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NAVY DEPARTMENT

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OFFICE OF THE CHIEF OF NAVAL OPERATIONS

WASHINGTON 25, D. C.

Op-23D

*File in 11-5*

4 March 1946

*File*  
*[Signature]*

*To: 23D*

MEMORANDUM

From: Op-23D  
To: Op-23B  
Via: Op-23K *[Signature]*

SUBJECT: United Nations Site in U.S.A.

1. Enclosed herewith is a text of draft conventions which will be submitted shortly to Interim Committee on the proposal to establish the seat of the United Nations in the U. S. and to regulate questions arising as a result thereof.

2. The proposed United Nations zone poses several specific problems concerning internal security in which Naval Intelligence has joint interest and responsibility.

3. This memorandum is forwarded for information and as being of possible interest. It is requested that all papers be returned to Op-23D.

*[Signature]*  
J. W. WHITEFIELD  
Captain, USN

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MEMORANDUM

SUBJECT: United Nations Site in U.S.A.

General Comment

1. Without going into the legal entanglements which are certain to be raised from time to time and which are actually beyond the purview of Domestic Intelligence interest, the proposed United Nations Zone poses several specific problems of definite naval interest in the Domestic field at the present time and in addition contains provisions which are fraught with potential naval interest in the years to come.

2. While the map alluded to in the Articles of Convention as Annex I does not appear to have been furnished, the writer understands that the proposed area embraces parts of Westchester County, New York and Fairfield County, Connecticut - another factor which contributes to legal complications by reason of involving the courts of two separate States of the United States. It is noted that Section 17, Article III, vests the authority for acts and transactions within the zone in the courts (State and Federal) of the United States of America, subject to certain definite limitations set forth in Annex II.

Specific Comment

1. Article II, Section 6 merely states that the U. N. shall not have the right to exploit minerals. Assuming that a valuable mineral deposit in the area was discovered, the U.S.A. should have a specific provision permitting exploration if desired. Far-fetched but entirely possible broad naval interest is apparent when it is realized that all natural resources of the Nation should be available in cases of need, particularly in the age of experimentation when heretofore relatively unused substances are being developed and utilized.

2. Article II, Sections 7 and 8 provides that the U. N. may establish any type of installation necessary for its purpose. Ostensibly the purpose is legitimate; its potential use, however, against the best interest of the U.S.A. must not be overlooked. The existence of radio transmitters, telephoto services, airports, railway terminals, etc., in the hands of foreign representatives immune from process at the virtual door of important industrial and harbor installations provides all the facilities for espionage which anyone could desire.

3. Article II, Section 9. The U.S.A. guarantees unimpeded communication and transit between two zones for the U.N. in the event the

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same are not contiguous. This is a particularly objectionable feature if it desired to restrict the knowledge of certain foreign elements inasmuch as any amount of business may be "drummed up" between the two zones. In normal times this situation would be none too good; in times of national or international emergency it would be intolerable.

4. Article III, Section 10 provides for the inviolability of the zone and the air space above it. In effect, this could make the zone a base of operations against the U.S.A..

5. Article III, Section 12 provides for the renunciation by the U.S.A. of jurisdiction over matters relating to entry into the zone and the conditions under which individuals may remain or reside there. By this provision, any country could effect the entry into the U. S. (the zone) of any person(s) for any purpose(s) desired by that country.

6. Article II, Section 13, U.S.A. authorities not to enter the zone on official business without permission of the Secretary-General of the U.N. In times of emergency or war this situation is entirely inconsistent with adequate U.S.A. security.

7. Article III, Section 14 states the U.N. shall not permit the zone to become a refuge. While the ideals of this section are commendable, in actual operation, it remains to be seen whether they will be applied in principle. Also, it does not preclude use of the zone for purposes of observation, espionage, subversive activities, or a base of actual operations.

8. Article IV, Section 19. The U.S.A. guarantees at all times communication to and from the zone through the entire U.S.A. of persons, correspondence, dispatches, and goods. This permits observations over the whole country which in times of stress or emergency is undesirable.

