

PROCEEDINGS

OF THE

# American Society of International Law

AT ITS

THIRTY-SECOND ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

APRIL 28-30, 1938

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CONSTITUTION  
OF THE  
AMERICAN SOCIETY OF INTERNATIONAL LAW<sup>1</sup>  
(Revision of April 25, 1925)

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ARTICLE I

*Name*

This Society shall be known as the American Society of International Law.

ARTICLE II

*Object*

The object of this Society is to foster the study of international law and promote the establishment of international relations on the basis of law and justice. For this purpose it will cooperate with other societies in this and other countries having the same object.

ARTICLE III

*Membership*

Members may be elected on the nomination of two members in regular standing by vote of the Executive Council under such rules and regulations as the Council may prescribe.

Each member shall pay annual dues of five dollars and shall thereupon become entitled to all the privileges of the Society, including a copy of the *American Journal of International Law* issued during the year. Upon failure to pay the dues for the period of one year a member may, in the discretion of the Executive Council, be suspended or dropped from the rolls of membership.

The Council is authorized to establish a student membership upon such terms and with such dues as it shall determine.<sup>2</sup>

Upon payment of one hundred dollars any person otherwise entitled to membership may become a life-member and shall thereupon become entitled to all the privileges of membership during his life.

A limited number of persons not citizens of the United States and not exceeding one in any year, who shall have rendered distinguished service to the cause for which this Society is formed to promote, may be elected to honorary membership at any meeting of the Society on the recommendation

<sup>1</sup> The history of the origin and organization of the American Society of International Law can be found in the Proceedings of the First Annual Meeting at p. 23. The Constitution was adopted January 12, 1906.

<sup>2</sup> As amended April 30, 1938.

of the Executive Council. Honorary members shall have all the privileges of membership, but shall be exempt from the payment of dues.

#### ARTICLE IV

##### *Officers*

The officers of the Society shall consist of a President, an Honorary President, three Vice-Presidents, such number of Honorary Vice-Presidents as may be fixed from time to time by the Executive Council, a Secretary,<sup>1</sup> and a Treasurer, all of whom shall be elected annually, and of an Executive Council composed of the foregoing officers, *ex officio*, and twenty-four elected members, whose terms of office shall be three years, except that of those elected at the first election, eight shall serve for the period of one year only and eight for the period of two years, and that any one elected to fill a vacancy shall serve only for the unexpired term of the member in whose place he is chosen. No elected member of the Executive Council shall be eligible for reelection until the next annual meeting after that at which his term of office expires.

The Secretary<sup>1</sup> and the Treasurer shall be elected by the Executive Council. The other officers of the Society shall be elected by the Society, except as hereinafter provided for the filling of vacancies occurring between elections.

At every annual election candidates for all offices to be filled by the Society at such election shall be placed in nomination by a Nominating Committee, which shall consist of the five members of the Society receiving the highest number of ballots cast by the members at the first session of the Annual Meeting of the Society. The Executive Council may submit a list of nominees.

All officers shall be elected by a majority vote of members present and voting.

All officers of the Society shall serve until their successors are chosen.

#### ARTICLE V

##### *Duties of Officers*

1. The President shall preside at all meetings of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him. In the absence of the President at any meeting of the Society his duties shall devolve upon one of the Vice-Presidents to be designated by the Executive Council, or by vote of the Society.

2. The Secretary<sup>1</sup> shall keep the records and conduct the correspondence of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him.

3. The Treasurer shall receive and have the custody of the funds of

<sup>1</sup> As amended April 26, 1930.



the Society and shall disburse the same subject to the rules and under the direction of the Executive Council. The fiscal year shall begin on the first day of January.

4. The Executive Council shall have charge of the general interests of the Society, shall call regular and special meetings of the Society and arrange the programs therefor, shall appropriate money, shall appoint from among its members an Executive Committee and other committees and their chairman, with appropriate powers, and shall have full power to issue or arrange for the issue of a periodical or other publications, and in general possess the governing power in the Society, except as otherwise specifically provided in this Constitution. The Executive Council shall have the power to fill vacancies in its membership occasioned by death, resignation, failure to elect, or other cause, such appointees to hold office until the next annual election.

