

# THE BOARD OF FOREIGN SCHOLARSHIPS

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## I

### PURPOSE

The purpose of the Board of Foreign Scholarships is to administer educational exchanges between the United States and foreign countries. Public Law 584 of the Seventy-ninth Congress (popularly known as the Fulbright Act)<sup>1</sup> provides for the exchange of professors, research scholars, teachers, and students. The Secretary of State is responsible for the general administration of the Act and the Board of Foreign Scholarships is responsible for the selection of participants. The President of the United States has appointed a board consisting of ten members who serve without compensation. The board is composed of representatives of cultural, educational, student, and war veterans groups, including representatives of the United States Office of Education, the United States Veterans Administration, state educational institutions, and privately endowed educational institutions. The board is responsible for approving the policies of the educational programs under the Act, approving the types of programs and projects to be undertaken, designating institutions for participation, and selecting all candidates, both American and foreign.

## II

### HISTORY OF THE FULBRIGHT ACT

On August 1, 1946, the Act became law; it amended the Surplus Property Act of 1944. The Act was passed in order (1) to obtain broader international understanding through educational exchanges and (2) to utilize the foreign currencies acquired by the United States in selling surplus property of World War II to foreign countries. The Secretary of State was authorized to negotiate executive agreements with the individual foreign nations which had purchased the property and had established foreign credits in favor of the United States Government. These credits were to be used by the American Government for sending Americans abroad and maintaining them in the foreign country in order to promote the educational exchange. In addition, foreigners could also receive funds from this source to pay for travel expenses to the United States on carriers which would accept the particular foreign currency in payment for transportation.

The Act limits the amount of foreign currency of any one nation which can be consumed for these educational exchanges to not more than twenty

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<sup>1</sup> 60 STAT. 754, 50 U.S.C.App. §§ 1619, 1641 (1946).

million dollars. It specifies a maximum expenditure of one million dollars annually. The program is limited to twenty years. Approximately one hundred and forty million dollars are available in various foreign currencies, or will become available, to meet the program.

### III

#### OPERATION OF THE PROGRAM

When executive agreements have been signed between the United States and a particular foreign country to utilize the benefits under the Act, the following program is evolved. The Board of Foreign Scholarships of the State Department carries out the duties outlined above. A preliminary selection agency for students, teachers, and professors and research scholars has been set up. The Institute of International Education, 2 West 45th Street, New York 19, N. Y., handles applications for student grants, both foreign and American. The United States Office of Education, Federal Security Agency, Washington 25, D. C., handles the applications for teachers desiring to be placed in elementary schools, secondary schools, and junior colleges. The Conference Board of Associated Research Councils, 2101 Constitution Avenue N. W., Washington 25, D. C., handles applications of persons wishing to go abroad as professors, specialists, or advanced research scholars. The last selection agency is the one which law professors and advanced legal scholars are particularly concerned with; hence all further remarks will be limited to the operation of this body.

Let us assume that a law professor desires to participate in the Fulbright program. He is urged to forward an application to the Conference Board, which is composed of representatives of the American Council of Learned Societies, the American Council on Education, the National Research Council, and the Social Science Research Council. Upon receiving the application, the Conference Board directs it to the representatives of one of these four councils. If the application is from a law professor or legal research scholar, it will go to the Social Science Research Council, where a study is made of the application and the qualifications of the applicant. The Social Science Research Council will request the Association of American Law Schools or a similar law society to submit a statement or comment upon the particular professor or research scholar regarding his qualifications for educational exchange. It is planned that all applications will be sent to a particular group interested in the work of each applicant, in order that a sympathetic study can be made of the applicant's request. After the screening process is completed, the Conference Board forwards the suggestions of approval or disapproval to the Board of Foreign Scholarships, which makes the final selections. No statement is made as to why an applicant is rejected and no right of appeal exists to any higher authority. There is no right to the educational exchange; it is purely a matter of grace. No explanation need be given for the rejection of any application.

Upon approval by the Board of Foreign Scholarships, the name of the particular professor is forwarded to the country to which he has requested an opportunity to go. In each of the countries cooperating under the Fulbright program, a national commission or foundation is established. Amer-

ican citizens located in the foreign country as well as citizens of the foreign country compose these commissions or foundations. This group receives the application and seeks to place the professor in an opening for which his qualifications are suited. Obviously, the approval of the national commission in the foreign country and of the government of the foreign country must be obtained.