9. Article IV, Section 20 provides safe transit for families and representatives at all times through the U.S.A. regardless of relations between the U.S.A. and their governments. The same objection as in (8) applies only on a larger scale.

10. Article IV, Section 21 extends the privileges of (9) to press, radiomen, etc. This is highly objectionable for obvious reasons, particularly during emergencies.

11. Article IV, Section 22 provides for the abrogation of immigration and other U.S.A. regulations as to foreigners entering and

to visit the zone. Here again there is a visible lessening of the control over aliens by U. S. authorities and a pledging of means of transport into the zone.

13. Article IV, Section 24 permits the U.S.A. to take precautions in the interests of security but provides further that the same will not interfere with the provisions of Sections 19, 20, and 21! It is difficult to understand just how effective security precautions may be when the provisions of the foregoing Sections are read together and all of their possibilities and implications considered. For example, suppose during an emergency in the U. S., a group arrives in a West Coast port, destination, the zone. Suppose further that knowledge of certain installations or conditions on the Coast or en route to the zone should be denied these individuals in the interest of U.S. security. The likelihood of such a situation arising is far from remote and it could be repeated from every port of entry into the U.S. simultaneously or at periodic intervals. What an opportunity for observations and comparing of notes upon arrival at the zone with immunity while there to plan action desired in the future.

14. Article V, Section 25 provides for diplomatic immunity of U.N. envoys and their staffs whether residing inside or outside the zone. Experience in the past has shown that the diplomatic and consular offices of some nations in the U.S.A. have been the headquarters for espionage and subversive activities directed against the U.S.A. So, in addition to maintaining some degree of watchfulness over such affairs, the U.S.A. will have thrown upon it the added burden of coping with situations arising from this condition.

15. Annex II, Article II, Section 2 provides for immunity of U. N. property wherever located and by whomsoever held from judicial process unless it waives same. This gives an excuse for property not being subject to seizure even though it is outside the zone.

16. Annex II, Article II, Section 3 provides for inviolability of premises of U. N. from search or seizure by executive, administrative, judicial, or legislative action. Oddly, military action is omitted. While it is true that the War and Navy Departments are part of the Executive Branch of the Government, nevertheless, in time of war this might be a loophole as normal procedures are frequently suspended or handled differently at such times (Military tribunals, martial law, etc.).

17. Annex II, Article II, Section 9 pertains to communications facilities for the U. N. and prohibits censorship of correspondence and

representatives of members of the U. N. This allows anyone to bring in or take out anything, thus permitting ample opportunity for subversive activities.

19. Annex II, Article IV, Section 14. Immunity is guaranteed to all U. N. representatives for acts done or words spoken or written in the discharge of their duties. It will never be proved that such actions as might be harmful to the U.S.A. were not done in discharge of official duties.

20. Annex II, Article V, Sections 18, 19, 20 deals further with immunities and vests authority in the U. N. Secretary-General to waive the immunity of any official. This will be effective only to the extent that the Secretary-General is disposed to be cooperative to the U.S.A. authorities. It may be expected that in many cases he will be openly hostile.

21. Annex II, Article VI, Sections 21, 22, 23 deals with the recognition of U. N. passports. This will permit unlimited and unrestricted travel over the U.S.A. and could well be used to the disadvantage of the U.S.A.

### CONCLUSION

A particularly skeptical viewpoint has been taken in the foregoing comments. Actually, the field is so large and the opportunities so many, that it is difficult to delineate any line of demarcation where naval interest, and Domestic Intelligence interest, ceases.

First, the entire U. N. zone could be used as a base of operations against the U.S.A.

Second, unrestricted air, land cable and radio communications would permit reconnaissance of fleet dispositions, naval bases, port facilities, industrial capacity and potential, etc.

Third, large numbers of foreigners turned loose all over the U.S.A. with diplomatic immunities could obtain all types of information and conduct or direct active espionage or sabotage.

Fourth, the inference that there may be more than one U.N. zone and that they might not be contiguous, emphasizes only more all