

UNITED STATES RECOGNITION POLICY: THE STATE OF VATICAN CITY

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While States and international organizations have the right to engage in international politics,¹ “the Pope has no such right; he has no business in international law.”² Seemingly oblivious to this fact, the Pontiff dictates papal encyclicals which are read to this country’s fifty million Catholics every Sunday. His visits to the United States are accompanied with the pomp and ceremony befitting royalty. Presidents, kings, and dictators of all religious faiths seek his counsel. Perhaps the Pope has no right to engage in international politics, but he has defied all attempts to prevent the exercise of his power³ to make policy in any country where Catholics live.⁴

Since the creation of the State of Vatican City (hereinafter Vatican City) and the fulfillment of the Roman Catholic Church’s desire to have a place all its own on Earth,⁵ a temporal twist has

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1. “[A]part from the League of Nations, States only and exclusively are International Persons.” I L. OPPENHEIM, *INTERNATIONAL LAW* 278 (4th ed. McNair 1928). Today international personality is recognized in other international organizations. See generally Kunz, *The Status of the Holy See in International Law*, 46 AM. J. INT’L L. 308 (1952).

2. Interview with Professor S. Houston Lay (February 1980). See also Lateran Treaty, reprinted in III A. PEASLEE, *CONSTITUTIONS OF THE WORLD* 1187 (3d rev. ed. 1968) [hereinafter cited as Lateran Treaty]. Article 24 reads:

The Holy See, so far as concerns the sovereignty belonging to it in the international domain, declares that it wishes to remain and will remain removed from the temporal competitions among other States and from international meetings convoked with such a purpose, unless the parties to a dispute make a unanimous appeal to its mission of peace, reserving to itself, however, the right to assert in every case its moral and spiritual power.

3. *Id.* “The Pope is not a conventional governmental or political leader.” 125 CONG. REC. H8876 (1979) (statement of Hon. Peter Rodino).

4. See 125 CONG. REC. S13989 (1979) on the visit of Pope John Paul II to Poland: “He braved threats of violence against himself to carry on his sacred mission of peace and justice.” See also note 79 *infra*, and accompanying text.

5. “One is a non-territorial institution, and the other a state.” R. GRAHAM, *VATICAN DIPLOMACY — A STUDY OF CHURCH AND STATE ON THE INTERNATIONAL PLAIN* 202 (1959).

been added to the continuing confusion over the international personality of the Holy See.⁶ Before 1870 the Catholic Church enjoyed territorial existence in the Papal States located in Central Italy.⁷ When the Kingdom of Italy acquired the last of the Papal States in 1870,⁸ the Catholic Church became a "government in exile"; the Pope was allowed to sit in Rome, but only at the pleasure of the Italian government.⁹ This interim period of nonterritorial existence was ended on February 11, 1929, when Italy and Vatican City entered into the Lateran Treaty,¹⁰ whereby the Holy See reacquired territory in Rome, and Vatican City became a State independent of Italy.¹¹

Although Vatican City is considered to be a sovereign State by many nations, including the United States,¹² something more than exclusive dominion over territory is needed to be a recognized State under international law. Territory, population, and government must all exist concurrently.¹³ Additionally, there are nonobjective political elements involved; there must be "recognition" of a State by other States. Only then does a State come to life, able to officially conduct affairs in the international community.¹⁴

In 1848 President Polk sent a *chargé d'affaires* to the Papal States after much debate in Congress on an appropriation for that purpose.¹⁵ The *chargéship* was terminated when appropriations were discontinued in 1868, and when President Grant, in 1871,

6. On the international personality of the Holy See, apart from Vatican City or the former Papal States, see generally Farran, *The Sovereign Order of Malta in International Law*, 3 INT'L & COMP. L.Q. 217 (1954); Cumbo, *The Holy See and International Law*, 2 INT'L L.Q. 603 (1948); Kunz, *supra* note 1.

7. DEPARTMENT OF STATE, COUNTRIES OF THE WORLD 1061 (5th ed. 1979) [hereinafter cited as Background Notes]. The Papal States were comprised of Romagna, the Marches, Umbria, and Rome, bounded on the north by the Lombardo — Venetian Kingdom, on the east by the Kingdom of Naples, on the southwest by the Mediterranean Sea, and on the west by Tuscany and the Duchy of Modena. The last of these States was annexed to the Kingdom of Italy in 1870. *Id.*; VIII COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS 1789-1908, at 167 (J.D. Richardson ed. 1909).

8. Background Notes, *supra* note 7, at 1061.

9. *Id.*

10. *Id.*; Lateran Treaty, *supra* note 2.

11. Background Notes, *supra* note 7, at 1061.

12. See notes 50-51 *infra*.

13. See notes 18-31 *infra*, and accompanying text.

14. See OPPENHEIM, *supra* note 1, at 143, 145. According to Article 10 of the Charter of the Organization of American States, when there is *de jure* recognition, both nations accept "all the rights and duties that international law prescribes for the two States." 2 U.S.T. 2394, 2419, T.I.A.S. No. 2361, 119 U.N.T.S. 49, 54.

15. See CONG. GLOBE, 30th Cong., 1st Sess. app. 403-10 (1848).

formally recognized that the Papal States ceased to exist.¹⁶ Since the creation of Vatican City in 1929, the government of the United States has authorized no diplomatic relations with that State's government.¹⁷ Thus, the purpose of this study is twofold: first, to examine the extent to which the United States does recognize Vatican City and second, to consider why the United States has not completely normalized relations with Vatican City.

The first section of this study examines the international law definitions of Statehood, *de jure* recognition, and *de facto* recognition and shows how Vatican City falls within those definitions with respect to United States practice. The second section presents the traditional explanations for the unwillingness of the United States to formally recognize Vatican City. The study then concludes by explaining why Vatican City may soon be formally recognized by the United States.

I. RECOGNITION UNDER INTERNATIONAL LAW

A. Statehood

It is well established that States are the only subjects of international law.¹⁸ Classification as a State requires territory, population living within that territory, and a government that exclusively controls the affairs of those people in the territory.¹⁹ Vatican City satisfies the territorial requirement; it occupies 108.7 acres (forty-four hectares) of land²⁰ situated entirely within the borders of Italy.²¹ The exclusive ownership of Vatican City by the Holy See is

16. VIII COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS 1789-1908, at 167 (J.D. Richardson ed. 1909).

17. Presidents since Franklin D. Roosevelt have appointed personal representatives to the Pope as head of the Catholic Church, but none have authorized a representative to the Pope as a head of State. See note 34 *infra*; Background Notes, *supra* note 7, at 1063; see also text accompanying note 41 *infra*.

18. "It must be admitted that only States can contribute to the formation of international law as an objective body of rules — States as international entities which are territorially identifiable." *Nanni and Others v. Pace and the Sovereign Order of Malta, Ct. of Cession, Italy*, Decision affirming an order for restitution to the Order, March 13, 1935 [1935-1937] 2 Ann. Dig. 2, 4-6, *reprinted in* 1 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 42 (1963).

19. Ireland lists the common attributes, as to internal affairs, territory, population, flag, coinage, communication, police, taxation, and civil and criminal legislation, and, as to external affairs, international representation and action. He examines each of these for Vatican City. Ireland, *The State of the City of the Vatican*, 27 AM. J. INT'L L. 271, 273 (1933).

20. Lateran Treaty, *supra* note 2, at 1186; Background Notes, *supra* note 7, at 1061.

21. Background Notes, *supra* note 7, at 1061. Lateran Treaty, *supra* note 2, art. 6 (Italy agrees to build a railway station in Vatican City to communicate with the railways of Italy

assured in the Lateran Treaty,²² which reads in pertinent part:

Art. 2. Italy recognizes the sovereignty of the Holy See in the international domain. . . .

Art. 3. Italy recognizes that the Holy See has full ownership, exclusive and absolute power, and sovereign jurisdiction over the Vatican, . . .

. . . .

Art. 24. [T]he City of the Vatican shall always and in every case be considered as neutral and inviolable territory.²³

The requirement of a population is also satisfied — about one thousand people²⁴ live as citizens in Vatican City. Citizenship is accorded pursuant to the Law on the Rights of Citizenship and Sojourn, which is included in the Fundamental Laws of June 7, 1929.²⁵

In satisfaction of the third requirement for Statehood, Vatican City has an autonomous government. It is comprised of three branches — legislative, executive, and judicial — all of which are headed by the Pope.²⁶ The government of Vatican City owns the railway station, electric generating station,²⁷ publishing house, radio station, newspaper, and police force.²⁸ In addition, Vatican City issues its own coins,²⁹ stamps, and passports.³⁰ With respect to governmental power, the Lateran Treaty assures Vatican City complete independence:

Art. 4. The exclusive sovereignty and jurisdiction of the Holy See over the City of the Vatican which Italy recognizes, implies the consequence that no interference on the part of the Italian government may be there manifested, and that there will

and agrees to provide for direct connections with other states “the telegraphic, telephonic, radiotelegraphic, radiotelephonic, and postal services” of Vatican City).

22. See I C. HYDE, *INTERNATIONAL LAW* 26 (2d rev. ed. 1945).

23. Lateran Treaty, *supra* note 2, arts. 2, 3, 24. See also *id.* art. 7: “[A]irplanes of any kind are forbidden to fly over the territory of the Vatican.” This provision was meant to prevent incidents such as the one that occurred in February of 1922 when Italian airplanes disrupted the conclave of the College of Cardinals, meeting to elect a new Pope. Ireland, *supra* note 19, at 278-79.

