

5. That the International Law Commission should study the methods by which it could be put into effect that a state would be obligated by a legislative treaty approved and submitted by the General Assembly unless it formally rejected the convention within a stated period of time.

CLYDE EAGLETON

COLD WAR PROPAGANDA

Coincident with the outbreak of the "cold war" the Soviet Union began a series of propagandistic attacks on the United States, its leaders and its policies, using every medium of communication for this purpose, but with special emphasis on radio propaganda. For some time the United States Government suffered these attacks to go unanswered, but in February, 1947, the "Voice of America" began to include among its other foreign programs regular broadcasts in Russian to the Soviet Union.¹ At first these programs were confined almost entirely to music and straight news reports, but gradually more and more time was devoted to answering Soviet attacks considered hostile to the United States or harmful to its national interests.²

In retaliation Moscow, on April 24, 1949, embarked on a vast effort to jam the American programs, and is at present devoting over 1000 broadcasting stations to this single purpose.³ The American Government protested through diplomatic channels and to the International Telecommunications Union against this jamming campaign.⁴ Furthermore, jamming was condemned by the United Nations Sub-Commission on Freedom of Information and of the Press at its Montevideo meeting in May, 1950, as a violation of accepted principles of freedom of information.⁵ Also, the Economic and Social Council, at its eleventh session, held in Geneva during the summer of 1950, adopted a resolution recommending to the General Assembly that it call on all Members to refrain from jamming.⁶

It is submitted that the American Government was fully justified, morally and legally, in thus embarking upon a campaign of radio broadcasts destined for the Soviet Union. The only thing to deplore with re-

¹ New York Times, Feb. 2 and 16, 1947. Discussed in *Radio, Television and Society*, by Chas. A. Siepmann (New York, 1950, 302 pp.).

² Clucas, "Piercing the Iron Curtain," *Yale Review*, Vol. 39 (Summer, 1950), pp. 603 ff.

³ *Ibid.*; New York Herald Tribune, Nov. 18, 1950.

⁴ Department of State Bulletin, Vol. XX, No. 515 (May 15, 1949), p. 638.

⁵ *Ibid.*, Vol. XXII, No. 571 (June 12, 1950), p. 954.

⁶ U.N. Doc. E/1827, pp. 1-2. Acting on this recommendation, the General Assembly adopted on December 14, 1950, a resolution condemning "measures of this nature (jamming) as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers." Furthermore, it invited all Member Governments to refrain from such interference and called on them "to refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere and in so doing conform strictly to an ethical conduct in the interest of world peace, by reporting facts truly and objectively." U.N. Doc. A/1746, Dec. 18, 1950; United Nations Bulletin, Vol. X (Jan. 1, 1951), pp. 14, 79.

spect to this campaign is that it was launched so late, and that it is still too little.⁷

If one examines the content of the programs which Moscow has been beaming to this and other countries, its virulent character speaks for itself, and in fact was accurately characterized by Mrs. Edith S. Sampson, speaking on November 17, 1950, before the Social Committee of the United Nations General Assembly, as a "calculated campaign of hate for the outside world."⁸ But of more direct interest to the international lawyer is the fact that these radio attacks frankly issuing from the Soviet Government are, in nature and obvious purpose, a violation of the law of nations. "A state is bound under international law to refrain from spreading propaganda in a friendly foreign country hostile to the latter's government."⁹ Furthermore, "customary international law requires states in time of peace to prevent official utterances within their territory which would tend to produce civil violence in a friendly state."¹⁰ The Soviet propaganda frequently violates both these rules. And with respect to radio specifically, Professor Hyde has stated that:

The failure of a State to employ the means at its disposal to prevent uses of radio stations within its territory, or elsewhere within places under its control, from causing injury to a foreign state by radio communications taking effect within the territory of the latter, may be fairly deemed to mark the failure also to perform an international obligation.¹¹

In carrying on this campaign of radio propaganda, not only has Soviet Russia violated a general duty under international law owed the United States, but it has acted in contravention of a specific treaty obligation. This duty, rarely referred to today, is found in the Roosevelt-Litvinov accord of 1933. It is believed that on numerous occasions the Soviet attacks on the United States and its policies, including subversive and revolutionary propaganda disseminated both by radio and in other ways, have run

⁷ It was only after the outbreak of hostilities in Korea that Congress decided to increase the appropriation for the information activities of the Department of State to \$110,000,000 a year, tripling the sum thus far available for this purpose. Under the new program thus made possible, the Voice of America is to broadcast 57 hours daily instead of 30 hours, the present output, but despite this increase Soviet Russia's transmitters will be sending out 540 hours of broadcasting each week as against our 400 hours. *New York Times*, Sept. 3, 1950. See also Edward W. Barrett, Assistant Secretary for Public Affairs, "Expanding Techniques for a Truth Strategy," *Department of State Bulletin*, Vol. XXIII, No. 597 (Dec. 11, 1950), pp. 945, 947.

⁸ *New York Times*, Nov. 18, 1950.

⁹ Van Dyke, "The Responsibility of States for International Propaganda," this *JOURNAL*, Vol. 34 (1940), p. 73. See also Lawrence Preuss, "International Propaganda against Foreign States," this *JOURNAL*, Vol. 28 (1934), pp. 649 ff.

¹⁰ Quincy Wright, "Freedom and Responsibility in Respect to Trans-National Communication," *Proceedings of the American Society of International Law*, 1950, p. 104.

¹¹ Hyde, *International Law* (2nd rev. ed., Boston, 1945), Vol. I, p. 606.

counter to the following promise which, on behalf of Soviet Russia, constitutes a part of the exchange of notes between the two governments in November, 1933:

2. To refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control . . . from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.¹²

It was only natural that the United States, face-to-face with a campaign of hostile propaganda of such a virulent character, endangering its legitimate interests both at home and abroad, should resort to measures of self-defense. The means adopted—radio programs carried by the Voice of America—would appear to be entirely reasonable and proper in the circumstances. From the more general point of view, the action of the American Government is solidly grounded on considerations of self-defense as fundamental as those invoked by Marshall in the early case of *Church v. Hubbart*.¹³ More specifically, even if the Voice of America had contained material of a nature to engage in principle the international responsibility of the United States vis-à-vis the Soviet Union, its action could still be defended as a justifiable reprisal in response to illegal acts committed by the latter.¹⁴ Since it is believed that an examination of the content of the American radio programs will reveal no evidence of illegal acts committed by the United States against the Soviet Union, the action of the American Government falls more properly within the category of retorsion, but of a special nature, namely, a type of retaliation through legal measures referred to by Professor Hyde as “the answer given to internationally illegal conduct.”¹⁵

JOHN B. WHITTON

WILLINGNESS TO BEAR ARMS AS A REQUIREMENT OF NATURALIZATION

A landmark of the law of naturalization in the United States, established by the Supreme Court after a tortuous course of decision, has now found legislative confirmation in a provision in the Internal Security Act of 1950.

The oath of petitioners for naturalization provided for in §4 (3) of the Act of 1906 required a declaration of willingness “to support the Constitu-

¹² Department of State, Eastern European Series, No. 1 (Washington, 1933); this *JOURNAL*, Supp., Vol. 28 (1934), p. 3.

¹³ 2 Cranch 187 (1804).

¹⁴ Oppenheim, *International Law* (6th ed. (Lauterpacht), London, 1944), Vol. II, sec. 33.

¹⁵ Hyde, *op. cit.*, Vol. II, sec. 588.