passive employers. Secondary citations did not substitute for primary ones, nor translations for their original versions—no matter in what language.

II.

My friendship with Riesenfeld spanned only the last two decades of his long life. Yet even in that period, a hallmark of Riesenfeld's life was his currency—it was he who at ninety knew the latest French holdings on privacy law and he who most closely monitored the developments in Mercosur.

As the century drew to a close, however, I believe he saw that there was less appreciation of the horrors of the first half, and consequently less appreciation of the value of the hard-won transformations in international order of the second half. This is not to imply that Riesenfeld dwelled in the past; he did not. On occasion, he told stories about the past, but he did so not to draw his listeners into a remembered better time but, rather, to illuminate a conversation and problem of the present that he saw all too well. Over the last several decades, I believe he wanted the newer generations to understand that the first half of this century really happened. Riesenfeld's preference for the complexity of reality over the parsimonious simplicity of theory was in part a consequence of his belief that law and politics are not games. Indeed, although he was playful, scholarship to him was not a game, either. To be a scholar, in Riesenfeld's view, was not merely to be an academic. Nor was it to adopt the equally simplistic activism of some. Rather, it was to believe in the importance and urgency of more fully understanding our world. Law and politics were important, and simplistic theoretical filters on such complex phenomena were potentially dangerous.

The UN Charter begins: "determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow." Riesenfeld's life was tossed about by those two wars—a father was lost in the first, and the second led to the loss of one homeland and the gain of a new one, the United States. Yet, or perhaps because of these forces, Riesenfeld devoted much of his life to the goals of the Charter. He was a member of that small group of very talented international lawyers who helped take our world from the Second World War to the present. A deep respect for the individual and a strong belief in economic integration were his avenues to a better world. The first half of this century *was* real.

His many students and colleagues in practice, academia, nongovernmental organizations, governments and international organizations join with Steve Riesenfeld's wife and family in mourning the loss of this memorable man and celebrating his productive and rich life.

DAVID D. CARON*

CORRESPONDENCE

The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters should be

* Of the Board of Editors. This note draws, while expanding, on a tribute that I co-authored with my colleague, Richard M. Buxbaum, and that appears in volume 16 of the *Berkeley Journal of International Law* at p. 1 (1998).

published and to edit any letters printed. Letters should conform to the same format requirements as other manuscripts.

TO THE CO-EDITORS IN CHIEF:

In his review of Max Hilaire's book on international law and U.S. military intervention in the Western Hemisphere (92 AJIL 586, 587 (1998)), Judge Abraham D. Sofaer states that "[t]he Guatemala, Dominican Republic, Grenada and Panama interventions *cannot be said to have victimized* the peoples of those countries," adding that, after intervening, the United States "stabilized the situations, *reestablished democratic institutions*, and left" (emphasis added).

I do not wish to express any opinion on the possible validity of this statement as regards the interventions in the Dominican Republic, Grenada and Panama. Insofar as the intervention in Guatemala is concerned, however, I regret to say that, in my considered opinion and with all due respect, Judge Sofaer's views are altogether wrong.

To begin with, there was, officially, no U.S. intervention in Guatemala. Thus, in the course of the Security Council debate on the relevant complaint by Guatemala, the representative of the United States said that "it is certainly true that the United States has no connexion whatsoever with what is taking place."[1] He could assert this because, as is well-known, the intervention was mainly a combination of covert operations.

Such was not at all the case with the other three interventions Judge Sofaer mentions, each of which involved *overt* action by the U.S. military.

Prior to June 27, 1954, when, believing that he could not turn back the rebellion the CIA had mounted against his government, Guatemalan President Jacobo Arbenz Guzmán resigned his office, he had held it in full conformity with the Guatemalan Constitution of 1945, under which he had been elected. Colonel Carlos Castillo Armas, whom a week later the rebellion put in his place, immediately repealed that Constitution and began, as president of a five-man military junta and soon thereafter of a military triumvirate, to rule on a completely de facto basis, exercising both executive and legislative powers. Numerous and serious human rights abuses committed during the initial months of Castillo Armas's grip on power unquestionably victimized the Guatemalan people, who during that dark period were without a constitution, a normal legislature or any kind of effective remedy against those abuses. A grotesque twist was added on October 10, 1954, when a plebiscite was held by which electors were asked whether or not they approved of having Castillo Armas stay on as president, but they were given no possibility of expressing support for any other candidate and each elector was required to cast his or her vote *publicly*. To be sure, this plebiscite confirmed, by an overwhelming majority, Castillo Armas's hold on power; but can one conclude that Guatemala was thereby endowed with "democratic institutions"? It may be added that, until the entry into force, on March 1, 1956, of a new Constitution, adopted by a constituent assembly that was anything but expeditious in carrying out its mandate, Castillo Armas continued to be Guatemala's unelected, one-man legislature (the validity of the statutes he adopted under his de facto powers being confirmed by the new Constitution).

It would seem, accordingly, that not only is it impossible to maintain that by its 1954 intervention the United States "reestablished democratic institutions" in Guatemala, but that it is exactly the opposite that is true. As a citizen of a country whose long years of

[1] UN SCOR, 9th Sess., 675th mtg., para. 159, UN Doc. S/PV.675 (1954).

internal armed conflict were to a large extent due to that intervention, I feel the need to take issue with Judge Sofaer's characterization of it.

ANA MATILDE PÉREZ KATZ

Judge Sofaer replies:

Guatemala has no doubt suffered at the hands of dictators, but my comment related to *military* interventions by the United States, not to the actions of Guatemalan governments, for which U.S. responsibility is necessarily a matter of dispute.

TO THE CO-EDITORS IN CHIEF:

In *International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship* (92 AJIL 367, 378 (1998)), the authors state: "International lawyers have had a range of reactions to the recent surge of interest in IR theory. Some have responded, 'We thought of it first.' " The authors cite as evidence of this viewpoint an endnote in my book *Global Environmental Change and International Law: Prospects for Progress in Legal Order* (note 6 at pages 116–17). It reads, "Goldie thus introduced the concept of regimes into international law over a decade before it was introduced into the international relations literature by Ernst Haas" and references the following statement on page 97: "Although regimes were addressed initially by international law as a means of describing the prospect of legal regulation in Regulated areas,[6] the theory has gained prominence primarily within international relations."

To cite this endnote as evidence of a "we thought of it first" attitude among international lawyers toward the surge of interest in IR theory is incorrect and obscures the continuing interstimulation and reciprocal enrichment of the two disciplines, which the cited work documents and, I hope, reflects.

LYNNE M. JURGIELEWICZ

THE FRANCIS DEÁK PRIZE

The Board of Editors is pleased to announce that the Francis Deák Prize for 1999 was awarded to Professor Benedict Kingsbury of the New York University School of Law for his article entitled *"Indigenous Peoples" in International Law: A Constructivist Approach to the Asian Controversy*, which appeared in the July 1998 issue.

The prize was established by Philip Cohen in memory of Dr. Francis Deák, an international legal scholar and lifelong member of the American Society of International Law, to honor a younger author who has published a meritorious contribution to international legal scholarship in the *American Journal*. The *Journal* notes with sadness the death of Mr. Cohen in September 1998 and wishes to thank his son, David Cohen, President of Oceana Publications, for generously continuing the tradition begun by his father.