24. Background Notes, *supra* note 7, at 1061.

25. Fundamental Laws of the City of the Vatican, *reprinted in* III PEASLEE, *CONSTITUTIONS OF THE WORLD* 1206 (3d rev. ed. 1968) [hereinafter cited as Fundamental Laws].

26. Lateran Treaty, *supra* note 2, at 1185; Background Notes, *supra* note 7, at 1061; Fundamental Laws, *supra* note 25, at pt. 1, § 1.

27. Lateran Treaty, *supra* note 2, art. 6.

28. Background Notes, *supra* note 7, at 1061, 1063.

29. Italy lends the services of its mint for the manufacture of Vatican coins. See Monetary Convention, Aug. 2, 1930, arts. 1-10, *cited in* Ireland, *supra* note 19, at 277.

30. Background Notes, *supra* note 7, at 1063.

be no other authority than that of the Holy See.³¹

Clearly Vatican City possesses the minimal attributes of a sovereign State. It has exclusive territorial and governmental control over a citizenry. The next step toward true Statehood is a christening or "recognition" of a State as a member of the international community.

B. Recognition

The recognition that one State gives another is either *de jure*, *de facto*, or none at all. The importance of the distinction between *de facto* and *de jure* recognition lies in the realm of international politics. Both carry the same basic international rights and duties, except that under *de jure* recognition emissaries have the full title of "ambassador" or "minister plenipotentiary" as opposed to mere "representative" or "*chargé d'affaires*." *De facto* recognition usually becomes necessary for *practical* reasons, such as the facilitation of commerce and the settlement of claims. *De jure* recognition becomes necessary for *political* reasons — the tactical establishment or strengthening of alliances.

1. *De jure* recognition. Lauterpacht states that *de jure* recognition can be made only through the conclusion of a bilateral treaty comprehensively regulating relations between two States, by the formal initiation of consular relations, or by the issuance of a consular *exequatur*.³² To date the United States and Vatican City have not satisfied any of these three requirements.³³

Nonetheless, for all intents and purposes it would appear that there has been a normalization of relations between the United States and Vatican City. An apostolic delegate from Vatican City has resided in Washington D.C. since 1893,³⁴ and in every administration since Franklin D. Roosevelt, the President has appointed a personal representative to the Pope.³⁵ In addition Presidents

31. Lateran Treaty, *supra* note 2, art. 4.

32. I L. OPPENHEIM, INTERNATIONAL LAW 143 (7th ed. Lauterpacht 1952).

33. See text accompanying note 41 *infra*.

34. Interview with Secretary to His Excellency John Jadot (May 15, 1980).

35. Cullinan, *The White House and the Vatican: The Legal Aspects*, 38 A.B.A. J. 471, 471 (1952) (Truman had appointed General Mark Clark to be American Ambassador to Vatican City; this article is in response to the controversy that ensued); Background Notes, *supra* note 7, at 1063. On Franklin D. Roosevelt's "ambassador" to Pope Pius XII, see 14 DEP'T STATE BULL. 818 (1946); 15 DEP'T STATE BULL. 1020-21 (1946); 17 DEP'T STATE BULL. 390, 746 (1947); M.C. TAYLOR, WARTIME CORRESPONDENCE BETWEEN PRESIDENT ROOSEVELT AND POPE PIUS XII (1947). On President Truman's "ambassador," see 25

Carter, Nixon, Johnson, and Eisenhower have met with the Pope.³⁶ Not surprisingly the question has been raised whether the meetings of the heads of state from both nations can signify mutual, formal recognition.³⁷ According to the United States Department of State:

If the President, who under all circumstances is a head of state, were to visit the Pope in the latter's capacity as Head of Vatican City State, it would be extremely difficult for the United States to maintain thereafter that it did not recognize the Vatican City State. A state visit between the two heads of state would necessarily carry a substantial implication of recognition. Considerably less important actions have in the past been considered to require taking steps to avoid recognition.³⁸

Through diplomatic parlance, however, the State Department is able to dodge the issue of the President of the United States meeting with the Pope by simply defining such a meeting as one with the leader of a world religion, not the leader of a State:

It is possible for the President to visit the Pope in the Pope's capacity as supreme pontiff of the Roman Catholic Church, as a

DEP'T STATE BULL. 894 (1951). President Eisenhower sent a personal representative to attend the funeral of Pope Pius XII. See Letter from Department of State to Reverend Riegler (Dec. 8, 1959), *reprinted in* 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 544 (1963). On President Johnson's representative to the Pope, see 54 DEP'T STATE BULL. 230 (1966). On President Nixon's representative, Henry Cabot Lodge, to Pope Paul VI, see 63 DEP'T STATE BULL. 15 (1970). President Carter's Envoy to the Pope was Robert F. Wagner. 80 DEP'T STATE BULL. 18 (Aug. 1980).

36. Dwight D. Eisenhower, as President, visited the Pope in December of 1959, 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 544 (1963). 58 DEP'T STATE BULL. 77-78 (1968) (President Johnson describes his visit with Pope Paul VI). 60 DEP'T STATE BULL. 270 (1969) (Pope Paul VI and President Nixon exchange remarks at Vatican City). N.Y. Times, Oct. 7, 1979, at 1, col. 1 (President Carter meets Pope John Paul II in Washington, D.C.). 80 DEP'T STATE BULL. 17 (Aug. 1980) (President Carter meets Pope John Paul II in Vatican City). See also Letter from President Franklin D. Roosevelt to Pope Pius XII (Dec. 23, 1939), *reprinted in* 1 DEP'T STATE BULL. 711-12 (1939); 2 DEP'T STATE BULL. 130-32 (1940) (reply letter from Pope Pius XII to F.D.R.). Letter from Pope Pius IX to President Franklin Pierce (March 31, 1853), *reprinted in* S. EXEC. DOC. NO. 23, 33d Cong., 1st Sess. 2-3 (1854).

37. Memorandum from E. Hager, Legal Advisor to the White House, Visit of the President to Pope John XXIII (Nov. 17, 1959), *reprinted in* 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 544 (1963) [hereinafter cited as Hager Memorandum].

38. *Id.* In 1863 Jefferson Davis, President of the Confederate States, sent a letter by special representative to Pope Pius IX as head of the Papal States, seeking recognition of the Confederate government. Pope Pius IX sent a reply which, although it did not specifically address the question of recognition, was interpreted by some to be positive recognition merely because of the fact it was sent. Judah P. Benjamin, then Secretary of State of the Confederacy, maintained however that the letter was merely a matter of courtesy and not a political act of recognition. See Letter from Pope Pius IX to Jefferson Davis, President of the Confederate States (Dec. 3, 1863), *reprinted in* I J. MOORE, A DIGEST OF INTERNATIONAL LAW 211-12 (1906); H.R. DOC. NO. 551, 56th Cong., 2d Sess. (1906) [hereinafter cited as MOORE].

spiritual leader, without involving the question of the recognition of the Vatican City in the international law sense, . . .³⁹

. . . .

The Roman Catholic Church, of course, is not a state and, therefore, the question of recognition in the diplomatic sense does not arise.⁴⁰

Despite the many close contacts the United States maintains with Vatican City, its position remains clear: "The United States has not formally recognized the State of Vatican City and does not maintain diplomatic relations with the Vatican."⁴¹ Formal recognition does not occur until the Red Queen⁴² says it does, and she has not yet done so.

2. *De facto recognition*. Today *de facto* recognition means that one nation is willing to recognize the existence of another State and its particular government for practical purposes,⁴³ but that it is not ready to take the final political step of *de jure* recognition. The United States and Vatican City have engaged in the various activities that usually indicate *de facto* recognition between States. *De facto* recognition normally occurs, for example, when one country recognizes the documents of record of another country for use in evidence in its own courts of law and other tribunals.⁴⁴ On June 25, 1938, the United States Congress passed a law, stating: "[A certified] copy of any document of record or on file in a public office of [the] State of the Vatican City . . . shall . . . be admissible in evidence in any court of the United States."⁴⁵

39. Hager Memorandum, *supra* note 37. See also A.P. SERENI, THE ITALIAN CONCEPTION OF INTERNATIONAL LAW 293 (1943): "If we accept the opinion that the Catholic Church is an international person, we must reach the conclusion that the Catholic Church and Vatican City are two distinct international persons. . . ." GRAHAM, *supra* note 5, at 186. But see 1887 FOREIGN REL. 642, reprinted in MOORE, *supra* note 38, at 40, which reads in part: "This Government. . . can not address the Pope personally. . . ."

40. Hager Memorandum, *supra* note 37.

41. Letter from Asst. Secretary of State McFall to Senator Smith (March 28, 1952), reprinted in 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 541 (1963). See also Background Notes, *supra* note 7, at 1063.

42. L. CARROLL, THROUGH THE LOOKING GLASS (1872).

43. *De facto* recognition is given out of necessity and convenience for "the ready intercourse of commerce, the easy redress of grievances, [and] unobstructed access and intelligence. . . ." Baty, *Abuse of Terms: "Recognition"; "War,"* 30 AM. J. INT'L L. 377, 378 (1936).

