RAYMOND MOLEY:

Connally Amendment an Emotional Issue

There is an old saying, attributed to former Sen. Ashurst of Arizona, that when a senator changes his mind he doesn't see the light, he feels the heat.

Certainly that applies to the action of the Senate Foreign Relations Committee when it dropped the Humphrey proposal repealing the veto power of the United States over cases coming before the World Court (the Connally amendment).

In this instance, as in that of the Bricker amendment, the President had apparently yielded to the State Department's perennial yearning to sacrifice American sovereignty to appease various and sundry foreign nations.

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It is remarkable that an issue which presents such rather complicated matters of international law and practice should have caught the public interest so fast and so strongly.

This is written after two weeks in Arizona and in Northern and Southern California. I have talked with many people about this issue out here, and there has been tremendous concern about it. The fact is that a very considerable opposition to the President and the Vice President was gathering rapidly among Republicans.

If the matter had been pressed, it might well have become a major issue in the campaign and have seriously injured Nixon's strength even in his home state.

The Connally amendment is, like the Bricker amendment six years ago, a highly emotional issue. Women especially were genuinely aroused this year, as in 1954.

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It is not without significance that the opposition of the President and Secretary Dulles to the Bricker amendment and its defeat by one vote in the Senate were followed by a disastrous Republican defeat in the congressional elections in that year. History might well have repeated itself in 1960.

It is not clear whether Sen. Hubert Humphrey introduced his controversial resolution as a means of opening a fatal split in the Republican Party or because he is so imbued with one-worldism. But if it was the former motive, it was infernally clever politics.

In the hearings on the Humphrey proposal before the Senate Foreign Relations Committee, Sen. Fulbright exercised a high hand, excluding many messages and letters in opposition, including a reluctance to take note of a letter from former Sen. Connally himself. Some pretty flimsy arguments were advanced in favor of the proposal.

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One was the naive suggestion that no real domestic issues were likely to be brought before the court in any event. This ignored the fact that the various committees and commissions of the United Nations already have drawn up all sorts of proposals for meddling in the domestic affairs of member countries.

Another more complex but equally naive argument has been that we already have a sort of international common law, which would prevail in all activities of the court. This so-called common law is what is known as international law.

Anyone who has studied international law knows that it is only a very vague and tentative mass of customs and practices, and whenever a nation considers its vital interests at stake it has been violated with impunity. Indeed, the "father" of international law was Hugo Grotius, whose great preachments were written in fairly modern times.

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On the other hand, Anglo-American common law is centuries old. Its origins go far back into the mists of antiquity. It is the embodiment of concepts of right and equity which have been accepted by the overwhelming majority of those who live under it and by it.

Superficial people have the notion that merely passing a law by a legislative majority carries with it the power of strict enforcement. But no law which has only the acceptance of a mere majority can be enforced. We should have learned that lesson from our experience with prohibition.

Any workable international common law will be centuries in the making. Until then, the United States should carefully guard its sovereign rights in its internal affairs.