

FIFTH SESSION

Saturday, April 27, 1968, at 9:30 a.m.

BUSINESS MEETING

Pursuant to the notice of the meeting published in the January 1968 issue of the *American Journal of International Law*, the business meeting of the American Society of International Law convened at 9:30 o'clock a.m. in the Jefferson Room-West of the Washington-Hilton Hotel, Washington, D.C., President John R. Stevenson presiding.

Judge Edward Dumbauld, Secretary of the Society, read the list of members who had passed away during the year:

In Memoriam

BASDEVANT, JULES, Paris, France, honorary member since 1946, died January 6, 1968.

COOPER, JOHN COBB, Colorado Springs, Colorado, member since 1930, died August 1967.

DAVIS, GUY M., Chester, Penn., member since 1926, died February 20, 1968.

FOSTER, AUSTIN T., Derby Line, Vermont, member since 1939, died December 9, 1967.

HUBBARD, MOSES G., JR., Utica, New York, member since 1943, died 1968.

LARSON, EVELYN H., London, England, member since 1957, died 1967.

MANDELLAUB, MAX M., Frankfurt, Germany, member since 1965, died November 16, 1967.

MANDER, LINDEN A., Seattle, Wash., member since 1939, died April 2, 1967.

MATTESON, LEONARD J., New York City, member since 1965, died August 5, 1967.

McNAUGHTON, JOHN T., Washington, D.C., member since 1962, died 1967.

MILLER, ROBERT N., Washington, D.C., member since 1945, died January 1, 1968.

MONAGHAN, THOMAS E., New York City, member since 1963, died December 1967.

OPPENHEIMER, FRITZ E., Palo Alto, Calif., member since 1941, died February 1968.

PROCTOR, ROBERT, Boston, Mass., member since 1966, died September 25, 1967.

ROBERTS, WILLIAM A., Washington, D.C., member since 1947, died April 1968.

ROGERS, GEORGE B., Chicago, Illinois, member since 1966, died May 1967.

SCHEIN, ERNEST, Washington, D.C., member since 1949, died June 10, 1967.

SCHWARZ, LEO W., New York City, member since 1954, died December 1, 1967.

- SOMMERICH, OTTO C., New York City, member since 1939, died 1968.
- SWEETSER, ARTHUR, Washington, D.C., member since 1947, died January 20, 1968.
- TATE, JACK B., New Haven, Conn., member since 1948, died March 21, 1968.
- WATTS, CHARLES H., New York City, member 1967, died June 6, 1967.
- WILSON, BURTON W., Ossinig, New York, life member since 1907, member emeritus since 1966, died 1967.
- WORDIE, WILLIAM, New Haven, Conn., student member 1967, died June 1967.

The SECRETARY read the following memorials:

JULES BASDEVANT, 1877-1968

With the death of Jules Basdevant, the world has lost a distinguished international lawyer, and the Society a valued honorary member. At the time of his election to honorary membership in the Society in 1946, Judge Manley O. Hudson described Judge Basdevant as "the most outstanding man in international law on the continent of Europe today." His service to international juridical bodies and organizations was untiring. He participated in the drafting of the Statute of the International Court of Justice and served as one of its judges from 1946 to 1964, presiding over the Court from 1949 to 1952. He was a member of the Permanent Court of Arbitration, a member of the Council of the *Institut International pour L'unification du Droit Privé*, and a member and former vice-president of *Institut de Droit International*.

Jules Basdevant combined a career of public service to the international community with a dedicated contribution to his own country, France, both as an academician and a diplomat. After receiving his Doctorate in Law in 1903, he taught at the Universities of Paris, Rennes, and Grenoble, the French Naval War College, and the Academy of International Law. Some of his most noted publications include: *La Révolution Française et le Droit de la Guerre Continentale*, *Recueil International des Traités du XIXe Siècle*, Vol. I, 1801-1825, *Traités et Conventions en Vigueur entre la France et les Puissances Etrangères*, *Jurisprudence Italienne en Matière de Prises Maritimes*, and *Jurisprudence Britannique en Matière de Prises Maritimes*.

While Legal Adviser to the French Ministry of Foreign Affairs, he attended numerous international conferences as part of the French Delegation. The Paris Peace Conference of 1919, the London Naval Conferences, and the San Francisco Conference of 1945 are among those to which Jules Basdevant gave his counsel.

He will be remembered and honored for his outstanding efforts to promote the establishment and maintenance of international relations on the basis of law and justice.

FRITZ ERNEST OPPENHEIMER, 1898-1968

Fritz Ernest Oppenheimer was respected both in the United States and abroad for the services he rendered throughout his legal career.

