by some belligerents in the Second World War of depriving prisoners of protection on the ground that the convention did not apply after occupation or capitulation, or by concluding special agreements with the prisoners or their own governments, the convention made applicable to all prisoners without discrimination until they are finally released or repatriated.

Mr. President, many war victims were uncompensated during the great war by any power who would defend their interests. The revised conventions provide that in such cases, belligerents must invite a neutral state or welfare agency to assume the duties of protecting persons on behalf of the detaining power, or to take over the personnel.

Another group of articles which are virtually identical in all of the conventions relates to the execution of their provisions and the prevention of abuses and violations. Among other things, the parties agree to enact legislation necessary to provide effective penal sanctions for persons committing those violations which are designated as grave breaches. Each contracting party, moreover, is under an obligation to search for persons alleged to be guilty of such breaches and to try them before their courts. Or, in accordance with its own legislation, it may hand such persons over for trial to another contracting party concerned, if the latter has made out a prima facie case against the suspect.

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wounded and sick civilians as provided for members of the armed forces. Parties are required to authorize the free passage of medical supplies intended for another signatory, even if he is an enemy belligerent or a neutral country in which the war is prohibited or the death sentence is executed except that no person may be punished for an offense committed before the act of June 5, 1905.

General rules are laid down for the protection of individuals in both belligerent and occupied countries. Torture and the taking of hostages are prohibited. The belligerent occupant, in the exercise of the privilege of the war, may punish for offenses committed prior to the act of June 5, 1905, other than those punishable by death as provided in article 53.

Several American companies had long enjoyed the use of the Red Cross emblem or designation in the sale of their products, in accordance with Federal legislation passed in 1864 and subsequently used. The use of these emblems was authorized by the act of June 5, 1905, but was unable to accept the proviso contained in the six months. The American Red Cross has been used in advertising it under that trademark. It was felt that these valuable interests would be seriously prejudiced unless a reservation excluding them from the prohibition was adopted. For that reason, the committee recommended that a reservation be included in the resolution giving advice and consent to ratification, in the following form:

The United States, in ratifying the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, article 54 further provides that the parties, if their legislation is not already adequate for that purpose, shall take measures necessary to prevent and repress the abuses in the use of the emblem mentioned in article 53.

Article 85 of the prisoners of war convention makes it the duty of the detaining power for offenses committed prior to the act of June 5, 1905, to carry out the death sentence, and permit prisoners tried with civilians to appeal of capital measures by a sovereign court. Article 85 is dependent upon whether such offenses were punishable by death under the legal system of the detaining power. The United States, in ratifying the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, article 85, provided such use by pre-1905 users does not extend to the placing of the Red Cross emblem, sign, insignia, or words as was lawful by reason of domestic law and a use begun in February, 1905. The United States, in ratifying the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, article 85, provided such use by pre-1905 users does not extend to the placing of the Red Cross emblem, sign, insignia, or words as was lawful by reason of domestic law and a use begun in February, 1905.

The reservation, it will be observed, has been drawn in such a manner as to avoid the possibility that the outdoor use of the emblem might diminish the protection furnished to members of our Armed Forces and the civilian populace.

All the members of the Soviet bloc filed a reservation at the time of signature to article 85 of the prisoners of war convention which accords the benefit of the convention to prisoners prosecuted by the detaining power for offenses committed prior to capture. The Soviet reservation would deny such protection to prisoners convicted under the laws of the detaining power of war crimes in accordance with the principles of the Nuremberg trials. There were certain additional reservations made by members of the Soviet bloc to other conventions which were deemed unacceptable by the committee, which inserted the words, "or designation in the field. Article 53 of that convention prohibits at all times the use by any individuals, societies, firms, or companies, whether public or private, of the emblem or designating 'Red Cross' or 'Geneva Cross,' or any sign or designation constituting an imitation thereof, whatever the object of such use and irrespective of the date of its adoption."
I might say that the principles set forth in the conventions are fundamental principles which the United States has for many years observed in the treatment of war prisoners, civilians, and other victims of war. For a long time we have adhered to them, not only under the treaty of 1929, but also under the two other conventions. In addition, we have adopted these principles even in fields where there was no treaty obligation, as representing the most humane manner in which prisoners of war and civilians may be treated. So these conventions incorporate very largely the humane principles which the United States has practiced over a long period of years. We now maintain these conventions, which have been ratified by a large number of nations, some additional nations, and some amendments, and some advancements in the international agreement, which are the subject of the debate.

But after the conventions were signed in 1949, and after they had been ratified by a sufficient number of nations, the Korean situation arose, creating international problems which it was not thought advisable during those tenuous days to submit the conventions to the Senate for action. That was a worldwide situation, involving the United Nations, the United States, and some 15 or 20 other nations. Action upon the conventions was therefore delayed, because it was not thought desirable to proceed with ratification.

I think that is an appropriate time for the Senate to consider their ratification, because the world today is looking hopefully to the inauguration of conferences which may result in a mitigation of the suffering caused by war, do- domon any further comment upon the conventions and the reservations in regard to the imposition of the death penalty for certain offenses and the use of the Red Cross emblem, which have been explained and with which the committee unanimously agreed were appropriate reservations, I hope that, without opposition of any sort, the Senate may now proceed to the consideration of the conventions as a whole, and I think the United States may take her place among the other nations in an effort to advance the cause of the humane treatment of mankind even in time of war.

Mr. KNOWLAND. Mr. President, I do not intend to detain the Senate long, but I wish to make a few remarks relative to the conventions which were unanimously reported by the Committee on Foreign Relations.

I hope that it will never be necessary to invoke the provisions of the pending four conventions which relate to the protection of war victims. But in the event there should ever be another war, it is only common sense to take action which will make available to us some devices to protect the lives and the property of those American citizens who may fall into the hands of the enemy. That is the purpose of these conventions— to give nations a basis for the treatment and protection of the sick and wounded, for the protection of prisoners of war, and for the protection of civilians in the hands of the enemy.

The United States was a party to a series of Red Cross conventions which prescribed standards of treatment for prisoners. Those conventions served as the basis for the return of those unfortunate prisoners, and we were able to improve the treatment of our men who were held prisoners.

I am under no illusion, Mr. President, that the Red Cross Conventions of 1929 were perfect. But I can say with authority that they were better than nothing. I believe the interests of this Nation will be promoted by our becoming a party to the conventions now before the Senate.

The experiences obtained during World War II in the operation of the earlier Red Cross conventions indicated a number of respects in which they might be improved. For example, the earlier conventions provided that prisoners of war were to be given rations equivalent to those given to the armed forces of the capturing power. Thus in the case of Americans captured by the Japanese, the treaty merely required that those men receive rations equivalent to those received by members of the Japanese armed forces. This meant slow starvation for American prisoners. The conventions now before the Senate, however, provide that rations are to be determined largely on the basis of the caloric content of the food captured men had been receiving and relate to their own armed forces.

