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THE TYRRELL WILLIAMS MEMORIAL LECTURE

The family and friends of Tyrrell Williams, a distinguished member of the Washington University School of Law faculty from 1913-1946, established the Tyrrell Williams Memorial Lecture in 1948. Since its inception, the Lectureship has provided a forum for the discussion of issues significant to the legal community and society at large. Former Tyrrell Williams Lecturers include some of the Nation's most distinguished legal scholars, eminent practicing attorneys, and Supreme Court Justices.

Clark M. Clifford, renowned statesman and scholar, delivered the Tyrrell Williams Memorial Lecture on March 26, 1980, on the campus of Washington University in St. Louis, Missouri.

“IN THE 80’S: WILL IT BE WORLD PEACE OR WORLD WAR?”

CLARK M. CLIFFORD

It is a delight to me to return to Washington University under such felicitous circumstances. I wish to thank Judge Webster for his very generous introduction. As a citizen, I would also like to thank him for taking on the directorship of the F.B.I., one of the most difficult jobs in Washington, and for performing so splendidly. As an alumnus, I should like to express my appreciation to Chancellor Danforth for the unique and superb leadership that he has given to my Alma Mater. To Dean Foote go my congratulations for transforming the Law School from *just* a law school into one of the leading institutions of its kind in the country.

I had the privilege of knowing Tyrrell Williams. He was a splendid lawyer, an inspired teacher, and a warm and compassionate human being. An incident happened in the second year I was in the Law School that I shall always remember. My friend, Carleton Hadley, and I had arranged for an incident to occur over on the college part of the campus. It had gone beautifully and provided considerable amusement for many. But one day, shortly thereafter, disaster struck when we each received a summons to appear before the College Disciplinary Board.

We talked it over very seriously. We felt that our careers were at stake and we decided to go see Tyrrell Williams. I remember it was in the late afternoon and the shadows were beginning to fall at his office. We stood in the doorway and rapped hesitantly on the door frame and he said, "Come in." The two of us stood in front of his desk while he finished reading the paragraph, and he then said, "Gentlemen, what can I do for you?" I said, "Dean Williams, Carleton and I have been summoned to appear before the College Disciplinary Board." There was a moment's hesitation, then Tyrrell Williams said, "Who brings this *unjust* charge?"

Well, what a benediction! Our concern, a concern of guilty consciences, began to subside. The Dean worked with us, went to the meetings with us, represented us, and for better or for worse, saved our careers.

At the time, when the great English lexicographer, Dr. Samuel Johnson was at the height of his fame, a writer of that day, who had an inflated opinion of his own ability and prominence, sent a manuscript to Dr. Johnson and asked him for his comments. Dr. Johnson read it and wrote him the following letter:

Dear Sir,

I have read your manuscript. It is both good and original. The trouble with it, however, is that the part that is good is not original; and, the part that is original is not good.

Very truly yours,

I do not know what grade my remarks today will receive, but I wish to assure you that my thoughts are my own and they do not under any circumstances, represent the opinion of the management.

My subject today is a serious one. It is particularly serious to men and women in college. We must face up to events today, which are happening very rapidly. It is a truism, that if we wish to understand where we are today, we must look back and see where we have been. There is engraved in stone at the National Archives in Washington, the words, "The Past Is Prologue." So in my allotted time, I believe we should first go back and see where we have been, then we must evaluate where we are today. Then, I would like to talk briefly about a program for the future.

We first entered, in a major way, into international affairs, as a Nation, when we entered into World War I in 1917. And our attitude at that time, was that this Nation, growing in strength and influence,

could end the war. As a result, the slogan was invented, "This would be the war to end all wars." And it might have been. Maybe we were somewhat ingenuous. But, the war was fought and won. And then we made a grievous mistake after the war was over. We rejected the League of Nations, and seeds were planted that led to later conflict. The war ended in 1918, with the expectation that we would not see war again.

But then in the last half of the 1930's, there came about the most sinister development that had occurred in the history of mankind. It was the rise of Adolph Hitler and the Third Reich. As Hitler started his planned moves into the various countries which he chose to overrun, there were complaints, but no one took the necessary action to stop him. So that he moved from one conquest to another, and then ultimately his actions brought about the Second World War.

Now, as you go back and read about that period, you find that the nations of Western Europe, when confronted with the aggression of Hitler said repeatedly, "We want peace. We do not want difficulty with him. We want peace." And then they would go sit down and talk to Hitler. And then they would come back and say to their people, "We are making progress." It was finally, when he invaded Czechoslovakia, that the British Prime Minister travelled to Munich, conferred with Hitler, and then went back to England and said, "We have achieved peace in our time." No greater fraud was ever perpetrated on the world than Hitler's contention that peace had been accomplished. He already had the plans in mind for world conquest. It was when he marched into Poland that he triggered the Second World War.

