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OF THE  
**American Society of  
International Law**

AT ITS  
FIFTY-THIRD ANNUAL MEETING

HELD AT  
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APRIL 30-MAY 2, 1959

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AN ACT  
TO INCORPORATE THE AMERICAN SOCIETY OF INTERNA-  
TIONAL LAW, AND FOR OTHER PURPOSES

(P. L. 794, 81st Cong., Ch. 958, 2d Sess. [H.R. 7990], 64 Stat. 869)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following persons, citizens of the United States and members of the executive council of the unincorporated association known as the American Society of International Law, to wit: Manley O. Hudson, of Cambridge, Massachusetts, president of the said society; Dean G. Acheson, of Washington, District of Columbia, honorary president of the same; George A. Finch, of Chevy Chase, Maryland; Edwin D. Dickinson, of Philadelphia, Pennsylvania; and Philip C. Jessup, of New York, New York; vice presidents of the same; Philip Marshall Brown, of Washington, District of Columbia; Frederic R. Coudert, of New York, New York; William C. Dennis, of Richmond, Indiana; Charles G. Fenwick, of Washington, District of Columbia; Cordell Hull, of Washington, District of Columbia; Charles Cheney Hyde, of New York, New York; Robert H. Jackson, of McLean, Virginia; Arthur K. Kuhn, of New York, New York; George C. Marshall, of Leesburg, Virginia; Henry L. Stimson, of New York, New York; Elbert D. Thomas, of Salt Lake City, Utah; Charles Warren, of Washington, District of Columbia; George Grafton Wilson, of Cambridge, Massachusetts; and Lester H. Woolsey, of Chevy Chase, Maryland; honorary vice presidents of the said society; Edward Dumbauld, of Uniontown, Pennsylvania, secretary; and Edgar Turlington, of Chevy Chase, Maryland, treasurer of the same; Edward W. Allen, of Seattle, Washington; Mary Agnes Brown, of Washington, District of Columbia; Florence Brush, of Bronxville, New York; Kenneth S. Carlston, of Urbana, Illinois; Ben M. Cherrington, of Denver, Colorado; Percy E. Corbett, of New Haven, Connecticut; Willard B. Cowles, of Lincoln, Nebraska; William S. Culbertson, of Washington, District of Columbia; John S. Dickey, of Hanover, New Hampshire; Alwyn V. Freeman, of Los Angeles, California; Ernest A. Gross, of Manhasset, New York; Stanley K. Hornbeck, of Washington, District of Columbia; A. Brunson MacChesney, of Chicago, Illinois; William Manger, of Washington, District of Columbia; Charles E. Martin, of Seattle, Washington; John Brown Mason, of Oberlin, Ohio; Myres S. McDougal, of New Haven, Connecticut; Hans J. Morgenthau, of Chicago, Illinois; Durward V. Sandifer, of Chevy Chase, Maryland; Francis B. Sayre, of Washington, District of Columbia; Carl B. Spaeth, of Palo Alto, California; Robert B. Stewart, of Medford, Massachusetts; and Albert C. F. Westphal, of Albuquerque, New Mexico; and such other persons as are now members of the said society, and their successors, are hereby created and declared to be a body corporate, by the name of The American Society of International Law.

## PURPOSES

SEC. 2. The purposes of the corporation are and shall be to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. The corporation shall not be operated for profit, and no part of its income or assets shall inure to any of its members, or its officers or other members of its executive council, or be distributable thereto otherwise than upon dissolution or final liquidation of the corporation. The corporation, and its officers and other members of its executive council shall not, as such, contribute to or otherwise support or assist any political party or candidate for elective public office.

## EXECUTIVE COUNCIL AND OFFICERS

SEC. 3. The governing board of the corporation, subject to the directions of the corporation at its annual meetings and at such other meetings as may be called pursuant to the provisions of its constitution, bylaws, and regulations, hereinafter mentioned, shall be an executive council consisting of a president, an honorary president, a number of vice presidents and honorary vice presidents to be determined by the constitution of the corporation, a secretary, a treasurer, and not less than twenty-four additional persons. The officers of the corporation and one-third of the other members of the executive council shall be elected at each annual meeting of the corporation: *Provided, however,* That the executive council may be authorized by the constitution of the corporation to elect the secretary and the treasurer of the corporation for specified terms and to fill vacancies until the next annual meeting of the corporation. The number of members of the executive council shall initially be forty-four, and the members of the said council shall initially be the persons whose names and addresses are set forth in section 1 hereof.

## PRINCIPAL OFFICE AND ACTIVITIES

SEC. 4. The corporation shall have its principal office in the District of Columbia and shall have the right to conduct its activities in the said District and at any other place or places in the United States.