I cite this as one example of the type of change brought about by the conventions. There are many others which have been set forth by the distinguished Senator from Montana [Mr. Mansfield].

The principal concern over the ratification of the pending conventions was voiced by representatives of groups who feared that they would not be able to continue the use of the Red Cross emblem on their products. The committee heard those representatives, and a reservation has been proposed by the committee which is supported by those groups.

Witnesses were heard in objection to the ratification of the conventions.

The conventions do not impose onerous conditions on the United States. This Nation, as we all know, is incapable of inhuman treatment of any prisoners. During the last war our treatment of prisoners was so good that there were many cases of enemy soldiers deserting so that they might become American prisoners. Every man captured by that means meant one less enemy for our troops to fight. No standards of treatment are required of this Nation that we would not voluntarily assume ourselves.

I wish to point out what I believe is an important improvement. The 1929 convention provided, in effect, that prisoners of war were to be repatriated after the conclusion of the peace treaty. In the new convention, article 118 states: "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities."

I think that is very important, because, as we all know from reports, which I believe to be well substantiated, actually many thousands of German and Japanese prisoners are illegally held by the Soviet Union, and are, in fact, performing what is quite frankly termed slave labor for the Soviet Union. We do not know whether, if not the Soviet Union, whether the United States would comply with the provisions of the convention in the event of hostilities, but I certainly believe all are provisions with which any nation that calls itself a civilized nation will comply. I think the conventions are an improvement over the 1929 conventions. For that reason I hope the conventions will have the unanimous affirmative vote of the Senate.

Mr. SMITH of New Jersey. Mr. President, it had been my intention to make a few remarks on the pending conventions, but I have been detained because of the vote on the amendment. However, I have read the mutual-security bill. Therefore, I ask unanimous consent that a statement which I have prepared be printed in the Record as a part of the debate on the pending conventions.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR SMITH OF NEW JERSEY

I wish to speak briefly concerning two aspects of the conventions now before us to which the Committee on Foreign Relations has been particularly referred. The first is the factual background which led the committee to recommend that a reservation be adopted which would inure to the rights of pre-1905 users of the Red Cross emblem against the prohibition contained in articles 53 and 54 of the Convention on Watercraft and Sick and Wounded in the Field. The decision of the committee on this matter was not taken lightly. It was after long and careful investigation of this problem in concert with the Department of Defense, State, and Justice, that a reservation was considered the proper way of protecting the property rights of individuals and companies which have used the emblem, while at the same time ensuring...
that the protection to persons and property afforded by the use of the symbol would be retained. The reservation avoids the possibility that protected areas and establishments lose immunity by virtue of an unwarranted interpretation of the provision.

The reason for limiting the exemption to pre-1905 users of the emblem, as the committee then intended, until the War is that no United States legislation dealing with the use of that trademark by other than the Red Cross Societies, in that year, the act of January 5, 1905 (33 Stat. 600), made it unlawful for any person or group other than the Red Cross Societies, "not now lawfully entitled to use" the symbol, to make use of it thereafter. Again, the act of June 25, 1919, limited the use of the emblem to those of the right being in the best interest of the class of objects.

It seems to me that these Federal statutes have recognized that the use of the trademark by the pre-1905 companies constitutes a valuable property right; and there use Federal court decisions which support this view.

Witnesses before our committee stated that millions of dollars have been spent on the symbol in advertising and marketing. If, therefore, no reservation protecting the interests of these users constitutes a violation of our ratification, it may open the way for the companies to contend that they have been deprived of a valuable property right.

In view of the due process clause of the Fifth Amendment, I confess I do not see how it is possible to ignore such a contention, and the other members of the committee were of the same opinion.

There is another point to be noted. Article 53 of the convention provides that the use of the emblem "shall be prohibited." Although there is a degree of ambiguity in the article, use of the future tense would make it possible to ignore such a contention, but it is possible to ignore such a contention, and the other members of the committee were of the same opinion.

The other problem I wish to refer to concerns the proposals of the department of justice. The department of justice has submitted the report of the Committee on Foreign Relations, to that extent will we have wide acceptance of the "grave breaches" provisions. We have never wavered in our conviction that a decent regard for civilized usages requires the strictest observance of humanity and a concern for their welfare. Our practices in the last war evidence the depth of that concern. But we have been able to show that the requirement of these usages is not necessary, that we have no reservation protecting the interests of private individuals who have fallen into the power of the enemy. To the extent that we can obtain a world-wide acceptance of the high standards in the conventions, to that extent will we have assured our own people of greater protection and more civilized treatment.

For these reasons the Senator from Montana [Mr. Mansfield] in wholeheartedly urging the Members of the Senate to give their approval to the four conventions.

Mr. MARTIN of Iowa subsequently said: Mr. President, on behalf of the Senator from New Jersey [Mr. Case], I ask unanimous consent to have printed in the Record the report of the Committee on Foreign Relations on Executive D, E, F, and G be printed in the Record at the point just prior to the taking of the vote.

'There being no objection, the report (Ex. Rept. No. 9) was ordered to be printed in the Record, as follows:

'The Committee on Foreign Relations, to whom were referred the treaties for the Protection of War Victims (Ex. D, E, F, and G, 82d Cong., 1st sess.) opened for the consideration of the treaties for the supplementation of the treaties of ratification to the Senate with 2 reservations and a statement rejecting certain reservations by other parties to the conventions, and recommends that the Senate give its advice and consent to ratification.

1. MAIN PURPOSE OF THE CONVENTIONS

The purpose of these conventions is to improve treatment to the extent that the persons who become the victims of armed conflict and to relieve and reduce the suffering caused thereby. Instruments are designed to modify, clarify, and develop existing international rules and practices dealing with the condition of wounded and sick in the armed forces in land and maritime warfare, prisoners of war, alien enemies within and in the territory of a belligerent and the inhabitants of areas subjected to military occupation. At the present time the United States is a party to the four basic conventions of the Geneva Conventions of 1906, 1929, and 1949 relative to the treatment of prisoners of war; Hague Convention No. IV, respecting the laws and customs of war on land; and Hague Convention No. X, for the protection of the civilian population in time of war. These treaties are based, fundamentally, on treaty obligations and a statement rejecting certain reservations by other parties to the conventions, and recommends that the Senate give its advice and consent to ratification.