We became involved in it later on. And we fought through it at enormous expense, with millions killed and billions of the world's treasures scandalously wasted. But ultimately it was brought to a conclusion. We had learned a good deal from it. We had also learned much from the First World War, and we were in the process of putting those lessons together and adopting a policy.

As we came to the end of the Second World War in 1945, the most fervent, profound hope that President Truman had was, that after having been allies with the Soviet Union through that terrible war, we could develop a concord with the Soviets that would permit us to build with them a permanent peace in the world. But it was not to be. They had entirely different plans. During the closing days of the Second World War and thereafter, the Soviets moved in and annexed all the

nations on their western periphery: Latvia, Lithuania, Estonia, Bulgaria, Rumania, Czechoslovakia, Yugoslavia, Hungary. They took them all. These countries were to be a barrier against any possible future aggression from the West. Then they developed the Comintern, which was a type of cell in every nation of concern to them in the world, and they would fan out from that cell and attempt to spread the philosophy of Communism.

Then they started a more ominous move and that was their intrusion into Western Europe. I happened to be with President Truman, in December 1946, at the time we received the British message that said they could no longer support Greece and Turkey. And President Truman was faced with a most difficult and complex problem at the time. We had been through this ghastly war. We had lost three hundred thousand men. It had not been over for very long, and then here again we were faced with new aggression. But, he acted decisively. He acted courageously. He acted with great determination. I remember the thrill, at his appearance before the Joint Session of the Congress on March 12, 1947, when he gave a speech in which he enunciated what became known as the Truman Doctrine. He said it shall be the policy of the United States to help the other nations in the world resist the aggression of Communist forces. He saved Greece and Turkey. Any time I am in Greece, something important happens to me when I see the statue that those people have erected in their central square to President Truman.

He went on and did more than that. Next came the Berlin Airlift in which we demonstrated to the Soviets our determination and we saw that through to a successful conclusion. And then as they were increasing the pressure against other nations in Western Europe, the United States came forward with the concept of the North Atlantic Treaty Organization, which became known as NATO. And what we said to the Soviets, in that treaty, was just as clear as it could be. In effect we stated, you may do what you wish, but if you attack any member of the alliance in Europe you are attacking the United States of America. The message was plain and simple, and the North Atlantic Treaty Organization has maintained the peace in Europe for thirty-one years. We did the same with Japan. We entered into a treaty with Japan and notified the Communists that if they chose to move on Japan, it would be construed as a hostile movement against the United States. We have kept the peace in that area to the present time.

We can understand how we became involved in each of those wars. We despised tyranny; we wished to preserve freedom in the world; and, each time we moved, we moved in an effort to accomplish that goal.

But, I believe, there is still a question in the minds of most Americans; how does one explain our policy in Vietnam? I will offer you my explanation. I lived with it for a long time. I was involved in it. For months and months, it seemed in the Johnson administration, we thought of very little else. And I now know in my mind and in my heart what did happen. The generation that was in charge of this government and European governments, at the time Hitler started to move, ended up with a feeling, and I think properly so, of substantial guilt. Hitler could have been stopped at three separate times. World War II could have been prevented. When Hitler moved first into the Rhineland, he did so in direct contravention of the Versailles Treaty and in opposition to the Locarno peace pact. The French wrote the British and the British wrote the French and notes flowed back-and-forth and they visited back-and-forth but nothing was done. And this part of the whole performance is incredibly sad. We now know from records that we obtained from the Nuremberg Trials that when Hitler decided to move into the Rhineland he did so over the objection of the German General Staff. The Staff said, "We are not ready." Furthermore, they said to Hitler, "If you move into the Rhineland and the French mobilize against us, the French being infinitely stronger than we, we will withdraw our troops immediately."

The French did not move. The British did not move. Do you know what they did? They talked about peace. They sent delegations back-and-forth to each other and they said, "We want peace in the world. We will sit down and talk with Hitler and ultimately we will find peace." But that went on until the time came when he felt strong enough, and he rolled into Austria. Now, even after the Rhineland, if the nations of Western Europe had said to Hitler, "Now you have violated the treaty. If you move again, then it is war." Again, the records show that he would not have moved again; he did not have the strength to do it. He moved into Austria and the same farcical "dance" went on back-and-forth, letters, meetings, but nothing of substance. Then he moved into Czechoslovakia and that is the time Chamberlain went over there and Hitler explained to him that he had no further plans for any acquisition of any sort. It was not long after Czechoslovakia that the war started when Hitler's tanks rolled into Poland.