44. See, e.g., *Salimoff & Co. v. Standard Oil Co.*, 262 N.Y. 220, 186 N.E. 679 (1933).

45. Act of June 25, 1938, Pub. L. No. 75-724, 52 Stat. 1163, 75th Cong., 3d Sess. (1938). See also S. 2811, 75th Cong., 3d Sess. (1937). "The Congress itself has recognized the existence of the Vatican City State by an Act approved June 25, 1938, . . ." Letter from Under

A second sign of *de facto* recognition is the settlement of claims between two States. This occurred between the United States and Vatican City on July 3, 1956, when Congress passed a bill⁴⁶ authorizing the payment of \$964,199.35 to Vatican City for accidental damage caused to its buildings located outside Vatican City in Rome by American bombers during World War II.⁴⁷

Still another area in which *de facto* recognition between the United States and Vatican City is apparent is multilateral treaty-making. Since Vatican City became a sovereign State in 1929, it has signed more than one hundred multilateral treaties, most of which the United States has signed as well.⁴⁸ In each case the signature of the United States was made without reservation to the signature of the Vatican City plenipotentiary.⁴⁹

As definitive evidence of *de facto* recognition, the United States has plainly acknowledged the *de facto* neutrality and sovereignty of Vatican City, particularly during World War II:⁵⁰ "While . . . this Government has not established formal diplomatic relations with the Government of the Vatican City State, it nevertheless is a sovereign state and . . . has been so treated by this Government."⁵¹

The United States has acted toward the Vatican City and its

Secretary of State Sumner Welles to M. Hazen (May 26, 1939), *reprinted in* 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 538 (1963) [hereinafter cited as Welles Letter].

46. Act of July 3, 1956, Pub. L. No. 84-656, 70 Stat. 495, 84th Cong., 1st Sess. (1956). This amount was paid by a United States Treasury check drawn to the order of Vatican City. Letter from Asst. Secretary of State Hull to Representative Richards (May 17, 1956), *reprinted in* 8 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 979 (1967). For the legislative history, see H.R. 10766, 84th Cong. 2d Sess.; H.R. REP. NO. 2251, 84th Cong., 2d Sess.; S. REP. NO. 2292, 84th Cong., 2d Sess. (1956).

47. For an account of the bombing event, see 9 DEP'T STATE BULL. 319-20 (1943). Although Castel Gandolfo is located in Italian territory, the Holy See fully owns it. Lateran Treaty, *supra* note 2, art. 14.

48. See Appendix for a list of the treaties entered into by Vatican City.

49. Note that the Holy See (not Vatican City) is represented at the signing on nearly half those occasions. See *id.* The United States and Vatican City have even entered into a bilateral agreement. See Agreement for the Exchange of International Money Orders, *entered into force* Nov. 1, 1956, 7 U.S.T. 3205, T.I.A.S. No. 3700.

50. Letter from J.P. Meagher, Chief of the Public Service Division, to S.A. Croley (Aug. 13, 1956), *reprinted in* 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 542 (1963) [hereinafter cited as Meagher Letter]:

The neutral status of the Vatican City as well as the Papal Domains was not only recognized specifically by President Roosevelt's letter to the Pope . . . but was also reflected in instructions which the Combined Chiefs of Staff sent to the Supreme Commander of the Allied Forces in the Mediterranean in December 1943.

51. Welles Letter, *supra* note 45. "Although the United States does not maintain diplomatic relations with the Vatican City, the latter is generally recognized to be a state by most nations of the world." Meagher Letter, *supra* note 50.

leader, the Pope, in every manner consistent with actions toward a *de jure* recognized State, *except* that formal diplomatic relations have not been established. The question naturally arises: Why does the United States government refuse to exchange embassies with Vatican City? Responses can be found in the various explanations given since the creation of Vatican City in 1929 and in recent trends in United States recognition policy.

II. UNITED STATES RECOGNITION POLICY AND VATICAN CITY

A. *Diminutive States*

Some publicists contend that 108.7 acres of land is not substantial enough to meet the basic Statehood requirement of territory.⁵² This argument has received increasingly less support — probably because land area by itself no longer determines the power or importance of a nation as it did in former times. Countries such as Monaco (369.9 acres), Nauru (eight square miles), and Liechtenstein (sixty square miles) are also noted for their minimal land areas, but their *de jure* existence as States has not been denied — the United States has granted formal recognition to each of these States.⁵³

Although the argument against exiguous States is not generally accepted, the territorial insignificance of Vatican City is suggested as one reason why formal recognition has not been seriously considered by the United States. The importance of Vatican City lies more in what it represents — it is the seat of the Holy See, the spiritual domain of the largest religion in the world, with tithed fortunes flowing into its coffers from the multitudes of the world. Vatican City is but a vassal State of the Holy See.⁵⁴ Indeed history

52. Interview with Professor S. Houston Lay (February 1980). In fact, exiguity has been a basis for not admitting states to international organizations:

As a diminutive state the Vatican would not be capable of fulfilling the responsibilities of membership in an organization whose primary purpose is the maintenance of international peace and security. In a number of cases diminutive states were refused admission to the League [of Nations] on this ground. . . .

Letter from Secretary of State Hull to M.C. Taylor (Sept. 27, 1944), *reprinted in* [1944] 1 FOREIGN REL. 962; 13 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 207 (1968) [hereinafter cited as Hull Letter].

53. See Background Notes, *supra* note 7, at 651, 679, 712, 739. See also Kunz, *supra* note 1, at 313.

54. Oppenheim goes so far to say that "the Holy See cannot conclude international treaties or claim a vote at international congresses and conferences." OPPENHEIM, *supra* note 1, at 228-30. *But see* Appendix. Generally it was thought the Pope, as head of the Catholic Church, could only enter into agreements called "*concordats*," not to be classified as international treaties. See Comment, *Draft Convention on the Law of Treaties*, 29 AM. J. INT'L L.

has shown that the existence of the Catholic Church does not depend in any way upon the existence of Vatican City or any territory exclusively under the domain of the Holy See — it depends upon its followers and teachers who live in every country of the world. If not for the Catholic Church, there would be no Vatican City.⁵⁵

Despite theoretical contentions to the contrary, Vatican City does exist, and at least ninety-four nations formally recognize it.⁵⁶ Furthermore, the United States Department of State admits that Vatican City is a sovereign, neutral State, not merely a vassal or dependent of the Holy See.⁵⁷ The “diminutive state” argument

653, 701-03 (Supp. 1935). For examples of *concordats*, see Concordat between the Holy See and the Latvian Government, May 30, 1922, Latvia-Holy See, 17 L.N.T.S. 365; Convention regarding Missions, May 5, 1928, Columbia-Holy See, 79 L.N.T.S. 157; Agreement regarding the Interpretation of Article IX of the Concordat of May 10, 1927, between the Holy See and the Rumanian Government and Statutes of the Council of the Catholic Diocese of Latin Rite of Alba-Iulia, May 30, 1932, Rumania-Holy See, 201 L.N.T.S. 257 (1940).

55. “As a secular prince, simply and merely, he would be nobody. It is His Holiness that governs.” CONG. GLOBE, 30th Cong., 1st Sess. 477 (1848) (remarks of Sen. Badger).

56. 1980 ANNUARIO PONTIFICIO 1134-54. The countries which formally recognize Vatican City as a sovereign state include Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China (PRC), Columbia, Congo, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt (United Arab Republic), El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany (Federal Republic), Ghana, Greece, Grenada, Guatemala, Haiti, Honduras, India, Indonesia, Iceland, Iran, Iraq, Ireland, Italy, Ivory Coast, Kenya, Korea, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mali, Malta, Morocco, Mauritius, New Zealand, Nicaragua, Niger, Netherlands, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Rwanda, San Marino, Senegal, Spain, Sri Lanka, Sudan, Switzerland, Syria, Tanzania, Thailand, Trinidad & Tobago, Tunisia, Turkey, Uganda, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire, and Zambia (94 countries). Each of these countries exchanges an ambassador for an Apostolic Nuncio of Vatican City. *Id.*

The following countries (including the United States) send no representative to Vatican City, but host an Apostolic Delegate: Africa Meridionale, Albania, Angola, Antilles, Bulgaria, Cambodia, Chad, Equatorial Guinea, Jerusalem, Guinea, Guinea-Bissau, Laos, Libya, Malaysia, Mauritania, Mexico, Mozambique, Palestine, Scandanavia, Sierra Leone, Singapore, Togo, United States, and South Vietnam. *Id.* at 1113-29.

The following countries send an extraordinary invitee and minister plenipotentiary to Vatican City, but receive no representative from Vatican City: Lithuania, Monaco, and Order of Malta. *Id.* at 1146, 1148, 1149. Great Britain sends an extraordinary invitee and minister plenipotentiary to Vatican City and receives an Apostolic Delegate from Vatican City in exchange. *Id.* at 1143. See also Background Notes, *supra* note 7, at 1063.

57. See notes 50-51 *supra*, and accompanying text. Although Vatican City is recognized to be a State by the United Nations, it has not sought membership there. Instead, the Holy See is a permanent observer in the United Nations and is a member of the following specialized agencies of the General Agreement on Tariffs and Trade (GATT): the Universal Postal Union (UPU), the International Telecommunications Union (ITU), the International Atomic Energy Agency (IAEA), and the World Intellectual Property Organization (WIPO). 2 A COMPREHENSIVE HANDBOOK OF THE UNITED NATIONS 14 (1979); 1980 ANNUARIO PON-

alone, therefore, does not adequately explain the lack of formal recognition by the United States. Official statements of the State Department demonstrate that United States recognition policy guidelines do not include the size of a State and that there is no dispute as to the sovereign existence of Vatican City.