## CORPORATE SUCCESSION AND POWERS

SEC. 5. The corporation shall have succession by its corporate name and shall have power to sue and be sued, complain and defend in any court of competent jurisdiction; to adopt, use, and alter a corporate seal; to choose such officers, managers, and agents as its business may require; to adopt, amend, apply, and administer a constitution, bylaws, and regulations, not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs; to contract and be contracted with; to take and hold by lease, gift, purchase, grant, devise, or bequest, in full title, in trust,

or otherwise, any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject however, to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State; to transfer and convey real or personal property; to borrow money for the purposes of the corporation, and issue bonds therefor, and secure the same by mortgage subject in every case to all applicable provisions of Federal or State laws; to publish a journal and other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

#### LIABILITY FOR ACTS OF OFFICERS AND AGENTS; SERVICE OF PROCESS

SEC. 6. The corporation shall be liable for the acts of its officers and agents. It shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

#### ISSUES OF STOCK, DECLARATION AND PAYMENT OF DIVIDENDS, LOANS TO OFFICERS AND MEMBERS OF EXECUTIVE COUNCIL PROHIBITED

SEC. 7. The corporation shall not issue shares of stock, nor declare or pay dividends, nor make loans or advances to its officers or members of its executive council or any of them. Any member of its executive council who votes for or assents to the making of a loan or advance to an officer of the corporation or to a member of its executive council, and any officer or officers participating in the making of any such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan or advance until the repayment thereof.

#### BOOKS AND RECORDS

SEC. 8. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its members, executive council, and committees having any of the authority of the said council. It shall also keep at its principal office a record giving the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purpose, at any reasonable time.

#### ANNUAL AUDIT

SEC. 9. There shall be an annual audit of the financial transactions of the corporation and of the pertinent books and records of the corporation by a certified public accountant, at the expense of the corporation, and the said audit shall be filed with the Congress.



DURATION

SEC. 10. The duration of the corporation shall be perpetual.

ACQUISITION OF ASSETS OF EXISTING AMERICAN SOCIETY OF INTERNATIONAL  
LAW

SEC. 11. The corporation may and shall acquire all of the assets of the existing unincorporated association known as the American Society of International Law, subject to any liabilities and obligations of the said association.

RESERVATION OF RIGHT TO ALTER, REPEAL, OR AMEND

SEC. 12. The right to alter, repeal, or amend this Act is hereby expressly reserved to Congress.

*Approved September 20, 1950.*

RESOLUTION ADOPTED BY THE AMERICAN SOCIETY OF  
INTERNATIONAL LAW, A CORPORATION, AT ITS  
ANNUAL MEETING ON APRIL 28, 1951

RESOLVED, That:

(a) The corporation accepts incorporation provided for in the Act of Congress approved September 20, 1950 (Pub. Law 794, 81st Congress, Chap. 958, 2d Session, 64 Stat. 869).

(b) The corporation adopts as its constitution, by-laws and regulations the constitution, by-laws and regulations of the American Society of International Law, an unincorporated association.

(c) The persons now serving as President, Honorary President, Vice Presidents, Honorary Vice Presidents, Secretary, Treasurer, Assistant Treasurer, Executive Secretary, and members of the Executive Council of the said unincorporated association shall serve in the same capacities on behalf of the corporation from the date of the said meeting until the expiration of the periods for which they were chosen by the said unincorporated association.

(d) The committees and employees of the unincorporated association shall become committees and employees of the corporation on the date of the transfer of the property and business of the association to the corporation.

(e) The corporation adopts as its seal the seal of the unincorporated association, with appropriate modifications.

(f) The corporation designates as its agent in the District of Columbia, to accept service of process for the corporation, William S. Culbertson, a member of the corporation residing at 2101 Connecticut Avenue, N. W.

(g) The corporation authorizes Lester H. Woolsey and Charles G. Fenwick to accept for the corporation the property and business of the unincorporated association, subject to all liabilities and obligations of the association, and to execute and deliver any and all instruments which may be necessary or desirable in connection with the acceptance of the said property and business.<sup>1</sup>

<sup>1</sup> For documents and proceedings completing the incorporation of the Society, see PROCEEDINGS, 1951, pp. 195, 204-212.

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FIFTY-THIRD ANNUAL MEETING  
OF  
THE AMERICAN SOCIETY OF INTERNATIONAL LAW  
THE MAYFLOWER HOTEL

Diverse Systems of World Public Order Today

FIRST SESSION

Thursday, April 30, 1959, 2:30 p.m.

REPRESENTATIVE SYSTEMS OF WORLD PUBLIC ORDER TODAY

PANEL I: UNIVERSALITY IN PERSPECTIVE; THE RUSSIAN SYSTEM

The Fifty-Third Annual Meeting of the American Society of International Law convened at 2:30 p.m. in the East Room of the Mayflower Hotel, Washington, D. C., Professor Hardy C. Dillard, of the University of Virginia Law School, presiding. After welcoming the members to the session the Chairman introduced the first speaker, Professor Harold D. Lasswell of the Yale University Law School.

UNIVERSALITY IN PERSPECTIVE

BY HAROLD D. LASSWELL

*Professor of Law and Political Science, Yale University*

In the following discussion I postulate the goal of selecting alternatives that hold the greatest promise of moving the world community toward a universal public order consistent in doctrine and compatible in practice with the dignity of man. I shall examine the degree to which a universal public order of any kind presently exists, and appraise some factors that help to explain the present facts. I shall characterize the most probable course of future development, assuming first that what we do here has no influence on what happens. I shall then outline major lines of strategy by which scholars, playing all the rôles presently open to them, can hope to affect the result. The purpose of this formidable undertaking is to provide a sketch map, however fragmentary in detail or controversial in outline, of the problems with which this meeting of the Society is concerned. Before the analysis is finished I propose to employ the patterns of thought appropriate to the solution of this as of any problem: clarification of goal; characterization of trend; explanation of conditions; projection of the future; evaluation of alternative courses of policy. (The numbering of the following propositions is for convenience of reference only.)

