

THE ANNUAL MEETING OF THE AMERICAN BAR ASSOCIATION

The American Bar Association held its annual meeting this year at Saratoga, where it formerly met, but which it has deserted for some time. It moreover appointed its meeting a week later than usual, holding it on September 4th, 5th and 6th. It is not intended here to go into the long but excellent program of the Association and its various sections and subsidiary organizations and the many hospitalities offered it. The occasion was, however, made memorable by the display of national and patriotic feeling, and many addresses, reports and resolutions, as was natural, dealt with the international situation, which was in all men's minds. It is to these matters only that this comment is of necessity confined, and we must therefore pass by the interesting and critical address of the President, Ex-Senator George Sutherland, and many others.

On the evening of the 3rd, the Judicial Section entertained His Excellency, Boris A. Bakhmeteff, the Russian Ambassador, and in an address before it he said that the inborn conscience of the law of majority is a characteristic feature of the Slav, and especially of the Russian, which was found historically illustrated in the trade cities of Novgorod and Pskow, in the rule of religious sects and in the innumerable student and intellectual committees, and on this "embryonic self-government" he based "the possibility of establishing a firm and self-depending democracy within a people which for centuries have been bound to slavery."

At the first session of the whole Association on the morning of September 4th, Hon. Elihu Root, declaring that if Germany won, it meant the end of law and order, amid cheers and universal response, moved the following resolution.

Resolved:

The American Bar Association declares its absolute and unqualified loyalty to the Government of the United States.

We are convinced that the future freedom and security of our country depend upon the defeat of German military power in the present war.

We approve the entrance of the United States into the war before it was too late to find success through the united action of the Democratic Powers.

We urge the most vigorous possible prosecution of this war with all the strength of men and materials and money which this country can supply.

We stand for the speedy dispatch of the American army, however raised, to the

battle-front in Europe where the armed enemies of our country can be found and fought and where our own territory can be best defended.

We condemn all attempts in Congress and out of it to hinder and embarrass the Government of the United States in carrying on the war with vigor and effectiveness.

Under whatever cover of pacificism or technicality such attempts are made, we deem them to be in spirit pro-German and in effect giving aid and comfort to the enemy.

We declare the foregoing to be the overwhelming sentiment of the American Bar.

These declarations were received with applause and enthusiasm and carried by a unanimous rising vote. They gave character to the whole meeting, which thus became a continuous patriotic demonstration.

Resolutions were adopted during the day calling upon lawyers, individually and in associations, to render service to those entering the Federal Service, to aid Exemption Boards, to conserve the practice of lawyers who enter the Army and to give relief to their families, to aid the Federal and State Governments in all matters helping to win the war, and to be always willing to supply speakers for patriotic meetings.

It seems fit to mention that in the evening of the same day, Francis Lynde Stetson presented a careful and extended memorial of Hon. Joseph Hodges Choate, the beloved Nestor of the Bar, not only a former president of the association, but a former Ambassador to Great Britain and, from its first beginning, a Vice-president of the American Society of International Law, and by great services and employments at the bar, deeply identified with international law.

It accented Mr. Choate's learning, ability, tireless industry, affectionate consideration for his brother lawyers, and "his bristling armory of wit." It called Mr. Choate "the heart not less than the head of the American Bar" and applied to him his own noble eulogy of Rufus Choate: "Emerson most truly says that character is above intellect, and this man's character surpassed even his exalted intellect, and controlling all his great endowments made the consummate beauty of his life."

On the second day at the morning session this writer, as Chairman of the Standing Committee on International Law, in a brief oral statement presented its report. It referred to the fact that a year ago the committee ventured to say, "that the duty of main-

taining neutral rights falls of necessity primarily upon the United States, the greatest of the neutral Powers; that its efforts to maintain and enforce the humanizing restraints imposed upon all belligerents by international law ought not to be abandoned or in any way remitted." The report added "That the President and the Congress of the United States have not faltered or turned aside from the full performance of these high and controlling obligations." It quoted the address of the President on April second to Congress and the action of Congress in full accord, and declared "its hearty and unanimous concurrence in the views of international right, of human obligations and national duty so powerfully presented by the President and so justly supported by the Congress."

Under ten heads it protested and denounced as gross violations of the settled rules of international law, and of the usages of war between civilized nations, the acts and practice of the German Powers.

It expressed the hope that at the near close of the war "the beneficent principles of international law which order the relations of States in lines of justice, humanity and civilization, may again prevail with renewed force and charity."

A chronological table, with references, covering 21 pages, of events of an international character directly affecting the United States within the past year was appended and submitted.

The committee solicited no action by the Bar, but the association at once took action by resolution receiving and approving the report, which was adopted by a unanimous rising vote, and also provided for the communication of the report to the Committee on Public Information in Washington for wide distribution.

On the evening of the same day, Hon. Charles E. Hughes of New York delivered a ringing and convincing address on "War Powers under the Constitution," strongly supporting them in the amplest form. He was received with great favor and made the whole subject luminous and profoundly interesting.

The address which followed on the same evening was not strictly legal, but was delivered at the request and by the designation of the National Security League (Bureau of Patriotism through Education). The speaker was Robert McNutt McElroy, Ph.D., of New Jersey, head of the Department of History in Princeton University. The subject was "The Representative Idea and the War." It was a valuable and scholarly review of German writings, teachings and conduct showing

hostility to the representative idea. Both these addresses were by special resolution ordered printed at once for general distribution.