B. Separation of Church and State

Another popular explanation of the United States recognition policy toward Vatican City is that the constitutional religious freedoms granted individuals in the United States prevent formal recognition of a foreign religious State.⁵⁸

In particular, it is argued, Vatican City recognition is constitutionally prohibited, because first, it would encourage and support the practice of the Roman Catholic religion in the United States;⁵⁹ second, it would entangle the United States in religious affairs;⁶⁰ and third, it would not have a secular purpose.⁶¹

Standing is the initial issue — that is, who would have standing to judicially challenge formal recognition of Vatican City by the United States? Anyone sustaining an individualized injury may have standing to seek redress for that injury.⁶² In the case of Vatican City recognition, the most likely injury would be a generalized one to resistive taxpayers whose taxes would be spent in part on the maintenance of an ambassadorial mission to Vatican City.

The United States Supreme Court made it clear in *Frothingham v. Mellon* that a taxpayer, although suffering a mere

TIFICIO 1129-32. On the question of whether Vatican City would be admitted to the United Nations, see Hull Letter, *supra* note 52.

58. See generally Cullinan, *supra* note 35, for a discussion of the question “whether the maintenance of an embassy to the State of Vatican City is prohibited by the Constitution.” *Id.* at 471. See the resolution unanimously adopted by the National Convention of the Catholic War Veterans in reaction to proponents of the separation of church and state in their attempts to prevent the maintenance of a representative at Vatican City. 92 CONG. REC. A4452 (1946). But see the resolution of the 24th annual session of the Georgia Baptist Convention, November 13, 1945, which considered “the appointment of Mr. Taylor, even as a war measure, a direct violation of the Constitution of the United States. . . .” 91 CONG. REC. A5035 (1945). Madalyn Murray O’Hare filed suit in Federal District Court, seeking to prevent the celebration of mass by Pope John Paul II in Washington, D.C.. 125 CONG. REC. E4648 (1979). For an early debate, see *Mission to the Papal States*, CONG. GLOBE, 30th Cong., 1st Sess. app. 403-10 (1848).

59. *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1970).

60. *Id.* at 613.

61. *Id.* at 612.

62. *Flast v. Cohen*, 392 U.S. 83 (1968).

generalized grievance,⁶³ has standing to attack federal spending in violation of the Establishment Clause, since this clause “does specifically limit the taxing and spending power conferred by Art. I, § 8.”⁶⁴ Such a violation of a specific limitation means that “a taxpayer will have a clear stake as a taxpayer in assuring [his or her Constitutional rights] are not breached by Congress.”⁶⁵

Although a taxpayer may have standing to complain, there will be two further issues which will be presented:

- 1) whether such spending *is* in violation of the Establishment Clause, and more important,
- 2) whether the Supreme Court may take jurisdiction of the case.

The question of whether such spending would violate the Establishment Clause has already been handled adequately by Cullinan,⁶⁶ who asserts there would be no violation. These arguments are destined to go no farther than the covers of legal periodicals, because the courts most likely would not take jurisdiction of the question whether Vatican City may be constitutionally recognized with reference to the Establishment Clause.

In *Baker v. Carr* the Court addressed the particular question of the power of the courts to review the recognition of another country by the United States Department of State, stating that the limit of review would be to “examine the resulting status and decide independently whether a statute applies to that area.”⁶⁷ The Court otherwise stated that “recognition of foreign governments so strongly defies judicial treatment that without executive recognition, a foreign state has been called a ‘republic of whose existence we know nothing,’ and the judiciary ordinarily follows the executive as to which nation has sovereignty over disputed territory,
 . . . ”⁶⁸

From a more pragmatic standpoint it is apparent from other actions taken by the United States government that separation of church and state is not a determinative element of its recognition policy. The United States government has formally recognized the State of Israel, which is certainly the manifestation of purely

63. *Frothingham v. Mellon*, 262 U.S. 447, 488 (1923).

64. *Flast v. Cohen*, 392 U.S. 83, 105 (1968).

65. *Id.*

66. Cullinan, *supra* note 35.

67. *Baker v. Carr*, 369 U.S. 186, 212 (1962).

68. *Id.*

religious dreams and ideals.⁶⁹ In a news conference on February 12, 1979, President Carter indicated the readiness of the United States to work with the new fundamentalist Islamic State of Iran to protect American interests.⁷⁰ Furthermore, United States Presidents have met with the Pope,⁷¹ and the State Department has characterized these visits as between "the President . . . [as a head of state and] the Pope in the Pope's capacity as supreme pontiff of the Roman Catholic Church, as a spiritual leader, . . ."⁷² Obviously, the argument of separation of church and state does little to retard relations between the United States and other religious entities.

Even if diplomatic relations with the Pope were to raise a question of religious recognition, the State Department has stated that the Pope is seen as occupying two *separable* roles — as spiritual leader of the Roman Catholic Church and as secular leader of Vatican City.⁷³ In fact this position enabled the United States to recognize the Pope as a head of State when he ruled the Papal States before 1870. In 1848, when Congress⁷⁴ and President Polk⁷⁵ authorized the mission of a *chargé d'affaires* to the Papal States, the State Department made the following official instructions:

Most, if not all, the Governments which have diplomatic representatives at Rome are connected with the Pope as the head of the Catholic Church. In this respect the Government of the

69. See [1950] STATE OF ISRAEL GOV'T Y.B. 43, announcing the new Jewish State of Israel. The Jewish National Council stated:

We, the members of the National Council, representing the Jewish people. . . are met together. . . by virtue of the natural and historic right of the Jewish people and of the Resolution of the General Assembly of the United Nations.

We hereby proclaim the establishment of the Jewish state in Palestine, to be called Medinath Yisrael (The State of Israel).

See G.A. Res. 181, II U.N. GAOR (1947). Statement of President Truman (May 14, 1948), reprinted in 18 DEP'T STATE BULL. 673 (1948): "The United States recognizes the provisional government as the de facto authority of the new State of Israel." See also Kunz, *supra* note 1, at 314 n.27 (other examples of recognition of religious countries by the United States include Great Britain, Holland, Egypt, and Indonesia).

70. See N.Y. Times, Feb. 13, 1979, at 1, col. 4.

71. See note 35 *supra*.

72. Hager Memorandum, *supra* note 37.

73. *Id.*

74. Act of March 27, 1848, ch. 23, 9 Stat. 216, 30th Cong., 1st Sess. (1848); H.R. EXEC. DOC. NO. 2, 30th Cong., 1st Sess. 4 (1847). The appropriation was \$22,500.00 for "outfits of chargés des affaires to Naples, the Papal States, and the Republics of Bolivia, Guatemala, and Ecuador, . . ." *Id.*

75. VII JOURNAL OF THE EXECUTIVE PROCEEDINGS OF THE SENATE OF THE UNITED STATES OF AMERICA FROM DECEMBER 1, 1845, TO AUGUST 14, 1848, INCLUSIVE 358, 359, 360 (1969) (Jacob L. Martin was appointed).

United States occupies an entirely different position Your efforts therefore will be devoted exclusively to the cultivation of the most friendly civil relations with the Papal *Government*, and to the extension of the commerce between the two countries.⁷⁶

Since the leader of the Catholic Church is (according to the State Department) not considered to be the same as the leader of Vatican City, it would not be against current United States policy — nor against notions of separation of church and state — for the United States government to formally recognize Vatican City.

C. “Anti-Papist” Movements

In addition to general opposition to governmental acts which tend to combine matters of church and state, there is an admixture of negative feelings among Americans against the Roman Catholic Church. The issue has arisen in the presidential campaigns of Al Smith⁷⁷ and John F. Kennedy.⁷⁸ More recently, American Catholics themselves have expressed discontent with the Catholic Church because of its stand against birth control, divorce, and homosexuality.⁷⁹ Anti-Catholic feelings also generate from and cause prejudice against groups that are predominantly Catholic, including the Irish, Hispanics, and Italians.

These negative emotions related to the Catholic Church cannot be separated from Vatican City and the issue of its formal recognition by the United States. Thus it can be argued that it would be unwise from the standpoint of domestic politics to formally recognize Vatican City. This argument is tenuous, however, considering the high percentage of Catholics living in the United States (about forty percent)⁸⁰ and the fervent reception that Pope John Paul II received on his recent tour of the United States.⁸¹ Furthermore, there is no reason to believe United States recognition policy

76. Memorandum from Mr. Buchanan, Secretary of State, to Mr. Martin (Apr. 5, 1848), reprinted in MOORE, *supra* note 38, at 130 (emphasis added). CONG. GLOBE, 30th Cong., 1st Sess. at xliii (1848). An amendment to exclude the chargéship to the Papal States was defeated by a vote of thirty-six to seven. *Id.* at 520-21. For the March 21, 1848, debate on the question of excluding the chargéship, see *id.* app. 403-10.

77. See *Calls Romanism Crux of Campaign*, N.Y. Times, Oct. 8, 1928, at 1, col. 6.

78. See *Anti-Catholic View Found Widespread In Parts of South*, N.Y. Times, Sept. 4, 1960, at 1, col. 6.

79. See N.Y. Times, Oct. 2, 1979, at 14, col. 1.

80. THE STATESMAN'S YEAR-BOOK 1979-1980 at 1420 (116th ed. J. Paxton 1979); U.S. DEP'T OF COM., STATISTICAL ABSTRACT OF THE UNITED STATES 50 (1979).

81. See 125 CONG. REC. S14099 (1979); cf. S. Con. Res. 39, 96th Cong., 2d Sess., 125 CONG. REC. S13504 (1979) (resolution welcoming Pope John Paul II to the United States).

is directed by domestic issues. The question has always been one of the United States' position in the world.

