

Much has been said in recent years about the public's failure to appreciate the Department of State, and about the inadequacy of the appropriations placed at the Department's disposition. The situation may be due in some measure to the failure of the Department to inform the public about its work. An annual report would not only serve as a basis for wider public information; it would also assist to create among our people a more intelligent support of the policy of the Government.

MANLEY O. HUDSON.

ENLARGEMENT OF THE PUBLICATIONS OF THE DEPARTMENT OF STATE

It is not the practice of the American Society of International Law to adopt resolutions, and it is not its policy to engage in propaganda of any kind. It therefore must needs be a very important matter which would induce the Society to depart from its customary conservatism in this respect. Such an occasion was presented at the recent annual meeting of the Society, when the Executive Council on April 27, with thirty-two members present, probably the largest attendance it has ever had, adopted the following resolution:

Resolved, That the American Society of International Law sympathizes with the general purpose and object of the brief resolution concerning the enlargement of the scope of publications of the Department of State adopted at the Conference of Teachers of International Law recently held in Washington, and that the President of the Society be requested to appoint a committee to coöperate with the committee appointed by the Teachers' Conference to effectuate the purpose of this resolution, and that all matters of detail be left to the sound judgment of the committee.

Mr. Charles Evans Hughes, the President of the Society, who presided at the meeting of the Executive Council, expressed his cordial approval of the Society's resolution, and took advantage of the opportunity presented by the annual banquet on the following evening to make a very pertinent and persuasive presentation of the subject of the resolution to the Secretary of State, who was present. He said

We have persuaded the Secretary of State, however, to join us tonight. We hail his efforts in the cause of peace, but I wish to say that our Society, according to a resolution we have adopted, is perhaps not so much interested just now in peace as it is in *pieces*, that is, these pieces of paper, these numerous telegrams, these instructions, these notes, these papers incorporated or which should be incorporated in the books which constitute our "Foreign Relations." We had just before this meeting a conference of law teachers. They are very earnest persons and they want to know what is going on. They want material, not for praise but for criticism. They want the original documents. As a boy was heard to say "It does wrench a fellow awful to kick at nothing." How is a law professor to register a first class kick when he has not the proper objective?

Now the desire is, and I am sure the Secretary of State will earnestly

support us in this effort, to get the documents printed. We need money from Congress. The Department of State is the most poorly paid department in our government. The farmers—God bless them—have bulletins printed on every conceivable subject by the Department of Agriculture which are distributed *gratis*. I should not wish to attempt to define the limits of the activities of the Department of Commerce with respect to the extent of bulletins and of various sorts of information in printed form which come out from that department and test the superior expertness and facilities of the Government Printing Office. But the Department of State can get but little printed. It is eleven years behind, I think, in its Foreign Relations. Anybody who tries to go through these typewritten press releases, which give you the latest information, will find himself so embarrassed by the form of the material that he would rather not know about it than continue his pursuit. Well, the professors of law met in conference and they resolved, and they have handed their resolution to the American Society of International Law, and we are on the trail of the Budget Director and we are going to conduct a campaign for the purpose of getting a few thousand dollars, just think of it, just a few thousand dollars, so that what is being done can be understood and properly preserved.

I was in office but a short time ago but I should not care to try to find out what I did. I feel it would be almost impossible. Of course, that is a part of the difficulties of our day on account of the mass of things. We are overwhelming ourselves with papers and books but we are not overwhelming the professors. They have an aptitude and a capacity for absorbing and dealing with these things which are almost beyond belief. They increase, as Emerson has said, our notion of the capacity of the human intellect, when we think of the subjects which they are able to master and the material in these days with which they feel competent to cope.

All this is to put just a little push behind this movement in the interest of the Department of State and in the interest of public knowledge of the conduct of our foreign affairs. We are one great family in this country, and the only difficulties that the Department of State, I think, really has, occur when people do not know the actual truth.

When I was in the Department I used to wish that I could get on the roof of the State Department with some kind of megaphone which would reach from the Atlantic to the Pacific and tell everything that I had done, and read every telegram and despatch, and leave it to the American people. The trouble is that they do not know and we need to impart.

