

those in attendance for the necessary travelling expenses. The Endowment's relation to the Conference, it should be added, was a most happy one. At the request of the Director of the Conference, the essential preparatory work and all matters of administrative detail were handled in the office of the Endowment's Division of International Law. Detailed studies of institutions and personnel were made and arrangements perfected most efficiently under the direction of Mr. George A. Finch, Assistant Director of the Division.⁵ And all this was done without the slightest suggestion as regards what the Conference should be or how it should direct its efforts. Such a happy combination of efficiency in administrative arrangements with complete abstention from anything that might influence program or policy affords an example which even the administratives of some of our educational institutions might consider with profit.

The decision to continue the permanent organization was taken in anticipation of a fourth conference to be convened after another interval of perhaps three or four years. Professor Borchard's acceptance of the Directorship was a source of universal and genuine satisfaction. Given the same interest and enthusiastic coöperation on the part of the teachers which have characterized preparations for the previous conferences, it may be confidently predicted that future conferences of the Teachers of International Law will not only continue effectively the work already begun, but will find new fields of useful endeavor.

EDWIN D. DICKINSON.

AN ANNUAL REPORT BY THE SECRETARY OF STATE—A SUGGESTION

At a meeting of the Third Conference of Teachers of International Law, held in Washington on April 25, 1928, a suggestion was made that the publications of the Department of State should be greatly enlarged, and that they should include an annual report by the Secretary of State.¹ The reasons for the latter suggestion and the purpose which such an annual report by the Secretary of State might serve, were not fully discussed at the conference and it may be useful to explain them in some greater detail.

With the exception of the Department of State, all of the executive departments of the Government of the United States publish annual reports. The Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, the Attorney-General, the Secretary of Labor, the Secretary of the Navy, the Postmaster-General, the Secretary of the Treasury and the Secretary of War, all make annual reports to the President. The heads of most

⁵ See the report cited, note 4 *supra*.

¹ See Manley O. Hudson, "The Department of State and the Teaching of International Law and International Relations," in the Proceedings of the Third Conference of Teachers of International Law, 1928.

of the independent bureaux also publish reports: the Alien Property Custodian, the Civil Service Commission, the Efficiency Bureau, the Employees' Compensation Commission, the Federal Board for Vocational Education, the Federal Trade Commission, the Board of Mediation, the Shipping Board, the Veterans' Bureau, the Interstate Commerce Commission, and the Librarian of Congress, all make annual reports, submitted either to the President or to Congress. The Secretary of State is conspicuous among the higher officials of our government in that he does not conform to this general practice. Though Congress has placed on the Secretary of State a duty to make annual reports concerning specific matters,² the statutes do not require any general report. In 1896, a report was made to the President by Secretary Richard Olney,³ but the precedent has not been followed during the past thirty years.⁴

It is not questioned that some reasons exist for this exceptional position of the Department of State. Possibly no other member of the cabinet is in such direct relation with the President as is the Secretary of State. In a sense, our relations with other governments are kept by the President within his own domain, and in recent times at any rate, the President has exercised a more direct supervision over the work of the Department of State than over other executive departments. Many of the activities of the Department of State must be carried on in the name of the President and subject to his immediate approval. A part of the President's annual message may be said to serve as a report on the work of the Department of State. Moreover, the Secretary of State is usually in close contact with two Congressional committees, the House of Representatives Committee on Foreign Affairs, and the Senate Committee on Foreign Relations; and both the necessity of getting appropriations and the necessity of securing the Senate's consent to treaties, render it impossible for him to carry on the work of the Department effectively without their coöperation. It may be added, also, that since a part of the current work of the Department consists in the conduct of negotiations with other governments, it is not always possible for the Secretary of State to report to the public as fully as may be possible for the heads of other departments.

But these reasons do not preclude the publication of an annual report on the work of the Department of State, nor do they diminish the importance of such a report. The American public today is uninformed about many of the

² See U. S. Revised Statutes, §208; 44 Stat., p. 167. Some of the functions specified have been transferred to the Department of Commerce by or under the Act of February 14, 1903, 32 Stat. c. 552; others are considered to be complied with by an annual report sent by the Chief Clerk of the Department of State to the Clerk of the House of Representatives (not printed).

³ U. S. Foreign Relations, 1896, p. lxiii.

⁴ In 1922, however, "A Short Account of the Department of State of the United States" was published, with a foreword by Secretary Hughes.

activities of the Department; it frequently has but meager information about major questions of our government's policy in dealing with other governments; and at the present time, there are few publications to which either legislators or students can turn for reliable information. The result is that the Department is frequently misunderstood by the public, and often it fails to receive the support of public opinion which it merits. Nor is the material available for writing a history of the Department of State as it is available for writing the history of any other government department. A new system of current publications is badly needed, as was advocated by the Third Conference of Teachers of International Law;⁵ but such a system would in no way reduce the importance of such an annual survey of our international relations as should be found in a report by the Secretary of State.