The arguments given above present justifications as to why the United States has not formally recognized Vatican City. They all fail to explain the facts. The facts indicate that the United States has exhibited no hesitancy in maintaining close relations with Vatican City. Except for a mutual announcement of recognition and the exchange of embassies, relations between the United States and Vatican City have been friendly and frequent, and the State Department has given no official reason for avoiding formal recognition. All one can surmise is that in this instance "no question of recognition arises."⁸² In short, the United States to date has perceived no reason to formally recognize Vatican City.

D. Recognition as a Nonproblem: Recent Trends in United States Recognition Policy

In his book, *Recognizing Foreign Governments — The Practice of the United States*,⁸³ L. Thomas Galloway examines the transformation of United States recognition policy from the doctrine of Thomas Jefferson to current practices. He concludes that the United States uses formal recognition much less today and relies on otherwise normal relations with new States.⁸⁴ Galloway suggests that current practice in the Kennedy, Johnson, Nixon, and Carter administrations relegated formal recognition to a lesser role in an overall recognition policy.⁸⁵

Galloway's analysis relies for the most part upon the hesitancy of the United States to recognize newly formed, extraconstitutional governments.⁸⁶ However, Vatican City was not formed through conflict or revolution. Therefore, United States hesitancy to formally recognize Vatican City cannot be explained as in the usual situation where a formerly United States-backed regime is ousted. One statement made by Galloway does, however, provide some insight into current United States recognition policy toward Vatican City:⁸⁷ Only "[i]n the few instances in which the United States

82. L.T. GALLOWAY, *RECOGNIZING FOREIGN GOVERNMENTS — THE PRACTICE OF THE UNITED STATES* at xi (1978).

83. *Id.*

84. *Id.* at 25, 139.

85. *Id.* at 145.

86. *Id.* at 145-47.

87. Galloway generally describes current United States recognition practices as *ad hoc*. *Id.* at ix.

perceives major political interests at issue [does it show] a tendency to revive the use of recognition to pursue policy goals.”⁸⁸

Galloway's observation is consistent with statements made during Congressional debates in 1848 when the Senate considered appropriations for a *chargé d'affaires* to the Papal States, as proposed by President Polk. One part of the debates concerned an amendment proposed by Senator Benton of Missouri,⁸⁹ which would have raised the proposed diplomatic office rank from *chargé d'affaires* to minister plenipotentiary, thereby giving full rank. The main objection to the amendment was that it was “not demanded by any circumstances which exist[ed],”⁹⁰ and that there lacked “any great interests of the people of this country to be protected, or any great object connected with their welfare to be achieved by it.”⁹¹ One must conclude, therefore, that until the present time there have been no major issues or interests necessitating a recognition of Vatican City. There is, however, reason to believe that the United States will soon be modifying its recognition policy toward Vatican City.⁹²

III. THE FUTURE OF UNITED STATES RECOGNITION POLICY AND VATICAN CITY

Assuming Galloway is correct that the United States does not automatically accord *de jure* recognition, that it must be motivated by a positive political reason, then one must ask, as did Senator Badger in 1848:

[W]hat on earth can induce us at this time to establish this mission to [Vatican City]. Do we expect to sustain his Holiness

88. *Id.* at 124-25.

89. CONG. GLOBE, 30th Cong., 1st Sess. 426 (1848).

90. *Id.* at 510 (remarks of Sen. Davis).

91. *Id.* at 477 (remarks of Sen. Badger). There was also a feeling that a full recognition policy toward the Papal States might “excite bad feelings among other States . . . to which we [then sent] *chargés des affaires*.” *Id.* at 509 (remarks of Sen. Clayton). Those other States were Portugal, Denmark, Sweden, Holland, Belgium, and Naples, to which the United States has since accorded *de jure* recognition, except for Naples which is no longer a sovereign. *Id.* at 477.

92. President Nixon considered the possibility of a permanent representative to Vatican City. 60 DEP'T STATE BULL. 239 (1969). For an early discussion of such a proposal, see Wigmore, *Should a Papal State be Recognized Internationally by the United States?*, 22 ILL. L. REV. 881 (1928). “[T]he U.S. is moving in the direction of . . . recognition of the Vatican and it will probably be . . . within the foreseeable future.” Memorandum from Professor S. Houston Lay to the authors (June 23, 1980) (on file with the *California Western International Law Journal*).

in pursuing the course which he has adopted? Do we intend to extend to him our countenance and support?

. . . .
. . . . What influence is it expected that our minister can exercise over these events, or the party connected with them; or in what way will this mission, politically considered, be of service to this country or to [Vatican City]?⁹³

At least since the birth of the United States, the Pope, both as head of the Catholic Church and as a head of State, has been known as the "champion of freedom,"⁹⁴ and as the "messenger of peace."⁹⁵ His undaunted efforts to restore peace between warring peoples⁹⁶ and to prevent outrages against human dignity and freedom have earned him these titles.⁹⁷

The United States, as well, has manifested itself, particularly under the administration of President Carter, to be a major protector of human rights everywhere in the world. Efforts in the cause of human rights and in the cause of bringing peace to war-torn regions of the world certainly are compatible, to say the least, with the efforts of the Pope.⁹⁸ Indeed the United States government has not hesitated in this century to seek the counsel and assistance of the Pope,⁹⁹ but only in his role as leader of the Catholic Church.¹⁰⁰

93. CONG. GLOBE, 30th Cong., 1st Sess. 477 (1848) (remarks of Sen. Badger).

94. *Id.* at 511 (remarks of Sen. Foote).

95. N.Y. Times, Oct. 7, 1979, at 1, col. 1.

96. *See, e.g.*, note 4 *supra*, and note 104 *infra*.

97. *See* note 99 *infra*.

98. During his meeting with Pope John Paul II on June 21, 1980, President Carter stated:

In the midst of a trip which I'm personally taking, whose objective is to promote peace and cooperation and common purpose with the close partners of my country, it has been a privilege today to meet with a man passionately dedicated to these same ideals.

I'm gratified that we share a belief that the struggle to enhance the dignity and decency of individual human lives gives meaning to history. . . .

Our common pilgrimage is more urgent than ever before.

. . . .
. . . . His moral and spiritual leadership has focused the attention of the world upon those suffering from hunger, from poverty and disease; upon refugees in every corner of the Earth; and upon those laboring under political repression.

The United States shares these concerns of His Holiness. They are our unfinished tasks as well.

80 DEP'T STATE BULL. 17 (Aug. 1980).

99. *See* note 107 *infra*, 125 CONG. REC. H8611 (1979); *see Pope John Paul's Noble Vision of Peace and Justice*, 125 CONG. REC. S13994-96 (1979) (it contains the text of the Pope's 1979 United Nations address); 58 DEP'T STATE BULL. 77, 79 (1968). "[The Pope] expressed to me, as he has in public statements, his great interest in peace, urging all concerned to do their utmost to bring about a peaceful settlement [to the Vietnam War] by negotiations." 67 DEP'T STATE BULL. 171 (1972) (statement of Sec. of State Rogers). *See The Visit of Pope*

Both countries, the United States and Vatican City, are acutely aware of the great influence each has in the world. The political significance of the Pope to the United States (and *vice versa*) is especially evident today. Recent developments in Soviet expansionism¹⁰¹ clearly represent a direct and immediate threat to world peace and human freedom. More than ever before there is evidence of a need to strengthen alliances between anti-Communist nations.

Both the United States and the Papacy have long been recognized as powerful foes of Communism.¹⁰² The present Pope, because he is Polish, has considerable influence in already-Communist Slavic nations.¹⁰³ Because he is the spiritual leader of all Catholics and sends his missionaries to the far reaches of the world, he can influence great masses of people — especially in South America and Africa, the very places most vulnerable to the ideology of today's Marxists.¹⁰⁴ Certainly the great power and clear policy of the Pope against Communism make the Soviet leaders uneasy.¹⁰⁵

John Paul II and the Genocide Treaty, 125 CONG. REC. S14134 (1979); 125 CONG. REC. H8611 (1979).

100. See notes 38-40 *supra*, and accompanying text.

101. In Afghanistan, the Soviet Union, for the first time since World War II, deployed ground troops outside the Soviet bloc and Cuba. N.Y. Times, Dec. 22, 1979, at 1, col. 5. See N.Y. Times, Dec. 27, 1979, at 1, col. 6. "The White House said that 'preparations for possible Soviet intervention in Poland appear to have been completed.'" Wall Street Journal, Dec. 8, 1980, at 1, col. 3. "Pope John Paul II spoke of 'very alarming news' about his Polish homeland." Wall Street Journal, Dec. 9, 1980, at 1, col. 3.

102. Vatican City is "this nation's most useful ally abroad in the ideological warfare against communism." Cullinan, *supra* note 35, at 471. See *The Pope Versus Stalin*, N.Y. Daily News, Dec. 4, 1944 (editorial), reprinted in 90 CONG. REC. A4810 (1944), which reads in part: "The Pope is Stalin's most dangerous opponent in the struggle for dominance in Europe, for the Pope's leadership is toward a civilization in which communism cannot work its slavery rackets." See also *Pius XII and Politics*, NEWSWEEK, May 27, 1946, at 80, reprinted in 92 CONG. REC. A3478 (1946). See also 125 CONG. REC. S13767 (1979); 125 CONG. REC. E4872-73 (1979) (on the anti-Communist feelings of Pope John Paul II). "It is well known that the Vatican is vigorously engaged in the struggle against communism. Direct diplomatic relations will assist in coordinating the effort to combat the Communist menace." 25 DEPT STATE BULL. 894 (1951).

