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## January Meeting

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# THE DENVER BAR ASSOCIATION RECORD

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## *January Meeting*

**T**HE regular meeting was called to order by President Stearns on January 12th, 1928, in the Chamber of Commerce Building, at 12:45 P.M.

Mr. Clyde Barker, Chairman of the Special Committee appointed for consideration of feasibility of publication of digests of the Colorado Supreme Court, reporting for the Committee, stated that two plans for the publication of these Digests had been considered. The first, to have the Clerk of the Supreme Court publish these digests at regular intervals; the second, to have a Committee of the Bar Association take care of these digests each month as a part of the Bar Association Record. Mr. Barker highly recommended the second plan in that it would cost the members of the Bar nothing for this service and would also

make the Record a far more valuable publication.

Mr. Edward Knowles, Chairman of the Annual Banquet Committee, reported the annual banquet would be held at the University Club on February 22nd, the speaker of the evening being the Hon. Silas H. Strawn, President of the American Bar Association. Mr. Knowles further stated that there would be other entertainment at the banquet and not more than one other speaker.

President Stearns before calling on Mr. Cherrington stated that he at least had always considered the subject of political science as a shifting proposition and was reminded, in considering this subject, of a statement made quite recently by a friend of his; that "he did not know whether we were at the present time learning more and

more about less and less or less and less about more and more". He then introduced Mr. Ben Cherrington, Executive Secretary of the Foundation for the Advancement of the Social Sciences of the University of Denver, under whose auspices the speaker, Dr. James T. Shotwell, was present.

Mr. Cherrington stated that the name "Dr. James T. Shotwell, Professor of History", appears in the Columbia University catalogue, and described Dr. Shotwell as more or less of a war casualty, he having been taken to Paris by President Wilson at the time the Treaty of Versailles was drawn up and having lived in Europe practically continuously since the war writing a history of the war which is unique in that it attempts to present the effect war has upon the people of the countries involved, their governments and their living conditions. A committee of 200 European statesmen with offices in every European country save Spain are helping Dr. Shotwell in this work, and 100 volumes have been written at the present time, while 100 more volumes are being prepared, and the end is not yet in sight. Stating that no one could speak with more authority upon European affairs than the day's speaker, he introduced Dr. Shotwell.

Prefacing his speech with the remark that he came before the meeting as a historian and not as a partisan, and wanted to briefly analyze the history of the League of Nations from a historical standpoint, Dr. Shotwell stated that in the controversies in this country about the League of Nations and the World Court, we have passed from partisanship to legalistic arguments and that he for one deplored the situation which exists in America where the people of a country as a whole are trying to pass amateur legal opinions on technical questions, such as are involved in a discussion of the League of Nations, when they should

be discussing first, what the League of Nations has been up to, and second, its construction.

The structure of the League as it is working in practice at the present time is far different from the original plans for the League which provided for the Assembly, the Council and the Secretariat, which were to be of importance in the order named, but now that the League was actually in operation, the order of importance of the different branches was just reversed. Taking up the Secretariat, Dr. Shotwell pointed out that originally it was planned to have this Department function all of the time, but it was to be as unimportant as possible in order to keep away from international bureaucracy. At the present time, under enlightened guidance, they have gathered together experts of the highest calibre in all types of public service to work in Geneva, and to coordinate the efforts of a growing world community. A peculiar situation with regard to these experts is that most of them have higher reputations in other countries than they have in their own, this being the chief source of weakness in the Secretariat, in that the members are thought not to pay as much attention to their own country's welfare as their fellow-countrymen think they should. This grouping together of experts has however had one very beneficial result, in that the smaller states have for the first time in their history the highest degree of technical skill available at their disposal. Reciting as an example the Danube Valley situation, over which Austria and Hungary could never formerly agree: In former days it was the usual state of affairs that once freight cars went across this boundary, they were never returned, making it necessary for the shipper at the boundary line to unload from the cars of one country and reload his goods upon the cars of the other country;

this and other controversies have been amicably settled by the technical experts of the Secretariat who lacked any prejudices. Now, owing to the work of the Secretariat, there is a sense of respect for its work, that might be termed "the decencies of international intercourse". The Secretariat performs most of the technical work of the League and rarely deals with political questions and then, only under specific directions from the council, which is chiefly concerned with this phase of the work.

