

There is a still deeper significance to this anomalous condition of sovereignty in exile. There is no automatic extinction of nations. Military occupation may seem final and permanent, and yet prove to be only an interregnum, though a prolonged nightmare for the inhabitants. A nation is much more than an outward form of territory and government. It consists of the men and women in whom sovereignty resides. So long as they cherish sovereignty in their hearts their nation is not dead. It may be prostrate and helpless and yet revive. It is not to be denied the symbols and forms of sovereignty on foreign soil or diplomatic relations with other nations.

Article five of the resolutions of the *Institut de Droit International* on the subject of the "Recognition of New States and New Governments," adopted at Brussels in 1939, asserted that recognition was irrevocable, but also added that "it only ceases to have effect in case of the disappearance of one of the essential elements whose reunion was established at the time of recognition." These elements were defined as "the existence on a definite territory of a human society politically organized, capable of observing the rules of international law." If this pronouncement of international law and procedure were to be accepted as true, it might be difficult to justify the embassy of Mr. Biddle to all of these conquered countries in exile, with the exception of Belgium and The Netherlands. These "essential elements" of sovereignty would appear to have vanished in the case of Norway, Poland, Yugoslavia, as well as of Czechoslovakia and Greece. The conjunction of all these elements would not seem essential, however, to warrant a conquered people to maintain their sovereignty and to deserve the continued recognition of other nations. This sovereignty may be suspended, and in exile, a mere figment even of reality, derided and discouraged, and yet entitled to every respect. Ambassador Biddle in London therefore is not dealing with fictions: he speaks to those valiant standardbearers of sovereignty in England the language of faith and confidence as well as of inalienable, immutable rights.

PHILIP MARSHALL BROWN

THE HOME SERVICE OF THE DEPARTMENT OF STATE

The World War placed renewed emphasis on the need of an improved foreign service to care for American nationals and their interests in other lands. The Rogers Act of 1924, the Porter Act of 1926, and the Moses-Linthicum Act of 1931 met this need and provided for a foreign service reasonably adequate for our national needs. These acts did not, however, introduce any very radical reforms in the Department of State itself. It is true that a considerable number of the Foreign Service Officers were assigned for limited periods to the Department in order that they might aid in the transactions of our relations with the countries in which they had served and knew at first hand. A few of these officers resigned from the Field Service in order to accept positions in one of the divisions of the Department.

Notwithstanding this supplementary collaboration from the Field Service there has not existed in the Department any comparable system of recruitment for its personnel such as we find in foreign service examinations for the selection of those who are to represent us abroad. The Department, it is true, has been able to secure the services of some highly trained specialists to assist in the work of certain Divisions. They are known as Specialists in Foreign Relations. These officers receive a salary of \$3,200 or more and are appointed after the Civil Service Commission, in accordance with its regulations governing Schedule B non-competitive examinations, has ascertained that the proposed appointee has the required competence in political, economic, commercial or financial fields. But these appointees are not in the Classified Service and do not enjoy the guarantees which that status assures. With the exception of these officers and a few others, such as the legal experts in the Office of the Legal Adviser, the personnel of the Department has been supplied from the Civil Service lists prepared for all Departments, such as the lists of filing clerks and stenographers.

These lists, as was said, are intended for all Departments of the Government and it is only by chance that an appointee from these lists will have the background and education which would be of particular value in the more important work of the Department of State. In spite of this system, not a few very able employees have by taking advantage of the opportunity afforded by the various educational institutions in Washington worked their way to the higher positions in the Department. Former Assistant Secretary of State, Wilbur J. Carr, is a notable example. But we do not find in the Department a sufficient reservoir of talent such as is needed to meet its rapidly expanding work and responsibilities. Other states—Great Britain and France—have had close coordination of the Home and Field Services. But we have created a Foreign Service which is second to none without perfecting the governmental machinery entrusted with its guidance.

There are not a few men in the Department who have the education and other qualifications to fit them for better positions than those which they now hold. They may have reached the limit of salary and promotion possible in the division where they work. Naturally, the Division Chief does not want to have so able an assistant transferred. In this situation the Director of Personnel finds it difficult to do justice to the deserving employee without discouraging his chief, who relies upon the ability and experience of his assistant to carry on the work of his Division in the most efficient manner. Yet, viewed from a broader aspect, able employees should not be left for years in pockets without an increase of grade and salary. Due to such unfortunate conditions the Department has lost some of its ablest employees, who have become discouraged and resigned. At the same time that new blood is brought in to the Department it is proposed to do away with this injustice. As soon as these injustices can be ironed out, the effective organization of the Department will be advanced by just so much and the encourage-

ment will be felt all along the line. This will help to remove any remaining jealousy of the Foreign Service men who have seemed to enjoy such a privileged position as compared with some of their no less able associates of the Department Service.