On the other hand, there is no question but that the "grave breaches" provisions are sufficiently definite and broad to authorize legislative action for the suppression of all acts listed in article 80. For example, article 1, section 80 of the Constitution empowers Congress to "define and punish" offenses against the law of nations. It is well settled, however, that power embraces the power to provide for the punishment of offenses against the law of nations. Not only the United States Constitution, but also the right given Congress under article 1, section 8, clause 14 "to make rules for the government and regulation of the land and naval forces" provides a basis for enacting penal sanctions for mistreatment of "protected persons" under the Wounded Ill-Sick and Civilian War Conventions.

Finally, a review of existing Federal legislation by the Department of Justice has established that no further measures are needed to provide appropriate punishment for violations of the conventions which I have been discussing. I am satisfied that the provisions provide for the additional teeth in the conventions, and that it would be a mistake to have left them out. I cannot emphasize too strongly that the one nation which stands to benefit the most from these four conventions is our own United States. The standards which they set create an international environment in which we have never wavered in our conviction that a decent regard for civilized usages requires the strictest observance of humanity and a concern for their welfare. Our practices in the last war evidence the depth of that concern. But we have been able to show that the requirement of these usages is not necessary, that we have no reservation protecting the interests of private individuals who have fallen into the power of the enemy. To the extent that we can obtain a world-wide acceptance of the high standards in the conventions, to that extent will we have assured our own people of greater protection and more civilized treatment.

For these reasons the Senator from Montana [Mr. Mansfield] in wholeheartedly urging the Members of the Senate to give their approval to the four conventions.

Mr. MANSFIELD subsequently said: Mr. President, on behalf of the Senator from New Jersey [Mr. Case], I ask unanimous consent to have printed in the Record, preceding the vote on the ratification of the conventions, a statement prepared by him.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Case of New Jersey

I particularly regret the fact that an unfortunate delay in route to the Senate floor will prevent my casting an affirmative vote for the Geneva Conventions.

I have a real interest in these treaties, and followed their progress closely in committee. Thus, it is a matter of personal regret to find myself in such strong support of these instruments up to date, making them susceptible of more uniform application and more definite in interpretation, and further improving them so as to provide greater and more effective protection for the persons whom they were intended to benefit.

The essential point is that half of all the conventions now before the Senate, with the exception of the convention on civilians, are based fundamentally on obligations concerning which the United States had previously accepted. The acceptance of the new texts is evidence of greater protection and to adapt the earlier treaties to modern conditions. So far as the policies of the United States are concerned, the convention on civilians, while in new form, reflects principles which we ourselves have followed. It combines both the precepts of the Hague regulations on inhabitants in occupied territory and the concepts we apply in domestic law relative to civilian internees in the United States. There is, therefore, nothing in the adaptation of the new text to the principles which the United States— or the Congress—had previously sanctions.
tioned. Certain specific points in the convention were unacceptable to the United States, are taken care of by appropriate reservations. (See below, secs. 9, 11, and 13.)

2. BACKGROUND OF THE CONVENTIONS

The conventions now before the Senate are the product of years of study and preparation commencing even before the Second World War had terminated. Probably no treaties the Senate has ever been asked to consider have been the subject of more careful, mature, and painstaking preparation. Two major preparatory conferences and several preparatory commissions on arms control were held in contemplation of the need for such thorough-going and painstaking development of convention, the 17th International Red Cross Conference, which devoted over a week in June 1949, and was attended by representatives of some 60 governments, including all of the Iron Curtain countries.

The committee considered the 4 conventions in executive session on June 9, 1955, and voted unanimously to report them to the Senate with 3 reservations—1 to the convention on prisoners of war and sick and wounded and 2 to the convention dealing with the protection of war victims. All agencies of our Government which had been involved in problems arising from the conflict had contributed their experience in reaching decisions as to what changes or additions were in the best interests of the American people. The American delegation consisted of representatives of the Departments of State, Army, Navy, Air Force, the Federal Security Agency, and the American National Red Cross. It was the largest American delegation ever sent to a regular conference, which usually has a group of experts in each of the areas for which a convention is to be drafted. The United States was represented at all 3 conventions, the American delegation being composed of representatives of the Department of State, the military services, the Department of Justice, and the American Red Cross. Fifty-nine governments participated in the work of the Diplomatic Conference, which devoted over 3 months (April 21-August 12, 1949) to the preparation of the final instruments.

The conventions were open for signature on August 12, 1949. All governments have signed the conventions, and 34 governments have ratified the convention on prisoners of war and sick and wounded. The United States can be proud of its efforts at the Diplomatic Conference to elevate the standards of treatment applicable to war victims. It found support for a substantial portion of the position it took at the conference and for the convention on prisoners of war and sick and wounded. The other conventions are being considered by the Senate at this time.

3. COMMITTEE ACTION

Not long after the treaties were received by the Senate, the Department of State indicated its desire that further action be postponed in view of developments in the Korean conflict. This suggestion seemed a wise course to pursue, since all parties to the Korean conflict had signed in one way or another an acceptance of the principles of the conventions, and there was every reason to believe that more careful and mature consideration could be given to their detailed provisions after, rather than in the midst of, armed conflict. In consequence, no steps were taken in the Senate to consummate ratification of the conventions. With the Korean conflict abated, it became possible to reconsider the matter of ratification.

On March 29, 1955, the Secretary of State transmitted a second statement to the Committee on Foreign Relations, supplementing the report and communicating the President's supplemental message from the President requesting Senate approval. In this statement, Secretary Dulles summarized the present status of the conventions, and recommended that, in the national interest, action on ratification should no longer be delayed.

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persons to act under orders of a responsible commander, to wear a fixed emblem recognizably different from that of the enemy, and to obey the laws and customs of war. In sum, extension of protection to "partisan combatants" in that type of conflict, was given the role of farmer by day, guerrilla by night. Such individuals remain subject to trial and punishment as unlawful belligerents.

To tighten up the obligations of the parties in still another respect, three of the conventions (the Maritime Convention) are expressly made applicable to all protected persons without discrimination until released, released, released, or reestablished (art. 5, wounded and sick, and prisoners of war, art. 6, civilians). These provisions, which should have the effect of preventing a practice followed by some belligerents in World War II of arbitrarily depriving prisoners of protection on the ground that the convention did not apply after occupation or capitulation.

Article 8 contemplates that the parties may enter into special agreements in addition to those provided for in the conventions with respect to protective functions of a neutralizing or organizing character (as, for example, arts. 10, 15, 23, 28, 31, 36, 37, and 52 of the Wounded and Sick in the Field Convention). But no such agreements can diminish or prejudice the rights established in the conventions. This restriction is complemented by the provision in article 5 that "persons protected by the conventions "may in no circumstance renounce the benefits of the conventions" thereby. Comparable provisions were not contained in the 1929 conventions (e.g., art. 83 of the Prisoners of War Convention of 1929).

