

other powers in that article. If the power to declare war is vested exclusively in Congress (as we now seem to think and which we have thought apparently for a long time), what becomes of the powers Congress that are in the other parts of the list? One is the power to regulate foreign commerce. What I am speaking of now is whether certain things listed in Article I, Section 8, are proper subjects of treaty context. May we or may we not put them into a treaty, the treaty being approved by two thirds of the Senate and the President ratifying the treaty? What about all that other list of powers in Article I, Section 8?

If in Paragraph 11 the power to declare war is an exclusive and absolute power of Congress and not a proper item of treaty content at all, then what becomes of all that other long list of powers which are on all fours with the power to declare war? It has been settled for the moment under the Atlantic Pact, but I have never been able to find any adequate treatment of the whole list of the exclusive powers of Congress in relation to treaty-making. I would be grateful to you, Mr. Chairman, for any reference which would give a valid interpretation of what should be done with all the other powers. I know you have studied that question. There is apparently nothing to indicate that the power to declare war is superior to any others. I should be very grateful for any references on that subject. I have never been able to find them.

Chairman FINCH. President Randolph has raised a very important question which we ought to have time to go into. The whole subject of human rights, which we discussed yesterday, is largely a question of constitutional law so far as we are concerned. Some year—maybe next year—we ought to have a session devoted to this subject. I quite agree with President Randolph we should discuss it, but I am sorry we do not have time to do it now.

Mr. STANLEY K. HORNBECK. I would like to make one observation apropos of what Mr. Fenwick has said. What he has just now said gives an impression that his concept of the content of the law of war relates only to combat operations. What he said today makes that vivid impression, whereas what Colonel King has said brings out very clearly that the law of war is related to a great many things that are not directly concerned with combat operations.

Chairman FINCH. We will declare the discussion meeting closed and we will begin the business session of the Society.

BUSINESS MEETING

The business meeting of the Society was opened at 12 o'clock, Vice President George A. Finch presiding. The Secretary of the Society, Mr. Edward Dumbauld, read the following list of members who had passed away during the previous year, and the audience stood in silence in their memory:

In Memoriam

ALFRED BILMANIS, of Washington, D. C., a member since 1943, died in July, 1948.

WILLIAM NELSON CROMWELL, of New York City, a member since 1915, died July 19, 1948.

PAUL FULLER, JR., of New York City, a member since 1942, died May 12, 1948.

CHARLES EVANS HUGHES, of Washington, D. C., a member since 1920, and an Honorary Vice President, died August 27, 1948.

ELDON R. JAMES, of Gloucester, Massachusetts, a member since 1921, died January 2, 1949.

HAL W. LETTON, of Santa Monica, California, a member since 1948, died July 3, 1948.

SEVERO MALLET-PREVOST, of New York City, a member for many years, died December 10, 1948.

EDWARD F. McCLENNEN, of Boston, Massachusetts, a member since 1934, died July 2, 1948.

JOHN J. McDONALD, of Bethesda, Maryland, a member since 1922, died February 9, 1949.

JAMES McC. MITCHELL, of Buffalo, New York, a member since 1924, died October 14, 1948.

HENRY C. MORRIS, of Chicago, Illinois, a member since 1909, died July 25, 1948.

J. H. NEVILLE, of Kirksville, Missouri, a member since 1948, died February 18, 1949.

CHARLES F. QUANTRELL, of New York City, a member since 1939, died March 25, 1948.

WILLIAM L. RANSOM, of New York City, a member since 1922, died February 19, 1949.

DIETRICH SCHINDLER, of Zollikon, Switzerland, a member since 1927, died January 10, 1948.

JULIAN M. THOMAS, of Berkeley, California, a member since 1929, died in December, 1947.

HUGO C. M. WENDEL, of Brooklyn, New York, a member since 1927, died January 16, 1949.

The Chairman reported that the Executive Council had recommended an amendment to Article VIII of the Society's constitution on resolutions as follows:

To add the following sentence to Article VIII: "Resolutions may be submitted for consideration by the Executive Council in advance of