Nine members shall constitute a quorum of the Executive Council, and a majority vote of those in attendance shall control its decisions.

5. The Executive Committee shall have full power to act for the Executive Council when the Executive Council is not in session.

6. The Executive Council shall elect a Chairman, who shall preside at its meetings in the absence of the President, and who shall also be Chairman of the Executive Committee.

## ARTICLE VI

### *Meetings*

The Society shall meet annually at a time and place to be determined by the Executive Council for the election of officers and the transaction of such other business as the Council may determine.

Special meetings may be held at any time and place on the call of the Executive Council or at the written request of thirty members on the call of the Secretary. At least ten days' notice of such special meeting shall be given to each member of the Society by mail, specifying the object of the meeting, and no other business shall be considered at such meeting.

Twenty-five members shall constitute a quorum at all regular and special meetings of the Society and a majority vote of those present and voting shall control its decisions.

## ARTICLE VII

### *Resolutions*

All resolutions relating to the principles of international law or to international relations which shall be offered at any meeting of the Society shall, in the discretion of the presiding officer, or on the demand of three members, be referred to the appropriate committee or the Council, and no vote shall be taken until a report shall have been made thereon.

## ARTICLE VIII

*Amendments*

This Constitution may be amended at any annual meeting of the Society by a two-thirds vote of the members present and voting. Amendments to the Constitution may be proposed by the Council, or by a communication in writing signed by at least five members of the Society and deposited with the Secretary <sup>1</sup> within ten months after the previous annual meeting, and any amendments so deposited shall be reported upon by the Council at the succeeding annual meeting. All proposed amendments shall be submitted in writing to the members of the Society at least ten days before the meeting at which they are to be voted upon and no amendment shall be voted upon until the Council shall have made a report thereon to the Society.

<sup>1</sup> As amended April 26, 1930.

REGULATIONS OF THE EXECUTIVE COUNCIL REGARDING THE EDITING AND  
PUBLICATION OF THE AMERICAN JOURNAL OF INTERNATIONAL LAW

*Adopted May 22, 1924*

1. There shall be a Board of Editors charged with the general supervision of editing the *American Journal of International Law* and determining general matters of policy in relation thereto.

2. The Board shall be elected annually by the Executive Council.<sup>1</sup>

3. Membership upon the Board of Editors shall involve, in addition to the duties otherwise prescribed herein, obtaining articles and other material for publication, the preparation of contributions, especially editorial comments and book reviews, and the examination of and giving advice upon the suitability for publication of articles prepared by non-members of the Board. The minimum number of contributions which each Editor shall be called upon to contribute or obtain for publication in the *Journal* is to be determined by the Board.<sup>2</sup>

4. There may be an Honorary Editor-in-Chief elected by the Council; and there shall be an Editor-in-Chief and a Managing Editor to be elected annually from among the members of the Board by the Executive Council, and to serve until their successors assume office.

The Editor-in-Chief shall call and preside at all meetings of the Board of Editors, and when the Board is not in session he shall determine matters of policy regarding the contents of the *Journal*.

The Managing Editor shall have charge of the publication of the *Journal*, shall receive contributions and other material for publication, including books for review, and conduct the correspondence regarding the same.

In the event of the temporary inability of the Editor-in-Chief to serve, his duties shall be performed by the Managing Editor, unless the Editor-in-Chief shall designate an acting Editor-in-Chief.

5. The *Journal* shall be made up of leading articles, editorial comments, a chronicle of international events, a list of public documents relating to international law, judicial decisions involving questions of international law, book reviews and notes, a list of periodical literature relating to international law, and a supplement.

(a) Before publication all articles shall receive the approval of two members of the Board. In case an article is rejected by one editor, the question of its submission to another editor shall be decided by the Editor-in-Chief. Articles by members of the Board of Editors shall be submitted to the Editor-in-Chief, who shall decide as to their publication.