Under article 8, the conventions are to be applied with the cooperation and under the scrutiny of the protecting powers. The duty is to safeguard the interests of the parties to the conflict. To that end, the protecting powers (neutral nations which endeavor to insure that the conventions are being properly applied) may appoint delegates from their diplomatic or consular staffs, or otherwise, subject to the approval of the protecting power. These representatives or delegates are enjoined to take account of the interests of the state in which they are acting. The limitations were accepted in preference to a proposal advanced by the Soviet delegation that the protecting power or its delegate "may not infringe the Sovereignty of the State," which was roundly rejected by the Conference.

Article 9 supplements the protective features of these instruments by expressly providing that the conventions constitute no obstacle to the humanitarian activities of the International Committee of the Red Cross or any other impartial humanitarian organization may undertake, subject to the consent of the parties, on behalf of persons protected by the conventions. The protection of a state or neutral for the protection of the convention power—should activities fall to benefit the war victims—is envisaged by article 10. In such cases, the head of the mission may take action for the protection of the convention power's interests. The 1929 conventions provided in addition to the 1929 instruments which contained no corresponding provisions. Thus, in a more favorable context, in which it raises, the matter of grave breaches (arts. 120, prisoners of war; art. 50, wounded and sick; art. 51, maritime; art. 147, civilians). Each contracting party, moreover, is under an obligation to search for persons alleged to be responsible for the commission of such breaches of the conventions, and to try them before their courts regardless of their nationality. It may, on the other hand, in accordance with its own law, subject persons protected by the conventions for trial to another contracting party concerned, provided the latter has made out a prima facie case against them. The provisions for compelling observance of the conventions are an advance over the 1929 instruments which contained no corresponding provisions. In view of the close relationship between the conventions, in which it raises, the matter of grave breaches is discussed in more detail later in this report.

A final group of articles (arts. 55-64, wounded and sick; arts. 54-63, maritime; arts. 125-143, prisoners of war; arts. 130-159, civilians) contains provisions relating to the protection of civilians. These provisions provide that the conventions may in no circumstances renounce the benefits of the conventions. The 1929 conventions did contain similar provisions relating to the protection of civilians. These provisions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) were intended to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war. The 1929 conventions contained provisions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war. The 1929 conventions contained provisions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war.

7. SUMMARIES OF THE CONVENTIONS

1. (a) Wounded and sick in Armed Forces in the Field

This convention has a distinguished history, with antecedents going back to the Geneva Convention of 1864, a monument attributable to the inspiration of a Swiss, Henri Dunant, after witnessing the suffering of wounded soldiers at Solferino. That convention established that wounded and sick combatants should be treated as prisoners and that the provisions of the convention should apply to all wounded and sick combatants. The present convention prohibits the detention or execution of wounded and sick individuals, and it provides for the repatriation of wounded and sick combatants. The convention also provides for the protection of medical personnel and equipment, and it contains provisions relating to the identification of wounded and sick individuals.

6. PROVISIONS RELATING TO EXECUTION OF THE CONVENTIONS

In addition to the articles set forth above, all of the conventions contain general, virtually identical, provisions concerning the execution and the prevention of abuses and violations of the conventions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war. The 1929 conventions contained provisions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war. The 1929 conventions contained provisions (arts. 47-53, wounded and sick; arts. 48-53, maritime; arts. 127-132, prisoners of war; and arts. 143-148, civilians) to ensure that prisoners of war (wounded and sick) and members of the armed forces (civilians) continue to enjoy the protection of the conventions throughout the war.
One of the most fundamental changes wrought in 1949 relates to the status of regularly armed medical personnel and chaplains attached to the Armed Forces. Traditionally, such personnel have enjoyed immunity from capture as prisoners of war, and the threat of early repatriation. Their detention was expressly prohibited in article 12 of the 1929 convention except for agreements between the parties to which the Red Cross is a party. Article 40 of the 1949 convention clarifies provisions for identifying medical and religious personnel. A new, pocket-size identification card supplements the red cross armband. Temporary personnel are identified by the wearing of a white armband with a red cross smaller than those borne by permanent personnel. 

As in article 24 of the 1929 convention, article 44 prohibits the use of the distinctive emblem in peace or in war except to protect the medical units and establishments, the personnel and material protected by the convention. Article 39 supplies this general prescription by specifically prohibiting at all times the use by individuals, societies, firms or companies, whether public or private, unless entitled thereto under the convention, of the emblem or any imitation thereof, regardless of prior adaptation or annexation of the convention. The use of the distinctive emblem in intracommunications which gave rise to approval of a reservation to its adoption. The article encountered considerable opposition from companies who considered it a threat to their long-reognized property interests. The committee, and the reservation it authorized, are on record as favoring provision of the Wounded and Sick Convention. Article 14 reproduces the distinctive emblem, its provisions are largely identical to corresponding provisions of the Wounded and Sick Convention of 1929, and recall article 15 of the Wounded and Sick Convention. Article 14 modifies the 1929 principle under which they were treated on the same basis as permanent medical personnel.

The conduct of armed conflict has changed since 1864, when the first convention was signed. The 1949 Geneva conventions and the 1977 Additional Protocols considerably amplified and expanded the protections for the wounded and sick. 

While in detention, they are to enjoy the same treatment as prisoners of war, and the right of the adversary was subject to restitution as such material, if it fell into the power of the enemy. 

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did not distinguish between warships, merchant ships, and other vessels, article 37 restricted the liberty of a prisoner of war excluding the power of the detaining power to return him to any of his own nations, but parole release may not be imposed involuntarily. Article 22 directs the detaining power to assign camps for prisoners of war or compounds according to their nationality, language, and customs, provided that such persons are not separated without their consent from members of the armed forces with which they served. Article 33 strengthens the safety provisions of articles 30-32 by requiring that prisoners of war shall have shelters against air bombardment and other hazards to their safety and population. Another innovation requires prisoner compounds to be indicated by the letters PW or PG so as to be clearly visible from the air, whenever military considerations permit. Prisoners in permanent transit camps must be given the same treatment as other prisoners (art. 24).

Articles 25-28 completely restate the obligation of the detaining power under articles 11-17 to respect to the quarters, food, and clothing furnished to prisoners. As already noted in this report, the 1929 convention abandoned the 1864 provision in favor of a ration which maintains the prisoners in good health and takes account of their habitual diet.

