



Written by [Jack Kenny](#) on December 4, 2013

December 4, 1945: The Day the Senate Surrendered Our Sovereignty

On December 4, 1945, the United States Senate passed the United Nations Participation Act, committing the United States to full, active participation in the United Nations. While the date does not have the kind of national recognition and observance given to the December 7, 1941 attack on Pearl Harbor, the terrorist attacks of September 11, 2001, or the November 22, 1963 assassination of President Kennedy, December 4 is a date on which the U.S. Senate — often called “the world’s greatest deliberative body” — voted to seriously compromise a significant feature of the nation’s sovereignty. The bill was approved by the House and signed into law by President Truman later that month.



The lopsided [65-7 vote](#) followed seven days of debate. Six Republicans — Senators William Langer of North Dakota, Edward Moore of Oklahoma, Chapman Revercomb of West Virginia, Henrik Shipstead of Minnesota, Robert Taft of Ohio, and Kenneth Wherry of Nebraska — voted against the bill. Senator Burton Wheeler of Montana was the only Democrat opposed. Langer and Shipstead cast the only votes against ratification of the UN charter when that passed the Senate by a vote of 89 to 2 the previous July.

As the *New York Times* [reported](#), the United Nations could now call upon the U.S. military “for prompt and decisive action in international emergencies, once the size, state of readiness and general deployment of the United States peace-enforcement forces had been approved by majority votes of the two houses of Congress.” Congress, in other words, may authorize the size and general terms of deployment of its UN peacekeeping contingent, but not whether a specific crisis or event warrants its commitment to military conflicts and confrontations in any part of the world. That authority would reside with the UN Security Council.

Senator Taft offered an amendment to require the American representative on the Security Council to urge “immediate action” in seeking amendments to the UN Charter for a limitation of armaments and prohibition of the use of such weapons as the atomic bomb, rockets, and poison gas. The amendment was defeated, 54 to 16. Senator Arthur Vandenberg (R-Mich.) a delegate to that year’s United Nations Conference in San Francisco, was the first to rise in opposition.

“We are not yet prepared,” said Vandenberg, “to make a statutory approach to this problem. We can not legislate toward the outlawing of weapons, particularly the atomic bomb, until we have discovered an inspection system which would make the prohibition secure.” Apparently the inspection system is still undiscovered.



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Senator Taft's varied positions regarding the United Nations appear somewhat contradictory. Like the vast majority of his colleagues, he voted to ratify the UN Charter earlier in 1945 and, as his amendment suggests, he wished to expand its authority to include control over a nation's armaments. He opposed the requirement of a unanimous vote in the Security Council for peacekeeping actions, one of the few safeguards of national sovereignty contained in the charter. But he was ever fearful of the United States being dragged into the conflicts of other nations without the consent of Congress. He explained his 1949 vote against the military alliance established in the North Atlantic Treaty Organization by pointing out that the NATO treaty commits the nation to involvement in military conflicts without a determination by Congress of the merits of the cause or its effect on the security of the United States.

"It obligates us to go to war if at any time during the next 20 years anyone makes an armed attack on any of the 12 nations," Taft [said](#). Sixty-three years later the United States is committed by NATO obligations to the defense of 28 nations and has gone to war on behalf of nations and factions in Korea, Kuwait, Libya, and elsewhere where we had no treaty commitments.

"Under the new pact [NATO] the President can take us into war without Congress," Taft warned. A year later, President Harry Truman did just that in Korea, not under the NATO pact, which was limited to the defense of Europe, but under the United Nations charter that left the president, as the *Times* put it, "free for prompt and decisive action in international emergencies" anywhere in the world. Truman committed American forces to a full-scale war against communist forces in Korea without ever seeking authorization from Congress, relying instead on the vote by the UN Security Council as his sole legal authority. Taft, who did not allow his opposition to communism to negate his oath to uphold the Constitution, objected to the president's usurping of congressional authority, stating:

My conclusion, therefore, is that in the case of Korea, where a war was already under way, we had no right to send troops to a nation, with whom we had no treaty, to defend it against attack by another nation, no matter how unprincipled that aggression might be, unless the whole matter was submitted to Congress and a declaration of war or some other direct authority obtained.

Taft's argument was well rooted in both the Constitution and statements of the men who wrote and ratified the document. The power of Congress "to declare war" was not intended to assign to the legislative body the duty of announcing to the world what the president had determined, a task more suited to a press secretary than a Congress. The words "declare war" were substituted for "make war" in an earlier draft to leave to the president the power to "[repel sudden attacks](#)," not to inject the country by his own or some supranational authority into wars or insurrections all around the globe. A motion at the Constitutional Convention to invest all warring authority in the president [died for lack of a second](#).

"The constitution supposes, what the History of all Governments demonstrates," James Madison later [wrote](#), "that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war in the Legislature."

While the proposed Constitution was still before the states for ratification, another of the Framers, Alexander Hamilton, wrote in [The Federalist, no. 69](#) that the president's authority as commander-in-chief of the army and navy would be considerably inferior to that of the British monarch. "It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy," Hamilton wrote, "while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies — all which, by the Constitution under consideration, would appertain to the legislature."



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Congress last issued a formal declaration of war in December of 1941, when the United States entered World War II. President Truman's commitment of American forces to a United Nations "[police action](#)" in Korea started the nation down the road of a seemingly endless series of undeclared wars in Vietnam, the Dominican Republic, Bosnia, Somalia, Iraq (twice), Libya, and Afghanistan and other places where our armed forces have been sent to fight and often to engage in the kind of "nation-building" ill-suited to a military mission and which our Constitution in no way authorizes.

We have seen in recent years an erosion of constitutional liberties that has accompanied the ever-expanding role of America as the world's policeman. The ultra-secret National Security Agency continues to intercept our phone calls and e-mails, while Congress annually [authorizes the president to detain](#) terror suspects, including American citizens, indefinitely, without charge or trial. Meanwhile the trillions of dollars of war debt we have accumulated in Iran and Afghanistan pose an economic threat to our nation's security.

Senator Taft was well aware of the designs of communist rulers in the middle of the last century. "But we can't let them scare us into bankruptcy and the surrender of all liberty, or let them determine our foreign policies," he insisted, adding: "The one essential defense against communism is to keep this country financially and economically sound."

The principle is worth remembering today when al-Qaeda and other terrorist organizations have made great strides in their efforts to "scare us into bankruptcy and the surrender of all liberty."



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