Such a report should deal first of all with the administrative responsibilities of the Department; for in addition to its responsibilities for the conduct of our relations with other governments, and incident to such responsibilities, the Department of State now has extensive administrative functions. A large personnel is under its control. At the present time no report is published concerning the appointments, promotions, and resignations among this personnel. To know where different foreign service officers are serving, one must consult the (annual) Register of the Department or the (quarterly) "Foreign Service of the United States" with reference to each officer or each country. No report is published concerning the conduct of the Foreign Service School; a list of successful candidates in Foreign Service entrance examinations is now given to the press, but it is not to be found in any permanent government document available to the public.⁶ Where is one to obtain information which would enable him to judge the working of the Rogers Act, or to advise young men about entering the Foreign Service, or to answer the criticism that wealth and social position are too important among the factors considered in making promotions in the Foreign Service? Or, how can inquiring people have a judgment as to the effective administration of the Department of State, when there is no authoritative report concerning it to which one may turn? The creation of two new divisions in the Department was recently announced; but even students of government must go to the newspapers for information concerning them. If an annual report dealt only with the administration of the Department and the personnel under its supervision, it would be worth while.

The Department has among its functions the handling of many questions relating to American business abroad. On April 27, 1928, an Assistant Secretary of State told the National Foreign Trade Council at Houston, Texas, that "the number of recorded services of American consuls in 1927 reaches the not insignificant figure of 1,949,516." An indication of the general

⁵ See editorial, *infra*, p. 629.

⁶ The excellent reports published concerning the British Civil Service might be taken as models.

nature of these services, such as that to be found in the report of the Director of the Bureau of Foreign and Domestic Commerce, published in the annual report of the Secretary of Commerce, should find a place in an annual report of the Secretary of State, and it would greatly assist the American public to appreciate the work of our Foreign Service Officers.

The international relations of the United States are not confined merely to negotiations with single governments. For instance, the United States is a party to various claims conventions under which tribunals are created. From time to time, the reports of American agents engaged before these tribunals are published, as separate volumes, in no serial sequence. They are very difficult to procure, and information in advance of their publication is seldom available. The public has almost no facilities for getting current information concerning the progress of the work of such tribunals. For instance, on April 24, 1928, it was announced that the United States and Mexico had agreed upon a procedure for selecting a member to preside over the Special Claims Commission and the General Claims Commission; this agreement was announced to the press, but it will probably find no place in our government documentation until the volume of "Foreign Relations" appears some ten years hence. Various international commissions exist, for information concerning which the public has no place to turn. The interim report of the Special International Niagara Board, issued to the press on January 20, 1928, is a most interesting document which will probably find no place in permanent published records unless it appears in "Foreign Relations" some years hence. It might be usefully included as an appendix to an annual report on the Department of State.

The Department is charged with responsibility with respect to many international conferences at which the United States is represented, such, for instance, as the International Conference on Literary and Artistic Property, which met at Rome on May 8, 1928. Almost no information is available today, in our published government reports, concerning the work of such conferences. The United States was represented at a Conference on Import and Export Prohibitions and Restrictions, held at Geneva from October 17 to November 8, 1927, and the convention promulgated by the conference was later signed on behalf of the United States; though slight information concerning this conference was included in a press release issued by the Department, no document concerning it has been published in permanent form. It is precisely the kind of topic concerning which one would like to have an authoritative statement in an annual report of the Secretary of State. Such international conferences have now become very frequent. They constitute an important agency of international legislation. If one cannot expect a government report to appraise the value of such a method, certainly government reports should contain information upon which others could make such appraisal.

The list of subjects covered in the report of Secretary Olney in 1896 indi-

ates the lines which future reports might follow: in addition to the discussion of our relations with some twenty-seven other countries, that report dealt with the attempt to form a Greater Republic of Central America, the conclusion of treaties concerning extradition, official residences for ambassadors and ministers, the consular service, and reorganization in the Department of State. It is obvious that an annual report could not deal with all matters under discussion with other governments before they have reached a stage of agreement; but respect for that limitation would still leave a large field to be covered. In addition to a general account of the current development of relations with other states, an annual report might deal with such subjects as the following: (1) the organization of the Department of State; (2) transfers, promotions and appointments in the Foreign Service; (3) the Foreign Service School; (4) bi-partite treaties concluded by the United States; (5) the work of international conferences at which the United States is represented; (6) progress of ratification of multipartite treaties to which the United States is party; (7) the conclusion of multipartite treaties by other countries; (8) the functioning of American Consular Courts; (9) appointments under treaties to which the United States is party; (10) questions relating to immigration; (11) extradition cases; (12) the publications of the Department. If an annual report contained no information on these subjects in addition to that which is now given to the press, it would still serve a useful purpose as a compendium to which frequent reference would be made.

Indeed, a document which might serve as a model for an annual report by the Secretary of State has recently been published by the Republican National Committee (Bulletin No. 5, 1928). It is a review of our "Foreign Relations" by Secretary Kellogg, in which *inter alia*, the following topics are dealt with: commercial treaties, the conference on oil pollution of navigable waters, the Dawes Plan, coöperation with the League of Nations, the Permanent Court of International Justice, the Three-Power Naval Conference, Pan American Conferences, establishment of diplomatic relations with Canada, and the Chinese Tariff Conference. The review also sketches our relations with various countries; it includes a very significant statement concerning our relations with Soviet Russia; and it contains a useful appendix giving a list of treaties negotiated by the United States since 1924, with indication of the present state of each treaty. The pamphlet is published by the Republican National Committee "for the information of those who are called upon to write and speak in behalf of the Republican cause." Though precedent was not lacking for this action,⁷ it would have been a more dignified procedure if the Secretary of State had published the same material in an official report to the President, for the information of all citizens who are called upon to write and speak concerning the conduct of our international relations.

⁷ A similar statement prepared by Secretary Hughes was published by the Republican National Committee in 1924.

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