Article 292 sets forth and clarifies the provisions of articles 13-15 of the 1929 convention relating to medical care and sanitation. Under a new article, medical personnel and chaplains who fall into the hands of the enemy are not considered to be prisoners of war. They may, however, be returned to minister to prisoners of war "preferably those of their own religion." Articles 34-38 guarantee to prisoners of war the exercise of religious, intellectual, and physical activities, and require facilities to be furnished for out-of-doors exercise. The marked improvement over article 17 of the 1929 convention, which contained a weak exhortation that "so far as possible, belligerents shall encourage intellectual diversions and sports organized by prisoners of war."

Recognition of promotions in rank received by prisoners is required by the detaining power, in a new provision (art. 43). The impracticable rule of article 22 in the 1929 convention that all shipments of food and clothing to prisoners of war must be made through military channels is recognized in a new article (33). This provision requires the detaining power to provide their own food and clothing and has been abandoned in article 44 which treats the officers and other prisoners alike in this regard.

Articles 47-48 are Improvements on the conditions accorded prisoners in transfer, who are permitted to retain their personal effects not in excess of 25 kilograms (55 pounds) per person.

(2) Labor of Prisoners of War
The conditions under which the detaining power may utilize prisoners of war are set forth in articles 49-57. The 1929 convention contained a rather vague stipulation that prisoners should have no direct relation with war operations. No clause proved more troublesome to apply in World War II. Article 60 now lists the specific classes of work which may be exacted, and article 52 retains the prohibition of former article 32 against involuntary use of prisoners on unhealthy or dangerous labor, included in which is the removal of mines or similar devices. The 1929 principle of reduced duration of the hours of labor, accidents, pay, and rest periods (arts. 27-30) are spelled out in greater detail. However, in place of the detaining power's former obligation to pay compensation equivalent to that of comparable laborers in cases of accident, it is provided that the detaining power shall be given all the care their condition requires, it being left to their own country to meet claims for compensation.

(3) Financial Resources of Prisoners of War
A completely new section (arts. 58-68) introduces a number of far-reaching changes in the 1929 rules designed to ensure the financial resources of prisoners of war. The detaining power may fix the maximum amount of money which a prisoner may retain in his possession, and any excess is credited to his account (art. 58). Whereas under the former convention, prisoners are given only a small amount of money, under article 60 of the 1949 convention, pay is given to all prisoners, fixed on the basis of five categories for the separate ranks. This is to be paid "on account of the value of the food, clothing, and equipment issued to the prisoner as part of the compensation due him, plus a sum fixed in accordance with a specified number of Swiss francs, as converted into the national currency. The detaining power is responsible for paying prisoners for work they perform, whoever for private or public employers (art. 62). It must also pay them for work performed when they are permanently detailed to duties connected with the administration or management of camps.

Article 24 of the 1929 convention required each country to be wholly liable for credit of his account at the end of captivity. The 1949 convention (art. 66) instead requires that prisoners be furnished with a document signed by an authorized officer of the detaining power showing the credit balance due him, and a copy thereof certified to the prisoner's own government. It provides that "the power on which the prisoner depends shall be responsible for settling with him any difference between his account and the detaining power on the termination of his captivity."

Inasmuch as the United States paid out millions of dollars in the settlement of accounts of prisoners of war which it held during World War II without corresponding benefits to American prisoners of war, the new provision would seem to be to our distinct advantage.

(4) Relations of Prisoners of War With the Outside World
Articles 69-77 deal with the relations of prisoners with the outside world. Among other matters, it is provided in article 69 that the prisoner shall be permitted to send out a "capture card" addressed to the "Central Prisoners of War Agency" for its card index system. Prisoners are not permitted to contain articles in their mail (art. 71), which entitles them to mail a minimum of 2 letters and 4 cards each month, but this minimum may be reduced to the protecting power required to be by necessary censorship. A new provision likewise allows prisoners to send telegrams at the expense of the detaining power. The rights of prisoners' representatives to take possession of collective relief shipments and to distribute them as they see fit is recognized in a new article (79) which is accompanied by another new provision to the effect that such relief shipments shall be exempt from import, customs, and other dues (art. 74). Where military operations prevent the powers from complying with the convention's requirements for transport of these shipments, such transport may be undertaken by the International Red Cross (art. 75).

Articles 78-81 concern the important matter of requests and complaints as to the conditions of detention, in the relations between prisoners and their governments. The appointment of prisoners' representatives who must be allowed ready access to the representatives of the protecting power (art. 83).

(5) Penal and Disciplinary Sanctions
One of the most important chapters in the convention is that relating to penal and disciplinary sanctions (arts. 82-108). This chapter deals with the detention of prisoners in which prisoners may be tried for various infractions of the laws and regulations of the detaining power; establishes maximum pun-
Article 100-116 deal with direct repatriation and accommodation of prisoners in neutral countries. Article 110 sets forth principles under which parties to the conflict are obligated to repatriate seriously wounded and sick prisoners of war. Article 118-121 contain provisions on the release and repatriation of prisoners of war who are not serious wounded or sick. Article 121, which provides that prisoners of war shall be released and repatriated without delay after the cessation of active hostilities, is the same as the provision of the 1949 Geneva Convention referred to in note 27. Article 121, when dealing with depersonalization as to whether a belligerent was obligated to repatriate prisoners against their will, is the same as the corresponding provision of the 1949 Geneva Convention. Article 121, when dealing with depersonalization of prisoners of war is caused by a sentence of death or by an order of the belligerent, it is the same as the provisions of the 1949 Geneva Convention. Article 121 is the same as the corresponding provision of the 1949 Geneva Convention.
Coercion of any kind to elicit information from protected persons is prohibited (art. 31), as are any measures causing the physical suffering or extermination of such persons, including mutilation or so-called scientific experiments not necessary to medical treatment (art. 32). A familiar precept of the Hague Regulations of 1907 (art. 60) is found in the prohibition against inhumane treatment (art. 45). If it is not immediately apparent from articles 27-34, which have already been discussed, common sense suggests that dealing with enemy aliens in belligerent territory is a matter of state policy. This portion of the convention constitutes the first successful attempt in almost 50 years to revise treaty law dealing with belligerent occupation. It presents primarily a refinement and clarification of the regulations annexed to The Hague Convention IV of 1907 respecting the laws and customs of war, and is also partly to be found in the 1949 document (art. 154).

