sion for an important announcement by the Secretary of State giving the views of the United States upon the six major points raised by the French Government in the negotiations for a multilateral treaty denouncing war and agreeing not to resort to it for the settlement of international disputes. These points dealt with the bearing of the proposed treaty upon self-defense, the Covenant of the League of Nations, the Treaties of Locarno, treaties of neutrality, wars with a treaty-breaking state, and the universal application of the proposed treaty.

When President Hughes sounded his gavel bringing the Twenty-Second Annual Meeting to a close on Saturday evening, every member felt that the meeting had been a distinct success, that the discussions will prove valuable in the clarification of the subjects treated, and that the personal contacts formed by many members from all parts of the country would prove of mutual benefit in the future. All were disposed to agree with the Toastmaster's concluding remark, that "There is no reason why this Society, meeting in the capital, dealing with international law, should not be the center of a very wide and intelligent interest."

GEORGE A. FINCH.

REFORMS IN THE STATE DEPARTMENT AND FOREIGN SERVICE

The State Department has recently had to bear a heavy burden of public criticism, both as to its policies and as to its methods. This is perhaps the inevitable result of the public realization that the Department of State has become in fact, what it was so long in law only, the most important department of our government.

There has been a considerable clamor in regard to appointments in the Foreign Service. When Senator Harrison introduced a resolution asking the Foreign Relations Committee to investigate the administration of the Rogers Act and to report its findings and recommendations to the Senate,[1] that committee referred the matter to a subcommittee of three under the chairmanship of Senator Moses, who formerly served as our Minister to Greece.[2] In order to secure the freest testimony from those who appeared, the hearings were held in camera and under a pledge of secrecy. Statements and complaints were also received from others who were unable to attend.

[1] S. Res. 76, introduced December 17, 1927: "*Resolved*, That the Committee on Foreign Relations is authorized and directed (1) to investigate the administration of the Act entitled 'An Act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes,' approved May 24, 1924, as amended, and particularly the work of the Foreign Service Personnel Board, for the purpose of determining what results have been obtained under the provisions of such Act, and (2) to report to the Senate, as soon as practicable, the results of its investigation, with such recommendations as it deems advisable."

[2] In addition to Senator Moses, as chairman, the subcommittee consisted of Senator Harrison, introducer of the resolution, and Senator Reed of Pennsylvania.

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The report of the subcommittee, which seems to have been unanimous, reached the conclusion "that there is something wrong with our Foreign Service." That something the report found to be the partial and too rapid promotion of diplomatic officers, in disregard of the claims of consular officers to recognition. "To such an extent did this operate, as the testimony shows, that in the first two and one-half years of the operation of the new legislation there was a total of 214 promotions in the entire Foreign Service, of which not less than 76 were awarded to officers who ranked in the diplomatic branch, or 63 per cent of all diplomatic officers, whereas only 37 per cent of the consular officers were so favored." The so-called reparation appointments subsequently made in the consular branch were not adequate to balance this injustice.

Although all this is undoubtedly true, it must be remembered that the freedom of choice in filling diplomatic posts is still much restricted by the practical necessity that the appointee enjoy an independent income. Thanks to the laudable efforts of Chairman Porter of the House Foreign Affairs Committee, much has been done to remedy this in the purchase of official residences for our representatives. Generous appropriations for the purchase of buildings have been made and the selection placed in the hands of a competent board, but several years must elapse before adequate buildings can be purchased or erected.[3] In the meantime, it is imperative to allow our representatives rent or post allowances under a careful system of regulation, and this is proposed in the bill which Senator Moses introduced to embody the recommendations of the subcommittee's report. Mrs. Rogers' bill, as introduced in the House, does not differ materially from the Senate Bill.[4]

In this connection, it is gratifying to note that both of these bills recommend representation allowances, so that our ministers and consuls may be able to meet the legitimate expenses of official entertaining without paying the bills out of their own pockets. In the desire to avoid the waste of public money, we have tended to restrict the choice of diplomats to those who had wealth. Official representation allowances expended under carefully prepared regulations of the State Department will have a wholesome effect in putting a check upon lavish and ostentatious unofficial entertaining, which is contrary to our best traditions and national ideals.

As to some other points, however, the recommendations of the report and the embodying legislation do not seem to have been sufficiently considered. When Congress meets after the election is over, we may expect further hear-

[3] The Act of May 7, 1926, 44 Stat. 404. The Foreign Service Buildings Commission as established by the Act is composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

[4] S. 4382, passed the Senate May 10, 1928, and was presented to the House May 11, 1928, too late for action before adjournment. H. R. 13625, introduced by Mrs. Rogers May 8, 1928.

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ings and debates preliminary to the enactment of legislation intended to meet the needs of the service. If we adopt the proposal of the Moses report and divorce the Personnel Board from the Foreign Service, we must have a care that we do not make our diplomatic appointments the football of a Washington social coterie. We may then expect Mr. Sabath to introduce a joint resolution, as he did recently, which would direct "the Secretary of State to instruct our ambassadors and ministers that our country's affairs should not be subordinated to our title and social seekers."[5]

It may be improper that men of the career be members of the promotion board to pass upon their colleagues; but if there is to be a board at all, what others can be found who have the necessary information? However that may be, it would seem reasonable when the Secretary of State does pick those whom he considers to be the most competent officers to advise him in regard to the making of promotions, that he should give these specially efficient officers some of the rewards which they are handing out to others. To impose such an arduous and disagreeable task under any other circumstances would be to do them a grievous wrong. The justice of the criticism of the report on this head is more apparent than real. Nor should we forget that the rapid promotion of the competent younger men without slavish regard to mere seniority will make for efficiency, and should not, in principle, be made a ground for criticism.

