

not wait so much upon the statement of British aims, as upon our own aims; there is little doubt that, as in 1919, the program of reconstruction can be shaped as the United States wishes. In the statement of those aims, the international lawyer should take a great interest, for they will constitute the foundation for the rebuilding of international law in the world.

CLYDE EAGLETON

THE APPOINTMENT OF ASSISTANT SECRETARY OF STATE G. HOWLAND SHAW
AND OUR FOREIGN SERVICE

The day of shirtsleeve diplomacy when the plums of the service were reserved for "deserving" politicians has passed. We now have a Foreign Service which is certainly the equal of any. The conduct of our foreign affairs has become too important to be entrusted to inexperienced hands. Even the few recent non-career appointments of ministers and ambassadors will always be supported by career men who know how to protect the chief of mission from error while they facilitate the formulation of the particular matters of policy which is the province of the non-career appointee to express. Of the score of ambassadorial posts, ten are now held by career men, and in the case of two others, London and Vichy, the appointees have had experience of value for their present missions, namely, Mr. Winant, because of his work as Director of the International Labor Office at Geneva, and Admiral Leahy because of his experience in various parts of the world and as Governor of Puerto Rico. Of the total of thirty ministers, one-half, or fifteen, are career men who have had previous service. In addition the Diplomatic Agent and Consul General at Tangier, Morocco, and the Minister Resident and Consul General at Bagdad, Iraq, are Foreign Service officers.

Now that Mrs. Harriman has terminated her brilliant service by resigning from a post no longer tenable, there is no woman of ministerial rank in the service. There are at present seven women among the 829 members of the career Foreign Service. When the commercial and agricultural attachés were consolidated with the career Foreign Service, it added five women to the two who had survived in the original career Foreign Service.¹ The Department has not favored the entrance of women. It is argued that women cannot meet the requirement that a Foreign Service officer should be available for any assignment and capable of fulfilling all of the duties of any post. It is argued that women cannot well be appointed to certain unhealthy and dangerous posts, and that in certain countries it would not be fitting to run counter to local prejudice by asking them to perform duties not usually discharged by women. On the other side it may be argued that even in the case of men, special qualifications are considered in making assignments and that the recognition of the especial qualifications of women for service in certain posts would not be a departure from this procedure. And it also is asserted that women are as capable as men of withstanding unhealthy climates. A more serious objection is the practical consideration

¹ See Reorganization Plan, *post*, p. 343, footnote 3.

that when a woman in the Foreign Service marries she generally resigns and her training and acquired experience are lost for the service. In point of fact, the sensitive, attractive type of women who alone may be expected to succeed in passing the oral examinations, often find the atmosphere and *esprit de corps* of this man-dominated service uncongenial so that they tire of prolonging their service and retire.

The gradual increase in the proportion of career ministers has no doubt been aided by the provision that the Board of Foreign Service Personnel is required, when a vacancy occurs, to transmit to the Secretary of State for consideration by the President a list of the career officers whom they considered to be qualified to fill the ministerial post in question. And once a career officer has been appointed to a ministerial post and found to give satisfaction it has become the rule of customary procedure to keep him in a ministerial post. Formerly a promotion as minister was feared or declined because it often meant after a short term of office walking the appointment plank. The present well established practice corresponds with the appropriate proposal that Foreign Service officers be promoted to the grade of minister and then subsequently nominated for a particular post for which confirmation by the Senate is always necessary because of the constitutional provision.

The Board of Foreign Service Personnel and the Board of Foreign Service Examiners, which are in part interlocking, have in selecting Foreign Service officers from the candidates who pass the written tests laid great stress on the quality of stamina and the ability of the candidate to express himself well in written and spoken English. The supposed advantage of a long sojourn abroad and familiarity with foreign languages may, on the contrary, prove an actual handicap if the candidate has thereby acquired any trace of foreign accent or mannerisms. He may also, through such a prolonged absence from this country, have lost touch with American institutions and ideals which are considered of basic importance. Aggressive national culture has in a great part of the world replaced the ideal of a common European culture. We would not desire that American representatives should evince that aggressive attitude known as spreadeagleism, but our representatives should stand for what is best in our own national culture and should not, even superficially, appear to represent any national culture but our own. Another safeguard to ensure this result is the requirement adopted a few years ago that no Foreign Service officer may marry an alien without the consent of the Secretary of State.² It is best that the young man in his formative years should have been in intimate contact with our institutions and people. An ideal preparation would seem to be frequent trips to all parts of this country to acquire familiarity with our people, their interests and ways of thought.