(4) Aliens in Territory of a Party to the Conflict

The convention grants to any protected person during a conflict the right of voluntary departure unless contrary to the national laws of the Original Power, with the right to take with them necessary funds for expenses and reasonable amounts of personal effects. If they cannot support themselves by reason of the war, the dispossessed power must be given an opportunity to depart in accordance with procedures established pursuant to article 38 (art. 48). Article 47 prohibits the occupying power from depriving protected persons who are in occupied territory of the benefits of the convention by the arbitrary or illegal imposition of taxes or fees, or by the arbitrary or illegal seizure of their property. If permission to leave is denied, the convention provides that the applicant’s request shall be reconsidered by an appropriate court or administrative board designated by the detaining power (art. 33). This is analogous to the United States practice during World War II and also applies to the detention of aliens as a result of security measures the detaining power has not committed to find paid work on the same basis as nationals of the territory. If the applicant is found in the prohibition of collective punishment (art. 33).

(5) Occupied Territories

Articles 47-78 of the convention deal with the highly important subject of the treatment of inhabitants of occupied territory by the occupying power. If should be noted that articles 27-34, which have already been discussed, are common both to this and the previous section and that dealing with enemy aliens in belligerent territory.

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(6) Welfare of the Inhabitants

Article 55 considerably enlarges the responsibility of an occupying power with respect to the welfare of the occupied territory. Under article 43 of the Hague regulations, that obligation was stated merely as one to “ensure, as far as possible, public order and safety.” Moreover, the occupant, under article 52, could only requisition goods and services “for the needs of the army of occupation.” The Civilian Convention goes beyond this by imposing upon the occupying power the duty of ensuring the food and medical supplies of the population to the best of its capabilities, even if it has to bring these in from outside the territory. The convention notes the particular need for hospitals and medical establishments, and recognizes, for the benefit of the population, foodstuffs, articles, or medical supplies which are still lacking in the occupied territory. The occupying power must give reasonable notice of requisition, and reimbursement, if the requisition is in violation of the convention, is required if the requisition is determined to be without justification. The occupant is required to maintain hospital and medical establishments, the prevention of epidemic, and the maintenance of communications and their distribution, and the activities of Red Cross societies.
8. ADMINISTRATIVE REVIEW OF DETENTION AND INTERVENTION DECISIONS

The committee's attention was particularly drawn to articles 35, 43, and 78 of the Convention on Civilians. Under article 35, a person who has been detained may appeal to the competent authority if he has been denied permission to leave the home territory of a belligerent in time of war is entitled to have such denial reconsidered by an appropriate court or other body. The committee recommends that this reservation be included in the resolution giving its advice and consent to ratification.

9. APPLICATION OF THE DEATH PENALTY IN OCCUPIED TERRITORY

Of the four conventions, the only instrument to which the United States made a reservation at Geneva was the one on civilians. Article 68, paragraph 2, of that convention, as it appears in its present form permits the imposition of the death penalty by an occupying power only in cases involving espionage or other offenses the death of one or more persons; provided, however, that such offenses be punishable by death under the law in force before the occupation began. The convention as adopted provides that the interests of the United States official position in that respect. During the Korean armistice negotiations, the Soviet bloc sought to maintain the thesis that the principles of articles 116 and 7 (which provided for the renunciation of rights by a prisoner) did not encompass a grant of asylum to prisoners of war. This position was adopted by the United Nations General Assembly in the fall of 1955, during debates on the Korean armistice negotiations, the Soviet bloc sought to maintain the thesis that the principles of articles 116 and 7 (which provided for the renunciation of rights by a prisoner) did not encompass a grant of asylum to prisoners of war; that at Geneva, in 1949, the negotiating power preceded the principle that the doctrine of asylum was applicable, and that they did not intend to overturn customary law in this respect. Both General Assembly Resolution 610 (VIII) and the eventual armistice agreement in Korea permitted the individual prisoner of war a free choice between repatriation and internment. The determination of the interests of the United States official position in that respect. During the Korean armistice negotiations, the Soviet bloc sought to maintain the thesis that the principles of articles 116 and 7 (which provided for the renunciation of rights by a prisoner) did not encompass a grant of asylum to prisoners of war. This position was adopted by the United Nations General Assembly in the fall of 1955, during debates on the Korean armistice negotiations, the Soviet bloc sought to maintain the thesis that the principles of articles 116 and 7 (which provided for the renunciation of rights by a prisoner) did not encompass a grant of asylum to prisoners of war; that at Geneva, in 1949, the negotiating power preceded the principle that the doctrine of asylum was applicable, and that they did not intend to overturn customary law in this respect. Both General Assembly Resolution 610 (VIII) and the eventual armistice agreement in Korea permitted the individual prisoner of war a free choice between repatriation and internment. The determination of the

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11. PROHIBITION ON THE USE OF THE RED CROSS TRADE-MARK

Article 53 of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva, 1949) prohibits the sale for the benefit of any individuals, societies, firms, or companies, whether public or private, unless entitled thereto under the convention of "the emblem of Geneva Cross, or any sign or designation constituting an imitation thereof, whatever the object" (article 11, paragraph 1 of the convention).

Testimony was presented to the committee on behalf of several well-known private companies, including the American Red Cross, A. F. W. Paper Co., and others that the prohibitions in these articles would do not require force to be used if they were unwilling to return. The Communists as-
and 54 is not intended to be self-executing. Nevertheless, once the treaty is ratified, the United States will have assumed an international obligation under article 54 to give effect to its provisions.

In testimony submitted at the hearing, the Department of Defense expressed opposition to the adoption of legislation to extend the protection of the Red Cross emblem to aircraft, vessels, vehicles, buildings, or other structures. As stated by Mr. Brucker, "We are not opposed to the observance of proper etiquette as far as the business, in which we are concerned, is concerned, but * * * balanced against that, we have a very serious international problem which, if we undertook to make reservations that dilute the Red Cross emblem, would give rise to perhaps not only repercussions but failure to recognize even our own marked spots for the Red Cross emblem, both abroad and here, whenever it may occur."

Subsequently, the Department of Defense advised the committee in a letter to the chairman dated June 8, 1955, that its principal concern over any proposed reservation related to the use of the Red Cross emblem on aircraft, vessels, vehicles, buildings, or other structures, and suggested appropriate phrasing for inclusion both in a reservation and in any legislation that might hereafter be enacted for the protection of the emblem.

Because of the facts which have been set forth above, the committee, after extended consultation with the executive departments concerned, including National Resources and representatives of the pre-1905 users, considers that a reservation should be adopted which would relieve the United States of any obligation to discriminate against continued enjoyment of any use of the emblem which was lawful under domestic law in the United States at the time of ratifying the convention. Such a use would be one lawfully begun prior to January 6, 1905, and permitted to continue under the act of January 5, 1905, articles 40 and 41, and subsequent Federal legislation, subject, of course, to extinction by abandonment at any time.

Moreover, the protection of the national interest—and especially the interest of users who have been pre-1905 users—might be best served by a reservation that will provide that the use of the emblem on aircraft, vessels, vehicles, buildings, or other structures, or upon the persons and property authorized under the terms of the convention, will hereafter be permitted.

