

SIXTH SESSION

Saturday, April 30, 1960, at 10:30 a.m.

BUSINESS SESSION

The session convened at 10:30 o'clock a.m. in the Chinese Room of the Mayflower Hotel, Washington, D. C., President Herbert W. Briggs presiding.

President BRIGGS called upon the Secretary of the Society, Judge Edward Dumbauld, to read the list of members who had passed away during the year.

In Memoriam

OSWALDO ARANHA, Rio de Janeiro, Brazil, honorary member since 1948, died January 27, 1960.

WILLARD BUNCE COWLES, Lincoln, Nebraska, member since 1928, life member since 1942, died January 22, 1960.

MICHAEL FRANCIS DOYLE, Philadelphia, Pennsylvania, member since 1931, died March 26, 1960.

Honorable JOHN FOSTER DULLES, Washington, D. C., member since 1914, died May 24, 1959.

Honorable HENRY P. FLETCHER, Newport, Rhode Island, member since 1910, died July 10, 1959.

JAMES W. GANTENBEIN, Washington, D. C., member since 1957, died January 13, 1960.

IRWIN GEIGER, Washington, D. C., member since 1956, died March 15, 1960.

JAMES HART, University, Virginia, member since 1927, died September 14, 1959.

Honorable MAX HUBER, Zurich, Switzerland, member since 1908, honorary member since 1927, died January 1, 1960.

Honorable MANLEY O. HUDSON, Cambridge, Massachusetts, member since 1917, died April 13, 1960.

JAMES H. HYDE, New York, N. Y., life member since 1917, died July 26, 1959.

MONTE M. LEMANN, New Orleans, Louisiana, member since 1930, died September 13, 1959.

MIGUEL S. MACEDO, Mexico City, Mexico, member since 1945, died September 26, 1959.

Honorable A. CECIL SNYDER, Santurce, Puerto Rico, member since 1955, died June 29, 1959.

EDGAR TURLINGTON, Washington, D. C., member since 1923, died September 27, 1959.

THOMAS RAEBURN WHITE, Philadelphia, Pennsylvania, member since 1907, died December 16, 1959.

The members rose and observed a moment of silence.

Miss RUTH E. BACON read the following memorial:

MANLEY O. HUDSON, 1886-1960

Deeply moved by the tragedy of the First World War, Manley Ottmer Hudson chose as his life's work the seeking of means to avert war. He worked toward this end as professor, international judge, legal codifier, and author. He was a truly great member of his profession and this Society has benefited from his rare talents and his warm and vigorous personality.

Professor Hudson was born in 1886 in Missouri. He was graduated from William Jewell College and received his legal training at the Harvard Law School where he became Bemis Professor of International Law in 1923. It was his lot to see his hopes for the League of Nations and the World Court dashed by World War II, but they were rekindled with the emergence of the United Nations and the International Court of Justice. Few Americans have worked so steadfastly and so productively for the perfecting of peace-keeping machinery and for the forging of international legal principles into a useable body of law. In 1918-1919 he served with the American Commission to Negotiate the Peace at Paris. From 1933 to 1945, he was a member of the Permanent Court of Arbitration. In 1936 he was elected the U. S. member of the Permanent Court of International Justice at The Hague, where he served with distinction for ten years. He was Director of the Harvard Research in International Law and a member of the International Law Commission of the United Nations.

Professor Hudson insisted on a scientific approach to international law and stressed the need to establish the facts before proceeding to principles. To make the facts readily available he edited the nine-volume *International Legislation* series, the *World Court Reports*, and was co-editor of volumes of nationality and consular and diplomatic laws. He was the author of the standard treatise on the World Court. For over thirty-five years he contributed annually to the JOURNAL an article on the World Court and its successor—an achievement for which he received the Annual Award of the Society in 1954.

For more than forty-three years Professor Hudson was a member of this Society. He was a member of the Board of Editors since 1924, and an Honorary Editor of the JOURNAL since 1951. He served as President of the Society from 1949 to 1952 and since 1952 was an Honorary Vice President. In 1956 he was honored with the first gold medal established in his name for distinguished contributions in the field of international law. An idealist, he never lost sight of the ground. By nature an activist, outspoken, energetic, he was ever kindly and generous in his personal relations. The Society's loss in his death on April 13, 1960, is irreplaceable. His contribution to the development of international law remains in his published works and with the generation of students to whom he imparted his faith in international law as the basis for the future peace of nations.

Mr. JAMES OLIVER MURDOCK read the following memorial:

EDGAR TURLINGTON, 1891-1959

From time to time there come to the counsel of men selfless leaders of thought, who have worked according to their capacity and light, to make things clear and get rid of cant and shams of all kinds. Edgar Turlington faced life as it is, with diligence, insight and foresight.