He attended the Universities of Berlin, Freiburg, Paris, and London, receiving his LL.D. from Breslau University in 1922, after which he practiced as a member of the German Bar. Four years (1936–40) were spent in the service of His Britannic Majesty's Government as a counselor in the Chambers of the Attorney General and to the British Treasury.

Fritz Oppenheimer emigrated to the United States in 1940, where he was to be awarded the Bronze Star and Legion of Merit for his contribution as a legal staff officer in the U. S. Army. He not only helped in the preparation of documents for Germany's military surrender and the drafting of legislation which established the Military Government Control Council for postwar Germany, but was also in charge of reforming German law and the German court system. His public service continued at the Conferences of the Council of Foreign Ministers in Moscow, London, and Paris. Mr. Oppenheimer then resumed his private practice in New York which he had left in 1943.

Fritz Oppenheimer was the author of publications on international, corporate, and tax law, and at the time of his death was working on a study of the legal problems of East Germany. The Society has lost a good friend whose generous donation of his international law and comparative law library will enrich the Society's collection and benefit the users of the Tillar House Library.

Dr. ALWYN FREEMAN presented the following memorial:

MAX M. MANDELLAUB

It is with great sadness and an acute sense of personal loss that I record the passing of Dr. Max Mandellaub in Frankfurt on November 16, 1967.

Dr. Mandellaub was a member of the Society for over 25 years, and looked forward to pilgrimages from abroad almost every year to attend the sessions of the Society and to renew his cherished association with friends in the international legal profession.

Dr. Mandellaub and I were students together at Geneva, before World War II, where he took his Doctor's degree. He was a gifted writer, a brilliant analyst of European affairs, and a fine international lawyer. The tragic loss of both of his parents in Nazi gas chambers, a blow which seared his existence, his own escape from a German prisoner of war camp, and, subsequently his retributive assignment to the Chief of Counsel for the Punishment of War Criminals (in which capacity he prosecuted the case against the Krupps) marked a life that knew few periods of freedom from stress. His work on *Nationalité c. l'État dans la Constitution Fédérale Suisse* is still regarded as the authority in its field.

Requiescat in pace.

Professor LOUIS B. SOHN read the following memorial prepared by Dr. Charles E. Martin:

LINDEN ALFRED MANDER, 1897-1967

Linden Alfred Mander, Professor of International Organization at the

University of Washington, died on April 2, 1967, less than one term distant from his planned retirement. Professor Mander received his Bachelor's and Master's degrees from the University of Adelaide, Australia. He entered upon his professional career in New Zealand, where he became Director of the Workers' Education Association, analogous to university extension or continuing education in the United States. He also became a lecturer in the University College at Auckland.

Professor Mander joined the University of Washington faculty in 1928, and remained in its service until his death. The center of his teaching and research interest soon became the field of international organization and his books and articles dealt mainly with that subject. In addition he wrote on the dependent peoples of the South Pacific, and on the problems of peace in the current world scene. His wide and universal interests led to profitable activity in the areas of the British Commonwealth, the Middle East, and Latin America. At the core of his expanded studies was the subject of organization for peace.

Professor Mander was attached, by conviction and commitment, to the concept of an ordered world. This he manifested through his teaching and research, first in the League of Nations, and later in the United Nations. On the University campus and in the community of Seattle, as well as the region of the Northwest, he became a living embodiment of the principles of peace. He was the leading authority on and champion of the institutions which gave these principles practical application. Through lectures, institutes, conferences, and a celebrated television program, his voice was eloquently and effectively heard on "peace," the most important problem of the world today, which is also the principal objective of our Society.

Professor Mander was a warm and friendly human being, revered by his students as a great man as well as an able scholar. He constantly delighted his colleagues with his ready humor, his pleasant manner, his warm friendship, and his genuine loyalty. Many students and colleagues are beneficiaries of his kindness and generosity.

Beloved by the community in which he lived, he was a friend of all mankind, and the enemy only of injustice.

Mr. WILLIAM HARVEY REEVES read the following memorial:

OTTO C. SOMMERICH, 1877-1968

With the passing of Otto Charles Sommerich on January 10, 1968, this Society lost a devoted member. Not only had Mr. Sommerich been a faithful attendant at the meetings of the Society, he had also appeared on its annual programs and had contributed articles and comments to the *Journal*. At his death, Mr. Sommerich was ninety-one years old. He had remained active up to his last brief illness and had completed sixty-seven years of active law practice.

Born in New York City December 31, 1877, the son of Joseph and Clara Frank Sommerich, he attended the schools of New York City, graduated from The College of the City of New York in 1896, was awarded

the degree of Master of Arts by Columbia University in 1898, graduated from Columbia Law School in 1899, and was admitted to practice that same year. In 1904, with the late Maxwell C. Katz, he formed the firm of Katz and Sommerich which continues in that name.