Professor-applicants must apply for a minimum of one academic year. On rare occasions, Fulbright grants may be made for a six-month period, and occasionally teaching in summer seminars, to be held in the foreign country for teachers of the foreign country, may be permitted. The normal period for the educational exchange, however, is a full nine-month academic year. The professor-applicant must select only one country. Grants are paid in only one foreign currency. Because of the currency difficulty and because one of the purposes of the Fulbright Act is to utilize the foreign currency, the whole program is exclusively bi-national. This does not mean that the professor-applicant cannot travel to a country outside of his exchange country, but if he does so it must be at his own expense. Travel and study in a colony or territory of the foreign nation is allowed if the currency of the mother country is acceptable there.

If the teacher is a professor, associate professor, or assistant professor, he is entitled to a stipend equal to \$5,000. In addition to this, travel expenses are paid from the United States port of embarkation when the carrier will accept the particular foreign currency to which the professor-applicant is entitled. The professor-applicant is entitled to a cost-of-living allowance which will vary depending upon the country visited and the cost of living in that country. The maximum, however, is equivalent to \$2,000. If the professor-applicant takes a dependent with him, he will receive a larger cost-of-living allowance. A sum equal to \$1,000 is made available for travel within the country where the professor-applicant is located. Books and equipment may be purchased with an additional grant equal to \$500 to be used for this specific activity. *All money paid is in foreign currency and is not convertible into dollars.* The question whether the sums paid will be subject to the federal income tax has not been settled as yet.

These grants are payable to American citizens for teaching or research. Obviously, the professor-applicant who seeks to teach will receive the best opportunity in teaching the field for which he is best fitted. The teaching need not be in the foreign language of the nation visited if the course taught is one peculiar to the Anglo-American legal system, e.g., English common law, American commercial law, or American constitutional law. But if the course is one which the foreign nation is directly concerned with, such as jurisprudence or international law, then the native tongue must be used. If research projects are to be undertaken by legal scholars, the research to be done must be pertinent to the country which the applicant desires to visit under the program. A precise definition of what is pertinent cannot be made. Each case must rest upon its own facts. Therefore, if a legal scholar desires to carry on such an activity, he should by all means file an application and present his problem to the Conference Board. The board will look with sympathy upon his proposed research activity.

At the present time, executive agreements have been concluded with the United Kingdom, France, Belgium, Luxemburg, Greece, New Zealand,

Burma, China, and the Philippines. Negotiations are under way for agreements with Italy, India, Egypt, the Netherlands, Norway, and Australia. It is hoped eventually that about twenty nations will be covered under the Fulbright program.

#### IV

##### THE RELATIONSHIP OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS TO THE FULBRIGHT PROGRAM

It would appear that the Association's first task is to publicize the opportunities available to teachers in member schools for foreign teaching and foreign research. It should be emphasized that the program is just getting under way and there are as yet some difficulties to be overcome. Delays are possible at this time. It is urged that all professors interested in teaching or research in one of the above-named countries communicate directly with the Conference Board, whose address is set forth above. It should be remembered that applicants who apply this year may find that there is no opening, but the application will be retained for next year, when an opening may appear. The program is a twenty-year one, and it is anticipated that a year or two will be required until things begin to develop fully. The National Director of the Conference Board has indicated that the board is most anxious to obtain the names of applicants so that it can have them on file in order to answer requests from foreign countries. In addition, when an applicant has his name on file, the board will endeavor to discover opportunities in the foreign country for him.

The Association also should emphasize the possibility of obtaining foreign law professors for member schools. In view of the fact that the program is paid for in foreign currency, the foreign law professor can only be paid for travel expenses to the United States on the public carriers which will accept the foreign currency. Upon arrival in the United States, the foreign professor must pay his own way. If teaching opportunities are available in the member law schools, the schools should notify the Conference Board so that the foreign law professor can be placed in one definite institution. He need not remain the whole academic year in that school, but may visit other schools. Several schools may share one professor as long as he is officially affiliated with one school. Each school must arrange the salary directly with the foreign professor. No Fulbright grants are available for the participants while in the United States.

This program will not be successful unless it is a two-way street. Perhaps there is an opportunity for a member law school to arrange for an exchange of one of its professors with a foreign professor. In this way, the foreign professor will have a teaching institution to which to come and can receive the pay which the institution's own professor would have received while the American professor is being paid by the Fulbright program in the foreign country. Thus, a member school which is operating on a restricted budget and cannot afford to add a foreign professor might solve the problem of this international educational exchange by sending one of its professors to the foreign country and using his salary to pay for the foreign professor's teaching in the United States. Member law schools are urged to write the