The candidate who shows a knowledge of current political events and eco-

² See Executive Order No. 7497 of Nov. 17, 1936, this JOURNAL, Supplement, Vol. 31 (1937), p. 51, and editorial comment in the same JOURNAL, p. 91.

conomic conditions and is able to express in good English views based upon his own observation is much more likely to impress his examiners than he will through the mere possession of wealth or social background. Social address, tact, and good manners will always count, but the importance of belonging to an esoteric social group is a thing of the past. The world is going through a transformation when many of our former values are fast disappearing. As for wealth in the Foreign Service, it is no longer the great advantage which formerly it was. Lavish entertaining is no longer the rule and any display or attempt through wealth to secure a privileged position would militate against that *esprit de corps* which is the most important asset of every Foreign Service officer. Cordial relations with his colleagues is the means by which he is enabled to discharge the duties of his office more effectively. Foreign Service officers now receive rent allowances and post allowances to equalize the cost of living at especially expensive posts, and Foreign Service pay adjustments are allowed where the conditions of exchange would lessen the value of the official regular salary. The chiefs of missions also receive representation allowances to cover a portion of what they must necessarily expend for entertainment. All of these compensatory regulations have greatly improved the financial situation for officers who do not have other income than their salary and have made for an economic equality in the service which has also made for social equality and greatly improved the *esprit de corps* of the whole Foreign Service.

Nor should we forget the excellent retirement system. It is no longer necessary to have independent means in order to be fully effective in the Foreign Service and to accept an appointment to any post. The Foreign Service of the United States is neither the sinecure of any university clique nor of the residents of the eastern seaboard. The Board, it would seem, lays particular stress upon the broadly representative and typical character of our Foreign Service. The ranks are filled with men with all kinds of background and from all parts of the country. They have in common a very high degree of mental capacity, thanks to the severe tests that each Foreign Service officer has passed.

Of the 483, including twelve women, who took the written examinations in 1940-1941, 93, including one woman, obtained the passing grade of 70 per cent. or over, and 43 men were successful in the oral examination. Perhaps due to the searching nature of the written examination, a somewhat larger percentage of those who passed the written examination were accepted in this examination by the Board conducting the oral examination. It is to be noted that the Examining Board now includes a representative from the Department of Commerce and from the Department of Agriculture. In accordance with the President's Reorganization Plan No. 2, transmitted to Congress May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, Foreign Service officers of the Departments of Commerce and Agriculture were transferred to the Department of State and appointed For-

eign Service officers.³ The commercial and agricultural attachés were given a rank corresponding to the salaries they were receiving.

In order that Foreign Service officers may remain in close touch with our institutions and people, the Department secures an appropriation to permit officers who have served three years at their posts to visit this country. This does not yet apply to posts in North and Central America and Western Europe. With a similar purpose in view for several years, appropriations have been made to take selected officers out of their work of the service and to let them carry on postgraduate studies for a year or more.

After the candidate has passed the examination and has been accepted as a member of the career Foreign Service, he is given a preliminary or preparatory term of a few months as a vice-consul in a nearby post, and after that he comes to the Department to attend the Foreign Service Officers Training School where he becomes acquainted with the work of the Department. He is then ready to receive a definite assignment to a post where he is needed. As a result of the application of these methods of selection and training we have today a fine, democratic body of able Foreign Service officers—a Foreign Service that is, to say the least, the equal of any in the world.

It is also cause for congratulation that 115 members of the clerical service

³ See House Doc. No. 288, 76th Cong., 1st Sess. Section 1 relating to the State Department, is as follows:

SECTION 1. *State Department.*—Transfers and consolidations relating to the Department of State are hereby effected as follows:

(a) *Foreign Commerce Service and Foreign Agricultural Service.*—The Foreign Commerce Service of the United States and its functions in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions as established by the Act of June 5, 1930 (46 Stat. 497), in the Department of Agriculture are hereby transferred to the Department of State and shall be consolidated with and administered as a part of the Foreign Service of the United States under the direction and supervision of the Secretary of State.

(b) *Functions of the Secretary of Commerce and the Secretary of Agriculture transferred to the Secretary of State; exceptions.*—The functions of the Secretary of Commerce with respect to the Foreign Commerce Service and the functions of the Secretary of Agriculture with respect to the Foreign Agricultural Service (other than functions with respect to such services pertaining to activities in the United States and to the compilation, publication, and dissemination of information) are hereby transferred to, and shall be exercised by, the Secretary of State, except and provided that under regulations prescribed by the President—

(1) The Secretary of State shall cause to be made such investigations relating to commercial and industrial conditions and activities in foreign countries and such other specific investigations relating to foreign commerce as the Secretary of Commerce shall determine to be in the public interest, and shall report to the Secretary of Commerce the results of, and the information secured through, such investigations. He shall also cause to be made such investigations relating to world competition and demand for agricultural products, to production, marketing, and disposition of such products in foreign countries, and to farm management and other phases of agricultural industry in foreign countries, and shall conduct abroad such activities (including the demonstration of standards for cotton, wheat, and other American agricultural products), as the Secretary of Agriculture shall determine to be in the public interest, and shall report

receive salaries ranging from \$3,000 to \$4,000. These are all citizens. However, in class three of the junior clerks, that is all those whose salaries are under \$2,500, there are certain inequalities and injustices because of the limiting provisions in regard to the salaries of non-citizen clerks. Formerly their salaries were limited to \$1,000, but at present a few of them receive as much as \$1,800. This amount is perhaps inadequate in view of the faithful, often invaluable, service which is rendered by certain clerks, nationals of the receiving state. Yet in the light of local salaries, to say nothing of the prestige of the service, and also in view of the fact that there have been recent increases, we are justified in considering that there has been considerable improvement in a situation which certainly does not make for efficiency and is not to our national credit.

