

distinguish between those involving changes in obligations assumed by members under the Charter and those not involving such changes. The Conference may declare that an amendment of the former type is of such nature that all members not accepting it within a period of time specified by the Conference shall withdraw from the ITO. The Conference is to call a special session, before the end of the tenth year from the date of the Charter's entering into force, for review of its provisions. Without prejudice to other parts of the Charter which refer to possible withdrawal, a member may, upon giving the required notice of intention to terminate, withdraw for itself or its separate customs territories at any time after three years.²¹ The effectiveness of the Charter itself (for all states bound by it) may be terminated at any time by agreement of three-fourths of the members.

Perhaps the most striking thing about the proposed Charter is the comprehensiveness of its design. The head of the American delegation at Geneva has appraised the work of the Preparatory Committee as a "miracle" of international coöperation.²² That much remains to be decided when the Conference on Trade and Employment convenes in Havana is emphasized by the alternative provisions formulated on certain matters and by the fact that some of the eighteen states represented at Geneva reserved their positions on various parts of the instrument. In any case, there is in prospect a multilateral agreement which is not without some flexibility, and an organization which is not a "superstate" but essentially a "medium for consultation,"²³ the operation of which may in the future present many international questions of legal as well as economic significance.

ROBERT R. WILSON

INTERVENTION—THE TRUMAN DOCTRINE AND THE MARSHALL PLAN

While the Marshall proposal for aid by the United States toward European recovery is often called a corollary of the Truman Doctrine, they differ essentially in their aims. While both are directed against the expansion of Soviet Russia the Truman Doctrine looks to military aid to Greece and Turkey, and the outcome is unknown. The Marshall proposal, on the other hand, looks purely to economic aid for the countries of Western Europe and professes to disregard political considerations.

The so-called Truman Doctrine is often called an extension of the Monroe Doctrine. But this is surely an error. The Monroe Doctrine was limited geographically to this continent. It announced that American arms would protect the Continent against any effort of Europe to extend its system across the Atlantic. Several efforts at European intervention

²¹ Art. 97.

²² Address of Under Secretary Clayton broadcast from Paris, reported in *The Washington Post*, Sept. 11, 1947, p. 1.

²³ *Hearings*, Vol. I, p. 3 (testimony of Mr. Clayton).

were made during the nineteenth century, efforts which always failed. The Truman Doctrine has no geographical limits and promises American intervention in places where the United States has little or no interest. One of the major premises of the Monroe Doctrine was the traditional American policy of not intervening in European feuds. The bottom has, therefore, been taken out of the Monroe Doctrine by American intervention abroad, so that the United States has now little moral claim to ask Europe to refrain from extending its political philosophy to this continent. Moreover the Truman Doctrine is not a self-denying ordinance but a promise to use American dollars, if not more, to stop Communism. Apart from the fact that Soviet Russia exemplifies not Communism but National Socialism—the Communist Utopia not having yet arrived—it remains to be proved that dollars can stem the advance of a doctrine which finds its major source and soil in poverty and misery. President Truman recently announced, in describing the Potsdam Declaration, that chaos had been brought to Germany by the Nazi Party.¹ Regardless of the accuracy of his ascription, the fact is that chaos prevails in most of Europe and that American money, which European peoples naturally are delighted to spend, can hardly shore up countries that surrender to the inevitable. It shows how fantastic was the half-truth of the idea of "One World." As Senator Root said to Senator Bacon of Georgia in a famous debate on Mexico, many ideas, like world government, are logical, but not practical.

One of the primary interests of the founders of this country, who are entitled to be heard in such a dilemma as now confronts the United States, is that European ideology must not be imported into this heterogeneous population. The founders' warning was prophetic. The major opposition to the Italian Treaty comes from Italian-American societies who resent the fate meted out to Italy. In that opposition they have a good ground for protest, but it seems pitiful to transfer European problems to this soil in the alleged interests of an unachievable Utopia.

The Marshall Proposal. The so-called Marshall Plan is no plan at all but merely undertakes to finance some plan satisfactory to Secretary Marshall and the United States Congress if the European countries can come to agreement. Russia and her satellites have already declined American aid and profess to see in it danger to the aided. They promise to defeat the proposal.

