

EDITORIAL COMMENT

THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law held its nineteenth annual meeting in Washington, April 23–25, 1925. The Honorable Charles Evans Hughes, President of the Society, was in Bermuda resting from the labors of the office of Secretary of State of the United States, which he had recently resigned, but he interrupted his vacation and made a special trip to Washington to attend the meeting. He presided at the four sessions of the Society, the two sessions of the Executive Council, and at the annual dinner.

His presidential address on opening the meeting Thursday evening April 23rd was devoted to the development of international law through an international conference of the nations, but he considered it essential that projects should be prepared in advance of the official conference by competent jurists in contact through local societies of international law with the legal advisers of their governments.

Dr. James Brown Scott, Vice-President of the Society, followed Mr. Hughes on the program with an address which stated the origin and explained the contents of the thirty projects of conventions prepared by the American Institute of International Law at the request of the Pan American Union, which have been forwarded by the Governing Board of the Union to the respective American Governments for consideration before the meeting of the Commission of Jurists at Rio de Janeiro, as provided by the Fifth Pan American Conference at Santiago.

It was planned for the Society to commemorate at its meeting the 300th Anniversary of the appearance in 1625 of *De jure belli ac pacis* by Hugo Grotius. It was therefore appropriate that the first session should close with a talk on the life and work of Grotius. This was ably and interestingly done by Professor Jesse S. Reeves of the University of Michigan, who illustrated his remarks with lantern slides showing persons and places of the time of Grotius. The talk ended with a view of the Peace Palace at The Hague, which, in the language of the speaker, is a fitting material monument to the memory of the father of international law, and where inside the Court of International Justice embodies the spirit of Grotius.

The second session was held on Friday morning, April 24th, and was given over to the subject of nationality by birth and naturalization. Two leading papers were read, one by Mr. Green H. Hackworth, Assistant Solicitor of the Department of State, and the other by Mr. Richard W. Flournoy, Jr., Assistant to the Solicitor of the Department of State. Between them they discussed the provisions of the draft convention on this subject prepared by the American Institute of International Law at its Lima meeting, and both offered constructive criticisms of the project. The project was not included

among those submitted to the Governing Board of the Pan American Union on March 2, 1925, having been omitted by the Executive Committee of the Institute at its meeting in Havana in February, 1925. After the reading of the papers, there was an animated discussion among the members of dual allegiance, nationality of married women, and the loss of citizenship by certain naturalized persons under the provisions of American law. The discussion was not finished when the hour of adjournment arrived, and it was resumed upon the opening of the session on the following morning.

The third session took place on Friday evening, April 24th, and was opened by Dr. David Jayne Hill, a Vice-President of the Society, with a paper which considered how far international law may be capable of development in restraint of the use of military action. The speaker expressed the view that while international law cannot deny the right of a nation to levy war, it can seek and obtain voluntarily accepted limitations upon the exercise of the war power, which limits may be extended to any length required by the general principles of justice that underlie all law.

Mr. Thomas Raeburn White, of the Philadelphia Bar, followed with a paper in which he discussed the legal limitations upon the right to make war. Basing his opinion upon the development and use of peaceful methods of settlement between nations and drawing an analogy with development of the English common law, Mr. White looked forward with entire confidence to the time when all international controversies must be submitted to an impartial tribunal for settlement and where any violation of this rule will be forbidden by international law.

After the discussion of the papers ended on Saturday morning, April 25th, the Society proceeded to the transaction of business matters. M. Henri Fromageot, of France, was elected an honorary member, and four articles of the Constitution were amended in accordance with the recommendations of the Committee appointed last year and after consideration at a special meeting of the Executive Council held on April 3, 1925.

Article IV was amended so as to limit the active vice-presidents to three, instead of nine or more, and to provide for honorary vice-presidents, the number to be fixed from time to time by the Executive Council. The amended article also provides that the nominating committee shall be elected by the Society instead of the Council.