The clerical service presents other difficulties. Faithful foreign clerks sometimes wish to become citizens, but that is not encouraged by the Department. The fact that the foreign clerk serves this country does not overbalance the fact that his lifelong residence and social connections are in the

to the Secretary of Agriculture the results of, and the information secured through, such investigations and activities.

(2) The Secretary of Commerce may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, Section 5 of the Act of March 3, 1927 (44 Stat. 1396).

(3) The Secretary of Agriculture may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, Section 2 of the Act of June 5, 1930 (46 Stat. 498).

(4) The Secretary of Commerce and the Secretary of Agriculture may each designate an officer in his Department, acceptable to the Secretary of State, to serve in the Department of State as liaison officer in connection with the administration of the foreign service of the United States.

(5) One officer in the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State and one officer in the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State shall be added to the membership of the Board of Foreign Service Personnel for the Foreign Service.

(c) *Status of Foreign Service Officers.*—Foreign Commerce Service officers and Foreign Agricultural Service officers who by reason of transfer to the Foreign Service of the United States and by appointment according to law acquire status of Foreign Service officers therein shall not be included in the total number of officers in such service for the purpose of determining the percentage limitation established by Section 10 of the Act of February 23, 1931 (46 Stat. 1207), as amended.

(d) *China Trade Act Registrar.*—Such officer of the Foreign Service as the Secretary of State shall make available for that purpose may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar provided for in the Act of September 19, 1922 (42 Stat. 849), under the direction of the Secretary of Commerce.

(e) *Foreign Service Buildings Commission.*—The Foreign Service Buildings Commission and its functions are hereby transferred to the Department of State. The Commission shall exercise advisory functions, but all other functions (including administrative functions) shall be exercised under the direction and supervision of the Secretary of State by such division, bureau, or office in the Department of State as the Secretary shall determine.

foreign country. This very fact accounts in great measure for his usefulness to the mission. To give him American citizenship would not overcome these alien ties and conditions. In the case of the American clerical service there is still another difficulty, namely, that the more ambitious among the clerks desire to become Foreign Service officers and often find it hard to understand why they are unable to pass the examinations notwithstanding their long practical experience. The fact that, despite their competency in their own field, they may not have the qualities required to represent their country in the higher sphere is hard for the aspirant to accept, and he may attribute his failure to be accepted to a jealous *esprit de corps* and this disappointment may dishearten him and seriously affect his interest in his work. Those clerks who do pass the examination and are accepted as Foreign Service officers will be much older than their colleagues of the same class and will rarely have the same high qualifications. Consequently, they will as a rule rarely deserve and receive as rapid promotion. This will prove to be another disappointment and will not be conducive to the best results for the service. Yet it would not be desirable completely to close the avenue of advancement by transfer. At present there seems to be no solution of this dilemma.

The appointment of diplomatic representatives to the governments in exile in London is an appropriate affirmation of the policy of this country to refuse to recognize the results of aggression. It is in fact diplomatically an act of counter-intervention in conformity with the Stimson doctrine previously proclaimed by this country.

It is high time that our home service be placed on a career basis and that the defects and injustices of the foreign clerical service be remedied. Fortunately, one of the ablest men in the Department of State has been made Assistant Secretary of State, charged with the supervision of all matters of personnel of the Department as well as of the Foreign Service. In addition, Assistant Secretary of State G. Howland Shaw has been given the supervision of all finance and budgetary matters so that he will be in a position to speak with authority and to make practical and far-reaching constructive recommendations to those who have the power to carry them out. Mr. Shaw is a relatively young man of 48 years with eighteen years experience in the Foreign Service, in several of which he has had charge of important diplomatic posts. For the past three years he has served as Chief of the Division of Foreign Service Personnel, and some time before that he served in the Department as Chief of the Division of Near Eastern Affairs. Mr. Shaw also served with the American Peace Commission at Versailles and later at the Lausanne Conference of 1923. His appointment was given laudatory editorial notice in the *New York Times* and other leading newspapers. Mr. Shaw has already proved his usefulness to our service and is now in a position to make still more important contributions by securing the adoption of long-overdue reforms in our home and foreign clerical services.

ELLERY C. STOWELL