

was made on account and in the interest of Frazier's government, and considering among other reasons "that diplomatic immunity is peremptory; that the diplomatic agent of a foreign country can never, therefore, be submitted to the jurisdiction of the country to which he is accredited without there being need to consider if he is being sued as a public individual or as a private individual"; this court rejects the request for an order enforcing the sentence of the Viennese courts. The Court of Appeal at Rouen on July 12, 1933, properly confirms the judgment of the lower French court, but regards it as unnecessary to go further than to consider that the suit was brought upon claims arising from "the leasing of real estate and consequential chattels, rented in November, 1920, by this diplomat for the housing of himself, his family and his servant personnel *during the course* of his mission"; and that to hold Frazier as acting as a private individual would render "illusory the very principle of immunity."

This case, somewhat similar to the Prussian case against Henry Wheaton in 1839, seems at this late date to justify the clause on the title page of the book of Gentilis, 1585, *On Embassies* which reads, "Useful and very necessary for all students of all classes, but especially in the reading of Civil Law."

GEORGE GRAFTON WILSON

#### A SQUARE DEAL FOR THE FOREIGN SERVICE

Everyone is familiar with the history of the long battle to secure an effective foreign service: how, upon the basis of the early Executive Orders of Presidents Theodore Roosevelt and Taft, legislation was enacted to remove the spoils system; how the two branches of the service were combined under the Rogers Act; and how various enactments were secured to provide for rent, heat, light, and living quarters. Then in 1931 and 1932, additional appropriations were obtained for the purpose of increasing the compensation of subordinate employees, and finally the Moses-Linthicum Act provided for orderly promotions and supplementary post and representation allowances. By the beginning of the fiscal year 1932, the Foreign Service had finally attained the goal for which Presidents, Secretaries of State, and the business men of the country had striven for years, namely, a reasonably adequate provision in the way of pay and allowances for the men who serve the United States in a diplomatic or consular capacity in foreign countries.<sup>1</sup> Then, when the country began to feel the full effects of the depression and to recognize the necessity of making an effort to balance the budget, Congress enacted various measures intended to effect savings in all appropriations, and the haste with which this had to be carried out made it impossible to take into account the needs of the Foreign Service in so far as they were affected by the various enactments. This legislation proved disastrous to those serving abroad.

<sup>1</sup> Wilbur J. Carr, in *The American Foreign Service Journal*, Vol. XI, No. 2 (February, 1934), p. 66.

The result was that while it reduced the salaries of all government employees 15 per cent it also at the same time inflicted additional reductions upon the Foreign Service. It

1. Abolished post allowances;
2. Abolished representation allowances;
3. Reduced rent, heat and light allowances 65 per cent;
4. Suspended all promotions within grades and by reducing appropriations made promotions between grades impossible because of lack of funds;
5. Imposed income taxes upon official incomes of government employees earned abroad while exempting incomes of private individuals earned abroad.

This pyramiding of reductions resulted from the method applied of slashing down each appropriation made for the Foreign Service. Since these separate allowances were carried in separate appropriations, some of which were entirely abolished and others drastically reduced, the members of the Foreign Service were adversely affected by all of the reductions instead of by only the reduction in salary as was the case with the employee in the United States. These reductions took away nearly all that had been gained by years of effort in the way of improving the financial condition of the members of the Foreign Service and, in fact, left many of them in a worse condition than they were when the Rogers Act was passed in 1924.

Then the United States went off gold and the dollar declined and the members of the service saw such portion of their salaries and allowances as Congress had not cut off reduced by the decline in the purchasing power of the dollar, which in many cases was as big as 50 per cent. The President, quick to see the need of a prompt remedy, asked Congress to provide him with a fund to insure the employees abroad against loss but Congress failed to act. The President, therefore, last July, ordered the shipment of gold to a depository abroad to enable officers' and employees' salary checks and drafts to be converted into foreign currency at mint par. This saved the service in some twenty-three countries from disintegrating but because of legal difficulties the measure is not applicable to many other countries and officers there are still without relief and are suffering greatly.<sup>2</sup>

The hardships which resulted from this situation in the Foreign Service have been greater than at any previous time. A number of members of the service have actually had to resign. Families have been separated, wives and children have been sent home to parents, children have been taken from schools, life or protection insurance policies have been dropped for lack of money to pay premiums. Contrary to the general belief, the compensation of the officers of the American Government, according to Assistant Secretary Carr, is not comparable with that received by most other Governments.

The revaluation of the dollar on January 31, 1934, made it impracticable to continue to meet the situation through the shipment of gold abroad and the conversion of salary checks and drafts of officers and employees abroad at

<sup>2</sup> From a letter written by Wilbur J. Carr to the Secretary of the Merchants' Association of New York, *The American Foreign Service Journal*, February, 1934, p. 66.

approximately mint par. Consequently on February 8, Secretary of State Hull, in accordance with the desire of the President, sent letters to the Chairman of the Committee on Foreign Affairs of the House of Representatives and the Chairman of the Foreign Relations Committee of the Senate requesting them to secure the enactment of a bill authorizing annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to the appreciation of foreign currencies in their relation to the American dollar. In urging this legislation, Secretary Hull stated that "obviously it will be impossible to prevent the complete disintegration of the service at an early date unless Congress shall speedily provide ample appropriations which will permit the restoration of the former normal purchasing power of all salaries and allowances of officers and employees of the government in foreign countries . . . fixed by Congress or by lawful regulation."<sup>3</sup>

The bill was passed by the House of Representatives on February 22 and by the Senate on March 10, and was approved by the President on March 26, 1934. The act is not limited to an appropriation for the present year, but provides permanent relief by authorizing "to be appropriated annually such sums as may be necessary to enable the President, in his discretion and under such regulations as he may prescribe and notwithstanding the provisions of any other Act and upon recommendation of the Director of the Budget, to meet losses sustained on and after July 15, 1933, by officers, enlisted men, and employees of the United States while in service in foreign countries due to the appreciation of foreign currencies in their relation to the American dollar." It will be noted that the act is retroactive to July 15, 1933, but no payments may be made under it to any officers or employees for periods during which their checks or drafts were converted into foreign currencies under the arrangements of the President above referred to. Allowances and expenditures made pursuant to the act are not subject to income taxes, and the Director of the Budget is required to report all expenditures made for this purpose to Congress annually with the budget estimates.<sup>4</sup>

ELLERY C. STOWELL

#### REGISTRATION OF UNITED STATES TREATIES AT GENEVA

On several occasions, the writer has invited the attention of the readers of the *JOURNAL* to the progress made under Article 18 of the Covenant of the League of Nations in connection with the registration and publication of treaties.<sup>1</sup> The movement for a coöperative publication of treaty texts was initiated by Holtzendorff in 1875; it was backed by a resolution of the Institute of International Law in 1891, and it led to an abortive international conference at Berne in 1894; it bore fruit, however, in 1919, in the provisions

<sup>3</sup> Congressional Record, March 10, 1934.

<sup>4</sup> Public No. 129, 73d Congress, approved March 26, 1934.

<sup>1</sup> Manley O. Hudson, "The Registration and Publication of Treaties," this *JOURNAL*, Vol. 19 (1925), pp. 273-292; "The Registration of Treaties," *id.*, Vol. 24 (1930), pp. 752-757.