

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

INFORMATION

May 1, 1975

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MEMORANDUM FOR: SECRETARY KISSINGER

FROM: PETER W. RODMAN *PWR*

SUBJECT: Charles Evans Hughes: "Open diplomacy is openness of results."

Attached is a quotation from Secretary of State Charles Evans Hughes, on September 4, 1923, in an address before the Canadian Bar Association at Montreal ("The Pathway of Peace"). It is a wise statement about what "open diplomacy" means and what it doesn't mean. Since Hughes was an eminent jurist and later Chief Justice of the United States (from 1930-41), he can be presumed to know something about the American Constitution and how our democracy is supposed to work.

Aside from honest criticism, modern negotiations between democracies furnish rare opportunities for the ready tongues of demagogues. There are to-day serious questions between peoples which ought to be taken up and settled in order to heal festering sores. But those in charge of foreign affairs do not dare to undertake to negotiate agreements because they know that in the presence of attack inspired by political or partisan motives the necessary adjustment could not receive approval of the legislative branch and would evoke such an acrimonious controversy on both sides that matters would be made worse instead of better. The discussion of international agreements naturally and properly engages the attention of the public press, but that also not only gives opportunity for reasonable criticism, but for the pseudopatriots to seize a point of vantage against the government, they desire to attack. Conferences are often treated as though they provided an actual solution of all difficulties, but for most countries, they accomplish nothing unless the conclusions are ratified by a popular assembly. Democracies may be loath to go to war, but they are extremely difficult agencies of international compromises in the interest of peace.

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In this task of promoting peaceful settlements diplomacy is indispensable. Conferences are simply an extension of its method where a number of States are parties to the negotiations. No one can fail to realize the importance of having the public deeply interested and well informed upon policies, interests, and undertakings in order to maintain a check upon improper aims and a wholesome attitude toward foreign relations, but there is a necessary distinction to be observed with respect to the conduct of negotiations. While intrigues and secret understandings, breeding suspicion and leading to counter intrigues and secret arrangements, are the appropriate instruments of the injurious rivalries and ambitious schemings which make for war, premature publicity is a serious handicap to the honorable negotiations which seek to end dangerous disputes. Concessions will not be made and fair compromises are rendered almost impossible in the presence of the keen, efficient, and indefatigable news gatherers who naturally regard it as a primary obligation to let nothing escape their ken or their pen. It is inevitable that fragments of information should be picked up, that the pieces of the puzzle should be inaccurately joined, and that the interests of peaceful adjustments should be in constant danger of being sacrificed to "scoops."

It is suggested that all would be easy if negotiators would simply tell the public everything that they are doing. But the trouble is that in every negotiation, as all business men know, there are preliminary positions to be taken, tentative plans to be discussed, arguments to be presented and demolished and nothing can be accomplished if every suggestion, every advance and every retreat must be publicly made. Negotiators under such restriction would inevitably take their positions not to promote a settlement, but to win public approval by the firmness and vigor of their partisanship. Eager as democracies may be for peace in the abstract, it is easy to excite a public clamor for "no compromise" in the concrete. But the point is not that the negotiators of democratic governments will be disposed to conduct their proceedings in public, the difficulty is that in the midst of their work when patience and reticence, and an equable public temper are needed, misleading statements, misapprehensions and unfounded rumors are likely to become current and perhaps also make necessary, in order to avoid greater difficulties, disclosures which it would be in the interest of successful prosecution of the negotiations to withhold for the time being. Open diplomacy is openness of results; the absence of secret agreements and understandings, not the immediate publication of all intermediate steps. When we consider the self-imposed restraints that are necessary in the interest of peace, it is too much to hope that to a much greater degree there will be embraced in these, as a matter of public interest, the self-imposed restraint upon publicity before disclosures in relation to negotiations are properly authorized? If we are to have peace, we must develop a public sentiment which will aid in conserving the opportunities to work for peace by facilitating the practical arrangements that make for the adjustments of peace.