



1944

## The San Francisco Conference

David A. Simmons

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(Continued from front page)

commencing December 17, 1945. Your President plans to attend and I am sure there will be much valuable information derived from this meeting. The general theme of the convention is to create a more active interest in the welfare of the members and promote certain types of favorable publicity.

Sincerely,  
 ROY A. PLOYHAR  
 President.

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### RESOLUTION

Resolution on behalf of the North Dakota State Bar Association, on the Passing of William G. Owens.

WHEREAS, our late President, William G. Owens, had long been a loyal member of our Association, and had taken a deep interest in the work of the Association and rendered much valuable service to it, and was held in high esteem by all the members of the North Dakota Bar, and by his passing we lost an able President, a prominent lawyer, and a warm personal friend, NOW THEREFORE,

BE IT RESOLVED That we hereby express our deep regret and sincere sorrow in the loss of our beloved President, and that we extend to the members of his bereaved family our deepest sympathy.

AND BE IT FURTHER RESOLVED, That these resolutions be spread upon the records of the Association, and published in the Bar Briefs, and copies thereof sent to the members of his family.

O. B. HERIGSTAD  
 O. B. BENSON  
 Resolution Committee.

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### THE SAN FRANCISCO CONFERENCE

By David A. Simmons

President of the American Bar Association  
 Consultant to the United States Delegation at the United Nations Conference  
 in San Francisco

(From July Number American Bar Journal)

(Continued from last issue)

#### WHAT THE CHARTER DOES

The Charter does perpetuate the coalition of nations that won the European war. This the League of Nations did not do after World War I.

It establishes an international organization dedicated to the search for peace, with a Security Council functioning continuously, and possessing real powers.

It sets up the goal of peaceful settlement of international disputes, and all member nations agree that they will settle such dis-

puts in such a manner that international peace, security and justice are not endangered.

It establishes an International Court of Justice and all members of the United Nations Organization are ipso facto parties to the Court Statute. Nations not parties to the Charter may become parties to the Court Statute upon conditions to be fixed by the Assembly and the Security Council.

It authorizes regional action against a regional aggressor.

It recognizes the necessity of solving world economic problems and has set up a Social and Economic Council as a principal agency. Its function is limited to studying and recommending, but even this is an improvement over the League, which ignored the problem.

It provides for a trusteeship council and states the principle that nations administering territory inhabited by peoples not yet able to stand by themselves in the strenuous modern world accept their role as a trust, and that they will promote the well-being of the dependent people, insure their social, economic and educational advancement, develop appropriate forms of self-government or independence, and encourage respect for human rights and fundamental freedoms without distinction as to race, language, religion or sex.

This respect for human rights is stressed not only in the trusteeship provision but also among the principal purposes of the organization. Living in a nation which has a bill of rights in its fundamental law, we perhaps do not fully realize the limited extent of such rights in other parts of the world. The importance of this concept was urged upon our delegation by the consultants, was adopted as a goal for future conduct by the other nations.

#### CONCLUSION

The aspiration of Woodrow Wilson for a great league of peace was sabotaged in this country both by friends who wanted more, as well as by opponents who wanted less, power in the organization. Whether our membership in the League would have given it sufficient strength and prestige to solve the problems which led to World War II will be debated endlessly and can never be answered. Our responsibility lies in the fact that we made no real effort to assist in the solution of those problems. For that failure we have paid with more than a million casualties and with boundless treasure which had been accumulated by the toil and genius of our people over several generations.

The United Nations set forth as one of their principal objectives the necessity of preventing future wars. To do this, peace must provide a method of settling disputes in lieu of the method of force employed by war. Such a method is provided by the San Francisco Charter. It is based on agreement of the nations that they will seek a solution of all international problems through negotiation, mediation, conciliation, arbitration, or by reference to the World Court.

I believe we should and will join the organization. Some months ago the Senate by a vote of eighty-five to five said we would join with the other nations to establish such an organization. Whether it succeeds will depend upon the good faith of the major powers and upon the efforts and earnestness of those who are determined that this time it shall work to bring an end to the era of ruthless force and to bring into being in the affairs of the world a reign of law.

In conclusion I wish to stress a thought I mentioned before, that is, in evaluating the Charter we must do so by consideration of its blueprint, the Dumbarton Oaks Proposals. Mr. Evatt, the Foreign Minister of Australia, was perhaps the most outspoken in criticizing the Dumbarton Oaks Proposals and in endeavoring to make changes in them. In one of the closing debates he stated that he recognized that the instrument, as drafted, was a very great improvement over the Dumbarton Oaks Proposals. We must understand that hundreds of proposals were made, some of them official, many of them the private plans of various individuals and groups. When one was accepted, the proponents of all the others were necessarily disappointed.

The proposals of the American Bar Association were not all accepted, and neither were those of any other person, group or nation. Perhaps it is better so.

For international cooperation must enlist many peoples of widely differing interests. It cannot be dictated by one person or by one nation, and we must all learn to accept the best effort of our common endeavor, just as the ancient Greeks accepted the golden mean as the highest good. We are cooperating toward a goal the most important the world has ever striven to attain, an international order based on law, and when that is attained, one of its fruits will be a just and lasting peace.

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### ARBITRATION—AN ASSET TO THE LAWYER

By John T. McGovern

Member of the New York Bar

Arbitration is doubtless the oldest form of procedure known to man, established in the effort to secure justice. It antedates formal courts of justice by many centuries. In fact, it preceded the establishment of laws of general application.

The fundamental premise in arbitration is the submission of a dispute by the voluntary act of the disputants to an impartial third party for final settlement.