

TRIBUTE TO JAMES HYDE

by Eric Stein

James Nevin Hyde died in his home in Connecticut on December 9 of last year at the age of eighty-seven.

I speak with a heavy heart because Jim was a close friend. We met in the late nineteen forties when Jim was senior adviser at the United States Mission to the United Nations in New York and I was in the United Nations Bureau of the Department of State in Washington.

I mention this because the interaction between New York and Washington at the early time of the United Nations was a true proving ground not only for the diplomatic skill of the participants but also for integrity and character. And all these were qualities that all of us who worked with Jim, including many foreign diplomats, admired so much in him.

But at this occasion I want to recall James Nevins Hyde's contribution to the American Society of International Law. He joined the Society more than half a century ago in 1946. He served on the Executive Council from 1953 to 1956 and from 1959 to 1962, and as president of the Society in 1963–1964. With a small group of innovators he helped to bring the Society out of decades of slumber by reaching beyond academia and government to the entire legal community and expanding the Society's research, information and other activities. It was he, as I recall, who proposed the establishment of the Board of Review and Development which proved an enormously effective instrument for bringing in new faces and widening the horizon of the Society.

Hyde exerted a similar influence for innovation as an active and conscientious member of the Board of the American Journal of International Law, on which he served from 1958–1972. He published a number of pieces in the Journal and elsewhere and made numerous presentations at the annual meetings of the Society on international law subjects of the day, including the much discussed permanent sovereignty over natural wealth and resources, the act of state doctrine (suggesting a change in the State Department's method of applying the doctrine), on settlement of international disputes by judicial process and arbitration, on voting in the UN Security Council, on practical problems of transnational law practice, and others. Of particular interest were his lectures on International Economic Agreements, which he delivered at the Hague Academy of International Law in 1962, and the Report of the Committee on the Study of Legal Problems of the UN which he chaired and which recommended the withdrawal of the notorious Connally Amendment to the United States' acceptance of the compulsory jurisdiction of the International Court of Justice. He retired as honorary Vice-President of the Society in 1989.

After leaving the U.S. Mission to the UN, Hyde practiced international law, lectured and taught, and was a leading figure in the administration of the Rockefeller Brothers Fund.

A diplomat, scholar, teacher, administrator, leader of his profession and devoted friend, James Nevins Hyde left a rich and lasting legacy.

TRIBUTE TO JAMES MCNEILL

by Elizabeth Rindskopf and Elizabeth Verville

John H. McNeill, "Jack" to his many friends, died on October 26, 1996, at the age of fifty-five. He left his wife Helen, a daughter and two sons, and countless friends and

admirers in the international legal community, most particularly the American Society of International Law.

The loss of a person like Jack McNeill is not easy to bound with words. Each of us is diminished by his departure. A wise and thoughtful presence is gone—a man who filled the interstitial spaces with his kindness. Jack was special to a vast number of us whose lives and careers he quietly touched.

In a city overflowing with legal talent, Jack McNeill stood apart. What was it that made him so special, so memorable? Was it possibly his five advanced degrees? An A.B. from Notre Dame (1962), followed by J.D. Villanova (1965), L.L.M. (Law) London School of Economics (1971), Ph.D. London School of Economics (1974), and a Diploma (1973) from Hague Academy of International Law. Or a remarkable series of challenging academic appointments? Or perhaps his numerous articles and monographs? We believe the answer lies in the character of this man. He was gentle, unassuming, never self-promoting. He cared passionately about international law and about the people involved in its development and he never missed the chance of promoting either to colleagues. Yet he was never self-aggrandizing. Jack cared equally about the great and the small in life. He touched all of those he met even in those last dark days of illness. Hospital staff, meeting him first in his last months, remarked on the impact he made. They, too, like so many others of us, came away refreshed and warmed from even small encounters with Jack. Here was a very special colleague from whom we all can—and have—learned.

Jack McNeill was not given to superlatives, but he was, himself, superlative. A superlative diplomat, lawyer, negotiator, policy maker, leader, mentor, colleague and friend. To those of us in the Society, to which he gave so generously of his time, he was a source of inspiration and wisdom. He was also an accomplished professor, sought-after lecturer and prolific writer in the field of international law.