1. *The world as a whole does not now exhibit a sufficiently comprehensive system of laws to have transformed the expectation of violence into an expectation of civic order. The legal system is not sufficient to constitute a universal public order.*

The expectation of violence was inherited by the generation now alive from our immediate predecessors; they, in turn, inherited the expectation from theirs. And so on back as far as history or prehistory goes. Neither today nor in the past has mankind possessed a decision process whose prescriptions, invocations or applications were universal enough to overcome the expectation of violence more than temporarily in a continent (like Europe) or a large region (like the Mediterranean, China or India). Mankind has been and remains fissioned among societies great and small whose members can be, and are, indoctrinated to give their lives, treasure, and every other value asset, in order to preserve the autonomy of their decision process against outside communities, or to impose themselves upon others.

*2. The world, therefore, is an anarchy of public orders, of arrangements among public orders, and of common elements (and contrasts) among systems of public order.*

Everyone is cognizant of the Soviet and the U. S. systems of formal and effective control of resources, people and institutions. Within territories whose broad outlines are well known the informed observer has not hesitated to predict the supremacy of law; in a word, to foresee that challenges to key prescriptions would be met, as they arose, by the application of severe sanctions against challengers. Similarly, there has been little doubt of the typical effectiveness of formal legal authority within most of the nation states of the world arena. Factual investigation of the distribution of basic cultural differences over the globe draws attention to a great number of folk societies ("primitive tribes") which are most imperfectly incorporated within the public order of the nation state within whose boundaries they live. Anthropological research has documented the character of these systems of public order upon every continent and many islands of the Pacific.

We perceive, too, a network of arrangements among existing nation states that relate to every value-institution component of the social process. Brief reminders:

*Power.* Arrangements relating to official representation.

*Wealth.* Trade and investment agreements.

*Enlightenment.* Communication of information.

*Well-being.* Control of infectious diseases.

*Affection.* Deference to marital status.

*Skill.* Exchange of students and experts.

*Respect.* Suppression of slavery.

*Rectitude.* Activity of religious bodies.

In some cases the value shapings and sharings that link two or more nation states are such that the conceivability of armed conflict has almost vanished from the perspective of practical life. Other instances are at the opposite extreme, even when many elements of legal tradition and general culture are held in common. In fact hostilities may be particularly intense



among Powers that possess common elements at the time they are passing through a phase in a process of consolidating these elements into a unified nation state (a process that created Germany and Italy, for instance, a century ago, and is today visible in the Arab states and elsewhere).

3. *Let us join in deploring the anarchy among systems of public order that maintains the universal peril. Not only is there menace to life, but to every value of human dignity, the proclaimed goal of the world community.*

These values have found partial expression in the Universal Declaration of Human Rights. Let us use human dignity as a term of general reference to the conceptions of optimum realization of individual potentialities. Since in this perspective all individuals are perceived as entitled to basic equality of opportunity, the ideal commonwealth for the globe or any component thereof is characterized by wide rather than narrow participation in the shaping and sharing of values.

4. *The realization of human dignity—of widespread rather than narrow sharing of values—is a standard for the evaluation of alternative policies within an institutional framework, and of the framework itself.*

The greatest opportunity open to legal scholars—and indeed to all scholars—is to contribute to the appraisal function for all who can and will listen to the results. The question is how the diverse systems of public order harmonize with or diverge from the evaluative standard. The answer can be given in formal terms by examining official documents and by gathering testimony. We cannot, of course, be content with a formalistic reply. It is essential to know what happens in concrete circumstances. Since the conception of public order includes the basic pattern of value distribution and the fundamental institutional practices of society that receive protection (and fulfillment) in the legal order, it is obvious that every competent source of knowledge concerning the facts of a social system must be drawn upon.

It is not enough to establish the degree of consistency between legal formula and decision outcome. We need to disclose the dynamics of change and to draw upon the findings and hypotheses of the historical social and behavioral disciplines to account for the characteristic aspect of all systems of public order. Determining factors are *cultural*: We think immediately of the distinctive patterning of the historic and contemporary legal components of civilizations and folk societies. Determining factors are *classes*: Legal prescriptions often differ in formal or effective operation as a function of the upper, middle or lower-class position of parties and decision-makers. Determining factors are *interests* (groupings that are less comprehensive than class or cut across classes and cultures): debtors, creditors, heavy industry, light industry, and foreign exchange specialists are examples of the colossal network of economic interests. Determining factors are *personality* types: Agitational fanatics can pervert the formal language of the law beyond recognition. Determining factors are level of *crisis*: An arms race, an inflationary spiral, a maturing nationalistic movement—remind us of the range of influences that affect the course of public order.