CURRENT NOTES

WILLIAM JENNINGS BRYAN—March 19, 1860–July 26, 1925

Neither the political activity of Mr. Bryan, through which he acquired leadership of his party and held it for many years, nor his prominence in the discussion of religious questions, falls within the scope of a journal of international law. Only the services of an international nature which he rendered as Secretary of State can properly be considered here, and they will probably be found to be much more important than commonly supposed; so important, indeed, that Mr. Bryan is likely to hold a more prominent place among those who have striven for peace among nations, than among political leaders in the United States who have held the attention of their countrymen and aspired to the highest offices of state.

In 1913, President Wilson appointed Mr. Bryan Secretary of State of the United States. He entered upon the performance of his duties, March 5, 1913, but resigned on June 9, 1915, rather than sign a second note on the sinking of the *Lusitania*, which in his opinion was calculated to bring about war. Opinions may differ as to the wisdom of Mr. Bryan's action on this occasion, but there could be none as to his sincerity. Secretary Bryan has to his credit, however, a series of diplomatic documents, entirely of his own inditing, and which he justly regarded as his great contribution to the cause of international peace. They are the so-called Bryan treaties, or to use their official name, the Treaties for the Advancement of Peace.

Mr. Bryan had accepted the portfolio of the Department of State tendered to him by President Wilson, with the distinct understanding on the part of the incoming President that Mr. Bryan might proceed with the negotiation of the treaties in accordance with an outline, which he had submitted to Mr. Wilson, and which had the good fortune of meeting with his approval. As Secretary of State, he lost no time in conferring with the representatives of the nations accredited to Washington, and also with the Committee on Foreign Relations of the Senate, in order to be assured by its members that they would approve treaties in accordance with the draft, and urge their ratification to the Senate, when presented for its advice and consent. He negotiated no less than thirty; the Senate of the United States advised and consented to twenty-nine, and ratifications were duly exchanged and proclaimed on twenty of them.

Perhaps the best way to show Mr. Bryan's plan is to analyze one of the treaties. They are similar, but not identical, inasmuch as he gladly varied the phraseology and terms in order to meet the desires of the contracting parties. The treaty with France may be taken as a model, because it contains a provision which already has made its way into the Statute of the

Permanent Court of International Justice, and which is destined to become deeply embedded in the practise of nations.

The treaty, dated September 15, 1914, consists of a preamble and six articles, of which the most important are the first, third and fourth. Each of these articles contains two stipulations.

In the first article it is provided that any disputes between the contracting nations, which diplomacy shall have failed to adjust, or which are not referred to arbitration, shall be submitted for investigation and report to a permanent international commission of inquiry. The second part of the article maintains peace between the countries during the year in which the commission is to complete its labors, unless a different period shall have been agreed upon by the contracting parties.

The great difficulty in international negotiations is that nations are unwilling to bind themselves to keep the peace during a specified period. Mr. Bryan secured this agreement in every one of his thirty treaties; and, if he was right in believing that no dispute could survive an impartial investigation and report, he was assuredly justified in believing that he had devised a method of securing a consideration of all differences which might arise between two nations, and having them investigated and a report made in an atmosphere of peace. If he was further right in believing that public opinion would prevent the nations from going to war after the investigation and report, he had, indeed, taken the three essential steps to the goal of peace; no dispute without investigation and report; no war or rumors of war during the investigation and report; and the pressure of public opinion on the nations in controversy to prevent them from resorting to force.

The second article, to be mentioned in passing, provides for a commission of five persons, to be appointed for a period of a year and subject to reappointment, two by each of the contracting parties, of whom only one may be a citizen or subject, the fifth to act as president and to be appointed by common consent.

The next of the important articles—the third—authorizes either of the contracting parties to ask the commission to undertake the investigation. Thereupon, it becomes the duty of the president to consult his colleagues. If a majority be favorable, the president then offers the services of the commission to each of the contracting parties, and the acceptance of the offer by one or other of them vests the commission with jurisdiction. The decision is no longer that of the governments, for they have decided in advance as to the course which shall be taken after the breakdown of diplomacy, on the failure to submit the dispute to arbitration. The decision is no longer reached by the national of one or other party, for they are but two of the five.

The reference, if not automatic, is mechanical and, as will be seen by the fourth article, which is of fundamental importance, the commission, having assumed jurisdiction, conducts its investigation and report as it deems

advisable, without being controlled by the statements which one or other of the contracting parties may make to it.

But this is not all. Having assumed jurisdiction of the subject-matter, the commission is authorized to determine the measures which, in its opinion, are necessary to preserve the rights of the parties pending investigation and report. This is, in technical language, nothing less than an international injunction. Finally, it is to be stated that in accordance with the fifth article, the report, to be effective, is to be adopted by a majority and transmitted by the president to each of the contracting parties who, "reserve full liberty as to the action to be taken by the commission." It is believed that comment is useless upon such an agreement. Its terms speak for themselves. There is here no reserve of honor, no reserve of independence, no reserve of vital interests. There is also no compulsion. The appeal is to the public and instructed opinion of the world.

Secretary Bryan regarded these treaties as his greatest achievement, and the official portrait painted for the Diplomatic Room of the Department of State represents him in standing posture, holding in his hand a copy of the treaties. He was right. In the opinion of many, they constitute the greatest contribution of an official nature made at any time, by any one man.

JAMES BROWN SCOTT.

LÉON BOURGEOIS—1851–1925

On the 28th of September, 1925, M. Léon Bourgeois died, at Paris, after many years of public service in France, which placed at his disposition the highest offices of state, and after years of service to the cause of international peace through justice, which secured him not only leadership in this cause at home, but in the world at large. No historian of the times in which he lived can speak of the two Peace Conferences at The Hague, or of the creation and conduct of the League of Nations at Geneva, without referring to the great and noble part which M. Bourgeois played in both in their efforts to advance the cause of international peace. His personality attracted an audience which his eloquence charmed; both were enhanced by the official position which he held in his own country, and gave prestige and weight to his advocacy of international justice. He early achieved distinction, and he retained his hold upon his country and his countrymen until his death.

Born in 1851, and educated for the law, he did not have the opportunity, owing to his youth, to take a part in the stirring events of the Franco-Prussian War, or in the decade following it. He first became known to the public as Prefect of Police, in 1887, at the critical moment of President Grévy's resignation. In the following year, he stood as Deputy for the Marne, in opposition to the famous Boulanger, and was elected. His can-