103. The emotion for the Pope during his recent visit in Poland is compared to the Hungarian uprising of 1956 and the Czechoslovakian resistance of 1958. 125 CONG. REC. H5079 (1979).

104. "Mexico and Latin American hold almost half of the world's Roman Catholics. . . ." 1979 THE WORLD ALMANAC 351, 527, 531, 533, 542, 559, 564, 567; 125 CONG. REC. E233 (1979). Pope John Paul II pled with the Irish: "I beg you to turn away from the paths of violence and return to the ways of peace." 125 CONG. REC. S13768 (1979); see also 125 CONG. REC. H8826 (1979).

105. See 125 CONG. REC. S13989 (1979) on the visit of Pope John Paul II to Poland.

Formal recognition of Vatican City by the United States would have two significant effects. First, it would be a strong statement to the Soviets in much the same way as normalization of relations with the People's Republic of China was. Correct timing in the announcement of apparently anti-Soviet alliances can have a worldwide effect, especially when those allying are particularly powerful foes of the Communism-proliferating Soviets.

Second, mutual recognition by the United States and Vatican City would give each country more freedom¹⁰⁶ to make bilateral treaties with each other, to engage in joint decisionmaking,¹⁰⁷ and to benefit in general from the special influences and resources of each other.¹⁰⁸ A union of efforts would have a synergistic effect which was recognized in 1938 by Yvon Deblos, the French Foreign Minister, who said "that simultaneous appeals from the President [of the United States] and the Pope would be splendid but that a joint appeal would be much more powerful."¹⁰⁹

IV. CONCLUSION

Under international law the United States cannot recognize the Roman Catholic Church; it is not a State, because it has no territory. Vatican City, however, does have territory, and as the

106. During the visit of Pope John Paul II to the United States in 1979, there was opposition to the use of public monies to accomodate the Pope in any way during his travels through the United States. *See* 125 CONG. REC. E4648 (1979). If the Pope were treated as a head of State rather than as leader of the Catholic Church, such expenses could be justified.

107. 22 DEP'T STATE BULL. 182 (1950). Letter from U.S. Rep. A.J. Goldberg to U.N. Sec.-Gen. U Thant (Jan. 4, 1966), *reprinted in* 54 DEP'T STATE BULL. 117-18 (1966):

My government has during the past two weeks been taking a number of steps in pursuit of peace which flow in part from our obligations under the United Nations Charter . . . and in part from the appeals which His Holiness the Pope and you addressed just before Christmas to us and to others.

"But what is important is that the United States have with the Vatican close consultation on foreign policy matters in which the Vatican has a very great interest and very great influence." 60 DEP'T STATE BULL. 239 (1969) (statement of President Nixon). The United States Ambassador to the United Nations met with Pope Paul VI to discuss the relief problems of Biafra. 61 DEP'T STATE BULL. 95-96 (1969). *See also* 63 DEP'T STATE BULL. 171, 173, 174 (1972).

108. 125 CONG. REC. S13767 (1979) (remarks of Sen. Robert Byrd):

During World War II, Joseph Stalin attempted to dismiss the power of the Papacy with the rhetorical question, "But how many divisions does he have?" In the coming week, millions of Americans will welcome the Pope, which I think is a sign of the power of faith and the continuing role of spiritual values in American life.

See Address by President Johnson to the Nation (Dec. 24, 1968), *reprinted in* 58 DEP'T STATE BULL. 79 (1968) (President Johnson asked Pope Paul VI to intercede on the behalf of prisoners of war in Vietnam).

109. Letter from Mr. Bullitt, Ambassador to France, to Mr. Hull, Secretary of State (Jan. 25, 1938), *reprinted in* [1938] 1 FOREIGN REL. 152.

administrative and spiritual capital of the Catholic Church¹¹⁰ has been formally recognized by at least ninety-four countries. So far, the United States has had no compelling reason to formally recognize Vatican City.

Although Vatican City and the Catholic Church can be defined as separate according to a spiritual-secular dichotomy devised by the State Department, in political reality they are inseparable. Nonetheless the United States government has shown a willingness to see a dichotomy when it has been in its best interest to recognize the Pope, but not Vatican City, on certain occasions and to recognize the Pope as a head of State, but not as leader of the Catholic Church, on other occasions.¹¹¹

Because of the politically inseparable nature of the Catholic Church and Vatican City and because of recent political events that threaten peace and human freedom throughout the world, the United States may soon find it to be in its best interest and in the best interest of the world to normalize relations with Vatican City.¹¹²

110. Background Notes, *supra* note 7, at 1061.

111. See notes 38-40, 76 *supra*, and accompanying text.

112. "The President has decided that it is in the national interest for the United States to maintain diplomatic representation at the Vatican. . . ." 25 DEP'T STATE BULL. 894 (1951).

APPENDIX

Below is a list of treaties, conventions, agreements, notes, and protocols¹ to which either Vatican City or the Holy See has become a signatory since February 11, 1929, when Vatican City became a sovereign State. The list is intended to be an aid for further research, but also serves here to demonstrate the involvement of Vatican City (or the Holy See) in the international community.

The Holy See is a permanent observer of the United Nations, the Food and Agricultural Organization (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Organization of American States (OAS).² The Holy See also participates in a consultative capacity for the Economic Commission for Europe (ECE) and is a member of the following General Assembly organizations: the Executive Committee of the High Commissioner's Programme (for Refugees); the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD); and the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO).³

In parentheses after each cited treaty, it is indicated whether the signing plenipotentiary represented Vatican City or the Holy See. While the United States Department of State draws a distinction (for the purpose of avoiding recognition of Vatican City) between Vatican City and the Holy See, it is not evident how the Pope and his government see the distinction, if at all. Note that in six of the treaties, Vatican City was the entity represented at the time of signing, and the Holy See was the ratifying authority (see the postal agreements of July 10, 1964).

ARBITRATION

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, *done* June 10, 1958, 21 U.S.T. 2517, T.I.A.S. No. 6997, 330 U.N.T.S. 3 (Holy See).

Supplementary Agreement on Arbitration (COMSAT), *done* June 4, 1965, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Vatican City).

1. See generally Gamble, *Multilateral Treaties: The Significance of the Name of the Instrument*, 10 CALIF. W. INT'L L.J. 1 (1980).

2. 80 DEP'T STATE BULL. 18 (Aug. 1980).

3. [1977] 31 U.N.Y.B. 1203, 1206, 1210, 1220; see also note 57 *supra*.

ATOMIC ENERGY

Statute of the International Atomic Energy Agency, *open for signature* Oct. 26, 1956, 8 U.S.T. 1093, T.I.A.S. No. 3873, 276 U.N.T.S. 3 (Vatican City).

Amendment of Article VI.A.3 of the Statute of the International Atomic Energy Agency, *done* Oct. 4, 1961, 14 U.S.T. 135, T.I.A.S. No. 5284, 471 U.N.T.S. 334 (Holy See).

AUTOMOTIVE TRAFFIC

Convention on Road Traffic, Sept. 19, 1949, 3 U.S.T. 3008, T.I.A.S. No. 2487, 125 U.N.T.S. 22 (Vatican City).

BILLS OF LADING

Protocol to Amend the International Convention for the Unification of Certain Rules Relating to Bills of Lading, *done* Feb. 23, 1968, 51 Stat. 233, T.S. No. 931, 120 L.N.T.S. 155 (Vatican City).

COPYRIGHT

Universal Copyright Convention, Sept. 6, 1952, 6 U.S.T. 2731, T.I.A.S. No. 3324, 216 U.N.T.S. 132 (Holy See).

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, Oct. 26, 1961, — U.S.T. —, T.I.A.S. No. —, 496 U.N.T.S. 43 (Holy See).

Universal Copyright Convention (with protocols 1 & 2), July 24, 1971, 25 U.S.T. 1341, T.I.A.S. No. 7868, — U.N.T.S. — (Holy See).

COUNTERFEITING

International Convention for the Suppression of Counterfeiting Currency, Apr. 20, 1929, — U.S.T. —, T.I.A.S. No. —, 527 U.N.T.S. 346 (Holy See).

CULTURAL PROPERTY

Agreement on the Importation of Educational, Scientific, and Cultural Materials, and protocol, *done* Nov. 22, 1950, 17 U.S.T. 1835, T.I.A.S. No. 6129, 131 U.N.T.S. 25 (Vatican City).

Convention for the Protection of Cultural Property in the Event of Armed Conflict, and Regulations of Execution, *done* May 14, 1954, — U.S.T. —, T.I.A.S. No. —, 249 U.N.T.S. 215 (Holy See).

European Cultural Convention, *done* Dec. 19, 1954, 218 U.N.T.S. 139 (Holy See).

CUSTOMS

Notes regarding the Reciprocal Abolition of Passport Visas, March 23, 1935, Austria-Vatican City, 167 L.N.T.S. 385 (Vatican City).

Customs Convention on the Temporary Importation of Private Road Vehicles, *done* June 4, 1954, 8 U.S.T. 2097, T.I.A.S. No. 3943, 282 U.N.T.S. 249 (Vatican City).

Final Act of the United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism, *done* June 4, 1954, — U.S.T. —, T.I.A.S. No. —, 276 U.N.T.S. 191 (Vatican City).

Convention concerning Customs Facilities for Touring, *done* June 4, 1954, 8 U.S.T. 1293, T.I.A.S. No. 3879, 276 U.N.T.S. 230 (Vatican City).

Protocol to Convention concerning Customs Facilities for Touring, *done* June 4, 1954, — U.S.T. —, T.I.A.S. No. —, 276 U.N.T.S. 266 (Vatican City).

