

# Chairman's Report

## Meetings

### *Résumé of Mid-Year Meeting of Council*

The Mid-Year Meeting of the Council of the Section of International and Comparative Law took place on Saturday and Sunday, January 18 and 19, 1969, in New Orleans.

Present were your Chairman; Clifford J. Hynning, Chairman-Elect; G. Winthrop Haight, Benjamin Busch, Harry A. Inman, Ewell E. Murphy, Jr., Divisional Vice-Chairmen; Katherine Drew Hallgarten, Secretary; Max Chopnick, Section Delegate; Joe C. Barrett, last Retiring Chairman; Eberhard P. Deutsch; William C. Farrer; Victor C. Folsom; James T. Haight; Leonard v.B. Sutton, Council members.

Also in attendance were John G. Laylin, Chairman of the Committee on Oceanography, Martin Menter, Chairman of the Committee on the Law of Outer Space, and Richard P. Brown, Jr., Chairman of the Program Committee.

The Section Delegate reported that the resolution with regard to jurisdiction over the deep seabed proposed by our Section in conjunction with the Section of Natural Resources Law and the Standing Committee on Peace and Law Through the United Nations was adopted by the House of Delegates on August 7, 1968. John G. Laylin, Chairman of the Oceanography Committee of the Section, and G. Winthrop Haight, Vice-Chairman of the International Law Division, were designated to act on behalf of the Section in conjunction with the Natural Resources Law Section and the Standing Committee on World Order Under Law to inform agencies of the United States government of the views of the American Bar Association in accordance with the instructions of the House of Delegates.

The Section Delegate also reported that the proposed amendments to the by-laws of the Section, including the increase of annual dues

from \$8.00 to \$10.00, effective July 1, 1969, were approved by the House.

Mr. Chopnick also called to the Council's attention the fact that the Board of Governors had referred to the House of Delegates for action at the Mid-Year Meeting to be held January 27-28, 1969, two Board resolutions adopted in October 1968 at the urging of the Standing Committee on World Order Under Law. One of these resolutions condemned the Soviet invasion of Czechoslovakia as a flagrant breach of international law. The other recommended prompt ratification by the United States of the Nuclear Non-Proliferation Treaty. The Council unanimously endorsed the two resolutions with a suggestion that certain minor drafting changes be made, if feasible. [Note: At the meeting of the House of Delegates on January 27, 1969, no action was taken on these two resolutions in view of the fact that they had already been communicated to the United States government.]

The Council reviewed in some detail the legislation introduced by Senator Tydings in the 90th Congress as S.4089, in view of the fact that it is understood that Senator Tydings intends to reintroduce the bill early in the 91st Congress. This bill is designed to "improve the judicial machinery by providing for Federal jurisdiction and a uniform Federal law for cases arising out of aviation and space activities." During the course of the discussion it was brought to the attention of the Council that the Section of Insurance, Negligence and Compensation Law would recommend to the House of Delegates that it oppose legislation of this character. After hearing preliminary reports from the Section Committee on the Law of Outer Space and the Section Committee on International Transportation, it was the consensus that though a commendable effort had been made by Senator Tydings to improve judicial machinery with respect to aviation and space activities, the bill, particularly in those provisions dealing with space activities, needed to be given greater study by this Section and other interested Sections, and the Section Delegate was instructed to urge the House not to take final action on the matter at the Mid-Year Meeting of the House. [Note: The recommendation of the Section on Insurance, Negligence and Compensation Law was defeated in the House on a point of order on January 27, 1969, and so was not considered on its merits. That Section now plans to present its recommendations to the Board of Governors for its consideration in May 1969. It is planned to have the recommendations of our Section completed by that time.]