Accordingly, the committee, in reporting the convention to the Senate, recommends that the resolution giving its advice and consent to ratification, include the following reservation:

"The United States, in ratifying the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, in no way whatsoever, undertake to adopt any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches defined in the said convention, except such as are specifically provided for in articles 43 to 46 of the said convention."

12. THE "GRAVE BREACHES" PROVISIONS

In an earlier section of this report, reference was made to the adoption by the committee of the draft articles of the conventions relating to sanctions for what is described as "grave breaches." See section 10 above. Thus, for example, the first paragraph of article 40 of the convention on wounded and sick in armed forces in the field provides—

"The high contracting parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches defined in the said convention, except such as are specifically provided for in articles 43 to 46 of the said convention."

Article 50 defines such "grave breaches" as "any of the following acts committed against persons or property protected by the convention: willful killing, torture or inhuman treatment, including biological experiments, willful causing of serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

These provisions gave rise to a searching examination of the law concerning the possible extent to which they might be construed as enlarging the power of the Federal Government of the United States to enact penal legislation, beyond that now vested in it under the Constitution.

Administration witnesses stated that the understanding of the draftsmen of the convention was that the proposals were not designed to enact an international penal code, and that it was not intended that there would be any enlargement of the powers of penal law, which it was felt was already adequate for that purpose. On the other hand, they pointed out that the acts enumerated in article 50 were all punishable under Federal and State criminal law.

At the request of the committee, which felt that no doubt should be allowed to subsist on a question of such importance, this testimony was later supplemented by an authoritative communication from the Department of Justice, under date of June 7, 1955, discussing the matter in some detail. The letter pointed out that broad authority exists under the above-mentioned clauses of the Constitution which empower Congress to "define and punish * * * offenses against the laws of nations (art. I, sec. 8, clause 10)" which, it is well established, includes the power to provide for the trial and punishment of offenses against the laws of war, and under the war powers as set forth in the Constitution which provide a basis for Congress to regulate the treatment accorded enemy prisoners of war, wounded and sick, inhabitants of territory under our military occupation, and civilians in occupied territory. Moreover, article 1 section, article 1 section, article 14, which gives the Congress the right "to make rules for the Government and regulation of the land and naval forces" would warrant its enactment of legislation for the protection of such "protected persons" by members of our Armed Forces.

The committee is satisfied that the obligations imposed upon the United States by the "grave breaches" provisions are such as can be met by existing legislation enacted by the Federal Government within its constitutional powers. A review of that legislation reveals that no further measures are needed to provide effective penal sanctions for those violations of the conventions which have been considered in this portion of the report. The Federal Government, therefore, does not consider itself bound by the reservations to articles 43 to 46 of the convention insures. By reasonable construction and its literal wording, the reservation quoted above declares that it is only when a prisoner of war has been convicted of a war crime that he ceases to benefit from the provisions of the convention.

A reservation of this kind raises the question as to whether the Soviet-bloc countries would consider the United States as having adopted the convention to accord to prisoners of war accused of war crimes, as described in the conventions, the rights of a criminal, which will be the subject of the convention insures. By reasonable construction and its literal wording, the reservation quoted above declares that it is only when a prisoner of war has been convicted of a war crime that he ceases to benefit from the provisions of the convention. Accordingly, it would appear that the protection of the convention would continue through trial and, indeed, until exhaustion of the appeals proceedings provided by the convention.

There is, however, no definite assurance, beyond the reasonable construction of the provisions cited in the reservation, that the Soviet bloc intends thereby to recognize the applicability to prisoners of war of the provisions of the convention, or any appeal.

On the other hand, in the light of the practice adopted by Communist forces in prosecuted prisoners of war accused of "war crimes," there is the possibility that the Soviet bloc might adopt the general attitude of the Union of Soviet Socialist Republics, permitting them to try war criminals, not entitled to the usual guarantees provided for prisoners of war. As indicated above, however, there is nothing in the convention that would expressly deprive prisoners of war of the pro-
The entire problem of brainwashing has received intense study by the intelligence services of the departments, for the purpose of detecting the techniques by which it has been accomplished, and the most effective means of combating this new kind of warfare. The 1949 convention, in the view of those appearing before the committee, contains many principles and concepts, which sometimes are elaborated in the 1979 document.

With respect to the organized uprisings and attempted escapes from camps, which produced such adverse propaganda effects for the United States, questioning by the convention committee and objections from the executive branch that the problem was not one of lack of authority under the convention, but rather the means of exercising that authority. Attention was directed to article 83 which provides:

A. A prisoner of war shall be subject to the laws, regulations, and orders in force in the armed forces of the detaining power; the detaining power shall be justified in taking judicial or disciplinary measures in respect of any offense committed by a prisoner of war against such laws, regulations, or orders.

The committee was assured that measures similar to the provisions giving complete effect in the future to the authority contained in article 83:

There has been considerable indoctrination in the armed forces by way of prevention, to see that that doesn't get underway again, and that the convention was the subject of numerous conferences by the Secretary and others since that time.

It was emphasized that should any future occasion arise prompt and vigorous steps would be taken to meet the situation.

15. EXTENT OF IMPLEMENTING LEGISLATION REQUIRED

From information furnished to the committee it appears that very little in the way of new legislative enactments will be required to give effect to the provisions contained in the four conventions. The problem of continued use of the Red Cross emblem by commercial organizations has already been discussed. However, under article 38 of the convention on wounded and sick in the armed forces of the detaining power; the detaining power shall be justified in taking judicial or disciplinary measures in respect of any offense committed by a prisoner of war against such laws, regulations, or orders.

The committee was assured that measures similar to the provisions giving complete effect in the future to the authority contained in article 83:*

There has been considerable indoctrination in the armed forces by way of prevention, to see that that doesn't get underway again, and that the convention was the subject of numerous conferences by the Secretary and others since that time.

It was emphasized that should any future occasion arise prompt and vigorous steps would be taken to meet the situation.

16. IMPORTANCE OF THE CONVENTIONS TO THE UNITED STATES

The history of war years since the 1939 conventions were formulated is a tragic testament to their value and the possibility of improving their provisions in ways dictated by the cold and cruel logic of belligerent experiences. In the same way, the mis-treatment of American civilians abroad in World War II has demonstrated that such civilians, particularly if they are interned, must be protected by the general benefits of the protection secured to prisoners of war. During that terrible conflict the United States, without the ratification of the 1929 convention, applied the principles of the 1929 convention to civilians interned in this country; and in occupied territories our relief and reconstruction activities not only went far beyond the requirements of the Hague regulations, but stand as a model for all countries to emulate.
The resolutions of ratification of Executive D and Executive G, with the reservations and accompanying statements, were read, as follows:

**EXECUTIVE D**

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the resolutions of ratification of Executive D, 82d Congress, 1st session, the Geneva Convention of August 12, 1949, for the amelioration of the condition of the wounded and sick in armed forces in the field, except as to the changes proposed by such reservations.