(b) Editorial comments must be written and signed by the members of the Board of Editors, and shall be published without submission to any other editor, except that they shall be governed by the provisions of Paragraph 6

<sup>1</sup> As amended April 24, 1926, and April 25, 1929.

<sup>2</sup> As amended April 25, 1929.

hereof. Current notes of international events, containing no comment, may be printed over the signatures of non-members of the Board of Editors in the discretion of the Managing Editor.

(c) In the department of judicial decisions, preference in publication shall be given to the texts of decisions of international courts and arbitral awards which are not printed in a regular series of publications available for public distribution. This department may also contain the texts of decisions of the Supreme Court of the United States and the highest courts of other nations involving important questions of international law. Comments upon court decisions, either those printed in the *Journal*, or those not of sufficient importance to print textually, may be supplied by members of the Board of Editors, and shall be printed as editorial comments or current notes.

(d) The chronicle of international events, and the lists of public documents relating to international law and periodical literature of international law, shall be prepared under the direction of the Managing Editor.

(e) The supplement shall be made up of the texts of important treaties and other official documents. Material for it shall be supplied by the Managing Editor, taking into consideration such suggestions from the members of the Board as they may have to offer from time to time.

6. The final make-up of each number of the *Journal* shall be submitted by the Managing Editor to the Editor-in-Chief, who shall have the power to veto the publication of any contribution or other material. In the absence of such a veto, the Managing Editor shall be authorized to publish the *Journal*, using approved material so far as approval is prescribed herein.

7. The *Journal* shall be published upon the 15th days of January, April, July and October, or as near to those dates as possible, and the Managing Editor shall have power to proceed with the publication of the *Journal* from the materials in his hand upon the first day of the month preceding the month of publication.

8. The Managing Editor shall receive such compensation for his services, and such allowance for clerical assistance, as may be fixed by the Executive Council.

THIRTY-SECOND ANNUAL MEETING  
OF THE  
AMERICAN SOCIETY OF INTERNATIONAL LAW  
THE CARLTON HOTEL, WASHINGTON, D. C.

FIRST SESSION

Thursday, April 28, 1938, 8:15 o'clock p.m.

The meeting was called to order by JESSE S. REEVES, Vice-President of the Society.

Chairman REEVES. Ladies and Gentlemen: By virtue of the authority conferred upon me by the Executive Council of this Society, I declare this, the Thirty-Second Annual Meeting, now open.

As I do so I am sure that all of you share with me the very great regret that our President, Dr. James Brown Scott, is prevented from coming here by a serious illness. Indeed, a meeting of this Society seems very strange without Dr. Scott. Those of us who began our association with this Society at the outset know that it was Dr. Scott's idea, this American Society of International Law. It was his vision, and it was due to his energy, his devotion, that his idea, his vision, became a reality. We had first as President Mr. Elihu Root, afterwards Mr. Chief Justice Hughes, and now Dr. Scott. Yet I think were Dr. Scott's two predecessors in that office able to testify here tonight, they would willingly say that it was due to him that the Society was started, the Society has grown, the Society has come to be an institution of national, of international significance. Would that he were here tonight to give you his own message.

The object of this Society is to foster the study of international law and to promote the establishment of international relations on the basis of law and justice. In bringing these two words together, law and justice, and thinking of the establishment of international relations upon the twin basis, we may go back in thought to that great humanist, scholar, lawyer, classicist, poet, the last product, we may say, of humanism, of the Renaissance, the great Grotius. There are those who think of Grotius as essentially a compromiser. There are some who have felt that he lacked a certain fiber to make for courageous determination, to take a stand. But Grotius had a good deal of the qualities of that earlier humanist, Erasmus, who likewise has been called a compromiser, who also was thought by many to have been deficient in moral courage in an age of confusion. Both Erasmus and Grotius appear to be compromisers only because by a certain lack of perspective we fail to realize that they, each in his own way, sought to find that Aris-