

Correspondence

Dear Editor:

Chairman Brower's column in the latest issue of the *International Law News* is most interesting to one who has watched the section and worked in it for more than forty-five years. The "Impact Through Excellence" motto is one that should have been applied to the section for the past 104 years. International law, both public and private, has been in good and active hands in the American Bar Association. The section has been an "activist" since the beginning, at times opposing isolationism in the ABA. It has not always been popular.

With respect to the active participation in the development of sound international law, it is unfair to pick on the war powers study. It was never intended to be a "quick fix," and I submit that the first volume—filled with history as it is—is an important contribution to the solution of a very old problem. I hope that it can be completed. Neither the ABA nor the section has contributed properly to the expense involved.

Comparisons remain odious, but I could cite sixty examples (similar to the actions cited by Charlie) where action by the section contributed to the development he correctly wants. We could talk about Bricker, Connolly, Genocide, World War II peace treaties and settlements, more than a dozen United Nations problems, and others going back to the Spanish-American War.

Since Charlie chose to mention the section's action in helping to get our government not to "go along" with the Charter of Economic Rights and Duties of States—certainly a *significant* accomplishment by the section—I will mention just two similar accomplishments by the section. United Nations Resolution 1803 of 1962 was drafted and redrafted by U.S. representatives with the aid of section officials to recognize the right of foreigners to the protection of their property under rules of international law. In 1966 an attempt was made to water down that resolution, and Resolution 2158 was adopted, again after consultation with section officials. Many other examples could be given.

I do not know how the idea got abroad that the section has been a peaceful "study group." It never has been. I believe all will agree that *The International Lawyer* is a practical publication. In earlier times practitioners did not have time to write; they were too busy dodging literal and figurative

bullets. Now we have the use of their advice and experience. The *Lawyer* developed from our *Bulletin* which had evolved from the *Annual Proceedings*. The American Society of International Law was organized by section members who felt that there should be an organization devoted to public international law. Actually public and private international law cannot be separated, and the section has always concentrated on the private side.

Bear with one of your ancient historians. We are proud of what the section has become; we applaud its activism; we know it is in good hands. The section was an avid supporter of the United Nations when it looked like that body would be a true force for the development of just international law. It is good to know that some of the unsound and false theories being bandied about in the United Nations can be slowed, and that the section is vigilant.

Change the name of the section to add "and Practice"? What have we been doing for 104 years? We started as "Committee on International Law" (1878), added "and Arbitration" (1896), added a "Comparative Law Bureau" (1907), etc. The Section of International and Comparative Law was formed by "amalgamating" all sections and committees dealing with international law in 1933, largely through the efforts of Dean Wigmore. Much later we agreed that international law meant *all* international law and got a nice simple name which is universally understood. Every section in the ABA could add "and Practice" to its name because that is what their members do. The only section that needs it is the General Practice Section, because "General" alone is a bit too general.

Sincerely,

VICTOR FOLSOM
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