Although not a stranger to any subject in the law, Mr. Sommerich's greatest interest lay in the field of international, foreign, and comparative law. In addition to active membership in this Society, he was the honorary vice-president of the American Branch of the International Law Association, a director of the Consular Law Society, a patron of the International Bar Association, a past president of the American Foreign Law Association, Inc., and at his death, he was the honorary president of that association and chairman of its program committee. He was active too in local matters and was a member of the County Lawyers Association of York County, New York, and of the Bar Association of the City of New York. He had long been a member of the committee on foreign law of the latter association. Based on his activity with that committee, and his own practice in the field of foreign law, he wrote with his partner, Benjamin Busch, the book, *Foreign Law—A Guide to its Pleading and Practice*. He was a frequent contributor to various law reviews and legal periodicals. Despite his many-sided activities, he is perhaps best remembered as a litigating attorney, and in that capacity argued many important cases in the state and federal courts. Among the important cases which were heard in the Supreme Court of the United States were the suit to fix the liability for the Black Tom explosion of World War I, the gold clauses cases, and several involving interpretations of The Trading with the Enemy Act of World War II.

Mr. Sommerich is survived by his wife, Edith (Wise), whom he married in 1908, and by his younger daughter, Jane; also by two grandchildren, Michael Leach and Susan L. Trinder, both of England, children of a deceased daughter, Mrs. Ann S. Leach.

Mr. DENYS P. MYERS presented the following memorial:

ARTHUR SWEETSER, 1888-1968

With the passing of Arthur Sweetser, the Society and the world have lost a dedicated international civil servant. He served the League of Nations from its beginning and held one of the highest offices of the Secretariat until the League transferred its functions to the United Nations in 1946. As head of the Press Service of the League of Nations in 1920, he inaugurated the sales service of League publications, which subsequently became a worldwide operation. It was largely through Arthur Sweetser's efforts that the United States eventually became involved in many of the League's extra-political activities.

With the outbreak of World War II, Arthur Sweetser returned to the United States, and from 1942 to 1945 served as Deputy Director of the U. S. Office of War Information.

Persisting in his belief that peace could be assured only through international cooperation, Mr. Sweetser served as special adviser at the San

Francisco and London Conferences for the postwar formulation of international organizational machinery for the maintenance of peace and security. He subsequently became the Chairman of the United Nations Information Bureau of the U.N. Secretariat, and when he retired in 1953, he was Director of the Washington Office.

Throughout his career, he promoted international understanding through education, first as founder of the International School in Geneva in 1924; later as President of the Woodrow Wilson Foundation and founder of the International Schools Foundation in 1954.

Arthur Sweetser's dedication to the objectives of international organizations is exemplary for those who follow in his footsteps.

The members rose and observed a moment of silence in respect for the departed.

Mr. STEPHEN M. SCHWEBEL, the Executive Director of the Society, reported on the activities of the Society during the past year. He noted that the Society's membership was now approximately 4,100, an increase of about 500, that it was still increasing, and that every effort was being made to maintain the upward trend.

Mr. SCHWEBEL said that the Board of Review and Development is a fully functioning body. Its sixteen panels and other study activities are, for the most part proceeding well and making a significant contribution toward thought and scholarship in the sphere of international law and international relations.

Reporting on the Society's periodical publications, Mr. SCHWEBEL said the *Journal* has had a good year. Its subscriptions have increased, and plans to further increase its circulation are in train. *International Legal Materials* has had a modest increase in sales, its format has been improved, and plans are underway to increase its circulation.

He noted that, with one exception, the Regional Meetings had been excellent and well attended.

Mr. SCHWEBEL reported that the Executive Council has voted to constitute a new Committee on Foundation Financing to assist in the work of obtaining funds, and that the Society hoped to build upon the precedents which have been so well established for foundation support.

Professor ALONA E. EVANS, Chairman of the Committee on Annual Awards, presented the report of the Committee which recommended that the Society confer its certificate of merit on His Excellency, Ambassador Shabtai Rosenne for his two-volume work, *The Law and Practice of the International Court*. Upon motion duly made, seconded and carried, the Society unanimously approved the award to Ambassador Rosenne.

In the absence of Chairman Stefan Riesenfeld, Professor OLIVER J. LISSITZYN presented the report of the Committee on the Selection of Honorary Members recommending that Dr. Eduardo Jimenez de Arechaga, Professor of Public International Law at the University of the Republic of Uruguay, be made an honorary member of the Society. Upon motion