The discussion of the subject at the Conference of Teachers of International Law was started by a paper presented by Professor Manley O. Hudson, of the Harvard Law School,¹ in which, after pointing out the important rôle which public opinion plays in the conduct of international relations and the resultant necessity of a widespread knowledge of the facts and factors of international life so that popular opinion in regard to such matters may be

¹ "The Department of State and the Teaching of International Law and International Relations," by Manley O. Hudson, printed in Proceedings of the Third Conference of Teachers of International Law, Washington, D. C., April 25-26, 1928.

intelligently informed, he mentioned the inadequacy of the information given out in documentary form by the Department of State, and commented as follows:

The result of the scarcity of governmental documents is that students of international relations often lack the materials upon which a judgment can be based at the time questions are being discussed. . . . Today the teacher is often dependent on his daily newspaper for information about international affairs, and the range of that information, even when it can be relied upon, is conditioned by the editor's estimate of the interest of a general public. Specialists in international affairs must often be silent when their influence might be exerted for informing public opinion, because they lack the materials for forming judgment.

Professor Hudson realized that the Department of State is handicapped in the matter of publications by a lack of adequate appropriations, and that in comparison with other departments it is treated pitifully in its financial support. After referring to the excellent public documentation of the work of the Departments of Agriculture, Commerce, Interior, Labor and Treasury, Professor Hudson concluded:

We seem to have gone very far in the education of our public concerning all governmental affairs except those relating to our official international relations. But surely these latter are not less important, and the teachers from whom the public expects some leadership should demand a better documentation upon which their work may be based. Such a demand should be made, of course, with due regard for those limitations under which the Department of State necessarily works, and to which other Departments are not subject.

Following the discussion of this paper, the Conference of International Law Teachers adopted the resolution mentioned by the Executive Council of the Society, as follows:

Resolved, That the Director of the Conference of Teachers of International Law be, and he is hereby, authorized to appoint a committee to confer with the President of the United States, the Secretary of State, and the appropriate committees of the Senate and House of Representatives, concerning the enlargement of the scope of the publications of the Department of State.

The committee appointed by the Teachers' Conference, consisting of the Honorable Roland S. Morris, of the University of Pennsylvania, Chairman; Professor Edwin M. Borchard, of Yale Law School; Professor Quincy Wright, of the University of Chicago; Professor Daniel C. Stanwood, of Bowdoin College; and Professor Kenneth Colegrove, of Northwestern University, immediately called upon the Secretary of State and the President of the United States, and urged that steps be taken to provide the Department of State with the funds necessary to carry on the publication program recommended by the conference. A supplemental estimate for inclusion in the second deficiency appropriation bill was promptly prepared in the Depart-

ment of State, but unfortunately, it appeared to be too late in the legislative calendar to have this estimate considered upon its merits, as it, together with the other deficiency recommendations of the Department of State with which it was grouped, failed to receive the approval of the Director of the Budget on the ground, it is understood, that they were not appropriate for inclusion in the general deficiency bill. The Society's Committee, consisting of Messrs. William C. Dennis, Chairman, Henry W. Temple, and Charles Henry Butler, then made efforts to have the item inserted in the bill by the Appropriations Committee of the Senate, and Mr. Temple was granted a hearing before the Senate Committee, upon a proposed appropriation of \$42,420 "for the purpose of expediting the publication of the foreign relations of the United States, for the preparation of a new edition of the treaties and agreements of the United States, for the initiation of an information service on current diplomatic subjects, and for the publication of arbitral proceedings to which the United States is a party;" but the attempt was again unsuccessful for legislative reasons.

It is the intention of the Society's Committee, in collaboration with the Committee of the Teachers' Conference, to make an effort in the Fall to support the recommendation of the Department of State before the Bureau of the Budget and the Appropriations Committees of Congress. The enlargement of the scope of the publications of the Department of State will be in the interest not only of the work of the teachers, for whom Professor Hudson made a special plea, but of all members of the American Society of International Law, who are associated together, in the words of the Constitution of the Society, "to foster the study of international law and promote the establishment of international relations on the basis of law and justice." Since its organization, the Society has supplied the readers of its JOURNAL with the texts of important official documents so far as available, and will continue to do so within its limited space. The present proposal to enlarge the scope of the publications of the Department of State is therefore in direct line with the work of the Society, and it is hoped that all members who may have an interest in such publications will manifest it by communicating with their representatives in Congress, urging them to give their support to this much needed appropriation for the Department of State.

GEORGE A. FINCH.

ARBITRATION OF ATTORNEYS' FEES UNDER THE SETTLEMENT OF WAR
CLAIMS ACT OF 1928

The American Commissioner* on the Mixed Claims Commission between the United States and Germany, the awards of which Commission are now being paid pursuant to the recent Act of Congress entitled "Settlement of War Claims Act of 1928," has been authorized and requested by Congress, in

* Honorable Chandler P. Anderson.