If we should advance any money to Europe in addition to the twenty billions already devoted to relief and other purposes it will show that the United States is the only country really paying reparations in addition to what Russia has looted out of Germany and Austria and her satellites, mostly private property. It may be questioned why the United States should pay reparations, but it is a result of failing to think about what will

¹ *Department of State Bulletin*, August 5 and 12, 1945, pp. 153, 208.

happen after a war. The psychology of merely defeating the enemy is manifestly inadequate. Yet the mores of war forbid thought beyond this point. First we spend billions, not, it is true, with a view to destroying Europe but having that effect. Now we are to spend new billions to restore Europe with the promise that it will be interpreted as American imperialism. It may also have that result, since Secretary Marshall promises to supervise the expenditure of any funds which Congress may advance. But that is not the initial intention. The Russians are wrong in charging that it positively will have that result. We can accept Secretary Marshall's statement that he, at least, has no such intention. He may, however, find himself in the position of the British in Egypt after 1882; then the United States, already a Balkan power, will become an imperialist power. It is simply too early to forecast all future developments. The chances are not weak that the reparations of Italy and other countries payable to Russia and her satellites may be siphoned off from American loans to Italy and other reparation paying countries.

The Marshall Plan seems particularly to lack consideration because no one can tell what it may cost the United States. We have seen figures mentioned of three billions for three years, five billions for four years, and seven billions for ten years. The President states that we have already contributed twenty billions to Europe since the end of hostilities in 1945. Europe is now based on the unsound political plan of Potsdam, and no amount of American money can change that fact. So long as that basis stands any American money raised, as it must be on credit, will be the sheerest palliative and can serve no purpose of recovery.

There are other dilemmas that must be faced. Europe's condition is not only due to the unfortunate features of the Potsdam agreement, of which Russia seems to have taken full advantage, but Eastern Europe has also been separated from the West to a considerable extent by the so-called Iron Curtain. Eastern Europe normally exports foodstuffs and raw materials, as does Russia, but they are not getting in exchange industrial goods from the West, goods which they badly need. Although Russia hurries to make agreements with her satellites, they can hardly make good the deficiency. Eastern Europe, therefore, seems likely to suffer an industrial famine, although the Marshall proposal does not contemplate a termination of the bilateral treaties made between Eastern countries and the West.

The Marshall proposal seems more likely to finance state socialism, although the word "recovery" is frequently employed. At this writing (September, 1947), it is unsafe to predict developments, but since Russia and her satellites have declared war on the plan, the financing of Western Europe might turn into a military measure, leaving recovery an unachieved aim.

We now learn that France objects to increasing the German output,

though the joint chiefs-of-staff have already issued a directive to that effect. Great Britain is also said to protest against part of the program. Perhaps this is the most significant event of recent years, since it throws light on the origins of the war in 1914, however justified the protest. If Europe is not to be allowed full production, it seems idle to throw American money into the breach. The plan is stymied at the source.

The countries which possess the fifteen billion dollars of gold and foreign exchange that the National City Bank reports are not the countries with which the bulk of American trade is done, but some exchange is possessed by those countries. Should Secretary Marshall insist first on their spending their assets on American goods before receiving American bounty? Or will they say, as a British cabinet minister threatened the other day, that default in certain loans will follow or that the United States in its own interest must finance exports up to eight billions a year—the difference between exports and imports—since otherwise unemployment will result in the United States?

There are thus many obstacles which the Marshall proposal must overcome. Will the proposal founder on one or more of these obstacles? Only the future can give an answer.

EDWIN BORCHARD

INTERNATIONAL LAW IN THE CONSTITUTIONS OF THE LÄNDER IN THE AMERICAN ZONE IN GERMANY

The inclusion in the Weimar Constitution of August 11, 1919, of the provision that "The generally recognized rules of international law are valid as binding and integral parts of German Federal law"¹ was the result of a conscious adoption of what was deemed to be the Anglo-American practice with regard to the enforcement of international law through municipal law. Dr. Hugo Preuss, Minister of the Interior and "father" of the Constitution, placed at the head of his original draft three fundamental and related principles: that all political authority belongs to the people; that the state should be organized on a federal basis; and that the Reich should form a democratic *Rechtsstaat* within the international community.² "As once the United States of North America entered the circle of the old world of states with an acknowledgment of the binding force of international law, so," Preuss stated, "the new German Republic recognizes . . . the validity of the law of nations." In Section 2 of Article VI of the United States Constitution Preuss perceived the recognition of a new democratic principle which marked the beginning of a fundamental change in the structure of international

¹ Artikel 4. *Die allgemein anerkannten Regeln des Völkerrechts gelten als bindende Bestandteile des deutschen Reichsrechts.*

² Hugo Preuss, *Reich und Länder: Bruchstücke eines Kommentars zur Verfassung des Deutschen Reiches*, Berlin, 1928, p. 81 ff.