

## JOINT LUNCHEON WITH THE SECTION ON INTERNATIONAL LAW OF THE AMERICAN BAR ASSOCIATION

The meeting convened at 12:45 p.m., April 27, 1972. Harry A. Inman, Chairman of the Section on International Law of the American Bar Association presided.

The luncheon address on "Current Legal Problems of the United Nations" was given by Constantin A. Stavropoulos, Undersecretary-General for Legal Affairs of the United Nations. The text of his remarks can be found in *The International Lawyer*, Volume 7, No. 1, January 1973.

## BUSINESS MEETING

The business meeting of the American Society of International Law convened at 9:35 a.m., April 28, 1972, President Harold D. Lasswell, presiding.

Judge EDWARD DUMBAULD, Secretary of the Society, read the list of members who died during the year:

### *In Memoriam*

- Abdul-Majid Abbass, Carbondale, Illinois, member since 1947, died May 13, 1971.
- Thomas J. Alduk, New Castle, Pennsylvania, member since 1964, died July 12, 1971.
- Robert R. Barrett, Buffalo, New York, member since 1953, died September, 1971.
- William C. Cannon, New York, N. Y., member since 1964, died December 26, 1971.
- Elliott E. Cheatham, Nashville, Tennessee, member from 1946 to 1970, died January 12, 1972.
- John D. Cofer, Austin, Texas, member since 1965, died February 28, 1971.
- Charles S. Collier, Washington, D. C., member since 1930, died July 9, 1971.
- Francis Deak, New York, N. Y., member since 1927, died January 21, 1972.
- Christian Determann, New Haven, Connecticut, member since 1967, died 1971.
- Richard E. Erway, New York, N. Y., member since 1959, died June 1, 1971.
- William M. Farrer, Los Angeles, California, member since 1966, died 1971.
- Ingemar E. Hoberg, San Francisco, California, member since 1970, died February 26, 1971.
- Archibald King, Washington, D. C., member since 1916, member emeritus 1966, died June 8, 1971.
- Denys P. Myers, Washington, D. C., member since 1908, member emeritus 1966, died February 11, 1972.
- Harvey B. Otterman, Washington, D. C., member since 1946, died June 26, 1971.
- Pedro L. Perea-Rosello, Ponce, Puerto Rico, member since 1965, died December 9, 1971.
- Antanas Repsys, Chicago, Illinois, member since 1959, died 1971.
- Francis B. Sayre, Washington, D. C., member since 1915, member emeritus 1966, died March 29, 1972.
- Herbert Schachian, New York, N. Y., member since 1945, died 1972.

Curt Sluzewski, London, England, member since 1952, died May, 1970.  
D. Colwyn Williams, Saskatoon, Saskatchewan, Canada, member since 1970,  
died 1972.

Mr. ALWYN V. FREEMAN delivered the following memorial to Archibald King:

Those of us who knew Colonel Archibald King must ever retain the memory of a gracious, kindly, and scholarly human being, whose career in the United States Army not only enriched its intellectual resources, but injected a perspective and an incisive practicality into the disposition of the manifold legal problems which arise in peace as well as in war. He was on active service for over 30 years, and his contributions to that service are too numerous to list here. His usefulness to the army was so great that he was called back to the Judge Advocate General's Office after the age of retirement and took a major part in the preparation of the then new Uniform Code of Military Justice, which provided reforms and improvements he had long advocated in the administration of justice in the armed forces.

I was privileged to serve under Colonel King in the old War Plans Division of the JAG office, which was subsequently re-named the International Law Division. To have been associated with this fine and beloved gentleman was one of the most delightful interludes of my professional career. All members of his staff had the deepest respect and affection for him.

Archie King maintained a life-long interest in the work of our Society and contributed some timely papers to the *Journal*. His articles on *Taxation of Friendly Armed Forces* and *Jurisdiction over Friendly Foreign Forces* laid the essential groundwork for subsequent explorations of the subject. One of his last publications was a stimulating paper relating to *Sitting in Judgment on the Acts of Another Government*.

Time does not permit even a bare *aperçu* of the many incidents that reveal Archibald King's exemplary character, but a little known episode toward the end of hostilities in World War II attests in small degree the intellectual honesty and humanity that motivated his every action. On the morning of that fateful explosion over Hiroshima, as Colonel King and I entered the old Munitions Building, our glance caught the headlines of the morning paper announcing the first atomic bomb attack. Archie's face turned white as he stopped, piercing my eyes with a troubled inquiry: "Freeman, did anybody from the Chief of Staff's Office ask you for an opinion on the legality of this weapon?" Now, it should be observed that the division of the JAG office headed up by Colonel King was charged with responsibility for legal advice on all aspects of international law pertaining to the conduct of the war. Literally hundreds of questions had been referred to us by the Chief of Staff for our opinion on the lawfulness of a contemplated action. We had been consulted on everything from interpretations of the 1929 Geneva Convention on Prisoners of War, to the prosecution of war criminals; from the right of para-medics to carry side-arms in an airplane over the jungle, to the legality of crop-destroying chemicals against Japanese units holed up on islands in the Pacific. Yet no inkling had been given to us of the pending atomic blow.

King's reaction was characteristic. First, he assured himself that nobody in the office had been asked for a legal opinion on the weapon. Then he turned to me and said "Let's go down to see General Cramer." Myron Cramer was the Judge Advocate General of the Army. In Cramer's office, Colonel King filed a formal protest that his division had not been consulted, insisting that it be made a matter of record that the question of legality or illegality of that use of the bomb had never been presented to us. Possibly some in the army may find this incident rather strange; but it was a revealing mark of King's integrity.

And so, today, it is fitting that this modest but so merited a tribute be offered to an army jurist whose career exemplified the finest traditions of both the military and the law.

The members rose and observed a moment of silence in memory of the deceased.

TOWARD A CONTINUING APPRAISAL OF THE IMPACT OF INTERNATIONAL LAW  
AND THE ASIL ON THE TRANSNATIONAL DECISION PROCESS

*Presidential Address by  
Harold D. Lasswell*

The ASIL is not unaccustomed to explain and justify itself to its members, prospective members, and donors. For many years the principal source of outside support was the Carnegie Endowment for International Peace. Ten years ago the Society obtained a substantial grant from the Ford Foundation. We committed ourselves to the importance of diversifying our sources, and the Ford Foundation, when our grant was extended in 1970, clearly indicated its intention to avoid becoming the sole supporter of the Society. I think it is fair to say that while we were in principle willing to leave the arms of Uncle Andrew and Mother Ford, we did not promptly bestir ourselves to don our orange robes and take our chances in the highways and byways of the cold, cold world. Quite recently the situation has changed. We have sought multiple sources of support and the results are encouraging, as indicated in Chart 1, Foundation Support.<sup>1</sup>

The first large benefactions date from an era when the now-notorious optimism of so many influential elements of European and American society was encouraged by official and private initiatives on behalf of arbitration treaties and tribunals and when international law seemed to be an obvious means to peace. No need to rehearse the tragedies that have already disfigured the public order of the twentieth century. Official and private support for international law has continued, though with drastically different expectations. The halo effect that created a climate of genteel optimism at the coupling of the rhetoric of law and peace has melted like the legendary wings of wax. When we seek to obtain assistance for teaching, research, and consultation in international law today, the questions are

<sup>1</sup> The Charts referred to can be found at p. 291 ff.

I want to thank the Executive Director and his associates for their assistance in the preparation of these charts as well as the data found within the text of this address. In particular, I appreciate the indispensable contributions made by James Nafziger.