Taking up this branch of the League, Dr. Shotwell pointed out that in the League Covenant it was not intended that the Council was to meet oftener than once each year, but ever since its inception it has met at least four times each year and at the present time the smaller nations are protesting against this number of meetings of the Council and desire instead that these gatherings be held more often because these smaller states fear the secret diplomacy of the larger powers. The Council has developed into meetings of the Foreign Ministers, who are responsible for the foreign policy of their nations. Dr. Shotwell stated that in his opinion the meetings of the Council are a great gain over prewar diplomacy. Formerly, the nations wrote notes to each other and the different foreign Ministers would be corresponding with other Ministers whom they had never even seen. These notes often went unanswered for long periods of time, but now the foreign ministers meet together and there is no formal note writing from one to the other, with the result that there is no accumulation of public sentiment, extorted by the newspapers in their respective nations, while they are awaiting a reply from some other country. The Council brings the note writers together in meetings and they now have confidence in each other. They call each other "Colleague", and

Britain, Germany and France have retained their Foreign Ministers, no matter what political faction happened to be in power at home. This is due, not primarily to the fact that the people at home have confidence in their respective foreign ministers, but because the other countries do, and while the representatives of the larger powers have conferences, the smaller ones are present and listen in on these meetings.

In Dr. Shotwell's opinion, the Council is the best place to settle political disputes, as the Council is not a court where a judgment can be rendered and hence a compromise is reached more easily in the Council than in the world court, as people speak more freely when a judgment cannot be rendered, and they are under no compulsion to reach any definite conclusion. Dr. Shotwell brought out that any dispute was a political question up to the point where a compromise is reached or a definite issue is to be settled, then it becomes a juridical question for determination in a court of law such as The World Court provided for in the League; and he further stated that these disputes did not usually go to the World Court for a final trial and judgment.

As an example of the political questions settled by the Council, he cited the "Saare Valley question". Over this territory, which lies on the border of Alsace-Lorraine, France has been given a mandate of fifteen years to exploit the coal mines in this region, in return for the coal property lost during the war. It seems that France had cut their military force in this area from 800 to 300 soldiers. At the next meeting of the Council the German Minister was to preside for the first time and because of this the German papers were demanding that France cut their military force still further because it would be a showing of bad faith if this were not done. At

the same time, the French papers in commenting on the situation, were quite strong in stating that France should not be intimidated by what they called a "German bluff". This was a political question and after a long discussion, it was finally settled in the Council by the Italian representative, who said he thought France could have 800 soldiers in the region if they did not use them. This humorous remark concluded a very serious controversy to the apparent satisfaction of all concerned.

The Assembly is the Parliament of the Nations, and it never gets beyond the preparation and discussion of world affairs. Its matters of importance are usually referred to a commission.

The commissions of the League are summoned to meet from time to time to deal with specific problems and Dr. Shotwell said at this point that there was not a week in the year during which some commission was not holding a meeting, discussing some national problem, something unheard of before the war.

In conclusion, Dr. Shotwell said that as first planned, the League was only for the purpose of averting wars, but that due to the way the League had functioned, it was going to succeed because of the world interest in building up human contacts and a world community.

B&M.

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## *Martial Law in Colorado*

(Address delivered before The Law Club, Jan. 25, 1928,  
By Frazer Arnold, of the Denver Bar.)

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**O**RGANIZATIONS or societies to oppose organized government have existed continuously from the Middle Ages to the present day. The first anarchist is said to have been Zeno the Stoic. He represented a group of philosophers opposed to the ideas of the State as elaborated by Plato.

In 19th and 20th Century despotisms, organizations to oppose government generally, have claimed a large share of the talent and energy of the revolutionary movement, especially among the youth. The cruelties and stupidities of their government excited fiery indignation against the only State with which they were familiar. It has been characteristic of the Russian and German temperament, especially, that it will work out comprehensive systems of philosophy to harmonize all society and all life with

some rather narrow conclusion. This is done with a laboriousness and a plausibility that are amazing. With the criminality of their own government immutably fixed in mind, they evolve systems which demonstrate that the governments of France, the United States and all other modern republics are practically as bad as any other form of the State. They very early, in any revolution, break with the Constitutional Democrats, whom they regard as obstructionists to a realization of their dreams, and whom they persecute relentlessly whenever they get in power. This is the normal course of all European revolutions: of the First Revolution in France, the upheavals on the continent in 1848, the Paris Commune interlude of 1871, and the events in Russia, Austria and Hungary in 1917, '18 and '19.

The anarchists have had their share