

April 20, 1954

Letter, James E. Waddell to James Cromwell

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Summary:

James Cromwell's legal counselor, James E. Waddell assesses Resolution No. 219.

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April 20, 1954

Mr. James H. R. Cromwell
1028 Connecticut Ave., N.W.
Washington 6, D. C.Re: House and Senate Concurrent
Resolution No. 219

Dear Mr. Cromwell:

You have asked me, - as your legal counsellor, - for the answers to the following questions:

1. What is the legal and legislative meaning and interpretation of Concurrent Resolution No. 219?
2. What was the purpose, and what will be the effect of this resolution and its companion legislation?

I am answering these questions in two (2) separate letters, of which this is the first.

Resolution No. 219 will not, and cannot in any way affect either the present rehabilitation program and expenditures for the Republic of Korea, or the national economy of the R.O.K., until such time as enabling legislation is enacted by Congress. Such legislation cannot even be ready to file until January of next year; and may never become law.

I am astounded to learn that a great leader, who carries the onerous burdens borne by President Syngman Rhee, should receive such ineffectual and inadequate legal advice as would lead him to believe that Resolution 219 was more than a legislative expression of sentiment, with no supporting implementation even inferentially expressed. I trust that the following statements explaining the obvious facts about Resolution 219 will dispose of all discomforting doubts that may linger in His Excellency's mind.

Resolution No. 219 was drafted by me at your request, and it is, as its words recite, nothing but a statement of the sentiment or "sense" of the House and Senate, relative to the future national economy of the Republic of Korea. The Resolution contains no enabling provisions by means of which to effect, or to implement its stated sentiments. There are no general or specific directions, no recitals of requirements or required conditions, no definition of terms, no enumerations of executive powers, duties and responsibilities, and no machinery of administration provided to execute the legislative objects and purposes. In fact, the Resolution lacks the essentials of a legislative enactment in the field of substantive law.

Sincerely yours,

James E. Waddell

JW:b

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