If the Secretary of State were required by law to make an annual report to the President or to Congress, the public would learn who had been appointed.[6] More adequate publicity is the remedy for many of the ills of bureaucracy at Washington. Good administration requires the centralization of responsibility, but the fullest publication of facts and acts.

One of the principal objects which the Rogers Act had in view was the combination of the consular and diplomatic services into a unified Foreign Service. In view of the recognized difference of function between the diplomatic and consular services, it was expected by those who secured the passage of this legislation that diplomatic and consular officers would continue generally in the same branch of the service, but that a sufficient interchange would take place to secure the most appropriate allocation and to prevent a narrow *esprit de corps* and consequent jealousy between the two branches of the service. This hope has not been fully realized. The diplomatic officers have used all their energy and influence to prevent any transfer. They have not recognized the fact that the consular career, although different, was

[5] H. J. Res. 293, introduced by Mr. Sabath, May 1, 1928. Mr. Sabath was evidently in jocular mood, yet he touches upon a serious evil in our service, the increasing demand of visitors seeking abroad the social distinction which they have not been able to secure at home. They absorb a great deal of valuable time and interfere with the performance of more serious duties. In the words of the resolution, "henceforth official duties should not be subordinated to the appeals of the title hunting and vanity social seeking class."

[6] See editorial comment, *infra*, p. 246.

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equally honorable. It was only natural that consuls, for their part, should have resented this attitude.

The Moses report recognizes that the diplomatic function is not identical with that of the consul, and that the problems of using a single list for the entire Foreign Service require tact and experience on the part of those who make the assignments. In so far as possible, the rewards and emoluments of both branches should be kept equal; but, as the minority report observes, "complete fluidity can not be wholly obtained at any time." The two careers are sufficiently different and specialized to make it unwise to have recourse to indiscriminate interchange. Yet it probably will often be found that consuls trained through long years of responsibility while in charge of important posts are better suited for promotion to the rank of minister than are the majority of diplomatic aspirants. A reasonable number of such promotions would be wholesome for both branches of the service.

It is not, however, in the foreign but in the departmental service that the most glaring injustices now prevail and call for equitable adjustment. Chairman Porter has well expressed this in the preamble of his bill, introduced with such a purpose in view:

> Whereas the compensation of home-service officers is grossly inadequate in comparison with the compensation paid to officers of the foreign service who receive and carry out such instruction, as witness the recent preparation and delivery of the epoch-making international peace documents exchanged between the United States and France; and
>
> Whereas it is inconsistent with reason and good administrative practices to pay smaller salaries to officers in the home service of the Department of State who prepare and issue instructions than to the officers in the foreign service who receive such instructions; . . .[7]

The responsible heads of the important divisions of the Department should receive adequate salaries in place of the ridiculously inadequate sums which are now appropriated for that branch, and they should be assisted by more thoroughly trained subordinates. Many of the State Department employees are able, and almost without exception they are faithful and hard-working, but when they enter the Department they have not generally had the basic training which enables them, after several promotions, to fulfill in the most able manner the important duties to which they have risen through long tenure and inevitable seniority promotions. The publications of the Department is another matter of much needed reform.[8]

Above all, let us hope that stereotyped and stultifying seniority will not replace rapid promotion on the basis of true efficiency. The foreign service of the United States is our greatest protection against war and fatuous policies which lead to war. If we would protect ourselves from disastrous error, we should rapidly promote to positions of responsibility the ablest official. The most pressing need of all is to place the departmental service on an

[7] H. R. 13179, introduced April 19, 1928. [8] See editorial comment, *infra*, p. 629.

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economic equality with the field service. Perhaps it may be well to arrange for an easier and more frequent transfer from the departmental service to the field, in order that the prestige of the departmental service may be increased.

With the coming session of Congress, all of these matters will doubtless be the subject of legislative consideration, and after the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House have held hearings, Congress and the public will be in a much better position to understand the needs of our foreign service and will the better understand certain of the difficulties which the officials of the Department of State are themselves most anxious to correct. It may ultimately prove possible to combine all three branches of the service into one unified Service of Foreign Relations with a home branch and a foreign branch.

ELLERY C. STOWELL.

THE BURTON RESOLUTION ON TRADE IN MUNITIONS OF WAR

The Burton resolution, which was favorably reported by the Foreign Affairs Committee of the House of Representatives but which failed to pass that body, provided for a radical change in the policy of the United States in respect of trade in munitions of war during neutrality. By the resolution, as amended by the committee, it was "declared to be the policy of the United States of America to prohibit the exportation of arms, munitions or implements of war to any nation which is engaged in war with another." It was provided that whenever the President should issue a proclamation of neutrality "it shall be unlawful, except by the consent of Congress, to export or attempt to export any arms, munitions, or implements of war from any place in the United States or any possession thereof to the territory of either belligerent or to any place if the ultimate destination . . . is within the territory of either belligerent or any military or naval force of either belligerent."

The term "arms, munitions or implements of war" is specifically defined by listing the articles which the term includes. A penalty of not exceeding $10,000 and imprisonment not exceeding two years, is imposed for a violation of the provisions of the resolution.

It is interesting to compare these proposed restrictions with the existing practice and law of nations in regard to trade in munitions of war. In the seventeenth and eighteenth centuries, engagements were occasionally entered into between governments not to allow individuals to ship arms and other war supplies to the enemy or rebels of either party. These treaties, applying to the enemy of either party but not to both belligerents, were in a sense treaties of alliance. Treaties of this kind were made by Spain, England, Holland, France, Denmark, Hamburg and Mecklenburg. This series of treaties was followed by the action of several countries (as for example, Bavaria, Hamburg, the Sicilies, Sweden and Denmark) prohibiting by law a subject from supplying arms to a belligerent. And the states which joined

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