On Thursday, September 6th, Mr. William H. Burgess of Chicago (late of Texas), greatly interested the Association by an address entitled "A Hothouse Constitution; Mexico, 1917." He showed that this remarkable document, the new Constitution of Mexico, was adopted in entire disregard of the provisions of the existing Constitution which provide for revision and amendment by a two-thirds vote of Congress approved by a majority of the Legislatures of the States. The new Constitution was formed by a convention of delegates from a part only of the States, and approved by a "Rump Congress." That though seemingly most advanced, humane and communistic, it gives powers of suspension to the President and Council which neutralize these powers at the will of the government. It establishes, for the first time in Mexico, trial by jury as a constitutional right. It expressly declares the right of the nation to impose such limitations on private property and upon the development of natural resources, as it may see fit in order to conserve them and equitably distribute the public wealth. The ownership of all minerals, including petroleum, is vested in the nation. It limits the right to acquire ownership in lands and water to Mexicans and Mexican companies, or foreigners who agree to be considered as Mexicans as to such property and not to ask the protection of their own government as to the same. Within 100 kilometers of the frontier and 50 kilometers of the sea coast, no foreigner shall under any circumstances acquire ownership. All ecclesiastical property is vested in the state.

Mr. Burgess found this Constitution "radical beyond anything that ever has been undertaken, so far as I know, in any American State or any portion of the English-speaking world," and expressed the opinion that this "organic law was calculated to develop beyond all calculation a system of official blackmail." Its international importance is obvious when we reflect that Mexican oil is largely moving the fleets of the world, to refer to one item only.

Thursday afternoon, before one of the largest and most interested audiences of the meeting, Maître Gaston de Leval, of the Bar of Brussels, discussed "Prussian Law as Applied in Belgium." He showed that the Bar of Belgium stood as one man against the reign of terror of the Germans in that distracted country; that in the regions where fighting was going on the law administered was "nothing

else than the more or less fanciful order of the military commandant," and that in the provinces when there was no more fighting the German authority gradually superseded the Belgian municipal authorities under their Teutonic system, devised to exploit the territory for any, even slight and remote, advantages to Germany, and without regard to its own welfare or necessities. The Hague Convention provided that military occupants should respect the laws of the country and make changes only for "absolute necessity." The Germans held any advantage to themselves, however slight or remote, was such "necessity" and extended their rigorous control to all things, even those having no connection with military affairs.

The German code makes foreigners in a country occupied by German troops subject to the penal provisions of the code for acts against the troops, their suite, or against the German authority, and this was most broadly interpreted and vigorously applied, contrary to the Hague Convention for preserving local law. The Belgians were arrested, prosecuted and condemned by thousands under unknown provisions of German law, never as yet even published or proclaimed in Belgium. To illustrate how minute this military interference was, "If the owner of a restaurant was to fry potatoes instead of cooking them according to the German fashion, he had to be brought before the German military court." The Germans requisitioned raw material from the Belgium factories, forcing them to close, and the workmen were thus thrown into the streets. The Germans then offered them work in employments hostile to their country. Most refused, and by a decree of the German Governor General in 1916, a penalty of three years imprisonment and 20,000 marks fine was imposed for such refusal. Another decree provided that they might be made to work by military force, so that by a regular system the Belgian workmen were deprived of work, then offered employment hostile to their own country, and made criminals and savagely punished if they refused it, as by international law they had a right to.

Mattre de Leval's address was heard with deep interest and sympathy by the bar, and as a testimonial to him and his country he was elected to honorary membership in the American Bar Association, which he with warm feeling accepted. Nothing is said here of those portions of his address which he requested should not be reported.

The meeting of the Association closed with a great dinner over

which President Sutherland presided with great spirit and success. The speeches were admirable, but cannot be mentioned individually, except that of the guest of honor, Hon. Elihu Root, which was of international importance. Fresh from his official labors as head of our commission to Russia, he spoke at length of his observations there with his customary clearness of statement, and a depth of emotion unusual with him. He paid a moving tribute to the character of the Russian people, to their self-control, their experience and success in local self-government and the capacity he discerned in them for national self-government. He dwelt on their excellence of heart and head. His statement that in the midst of the revolution a young woman could go at any hour of the day or night, alone and unattended, from one end of Petrograd to the other without fear of injury or insult, was one of the striking facts mentioned in defense of that great people.

The whole audience rose and cheered him standing more than once as he proceeded, and the address produced a profound impression on the great assembly of men who especially shape, expound and administer the laws of the United States.

The general officers elected for the coming year were:

WALTER GEORGE SMITH, of Philadelphia, Pa., *President*.

GEORGE WHITELOCK, of Baltimore, Md., *Secretary*.

FREDERICK E. WADHAMS, of Albany, N. Y., *Treasurer*.

and the following members of the Executive Committee.

CHARLES U. POTTER, Cheyenne, Wyoming

JOHN LOWELL, Boston, Mass.

CHAS. BLOOD SMITH, Topeka, Kansas

ASHLEY COCKRELL, Little Rock, Ark.

GEORGE T. PAIGE, Peoria, Ill.

T. A. HAMMOND, Atlanta, Ga.

U. S. G. CHERY, Sioux Falls, S. D.

and CHARLES T. TERRY, New York City

Seldom has the interest been so well sustained at any meeting of the National Bar or the addresses more brilliant and noteworthy, and never has there been displayed such high, united patriotic feeling which never faltered in its support of our leaders in the great war.

CHARLES NOBLE GREGORY.