The Section Delegate requested instructions of the Council with regard to five resolutions to be submitted to the House by the Section on Patent, Trademark and Copyright Law. Each of the resolutions is related to the proposed revision of the Paris Convention and treaty establishing the World Intellectual Property Organization. The Council, on behalf of the Section, approved resolutions numbered 43, 44, 45 and 46, but instructed Mr. Chopnick to recommend to the House that resolution 47 be referred back to our Section and the Patent, Trademark and Copyright Law of our Section for further study. This resolution recommended ratification by the United States of the Convention establishing the World Intellectual Property Organization, signed on July 14, 1967.

The Council gave extended consideration to the report of the Committee on Policy, Planning and Coordination prepared by its chairman, Edward D. Re. This discussion eventuated in the following Council action:

1. It was the consensus of the Council that, pending appropriate by-law revisions, the following procedure shall be followed in connection with Section elections:
  - (a) In the April issue of *The International Lawyer* the chairman shall publish an invitation to the members of the Section to submit names of potential candidates for consideration by the Nominating Committee. If permitted by the policy of the editors of the *American Bar Association Journal*, a similar notice shall be published in the *Journal*.
  - (b) The Nominating Committee shall be appointed as early as permitted by the Section by-laws. (The Spring Meeting is the earliest date now permitted.)
  - (c) Names must be submitted to the Nominating Committee no later than the June 15 preceding the Annual Meeting.
  - (d) The Nominating Committee shall submit its report no later than the first session of the Annual Meeting, at which session nominations shall be permitted from the floor.
  - (e) Prior to the adjournment of the first session, the chairman shall announce the time at which the election of officers will take place, which shall be a time during the second session of the Annual

Meeting, which shall be scheduled no earlier than the day following the first session.

2. After extended discussion, the Council unanimously instructed the chairman to inform the Board of Governors' Sub-Committee on Section Activities that the Council favors continuation of the present policy of the ABA limiting the right to vote for Section officials to those Section members who registered for the Annual Meeting, and are present in person.
3. A new Committee on Transnational Procedure was established within the Comparative Law Division effective immediately. With the concurrence of the Council, the Chairman appointed Harry Leroy Jones as the first chairman of the new committee.
4. Effective as of the 1969 Annual Meeting, the Committee on the Law of the British Commonwealth will be eliminated.
5. Effective as of the 1969 Annual Meeting, the Committee on Law and Armed Forces and War, the Committee on Territorial Defense Areas and the Committee on Status of Forces Agreements will be consolidated into a new committee to be known as the Committee on the Law of Armed Forces.
6. Effective immediately, the Committee on Collaboration Between the Executive and Legislative Branches was eliminated.
7. Effective as of the 1969 Annual Meeting, the Committee on Cooperation with Inter-American Bar Association, the Committee on Law and Lawyers in International Relations, and the Committee on Relations with International and Foreign Associations of Lawyers will be consolidated into a new committee to be known as the Committee on Relations with Lawyers of Other Nations. The Council recommended that Charles R. Norberg be named as the first chairman of the new committee.

The Spring Meeting of the Council and Section was set for Monday, May 19, 1969, at the Mayflower Hotel in Washington, D. C., with the Council Meeting beginning at 10:30 A.M., Section Meeting beginning at 4:00 P.M., and a dinner beginning at 6:30 P.M.

The Vice-Chairman for the Comparative Law Division, Benjamin Busch, next reported with regard to the Committee on African Law. It

was the unanimous view of the Council that Mr. Busch should continue his efforts to find a chairman for the committee and that the committee should be encouraged to study such matters within their jurisdiction as they find appropriate. The Council also approved the co-sponsorship by the committee of a joint dinner program with the American Foreign Law Association as outlined by Mr. Busch.

After an extended discussion of the proposed program for the 1969 Annual Meeting in Dallas, the meeting adjourned.

### **Membership**

As of December 31, 1968, there were 3,351 regular members of the Section. The Council also welcomed the news that 107 law students had become members of the Section under the program initiated in October 1968. A Special Committee, headed by Harry Inman, is developing a program to provide for participation by these new members in the work of the Section.