Article V was amended so as to give the Society, in addition to the Council, the designation of a vice-president to preside in the absence of the president.

Article VII was amended so as to make it clear that only resolutions relating to the principles of international law or to international relations offered at meetings of the Society must be referred to the Executive Council before being voted upon. This amendment was proposed last year when a discussion arose as to whether resolutions relating to matters of procedure should be referred to the Executive Council before being acted upon by the Society.

Article VIII was amended so as to clarify the procedure for making amendments to the Constitution and to provide a two-thirds instead of a majority vote for the adoption of amendments.

Upon the report of the Committee on Nominations, the following officers were elected for the year 1925-1926:

Honorary President: Elihu Root

President: Charles Evans Hughes

Honorary Vice-Presidents: Simeon E. Baldwin, Charles Henry Butler, Frederic R. Coudert, Jacob M. Dickinson, George Gray, Charles Noble Gregory, Harry Pratt Judson, Robert Lansing, John Bassett Moore, Oscar S. Straus, George Sutherland, William H. Taft, George Grafton Wilson, Theodore S. Woolsey.

Vice-Presidents: James Brown Scott, David Jayne Hill, Chandler P. Anderson.

Executive Council to serve until 1928: Hollis R. Bailey, Harry A. Garfield, Frank E. Hinckley, Charles Cheney Hyde, Fred K. Nielsen, Edwin B. Parker, Pitman B. Potter, W. W. Willoughby.

The Executive Council held two meetings during the Annual Meeting of the Society. The first took place on Friday afternoon, April 24th, when the reports of officers were received and consideration was given to communications from the League of Nations requesting the coöperation of the Society in the work of the Committee of Experts appointed by the League to study the question of the progressive codification of international law. The action taken upon these communications is stated elsewhere in these columns.¹

The second meeting of the Council took place on Saturday morning, April 25th, immediately upon the adjournment of the Society. At this meeting the Council elected the following officers and committees:

Chairman of the Executive Council: William L. Rodgers

Recording Secretary: George A. Finch

Corresponding Secretary: William C. Dennis

Treasurer: Lester H. Woolsey, to succeed Mr. Charles Cheney Hyde, retired on account of removal to New York City.

Executive Committee: Chandler P. Anderson, Charles Henry Butler, Harry A. Garfield, Charles Noble Gregory, David Jayne Hill, William I. Hull, Robert Lansing, Kathryn Sellers, W. W. Willoughby, George Grafton Wilson.

Editorial Board of the American Journal of International Law: James Brown Scott, Honorary Editor-in-Chief; George Grafton Wilson, Editor-in-Chief; George A. Finch, Managing Editor; Chandler P. Anderson, Edwin M. Borchard, Philip M. Brown, William C. Dennis, Edwin D. Dickinson, Charles G. Fenwick, James W. Garner, David Jayne Hill, Manley O. Hudson, Charles Cheney Hyde, Arthur K. Kuhn, Ellery C. Stowell, and Quincy Wright.

¹ Pages 534-542.

The appointment of the other committees was referred to the President with power, and the following members were appointed by him:

Committee on Honorary Members: George Grafton Wilson, Chairman; Charles Cheney Hyde, Harry Pratt Judson.

Committee on Increase of Membership: Howard T. Kingsbury, Chairman; Cephas D. Allin; Hollis R. Bailey; Frank E. Hinekley; Fenton R. McCreery.

Committee on Annual Meeting: Edwin D. Dickinson, Chairman;² Cephas D. Allin; Manley O. Hudson; Charles Warren; Thomas Raeburn White; W. W. Willoughby; Lester H. Woolsey.

Committee for the Extension of International Law: Charles Cheney Hyde, Chairman; Manley O. Hudson; John H. Latané; Fred K. Nielsen; Edwin B. Parker; Pitman B. Potter; Henry W. Temple.