Now, the leaders of the world understood the default that existed on the part of the free nations at that time. They also saw what happened when there was organized resistance to aggression. There had been no resistance against Hitler, but when the Soviets started to move after the Second World War, we and the nations of Western Europe organized and presented a solid front. And we stopped the Soviets and prevented aggression. So I am convinced in my mind that when Vietnam started, we had the right principle. The principle was, move early when you see aggression; move before it spreads. That's the mistake that was made with Hitler. He became so strong so quickly that they could not stop him. Move early. It's like excising a cancer before the metastatic process begins and affects the whole body politic. So our thought was, move early.

You will remember President Eisenhower's famous expression, "the domino theory." He said, "Southeast Asia is just a group of dominos, that would go down one after another." Now my conviction today is that our principle was correct but we misapplied it. The Vietnam War was not a monolithic type of aggression supported by the Soviet Union and Red China. Upon closer analysis, it has become clear that it fell more in the category of a civil war in Vietnam. So, I think, we learned another very important lesson, and that is, you not only have to understand the principles that exist in international affairs but you also must know how to apply them accurately and properly.

So much for the past. Now as we turn to the present, we see a very troubled world. Also, as we address our subject of today, I suggest to you that the determination of what will take place in the next decade will depend to a great extent upon decisions that the United States makes in this year, 1980. It appears clear that the area of greatest concern now is Southwest Asia. As you look at it, you see an unstable Iran. You see Soviet aggression into Afghanistan. You see increasing pressure on Pakistan. And looming, more importantly and more ominously all the time, you see the Persian Gulf. And it seems quite clear that the question of peace or war in the next decade will depend on developments in Southwest Asia and the Persian Gulf. So we must look at that area closely.

Our country reacted very strongly to Soviet aggression into Afghanistan. I am sure any number of individual Americans must have said, "But why are we disturbed over Afghanistan? I don't even know where it is. I am not sure I have ever heard about it before. I have no interest

in it. It is seven thousand miles away. Why should I be concerned about Afghanistan?" The answer is, you cannot look at it alone. It is not an isolated occurrence. It is one element in a broad mosaic and you have to look at the incursion of the Soviets into Afghanistan in this broad picture that exists.

First: for twenty years the Soviets have been engaged in a massive and unique military build-up. We have never seen anything like it before. I do not know what the reason for it is. We can guess but we do not know. Now is it truly a massive build-up? Well, I asked the Defense Department to prepare a brief memorandum for me. Let me just read it to you, to see if you agree that the Soviets are engaged in a massive build-up:

The Soviet expenses have increased steadily for the past twenty years. Relative to the United States, the Soviet's defense effort now is about fifty-percent higher than the United States' in dollars. The Soviet investment in research and new weapons is eighty-five percent higher than the United States'.

The aggregate trends in expenditure tell only a part of the story. They have increased their armed forces by one million men. They have quintupled the number of their strategic nuclear delivery vehicles. They have improved their accuracy. They have added twenty-five divisions to their ground forces. They have a new type of tank. They have new self-propelled artillery. They have one thousand more first line combat aircraft. The purposes of this build-up are not entirely clear but the implications are apparent. The Soviets are developing the capability to employ military force for purposes other than defense of their periphery. That has been their excuse before that their only aim was developing defenses to guard them against any possible aggression that might come.

In addition to that, there has been a very substantial increase in their activity in the Indian Ocean, in the Arabian Sea, and in the Horn of Africa with particular emphasis on Ethiopia and Yemen. Now why, we do not know. But keep in mind that we see this enormous military build-up; we see the increased activity in the Indian Ocean and the Arabian Sea and we keep wondering what the purpose of this is. And then came this event in Afghanistan.

Our experts have learned that any time a nation changes a policy of long standing, it warrants a careful examination. For thirty-five years, ever since the Second World War ended, the Soviets had confined their

use of Soviet troops to the so-called Warsaw Pact area. No Soviet troops had been sent outside the Warsaw Pact area, until last December when eighty thousand fully armed troops moved into Afghanistan. There was no border dispute. There was no territory that was in controversy between the two countries. It was naked, brutal aggression.