In order to meet the need of recruiting additional employees with the required background and training the Department has decided to make use of the Junior Professional Assistant Examination. With the coöperation of the Civil Service Commission, examinations will be offered this coming December or January for Junior Professional Assistant with a salary of \$2,000 a year. It is expected that the examination papers of applicants will be read and the list of eligibles drawn up in time to make appointments by July 1, 1942, provided of course that Congress makes an appropriation to pay the salaries of positions to be created.

Applicants must be between 21 and 35 years of age and will be expected to have an A.B. degree or equivalent. They will be required to show knowledge of such subjects as English, Public Administration, Economics and History. If International Law and International Relations are not specifically included, it is in order not to discriminate against those who may not have had an opportunity to attend courses in these fields.

Applicants for a position in the Department would naturally be interested in international affairs and may be expected to take advantage of every opportunity to perfect their knowledge of all that relates thereto.

Junior Professional Assistant examinations for all departments are limited to the space of one day—a two-hour period in the morning devoted to the general topic, and a 3½-hour period in the afternoon devoted to the special topic of their professional interest.

The candidate who is successful in passing the examination and who receives an appointment to the Department of State is not necessarily limited to a salary of \$2,000 after he has served the probationary period. He may, because of exceptional qualifications over and above those required to qualify, be given a higher position and salary. In any event, though, the operation of the law assures him of a promotion at least once every eighteen months until he reaches the maximum salary of his grade. For the higher salaries, the promotion interval is thirty months. These promotions are automatic under the law, but cannot be applied when Congress fails to make the necessary appropriation.

Even with the adoption of such measures it may not seem that these new officers of the Home Service will be fairly treated as compared with Foreign Service Officers whose salaries, for the higher grades, are larger, and they also enjoy a more generous treatment as regards retirement allowances. It must, however, be remembered that Foreign Service Officers have to meet a good many expenses in the way of entertaining that are not required of members of the Home Service. It is said that no Foreign Service Officer has ever yet been fully reimbursed for his transportation expenses. Members of the Foreign Service encounter many difficulties, for example, the education

of their children abroad. It is also true that they run unusual risks and are subjected to dangers that those in Washington do not incur.

This system of Junior Professional Assistant examinations may offer another advantage, if those who take the examinations for the Foreign Service will also take this other examination. It will then be possible to offer some of those who fail the oral examination because they have not the personal qualifications for a foreign post, an appointment in the Department of State. Presumably those who pass the written examination for the Foreign Service would secure a high rating on the Junior Professional Assistant list and could be taken into the Department at a salary of \$2,000. Some of those who failed the written examination, if they took the other examination might also receive an appointment in the Department. In this way they would have two strings to their bow.

The Foreign Service examination is now open to all who fulfil the easy requirements of submitting five letters of recommendation. Senatorial or Congressional designation is not necessary. It is a satisfaction to note that State quota is only considered when two candidates of equal merit are under consideration, and as appointments are usually made in groups, this rarely comes into play.

Although the Foreign Service examinations are much more comprehensive and extend over three days instead of one, for both examinations the age limits 21 to 35 are the same and there is no discrimination on account of race,¹ sex, or religion. The Department does, however, consider that there are various reasons which make the Foreign Service less desirable for women.² These reasons do not apply for appointments in the Department.

The procedure is for the appointing officer of the Department of State to ask the Civil Service Commission to certify to him the names of those qualified. The Commission sends for each such request, the three highest names on the list of eligibles, and the appointing officer may take the first one or either of the others when he believes him the one best qualified. When any individual has been considered three times without being selected, he is not again submitted for the same position. The appointing officer may also specify sex where it is considered appropriate.

When this plan of recruiting Junior Professional Assistants for the Home Service has been established, capable students who undertake an appropriate course of study may have a reasonable expectation of receiving an appointment. There is no thought, however, that they will be passed over the heads of those in the Department who have a prior claim for deserved promotion. The new appointees will rather aid in making such promotions possible by supplying needed substitutes for the positions made vacant. This reform will lay the foundation for a greatly improved and very effective administration and supervision of our foreign relations.

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¹ There are at present three negro Foreign Service Officers.

² See editorials in this JOURNAL, Vol. 29 (1935), p. 316, Vol. 30 (1936), pp. 499-501.