Mr. CLEMENTS. I announce that the Senator from Texas [Mr. DANTZEL], the Senator from Rhode Island [Mr. GREEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONY] are absent on official business.

The legislative clerk called the roll. The following Senators answered to their names:

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<th>Name</th>
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<tr>
<td>Aiken</td>
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<td>Fleming</td>
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The resolutions of ratification of Executive G, 82d Congress, 1st session, the Geneva convention of August 12, 1949, relative to the protection of civilian persons in time of war, except to the following reservation:

The United States reserves the right to impose the death penalty in accordance with the provisions of article 68, paragraph 2, without regard to whether the offenses referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins.

In giving its advice and consent to the ratification of this convention, the Senate makes the following statement:

"Rejecting the reservations which States have made relative to the Geneva convention of August 12, 1949, for the amelioration of the condition of wounded, sick, and shipwrecked members of Armed Forces at sea, the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."
I further announce that if present and voting, the Senator from Texas [Mr. DANIEL], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GREEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Illinois [Mr. DIRksen] is absent on official business for the Committee on Appropriations. The Senator from Indiana [Mr. JENKINS] is necessarily absent.

The Senator from Nevada [Mr. MAHONEY], the Senator from Minnesota [Mr. THYRE], the Senator from Idaho [Mr. WELKER], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Connecticut [Mr. PURCELL] are detained on the floor on business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Connecticut [Mr. PURCELL], and the Senator from Minnesota [Mr. THYRE] would each vote "yea."

The yeas and nays resulted—yeas 77, nays 0, as follows:

YEAS—77

Aiken
Allen
Anderson
Barkley
Benton
Bennett
Bikle
Bricker
Briggs
Bush
Burke
Byrd
Carr 
Case, S. Dak.
Cashman
Clements
Cooke
Duff
Dworshak
Eastland
Ellender
Ervin
Flanders

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Beall
Case, N. J.
Clinton
Dirksen
Dingle
Green

Humphrey
Jenner
Johnson, Tex.
Kennedy
Malone
Macy

Purtell
Russell
Tate
Walker
Wiley
O'Mahoney

NOD VOTING—19

The PRESIDING OFFICER. Two-thirds of the Senators present and voting, the resolutions of ratification of the Bascom and Executive G, as amended by reservation, and with accompanying statements, and the resolutions of ratification of Executives E and F, with accompanying statements, are agreed to.

Without objection, the President of the United States will be immediately notified.

Mr. CLEMENTS. Mr. President, I move that the Senate resume the consideration of legislative business. The motion was agreed to; and the Senate resumed the consideration of legislative business.

ROADBUILDING ACTIVITIES IN ALASKA

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is House bill 245.


Mr. CLEMENTS. Mr. President, I have asked the Senator from Washington [Mr. JACKSON] to take charge of the pending bill.

Mr. JACKSON. Mr. President, H. R. 245 is a measure designed to assist materially in the development of an adequate road system in the Territory of Alaska. As all the Members of the Senate are aware, lack of transportation is a great obstacle to the economic development of Alaska.

The measure would accomplish its object by amending a 1905 statute, found in title 48, United States Code, section 332—which provides that the Secretary of the Interior shall "locate, lay out, construct, and maintain wagon roads and pack trails from any point on the navigable waters of Alaska to any town, mining or other industrial camp or settlement, or between any such town, camps, or settlements therein," and so forth. It is obvious that the language of the statute with its restrictions to "wagon roads" and "pack trails" is not realistic in the light of 1955 conditions, and those restrictive words would be stricken out.

However, the major change that would be effected by the proposed legislation would be to authorize the building and maintenance of roads through towns in Alaska as well as to and between them.

This is necessary because many towns have been unable, for financial reasons, to improve and pave portions of highways through their town limits. The Secretary's authority under the present statute does not include building and maintaining roads within those limits. Consequently, the Territory's highway system is spotted with unimproved roads, and while the highway on either side of a town will be in good and usable condition.

At the hearing held by the Senate committee, care was taken that the Alaskan Roosevelt Commission, which is an agency of the Department of the Interior, would not become a street building agency for the Territory's cities and towns. Therefore, the committee was careful to maintain the House language which specifically provides that the Secretary of the Interior can build and maintain only those roads which, first, are part of the through highway system in Alaska; and second, pass through unincorporated towns or villages.

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Action by the Senate Interior and Insular Affairs Committee in urging enactment of H. R. 245 was unanimous. The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is whether to take a third reading of the bill.

The bill (H. R. 245) was ordered to a third reading, read the third time, and passed.

THE DECLARATION OF INDEPENDENCE AND THOMAS JEFFERSON

Mr. NEUBERGER. Mr. President, around the time of July 4, our thoughts turn to the Declaration of Independence, that immortal document which expressed the hopes of our country's founders for freedom, liberty, and equality in the New World.

Mrs. Dorothy Schiff, publisher of the New York Post, has written an eloquent and moving tribute to the Declaration of Independence which was published in the paper on July 4.

Sometimes we speak of the Declaration and overlook its inspiring and exciting passages. Mrs. Schiff has reminded us of those ringing phrases, and which we may forget now in the struggle between those who value human dignity and those who would subject us to Soviet tyranny.

I particularly commend Mrs. Schiff's tribute because that same great man, Thomas Jefferson, in whose creative mind were born many of the ideas which have given vitality to American democracy.

I ask unanimous consent that the tribute may be printed at this point in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

DEAR READER

(By Dorothy Schiff)

One hundred and seventy-nine years ago the Declaration of Independence was adopted by the Continental Congress on July 4, and signed by John Hancock, President, and Charles Thomson, Secretary. Two days later it was published by the Pennsylvania — the New York — Evening Post.

A few weeks later a copy of the famous document, engrossed on parchment, was signed by Members of Congress. I have been reading their 56 names in the World Almanac. Many were lawyers. Quite a few were merchants or farmers. Several were soldiers. There was a college president, a physician, a brewer. And one is listed as a "physician, a brewer. And one is listed as a"

The Declaration was written by the greatest American of them all — Thomas Jefferson. I think it is especially interesting to re-read the Declaration this year. The beautiful and familiar words of the revolutionary document take on new meaning in the light of what is happening on other continents today.

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among