DIPLOMATIC RELATIONS

Vienna Convention on Diplomatic Relations, *done* Apr. 18, 1961, 23 U.S.T. 3227, T.I.A.S. No. 7502, 500 U.N.T.S. 95 (Holy See).

Vienna Convention on Consular Relations, *open for signature* Apr. 24, 1963, 21 U.S.T. 77, T.I.A.S. No. 6820, 596 U.N.T.S. 261 (Holy See).

Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes, *done* Apr. 24, 1963, 21 U.S.T. 325. T.I.A.S. No. 6820. 596 U.N.T.S. 487 (Vatican City).

GRAINS

International Grains Agreement, *open for signature* Oct. 15, 1967, 19 U.S.T. 5499, T.I.A.S. No. 6537, 727 U.N.T.S. 3 (Vatican City).

INDUSTRIAL PROPERTY

Union Convention of Paris, March 30, 1883, for the Protection of Industrial Property, *revised* June 2, 1934, 53 Stat. 1748, T.S. No. 941, 193 L.N.T.S. 17 (Holy See).

Convention of Paris for the Protection of Industrial Property, March 20, 1883, *revised* July 14, 1967, 21 U.S.T. 1583, T.I.A.S. No. 6923, — U.N.T.S. — (arts. 1-12); 24 U.S.T. 2140, T.I.A.S. No. 7727, — U.N.T.S. — (arts. 13-30) (Holy See).

INTELLECTUAL PROPERTY

Convention Establishing the World Intellectual Property Organization, *done* July 14, 1967, 21 U.S.T. 1749. T.I.A.S. No. 6932, — U.N.T.S. — (Holy See).

JUDICIAL PROCEDURE

International Convention for the Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collision or other Incidents of Navigation, May 10, 1952, — U.S.T. —, T.I.A.S. No. —, 439 U.N.T.S. 233 (Holy See).

International Convention on Certain Rules concerning Civil Jurisdiction in Matters of Collision, May 10, 1952, — U.S.T. —, T.I.A.S. No. —, 439 U.N.T.S. 217 (Holy See).

International Convention relating to the Arrest of Seagoing Ships, May 10, 1952, — U.S.T. —, T.I.A.S. No. —, 439 U.N.T.S. 193 (Holy See).

Convention relating to Civil Procedure, March 1, 1954, 286 U.N.T.S. 265 (*see* 692 U.N.T.S. 426) (Holy See).

LAW

Statute of the International Institute for the Unification of Private Law, *done* March 15, 1940, 15 U.S.T. 2494, T.I.A.S. No. 5743, — U.N.T.S. — (Vatican City).

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, *open for signature* Dec. 10, 1962, — U.S.T. —, T.I.A.S. No. —, 521 U.N.T.S. 231 (Holy See).

Convention Providing a Uniform Law on the Form of an International Will, *done* Oct. 26, 1973, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Holy See).

LAW OF THE SEA

Convention on the High Seas, *done* Apr. 29, 1958, 13 U.S.T. 2312, T.I.A.S. No. 5200, 450 U.N.T.S. 82 (Holy See).

Law of the Sea Convention on the Continental Shelf, *done* Apr. 29, 1958, 15 U.S.T. 471, T.I.A.S. No. 5578, 499 U.N.T.S. 311 (Holy See).

Convention on the Territorial Sea and the Contiguous Zone, *done* Apr. 29, 1958, 15 U.S.T. 1606, T.I.A.S. No. 5639, 516 U.N.T.S. 205 (Holy See).

Convention on Fishing and Conservation of the Living Resources

of the High Seas, *done* Apr. 29, 1958, — U.S.T. —, T.I.A.S. No. —, 559 U.N.T.S. 285 (Holy See).

MARITIME MATTERS

Convention on Facilitation of International Maritime Traffic, Apr. 9, 1965, 18 U.S.T. 411, T.I.A.S. No. 6251, 591 U.N.T.S. 265 (Holy See).

NARCOTIC DRUGS

Final Act of the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, *done* March 30, 1961, — U.S.T. —, T.I.A.S. No. —, 520 U.N.T.S. 151 (Vatican City).

Single Convention on Narcotic Drugs, *done* March 30, 1961, 18 U.S.T. 1407, T.I.A.S. No. 6298, 520 U.N.T.S. 204 (Holy See).

Convention on Psychotropic Substances, *done* Feb. 21, 1971, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Holy See).

Protocol Amending the Single Convention on Narcotic Drugs, *done* March 25, 1972, 26 U.S.T. 1439, T.I.A.S. No. 8118, — U.N.T.S. — (Holy See).

NUCLEAR WEAPONS — NON-PROLIFERATION

Treaty on Nonproliferation of Nuclear Weapons, *done* July 1, 1968, 21 U.S.T. 483, T.I.A.S. No. 6839, 729 U.N.T.S. 161 (Holy See).

PATENTS

Patent Cooperation Treaty, *done* June 19, 1970, 28 U.S.T. 7645, T.I.A.S. No. 8733, — U.N.T.S. — (Holy See).

Agreement concerning the International Patent Classification, *done* March 24, 1971, 26 U.S.T. 1793, T.I.A.S. No. 8140, — U.N.T.S. — (Holy See).

PHONOGRAMS

Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms, *done* Oct. 29, 1971, 25 U.S.T. 309, T.I.A.S. No. 7808, — U.N.T.S. — (Holy See).

POSTAL ARRANGEMENTS

Universal Postal Convention, *done* July 11, 1952, — U.S.T. —, T.I.A.S. No. —, 169 U.N.T.S. 3 (Vatican City).

Agreement concerning insured letters and boxes, *done* July 11, 1952, 170 U.N.T.S. 3 (Vatican City).

Agreement concerning postal parcels, *done* July 11, 1952, 170 U.N.T.S. 63 (Vatican City).

Agreement concerning postal money orders and postal travellers' cheques, *done* July 11, 1952, 170 U.N.T.S. 269 (Vatican City).

Agreement concerning transfers to and from postal cheque accounts, etc., *done* July 11, 1952, 171 U.N.T.S. 3 (Vatican City).

Agreement concerning cash-on-delivery items, *done* July 11, 1952, 171 U.N.T.S. 89 (Vatican City).

Agreement concerning the collection of bills, drafts, etc., *done* July 11, 1952, 171 U.N.T.S. 143 (Vatican City).

Agreement for the Exchange of International Money Orders, *entered into force* Nov. 1, 1956, 7 U.S.T. 3205, T.I.A.S. No. 3700 (Vatican City).

Universal Postal Convention, *done* Oct. 3, 1957, 10 U.S.T. 413, T.I.A.S. No. 4202, 364 U.N.T.S. 1 (Vatican City).

Agreement concerning postal parcels, *done* Oct. 3, 1957, 365 U.N.T.S. 3 (Vatican City).

Agreement concerning postal money orders and postal travellers' cheques, *done* Oct. 3, 1957, 365 U.N.T.S. 207 (Vatican City).

Agreement concerning transfers to and from postal cheque accounts, *done* Oct. 3, 1957, 366 U.N.T.S. 3 (Vatican City).

Agreement concerning cash-on-delivery items, *done* Oct. 3, 1957, 366 U.N.T.S. 87 (Vatican City).

Agreement concerning the collections of bills, drafts, etc., *done* Oct. 3, 1957, 366 U.N.T.S. 141 (Vatican City).

Agreement concerning the international savings bank service, *done* Oct. 3, 1956, 366 U.N.T.S. 193 (Vatican City).

Agreement concerning the subscriptions to newspapers and periodicals, *done* Oct. 3, 1957, 366 U.N.T.S. 255 (Vatican City).

Constitution of the Universal Postal Union, *done* July 10, 1964, 16 U.S.T. 1291, T.I.A.S. No. 5881, 611 U.N.T.S. 7 (Vatican City) (639 U.N.T.S. 368 — ratification by the Holy See).

Universal Postal Convention, *done* July 10, 1964, — U.S.T. —, T.I.A.S. No. —, 611 U.N.T.S. 105 (Vatican City) (639 U.N.T.S. 368 — ratification by the Holy See).

Agreement concerning insured letters and boxes, *done* July 10,

1964, 611 U.N.T.S. 387 (Vatican City) (639 U.N.T.S. 369 — ratification by the Holy See).

Agreements concerning postal parcels, *done* July 10, 1964, 612 U.N.T.S. 3 (Vatican City) (639 U.N.T.S. 369 — ratification by the Holy See).

Agreement concerning postal money orders and postal travellers' cheques, *done* July 10, 1964, 612 U.N.T.S. 233 (Vatican City) (639 U.N.T.S. 370 — ratification by the Holy See).

Agreement concerning transfers to and from postal cheque accounts, *done* July 10, 1964, 612 U.N.T.S. 361 (Vatican City) (639 U.N.T.S. 370 — ratification by the Holy See).

Agreement concerning cash-on-delivery items, *done* July 10, 1964, 613 U.N.T.S. 3 (Vatican City) (639 U.N.T.S. 370 — ratification by the Holy See).

Agreement concerning the collection of bills, drafts, etc., *done* July 10, 1964, 613 U.N.T.S. 65 (Vatican City) (639 U.N.T.S. 371 — ratification by the Holy See).

Agreement concerning subscription to newspapers and periodicals, *done* July 10, 1964, 613 U.N.T.S. 127 (Vatican City) (639 U.N.T.S. 371 — ratification by the Holy See).

