

## EDITORIAL COMMENT

---

IN MEMORIAM—ROBERT LANSING

When members of the American Society of International Law, especially those of long-standing, have heard the name of Robert Lansing mentioned, they have thought of him in connection with the Society of International Law rather than as occupying the highest positions of honor and dignity under the Government of these United States. This is as it should be. His public career belongs to the nation, but in a very personal and in a very intimate way he belongs to us of the American Society of International Law. Was he not present on the occasion when the formation of the Society was bruited? Was he not a member of the Committee of Organization? Did he not attend the first session and the last, and every intervening session when his health permitted and official duties did not prevent it?

In 1904 the undersigned, then a professor in the Columbia Law School, had the honor of making Mr. Lansing's personal acquaintance. He was invited to attend a gathering at which Mr. Lansing, just returned from London where he had served as counsel of the United States to the Alaskan Boundary Commission, was to deliver an address upon the commission's labors. The meeting was casual, the friendship life-long. In the succeeding year both were present at the Lake Mohonk Conference on International Arbitration, as were also Mr. Chandler P. Anderson and Mr. George W. Kirchwey. They acted as a self-appointed committee and availed themselves of the presence of a large gathering of persons interested in international law, international arbitration and international relations, including, among others, the late John W. Foster, at one time Secretary of State; the Honorable George Gray, for many years Senator from Delaware, and at that time Circuit Judge of the United States; and Oscar S. Straus, Minister and Ambassador of the United States to Constantinople, and soon destined to enter President Roosevelt's Cabinet as Secretary of Commerce and Labor.

In a reminiscent mood Mr. Lansing, when Secretary of State, said in an address at the banquet of the Society some years later:

You will pardon me, I am sure, if I say that I have special reason to feel proud tonight on this tenth anniversary, because it was my fortune to be one of the founders of the Society. I well remember the May day nearly eleven years ago, when Dr. James Brown Scott and I sat in a little rustic summer house fastened to the cliffs which overhang Lake Mohonk and planned together this Society and the publication of a journal devoted exclusively to international law; I also remember how, when the plan was vaguely formulated, we sought the aid of the siren tongue of Professor Kirchwey, the cordial approval of Judge Gray and the en-

thusiasm of Mr. Straus to draw others into the movement; and how our combined efforts resulted in the appointment of a committee of organization, which later performed its labors so admirably.

Mr. Kirchwey, then Dean of the Columbia Law School, was asked because of his official position to propose the formation of an American Society of International Law which should have as its mouthpiece a journal of international law. This he did, and those interested in international law, international arbitrations and international relations were invited to consider the formation of the society and the publication of the journal. Of this committee Mr. Straus was chosen chairman, with the undersigned as secretary. It approved both suggestions and, at the proposal of Mr. Straus, Messrs. Chandler P. Anderson, Charles Henry Butler, John Bassett Moore and the undersigned, all then residents of New York City, met from time to time during the autumn, in order to discuss and to formulate plans. The result of these informal discussions was that a call was issued for those interested in the two projects to meet in the headquarters of the Bar Association of the City of New York on January 12, 1906. A large concourse of leading lawyers assembled at the chosen time and place and formed the American Society of International Law, with the Honorable Elihu Root, then Secretary of State, as its President. Mr. Lansing attended this session. In the course of the ensuing year arrangements were made for the publication of the *AMERICAN JOURNAL OF INTERNATIONAL LAW*, the first number of which appeared in January, 1907. Mr. Lansing was deeply interested in the proposed journal. He personally examined the leading magazines and professional journals; he chose the paper, the type, the format and the cover, and, through Mr. Root's good offices, the distinguished artist and war correspondent, Frank D. Millet, devised the seal.

None rejoiced more than Mr. Lansing in the success of the American Society of International Law, of which he was a founder and, from the date of its organization, an officer; none took greater pride than he in the *AMERICAN JOURNAL OF INTERNATIONAL LAW*, which he was pleased to consider the leading periodical of the science which, during many years both at home and abroad, he practised with distinction. But his interest did not cease with the launching of the Society or with the publication of its journal. He attended the annual meetings of the Society, occasionally reading papers and taking part in the discussions from the floor; and he was regularly present at its dinners, which from the very first were one of the most pleasing and coveted events of Washington, as the speakers have usually been persons of prominence, and epoch-making announcements have sometimes been made, culminating in Secretary of State Kellogg's address on April 28, 1928, at the Society's banquet, but really to the world at large, interpreting the sense in which the Pact for the renunciation of war as an instrument of national policy was to be understood. Mr. Lansing was present on this occasion—the last banquet of the Society, and the last which he was to attend. And

to the JOURNAL he contributed articles, editorial comments and book reviews. For a long period of years he was one of its editors, retaining this position during the World War, although he was then Secretary of State of the United States.

Present from the first session and at the last, Mr. Lansing, during a period of twenty-two years, came into personal contact with every member of the Society, all of whom feel that his death on October 30, 1928, was not merely a loss to the Society and the JOURNAL, but a personal loss to the members themselves. Did he not say in his address at the banquet of 1916, "I confess that, being in the family of the Society, I am abashed, as I always am in speaking before members of my family." Therefore, especially to the members of long standing, the American Society of International Law will never seem to be just what it was while Robert Lansing lived.

JAMES BROWN SCOTT.

#### THE BOLIVIA-PARAGUAY DISPUTE

The threatened war between Bolivia and Paraguay arising out of border clashes has been avoided, thanks to the mediation of the League of Nations and the Pan American Conference on Conciliation and Arbitration which has been meeting in Washington. The controversy arose over the unsettled boundary between the two countries in the great wilderness called the "Gran Chaco." The Gran Chaco, shaped like an arrowhead pointed at the heart of Paraguay, lies between the Paraguay and Pilcomayo Rivers, with its tip, at the junction of the two rivers, almost impinging on Asunción, the capital of Paraguay. The Gran Chaco has an area which has been estimated at about 100,000 square miles in extent. Efforts have been made to tame this wilderness, but swamps and desert areas make it somewhat unattractive for colonization. It is now inhabited chiefly by Indians. So far petroleum, or other important mineral deposits, have not been discovered, although it produces a great deal of *quebracho*, a scrub used as a source of leather-tanning liquid.

However, this tract must in time be valuable intrinsically. It adjoins the oil belt and its situation is at present chiefly important because of its bearing upon concessions and grants for the construction of rail and pipe lines from the oil fields to Paraguayan and Argentine river ports. Moreover, Bolivia and Paraguay, being without direct access to the sea, must rely on river transportation to the Atlantic Ocean.

This controversy is of long standing and has been the subject of discussion, for perhaps a century, the conflicting claims running back to the sixteenth century. There are several agreements between the countries regarding the area which it is impossible to review in detail here. It is sufficient for present purposes to refer only to a few of the more recent agreements. The Pinilla-Soler agreement of 1907 established a *status quo* area and provided for the