What excuse did the Soviets give? Was it a legitimate and reasonable excuse? Two main explanations were given. One is, they said, "We were invited in by the government of Afghanistan." Well, the first move they made was to execute the then head of Afghanistan and all the people around him. That excuse does not bear much examination. Then they said, "The reason we had to move into Afghanistan was because the United States and Red China are engaged in such extensive activity there that it constitutes a threat against the Soviet Union." I assure you that is sheer sophistry. There is no merit to that whatsoever. So we are back to the main question. Why did they move? Why the big build-up? Why the increased activity in the Indian Ocean?

As you look back and study Soviet history maybe you begin to understand it better. We cannot ignore a well known statement made years ago by a famous Russian. His name was Gorchakov. He made his comment in 1864 and it surfaces again and again through the years in the Soviet Union. It's short; I will read it to you:

The position of Russia in Central Asia is that of all civilized states which are brought into contact with half-savage nomad populations possessing no fixed social organization. In such cases it always happens that the more civilized state is forced, in the interest of security of its frontiers and its commercial relations, to exercise a certain ascendancy over those whom their turbulent and unsettled character, makes undesirable neighbors.

Now if that is not a perfect description of Afghanistan, I have not read one.

And, in addition, let me refer again to the Nuremberg Trials because they were a treasure store of documents that came out of the Third Reich and the Axis Powers. In 1939 Hitler was moving with very little opposition. He had gotten to the point where the Soviets could see the progress he was making. And you may remember that Hitler entered into a secret agreement with the Soviets that they were to be allies; they might appear to be enemies, but they were to be allies. And they entered into an agreement in 1939, and, because victory appeared to be in their grasp, they began to divide the spoils. And here is a quote from

the agreement between the Soviets and the Germans in 1939. This part refers to the Soviets:

“The Soviet Union declares that its territorial aspirations center south of the major territory of the Soviet Union in the direction of the Indian Ocean.”

The Soviets have talked about it for years; they have talked about a warm water port. If the Germans and the Soviets had been successful, this was to be the booty that was to be awarded to the Soviets. Their movement toward the Indian Ocean takes them to the Persian Gulf. To proceed in that direction, by interesting coincidence, they would have to go through Afghanistan.

Now, what is our concern about the Persian Gulf? You might say, that is also a long way off, and why should we bother about the Persian Gulf. Again, two or three sentences that I asked for from the government:

“The Persian Gulf accounts for two-thirds of the OPEC oil production, 34% of global oil. Japan gets 70% of its oil there; West Germany gets 40%; France gets 70%; United States gets 32% of our oil imports from the Persian Gulf.”

This is our government’s position; control of the Persian Gulf oil by the Soviet Union would mean control of the Western life line. A total shut-off of Persian Gulf oil would be devastating. It would produce a collapse of Western economies exceeding the Great Depression of the 1930’s. And the memorandum ends by saying, “The economic threat that would exist, added to the Soviet military threat makes the possession of the Persian Gulf by the Soviets unthinkable.”

Now what should we do in the face of action of this kind? I ask you, suppose we did nothing? There is only one Nation in the world that the Soviet Union fears; that is the United States. They move into Afghanistan. If we do nothing, if we say it is none of our business, is there any doubt in anyone’s mind as to what the next step would be? Aggression grows upon itself. If they move into Afghanistan with no objection from us, the temptation to move forward would be irresistible. We had to object. We had to take steps. We had to let them know the extreme seriousness with which we viewed this brutal aggression into a neighboring country.

And because we were serious we did a number of things. In the first place President Carter prohibited the shipment of seventeen million tons of wheat to the Soviet Union—a good move. He deprived them of

all fishing rights in areas controlled by us. He required that all Soviet orders for sophisticated machinery and equipment be cancelled. He suggested that our young people should register as part of the signal to the Soviet Union, and he announced that we would send arms to Pakistan to let the Soviets know how concerned we are. And lastly, he said, "We cannot send our Olympic athletes to Moscow, in the face of this aggression into Afghanistan."

All those actions constitute a message. We could take the other course that was taken back before World War II and say, "All we are interested in is peace and we hope you do not go further." I suggest to you that was a dismal failure; one of the great tragedies in human history. Just saying we are for peace does not bring peace. That is a snare and a delusion. You achieve peace by being strong enough that those who would attempt to break the peace decide that it is not worth the candle. Just like the Soviets decided it was not worth invading one of our allies in Europe because it would bring them to war with the United States of America.

Of these various moves we have made, interestingly enough, I believe the one that will have the greatest impact on the Soviets is the cancellation of sending Olympic teams to Moscow. We hope that we may persuade a number of other countries not to go. The Soviets explain a great deal to their people by lying to them. They explain, for instance, that they had to go into Afghanistan because the Americans and the Chinese were placing troops there and they had become a threat to the Soviets. *Isvestia* has a story and an explanation for every action they take. It is going to be very difficult, however, for them to explain to the Soviet people why a number of nations do not go to Moscow this summer and participate in the Olympics.