Oxon, creative thinker, counsel for the United States and World Community, leader of the Bar, writer on international law, selfless servant of the American Society of International Law, Edgar Turlington, jurist, exemplified "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report." He brought virtue and peace.

Having known and worked with Edgar Turlington has strengthened us. May the hallowed memory of our beloved colleague inspire our Society and us through the years to higher achievements in the cause of dynamic world peace through justice.

Colonel ARCHIBALD KING presented the following memorial:

WILLARD B. COWLES, 1899-1960

Willard Bunce Cowles, after a lifetime devoted to the furtherance of international law, died suddenly at his home in Lincoln, Nebraska, on January 22, 1960. He was born in Plainville, Connecticut, on August 10, 1899. He enlisted in the Navy at the beginning of World War I and at the age of 17 served as radio operator on troop ships crossing the Atlantic. After that war he resumed his education and received the degrees of A.B., LL.B., and Ph.D. from Columbia University. He also studied at Harvard Law School as a graduate fellow in international law.

He had been a member of the American Society of International Law since 1928 and a life member since 1942. He attended 25 consecutive meetings of the Society. Several articles by him were published in the Society's JOURNAL. For another essay by him, "Prospective Developments of International Law in the Western Hemisphere as Affected by the Monroe Doctrine," he received in 1941 from the American Bar Association the Ross Prize of \$3,000.

He began the practice of law in New York, then served as attorney for Guatemala in the arbitration of the boundary dispute between that country and Honduras, and for the United States before the Mexican-American Claims Commission. He next devoted full time to writing a book on *Treaties and Constitutional Law: Property Interference and Due Process of Law*, reviewed in the JOURNAL of this Society by Charles Warren. In 1941 and 1942 he was attorney in the Department of Justice in the field of international law.

Mr. Cowles was Major and later Lieutenant Colonel, U. S. Army, from 1942 to 1945, serving in the International Law Division of the Judge Advocate General's Office and in London as the representative of the United States on the Allied Nations' Commission for the Investigation of War Crimes. He was decorated with the Legion of Merit for this service.

In 1947 he became the first Professor of International Law at the University of Nebraska and assembled for that institution a working library on international law. He left Nebraska temporarily to lecture at the Hague Academy of International Law in 1949 and to serve as Deputy Legal Adviser of the Department of State from 1954 to 1957. Except for these absences, he taught international law at the University of Nebraska continuously from 1947 until his death. He derived real satisfaction from teaching and research, and left a great imprint on the minds of his students. This was the work which delighted him most.

Charles S. Rhyne, a former President of the American Bar Association and now Chairman of its Committee on World Peace through Law, and a member of this Society, has thus eloquently summarized the character and ability of our deceased friend, Cowles:

He was a truly great lawyer, statesman and professor. His mind was keen and sharp, his spirit courageous, and his integrity the highest. His particular ability in the field of international law is well known, for he was widely acknowledged as one of the world's foremost experts in this area. His wise counsel will be sorely missed, but his wisdom will remain with us in the form of his published works.

Dr. CHARLES G. FENWICK presented the following memorial:

OSWALDO ARANHA, 1894-1960

Dr. Aranha was outstanding among the distinguished statesmen who have honored the American Society of International Law with their sincere support and continued co-operation. As Ambassador of Brazil to the United States in 1934-1938 he came to believe in the sincerity of our efforts to make the "Good Neighbor" policy a reality; and in 1936, when the United States proposed to continentalize the Monroe Doctrine and to lay the foundations of a new policy of the joint responsibility of all the American States for the defense of the Hemisphere, Dr. Aranha helped by his eloquence to win the support of the other American States for the treaty proposed by the United States Delegation. Again in 1942, as Chairman of the Meeting of Foreign Ministers in Rio de Janeiro following the attack at Pearl Harbor, Dr. Aranha was eloquent in supporting the principle of mutual defense and in adopting measures for the control of the subversive activities of the agents of the Axis Powers. His services to the cause of international reconstruction after the war were reflected in his election as President of the General Assembly of the United Nations in 1947, when his statesmanship was recognized by delegates from all parts of the world. Brazil must rank him among her leading statesmen, and all America must be grateful to him for helping to lay the foundations of the new structure of inter-American collective security.

In the absence of the Chairman of the Committee on Annual Awards, the Secretary read the report of the committee, and upon its recommendation, the Society voted unanimously to award its certificate of merit to Judge Sir Hersch Lauterpacht * for his book entitled: *The Development of International Law by the International Court*.

* Deceased May 8, 1960.