1972

International Law (January 14, 1972)

William & Mary Law School

Repository Citation
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I. a. The P appealed to the U.S. Supreme Court from a decree of the District Court for the Southern District of Florida condemning two fishing vessels and their cargoes as prizes of war.

The year was 1898. Each vessel, operating out of Havana, was regularly engaged in Cuban coastal waters, sailed under the Spanish flag and was owned by a Cuban national living in Havana. The cargo, when the vessels were seized, consisted of fresh fish. Apparently neither captain had any knowledge until the vessels were captured, that a state of war existed between Spain and the U.S. or that a blockade of Cuban ports had been proclaimed by the U.S. There were no treaties existing between Spain and the U.S. relating to such vessels.

What law will the Supreme Court apply and why? What result?

b. The year is 1974. War has broken out between the U.S. and C a. The same incident occurs as in a., except the vessels are owned by Cubans. What result? Why? What law will the Supreme Court apply? Why?

II. P filed a claim before a mixed claims commission based on acts of officials of defendant state (D) which had occurred thirty-five years before the claim was filed. The claim is well supported and documented. D entered what amounted to a demurrer to P's petition. What result? Give reasons and sources for the law involved.

III. A dispute between two major world powers became so heated that it threatened peace between them and, consequently, world peace. Assuming they are willing to try to settle their differences amicably, name any three of the formalized procedures available to them for doing so and state the advantages and disadvantages of each.

IV. a. The Canadian legislature passed an act making it a criminal offense for ships to pump their bilges or otherwise discharge oil or oil products within five hundred miles of Canada's shore line. Canada, along with Greece and most of the rest of the maritime states, had ratified a convention authorizing states bordering on an international sea to regulate the discharge of oil from ships within 250 miles of their shore. D's ship of Greek registry was apprehended by Canadian authorities discharging oil 350 miles from Canada's shore. D is prosecuted in a Canadian court. What result and why?

b. Greece protests Canada's action as being in violation of international law generally and as being in violation of the convention specifically. The parties agree to submit the issue to the International Court of Justice (I.C.J.). What result and why?

V. In 1971 the U.S. Congress enacted a tariff act setting rates for a host of items if imported into the U.S. Without congressional authorization, the President, in 1973, entered into an executive agreement (E.A.) with Great Britain providing for tariffs to be levied on a substantial number of items, with different rates from those provided for in the 1971 act. P imported wool from Great Britain. The customs officials levied a tax in accordance with the E.A. which was substantially in excess of that provided for in the act. P paid under protest and sued for a rebate. He lost in the lower courts and appealed to the Supreme Court. What result and why?

VI. The U.S. and Mexico entered into a treaty to protect and preserve the shrimp resources in the Gulf of Mexico. Inter alia it restricted the type of equipment which could be used, the daily catch permitted by each state, the months of the year when shrimp might be taken, the size and number of the vessels that might be used, etc. In advising and consenting to
treaty the Senate attached a resolution specifically reserving the right to provide by act of Congress for the development of the U.S. share of the shrimp catch made available by provisions of the treaty and providing that no share of such shrimp should be taken until it be specifically authorized by Congress. Mexico accepted the reservation and the treaty entered into effect.

Six months later, petitioner applied to the Department of the Interior for a license to take shrimp from the Gulf as it had done yearly in the past. Petitioner's request was denied for the first time in this instance because Congress had not enacted legislation in accordance with the reservation in the treaty.

Petitioner appealed to the Supreme Court. What result and why?

VII. In a 1930 treaty between the U.S. and Germany it was provided that the citizens of one country might freely enter into and travel within the territory of the other without obtaining a visa. An act of Congress passed in 1938 provided that any foreign citizen entering or traveling within the U.S. subsequent to the date of the act must have a valid visa provided, however, that the act should have no applicability to nations with which the U.S. had a valid treaty exempting its citizens from visa requirements.

In June, 1945 two citizens of Germany with valid passports were detained by immigration officials at the port of New York because they had no visas. They sought release on habeas corpus claiming exemption from the provisions of the 1938 act.

What result and why?

VIII. a. In the current unpleasantries between India and Pakistan, United Nations Intervention was sought. As to such an incident, state how the machinery of the U.N. can be activated, by whom, what action can be taken and by whom, the voting system and margins of votes required, etc. before that body can act.

b. Assume the decision of the U.N. is to act, what measures can it take and what resources can it draw upon?

c. Can you think of an instance where in the future the U.N. would intervene between two hostile states about to go to war? If so, state very succinctly what the circumstances might be.

IX. In 1925 the Russian Government received a judgment against D based on an act that occurred in 1916. The action had been filed by the Czarist Government before its overthrow and continued by its attorneys in the name of the State of Russia. D attacks the right of the P to sue. What result and why?

X. D, an American citizen, is charged with a violation of the Sherman Anti-Trust Act. He agreed with a Frenchman to limit the production from his factory located in France and to control the prices of the products involved. Some of D's products are imported into the U.S. The agreement was made in France. The Act prohibits "combinations in restraint of trade wherever they occur." D contends that the U.S. has no jurisdiction to try him. What result and why?

XI. A small fast boat was hailed by a Coast Guard launch in Charleston harbor and ordered to heave-to for inspection. It was suspected of having untaxed cargo aboard. The boat did not heave-to and made a run for the open sea. The Coast Guard launch followed and radioed for air support. A Coast Guard helicopter joined the chase and the launch turned back. Fifty miles off shore a Coast Guard launch joined the chase. It again ordered the small boat to heave-to and when it failed to do so, the launch opened fire and sank it with resulting loss of lives to some crew members and injuries to others. The boat was owned and operated by
Canadians. It has never been established what its cargo was. Canada protested, alleging that all acts were illegal and that the U.S. had no jurisdiction beyond its three-mile territorial sea. The dispute was submitted to the International Court of Justice. That result and why?

XII. Sugar belonging to C.A.V., a Cuban corporation wholly owned by U.S. citizens was aboard a freighter in Havana harbor when Castro published a decree nationalizing all sugar produced in Cuba and refused to allow this ship to sail, claiming ownership of the sugar. It did not then, nor has it since, offered to make restitution to the former owners. D contracted Banco Exterior, an instrumentality of the Cuban Government, to purchase the sugar. The ship sailed, D obtained possession of the sugar, and Banco Exterior forwarded the bills of lading to D in New York without first receiving payment. C.A.V. and Banco Exterior both claim payment from D. The proceeds of the sale of the sugar were paid to a court appointed receiver. The case is appealed to the U.S. Supreme Court in 1971. The Department of State notified the court by letter that it had no objection to a testing of the validity of the Cuban decree. Only two issues were presented and decided by the court:

(1) Whether Banco Exterior has standing to sue in U.S. courts and

(2) Whether the "act of state" doctrine precludes the court from ascertaining and applying appropriate principles of international law. What decision on these two issues only and why?