They have made a great, great event out of the Olympics by putting hundreds of millions of dollars in it. They have spread the word all through their country. What it is to them is the acceptance, by the world, that they desire so greatly.

Do you remember the Olympics in 1936? Hitler mounted the greatest extravaganza that has ever been mounted and it brought a certain respectability. People read about it; people saw the pictures. There was a favorable impression created because of the precision in the way all was carried out. I remember when the head of the American Olympic Committee came back from Berlin in 1936 and he said, "We have got a lot to learn from these people." A lot to learn from the

greatest murderer in the history of the human race. The man who murdered, in cold blood, six-million Jews. Yet he got respectability with his Olympic show, and one of our people said, "We have got a lot to learn from these people." I call it an abomination.

People say you must not mix the Olympics, the sports, with politics. That has already been done. I came into possession recently of a brochure that the Soviets have prepared. They printed millions of copies and have distributed them throughout the Soviet Union. Now you tell me, after I read you some sentences from this manual, whether or not you think that there is any way in the Soviet mind of separating the Olympics from politics. Here is what the manual says:

"The decision to give the honored right to hold the Olympic games in the capitol of the world's first socialist state has become a convincing testimony to the general recognition of the historical importance and the correctness of the foreign policy course of our country."

They say that this is a recognition by the rest of the world of the correctness of their foreign policy. This is after Afghanistan!

We go there and place our imprimatur of approval upon what the Soviets have done in Afghanistan, if we accept their concept of the Olympics. Also, quoting further:

"The Olympics are a recognition of the enormous services of the Soviet Union in the struggle for peace."

This is their attitude.

"The Muscovites' desire to take upon themselves the organization of the Olympics was a manifestation of the high ideals of the peace program which is consistently carried out by the Communist Party of the Soviet Union."

This is the message to the Soviet people, and then they want us to come, and by our presence, they want us to confirm what is fed to the Soviet people. Listen to this:

"More than ever before in its eighty-year history, the Olympic games have turned into a van of great social and political importance." I will quote further:

"The presence in the world of two opposing systems, capitalism which has outlived its day and socialism which is growing stronger and stronger with each day, leave their imprint on the Olympic games. The most critical, ideological struggle between the two opposing social sys-

tems has an affect in both a direct manner on the choice of cities for the Olympics.”

The point attempted to be made here is that Moscow was selected by the International Olympic Committee because the Committee wished to recognize the superiority of socialism over capitalism. The Committee also wished to recognize the contribution that the Soviet Union has made to world peace. It wished to recognize the validity of the Soviet action in conquering the nations on their Western border. It wished to recognize the legality of the brutal, naked aggression by the Soviets into Afghanistan. That is what the Soviets want from the Olympics. And I suggest to you that if we send our team over there, we will then find it increasingly difficult to bring to the peoples of the world the true concept of what the Soviet system actually stands for.

Where do we go from here? It is clear to me that as we analyze the impact of sending our Olympic team, to do so would be a tragic mistake. And that brings to mind another item of profound importance.

If these signals we have given to the Soviets are to be meaningful, if they are to deter them in their aggressive designs and preserve peace in this decade, our actions must have the support of the American people. It disturbs me when our government makes the decision, for instance, that we should cut off seventeen million tons of wheat that we get complaints from the farmers. They say, “Take other steps, but do not do that. It interferes with the sale of our wheat and corn.” We get some complaints from manufacturers. They say, “No, do not stop shipping this sophisticated equipment to the Soviet Union; this is trade and we should keep up trade.” We get objection from our young people: “No, do not reinstitute the registration.” Then comes the complaint from our athletes: “No, we should separate athletics from politics.”

It seems to me that our country must unify now as we have never unified before. We will not find peace in the eighties by merely asking for it. We will not find peace in the eighties by writing letters back-and-forth between nations. We will find it by a policy of firmness and determination and by notifying the Soviets, ahead of time, what the penalty is if they should move into the Persian Gulf.

One of the greatest documents of all time is the Declaration of Independence. I thrill when I read it. I am particularly affected by those ringing words at the very end of the Declaration. They should be the guide of the American people today. We must expect to make some sacrifices for the common good. We cannot do less than our forefa-

thers, when they said “We mutually pledge to each other our lives, our fortunes, and our sacred honor.”

Thank you very much.