Jack loved the law and particularly international law. It was his devotion and life long passion and it produced a distinguished record of accomplishment seldom matched in his combination of skill, wisdom and compassion. Jack's distinguished career brings honor to the Society, the Defense Department and U.S. Government that he served and the international legal community in which he was so highly respected. Yet above all he was our friend and the friend of international lawyers everywhere. Always diffident and unassuming, still we hope he might smile and be pleased as we pay tribute to him today at our 1997 annual meeting. Jack might not agree, but we know that it is fitting for us to honor him just as we have done in the past for other Society luminaries such as Dean Rusk and Judge Ago.

As the Defense Department's leading international lawyer for almost fifteen years, Jack's accomplishments and reputation are legion. He was the Department's and often the U.S. Government's leading expert and authority on a vast array of national security matters ranging from use of force and war powers to international peacekeeping, overseas basing of U.S. forces, security assistance, intelligence oversight, law of armed conflict, arms control and disarmament, law of the sea, export controls and foreign claims. In Jack's hands these issues blended comfortably with his lifelong concern for international human rights, doubtless the product of his early work with Amnesty International.

To those in career government service, Jack was a beacon of distinction. Jack was tireless and he always found time to help others as they searched for answers. He guided gently. There was no arrogance in Jack; he led quietly by example. As senior career attorney and often Acting General Counsel of the Department of Defense his contributions were integral on a day to day basis to formulation of international security policy and law. His participation on countless U.S. delegations to negotiations with other

governments and institutions led to positive and innovative development of law. One such delegation was a personal favorite of Jack's and deserves special mention. From 1990–1994 Jack was an indispensable member of the U.S. delegation to negotiations with the Soviet Union on the U.S.–Soviet maritime boundary, the longest maritime boundary in the world. His leadership in inter-agency deliberations and his creative legal solutions made invaluable and permanent contributions both to the agreement that was signed and the development of the law of maritime boundaries.

Whether on issues of war and peace or more mundane technical issues, Jack was unfailingly responsive, imaginative, thought, sound and dedicated to making sure the U.S. position was grounded in law and legal policy, no matter how intense the pressures. And even in the most pressured times, Jack retained a decency, warmth, understanding and sense of humor that added another aspect of comfort to the wise counsel he provided.

Several years ago, we both served on a Society panel which Jack moderated. That honor is matched again today by the chance to remember and enjoy again the glow of Jack's mind, with and wisdom. He served and serves as a model of what a fine international lawyer should be. We are proud to pay tribute to our esteemed colleague and beloved friend who was taken too soon from us. Even so, for Jack and his legacy, gone will not be forgotten.

TRIBUTE TO JOAQUIN TACSAN

A tribute to Joaquin Tacsan was then presented by Edwin Smith.

SUMMARY OF PRESIDENT'S REPORT

President Brower was not worried about the Society's programs, which have been very successful. In June 1996 the Society cosponsored in Mexico City a program on regionalism. The Society has been cooperating with the Canadian Council on International Law, and President Brower addressed its meeting last fall. Another trilateral project, with Canada and Japan, is planned for 1998. Plans are well underway for the Fourth Hague Joint Conference with the Dutch Society of International Law, July 2–5, 1997. The Society is trying to educate the federal judiciary on international law, in a project headed by Jim Apple of the Federal Judicial Center, and is also trying to educate the U.S. Congress in a project headed by Peter Watson, the recent Chair of the International Trade Commission.

The Society is working with the State Department and the International Law Institute to continue publication of the Digest of United States Practice in International Law. Arthur Rovine will head the ASIL role. The International Law Institute will provide funding and people. The Society will perform a review function.

There are hopes for another joint meeting in Geneva next year with the Graduate Institute of International Studies.

For the time being, David Bederman will lead the Society's Panel on State Responsibility. The Panel continues to work on two books dealing with the Iran-United States Claims Tribunal.

By now, every one of the General Counsels of the international financial institutions based in Washington has made a breakfast presentation in that ongoing program. There have been other Tillar House briefings as well, including one on the ICJ Advisory Opinion on Nuclear Weapons.