Special Committee to Report to the Council on Request of League of Nations for Coöperation with its Committee of Experts for the Progressive Codification of International Law: Jesse S. Reeves, Chairman; Edwin M. Borchard; Philip M. Brown; Charles G. Fenwick; Arthur K. Kuhn; Ellery C. Stowell; Quincy Wright.

The members of the Society, headed by President Hughes, were received in a body by the President of the United States and Mrs. Coolidge at the White House on Friday, April 24th, at 4.30 o'clock. Eighty-seven members took part in the reception.

The meeting closed on Saturday evening, April 25th, with the annual dinner at the New Willard Hotel, at which all the sessions were held. Two hundred and forty-five members and their guests were present. Mr. Hughes presided as Toastmaster and introduced the following speakers: The Honorable Frank B. Kellogg, Secretary of State; The Right Honorable Sir Esme Howard, British Ambassador; Jonkheer Dr. A. C. D. de Graeff, Minister of the Netherlands; The Honorable Henry W. Anderson, Agent of the United States, Mixed Claims Commissions, United States and Mexico.

A well known newspaper writer, Mr. Frederic William Wile, attended the dinner and published the following tribute to Mr. Hughes's ability as a toastmaster:

He presided over the International Law dinner with grace and eloquence, plus a nimble humor that is not popularly associated with the former Secretary of State. Hughes typifies in supreme degree the gift for oratorical charm inherent in the American to an extent not found in the citizen of any other country. In language, power of expression and that ebullition which must mark the ideal toastmaster, Hughes is incomparable. He scintillates mainly because he likes to do that sort of thing. It is not an effort. It comes naturally. He can lapse from the sublime to the ridiculous without a strain. He can tell stories as well as Choate ever told them and in the next breath stir hearers to emotional enthusiasm with some appeal to their moral or spiritual sense. As we are a speechmaking nation, we ought to have a national toast-

² Elected by the Council.

master, subject to draft on state occasions. For that useful office I nominate Charles Evans Hughes of New York.

Mr. Wile also stated that the Society's dinner showed that "the age of after-dinner oratory is not gone. . . . There were five speeches. Each was a gem. They were brief, learned and witty—a combination seldom encountered."³

The printed volume of Annual Proceedings containing the complete text of all the addresses, a verbatim report of the discussions and the after-dinner speeches, together with the minutes of the meetings of the Executive Council, the revised Constitution of the Society, and a list of its officers, committees, and members, is now ready for distribution and will be sent to all subscribers. The subscription price is \$1.50.

GEORGE A. FINCH.

THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW

The Council of the League of Nations, at its thirty-second session, held at Rome in December, 1924, appointed a Committee of Experts for the Progressive Codification of International Law, in accordance with a resolution adopted by the Fifth Assembly of the League on September 22, 1924. The duties of this committee, as prescribed in the resolution of the Assembly, are:

- (1) To prepare a provisional list of the subjects of international law the regulation of which by international agreement would seem to be most desirable at the present moment;
- (2) After communication of the list by the Secretariat to the governments of states, whether members of the League or not, for their opinion, to examine the replies received; and
- (3) To report to the Council on the questions which are sufficiently ripe and on the procedure which might be followed with a view to preparing eventually for conferences for their solution.¹

It was provided by the Assembly resolution that the committee should represent the main forms of civilization and the principal legal systems of the world. The Council accordingly on December 12, 1924, invited the following persons to serve upon the committee:²

- M. Hammarskjöld, Governor of Upsala, Chairman;
 Professor Diena, Professor of International Law at the University of Turin, Vice-Chairman;
 Professor Brierly, Professor of International Law at the University of Oxford;
 M. Fromageot, Legal Adviser to the Ministry for Foreign Affairs of the French Republic;
 Dr. J. Gustavo Guerrero, Minister of Salvador in Paris;

³ Evening Star, Washington, April 27, 1925.

¹ League of Nations Official Journal, Feb. 1925, pp. 120-121.

² Official Journal, *ibid.*, pp. 274-275.