Additional Protocol to the Constitution of the Universal Postal Union of July 10, 1964, *done* Nov. 14, 1969, 22 U.S.T. 1056, T.I.A.S. No. 7150, 810 U.N.T.S. 7 (Vatican City).

Money Orders and Postal Travellers' Cheques, *done* July 1, 1971, 22 U.S.T. 1901, T.I.A.S. No. 7236, — U.N.T.S. — (Vatican City).

Money Orders and Postal Travellers' Cheques, *done* July 5, 1974, 27 U.S.T. 795, T.I.A.S. No. 8232, — U.N.T.S. — (Vatican City).

Second Additional Protocol to the Constitution of the Universal Postal Union of July 10, 1964, *done* July 5, 1974, 27 U.S.T. 345 T.I.A.S. No. 8231, — U.N.T.S. — (Vatican City).

PRISONERS OF WAR

Convention on the Protection of War Victims who are Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364, 75 U.N.T.S. 135 (Holy See).

RED CROSS CONVENTIONS

Convention on the Protection of War Victims in the Field, Aug. 12, 1949, 6 U.S.T. 3114, T.I.A.S. No. 3362, 75 U.N.T.S. 31 (Holy See).

Convention on the Protection of War Victims at Sea, Aug. 12, 1949, 6 U.S.T. 3217, T.I.A.S. No. 3363, 75 U.N.T.S. 85 (Holy See).

Convention on the Protection of War Victims who are Civilian Persons, Aug. 12, 1949, 6 U.S.T. 3516, T.I.A.S. No. 3365, 75 U.N.T.S. 287 (Holy See).

Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Nonintentional Armed Conflicts, *open for signature* Dec. 12, 1977, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Holy See).

REFUGEES

Convention relating to the Status of Refugees, July 28, 1951, — U.S.T. —, T.I.A.S. No. —, 189 U.N.T.S. 150 (Holy See).

Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, *done* July 28, 1951, — U.S.T. —, T.I.A.S. No. —, 189 U.N.T.S. 137 (Holy See).

Convention relating to the Status of Stateless Persons, *done* Sept. 28, 1954, — U.S.T. —, T.I.A.S. No. —, 360 U.N.T.S. 130 (Vatican City).

Final Act of the United Nations Conference on the Status of Stateless Persons, *done* Sept. 28, 1954, — U.S.T. —, T.I.A.S. No. —, 360 U.N.T.S. 118 (Holy See).

Protocol relating to the Status of Refugees, *done* Jan. 31, 1967, 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 267 (Holy See).

SATELLITES

Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System, *done* Aug. 20, 1964, — U.S.T. —, T.I.A.S. No. —, 514 U.N.T.S. 25 (Vatican City).

Special Agreement to Establish Interim Arrangements for a Global Commercial Communications Satellite System, *done* Aug. 20, 1964, — U.S.T. —, T.I.A.S. No. —, 514 U.N.T.S. 48 (Vatican City).

Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), Aug. 20, 1971, 23 U.S.T. 3813, T.I.A.S. No. 7532, — U.N.T.S. — (Vatican City).

Operating Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), *done* Aug. 20, 1971, 23 U.S.T. 4091, T.I.A.S. No. 7532, — U.N.T.S. — (Vatican City).

SETTLEMENT OF DISPUTES

Convention on the Recovery Abroad of Maintenance, *done* June 20, 1956, 268 U.N.T.S. 3 (Vatican City).

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes, *done* Apr. 29, 1958, — U.S.T. —, T.I.A.S. No. —, 450 U.N.T.S. 169 (Holy See).

SPACE

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, *done* Jan. 27, 1967, 18 U.S.T. 2410, T.I.A.S. No. 6347, 610 U.N.T.S. 205 (Holy See).

STATES' RIGHTS AND DUTIES

International Convention on the Elimination of All Forms of Racial Discrimination, *entered into force* Jan. 4, 1969, — U.S.T. —, T.I.A.S. No. —, 660 U.N.T.S. 195 (Holy See).

TELECOMMUNICATIONS

International Telecommunication Convention, Dec. 9, 1932, 49 Stat. 2391, T.S. No. 867, 151 L.N.T.S. 5 (Vatican City).

International Convention concerning the Use of Broadcasting in the Cause of Peace, *done* Sept. 23, 1936, 186 L.N.T.S. 301 (Holy See) (587 L.N.T.S. 360).

International Telecommunication Convention (with protocols), Oct. 2, 1947, 63 Stat. 1399, T.I.A.S. No. 1901, 193 U.N.T.S. 188 (Vatican City).

International Telecommunication Convention, Dec. 22, 1952, 6 U.S.T. 1213, T.I.A.S. No. 326, — U.N.T.S. — (Vatican City).

International Telecommunication Convention, Dec. 21, 1959, 12 U.S.T. 1761, T.I.A.S. No. 4892, — U.N.T.S. — (Vatican City).

Radio Regulations, *done* Dec. 21, 1959, 12 U.S.T. 2377, T.I.A.S. No. 4893, — U.N.T.S. — (Vatican City).

Telegraph Regulations, *entered into force* Jan. 1, 1960, 10 U.S.T. 2423, T.I.A.S. No. 4390, — U.N.T.S. — (Vatican City).

Partial Revision of the Radio Regulations, *done* Nov. 8, 1963, 15 U.S.T. 887, T.I.A.S. No. 5603, — U.N.T.S. — (Vatican City).

International Telecommunication Convention, Nov. 12, 1965, 18 U.S.T. 575, T.I.A.S. No. 6267, — U.N.T.S. — (Vatican City).

Partial Revision of the Radio Regulations, *done* Nov. 3, 1967, 19 U.S.T. 6717, T.I.A.S. No. 6590, — U.N.T.S. — (Vatican City).

Partial Revision of the Radio Regulations, *done* July 17, 1971, 23 U.S.T. 1527, T.I.A.S. No. 7435, — U.N.T.S. — (Vatican City).

Partial Revision of the Radio Regulations and Final Protocol: Space Telecommunications, *entered into force* Jan. 1, 1973, 23 U.S.T. 1527, T.I.A.S. No. 7435, — U.N.T.S. — (Vatican City).

International Telecommunication Convention, *done* Oct. 25, 1973, 28 U.S.T. 2495, T.I.A.S. No. 8572, — U.N.T.S. — (Vatican City).

TERRORISM

Convention of Offences and Certain Other Acts Committed on Board Aircraft, *entered into force* Dec. 4, 1969, 20 U.S.T. 2941, T.I.A.S. No. 6768, 704 U.N.T.S. 219 (Holy See).

TOURISM

Statutes of the World Tourism Organization (WTO), *done* Sept. 27, 1970, 27 U.S.T. 2211, T.I.A.S. No. 8307, — U.N.T.S. — (Vatican City).

TRADE AND COMMERCE

Convention on Transit Trade of Land-locked States, *done* July 8, 1965, 19 U.S.T. 7383, T.I.A.S. No. 6592, 597 U.N.T.S. 42 (Holy See).

Final Act of the United Nations Conference on Transit Trade of Land-locked Countries, *done* July 8, 1965, — U.S.T. —, T.I.A.S. No. —, 597 U.N.T.S. 3 (Holy See).

WHEAT

International Wheat Agreement, *open for signature* Apr. 25, 1956, 7 U.S.T. 3275, T.I.A.S. No. 3709, 270 U.N.T.S. 103 (Vatican City).

International Wheat Agreement, *open for signature* Apr. 24, 1959, 10 U.S.T. 1477, T.I.A.S. No. 4302, 349 U.N.T.S. 167 (Vatican City).

International Wheat Agreement, *entered into force* Apr. 19, 1962, 13 U.S.T. 1571, T.I.A.S. No. 5115, 444 U.N.T.S. 3 (Vatican City).

Protocol for Extension of the International Wheat Agreement, *open for signature* March 22, 1965, 16 U.S.T. 1010, T.I.A.S. No. 5844, 544 U.N.T.S. 350 (Vatican City).

Protocol for Further Extension of the International Wheat Agree-

ment, *open for signature* Apr. 4, 1966, 17 U.S.T. 948, T.I.A.S. No. 6057, 723 U.N.T.S. 346 (Vatican City).

1967 Protocol for the Further Extension of the International Wheat Agreement, *open for signature* May 15, 1967, 18 U.S.T. 1699, T.I.A.S. No. 6315, — U.N.T.S. — (Vatican City).

Wheat Trade Convention, *entered into force* July 1, 1968, — U.S.T. —, T.I.A.S. No. —, 727 U.N.T.S. 8 (Vatican City).

International Wheat Agreement: Wheat Trade Convention and Food Aid Convention, *done* March 29, 1971, 22 U.S.T. 820, T.I.A.S. No. 7144, — U.N.T.S. — (Vatican City).

Protocol Modifying and Extending the Wheat Trade Convention part of the International Wheat Agreement, *done* Apr. 2, 1974, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Vatican City).

Protocol Modifying and Further Extending the Wheat Trade Convention, *done* March 25, 1975, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Vatican City).

Protocol Modifying and Further Extending the Wheat Trade Agreement, *entered into force* June 24, 1978, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Vatican City).

Protocol Modifying and Further Extending the Wheat Agreement, *done* Apr. 25, 1979, — U.S.T. —, T.I.A.S. No. —, — U.N.T.S. — (Vatican City).

WORLD HEALTH ORGANIZATION

International Sanitary Regulations — World Health Organization Regulations No. 2, *adopted* May 25, 1951, — U.S.T. —, T.I.A.S. No. —, 175 U.N.T.S. 215 (Vatican City).