

**TREATY REVISION AND THE ROLE OF THE  
AMERICAN FOREIGN AFFAIRS  
ADVISER 1909-1925**

by

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**The Appointment of an American Adviser**

Rolin Jacquemyns, a Belgian, served as the Adviser in Foreign Affairs to the Siamese government from 1892 to 1902. In the spring of 1902, Phya Suriyanuwat, the Siamese Minister in Paris, was instructed to find a replacement for Rolin Jacquemyns. Phya Suriya had been entrusted with a very important task. He understood that Prince Devawongse Varopakar, the Minister of Foreign Affairs, needed the assistance of a trustworthy adviser in dealing with the foreign powers. In addition, he had been informed that Prince Devawongse required legal advice on matters which could not be easily researched in Siam.<sup>1</sup>

Phya Suriya was unable to find a suitable candidate in Europe. He had considered the candidacy of a Dutchman but had concluded that a Dutchman would be too self-centered. Moreover, in Phya Suriya's estimation, the Dutch were far too friendly with the French. He suspected that the Dutchman, in the pursuit of personal gain, would conspire with the French against Siam. Phya Suriya notified Phya Akaraj Varathon, the Siamese Minister in Washington, that under the circumstances, he had decided to engage an American. Phya Suriya held that an American would prove to be a loyal and honest employee. Phya Suriya was impressed by what he considered to be the general trustworthiness of the Americans. He alluded to the American government's China policy. He noted that while the other nations had engaged in actions which infringed upon China's territorial sovereignty, the United States had opposed the violation of China's territorial integrity.<sup>2</sup>

1) Phya Suriya, 16 June 1902, to Phya Akaraj, การจ้างชาวต่างประเทศในราชการต่างประเทศ/ the employment of foreigners within the Ministry of Foreign Affairs/, File 11, (T), Thailand, Ministry of Foreign Affairs, Archives. The notation (T) signifies a Thai language document.

2) *Ibid.*

In all, the failure to find a loyal and capable adviser in Europe resulted in the engagement of an American. Phya Suriya also observed that the United States had emerged from the Spanish-American War an Asian power. He postulated that in time, America's influence would increase. He indicated to Phya Akaraj that the appointment of an American adviser would gain American sympathy for the unique position of the Siamese government.<sup>3</sup>

Edward Strobel was the first American Adviser in Foreign Affairs. Jens Westengard, Eldon James and Francis B. Sayre were among his successors. Strobel, Westengard, James and Sayre were all Harvard Law Professors.

#### A Loyal Employee

Upon Strobel's death, King Chulalongkorn addressed a personal letter to Strobel's mother, Mrs. Caroline Strobel. The King expressed his heartfelt condolences and stated that he deplored "the loss of so excellent and accomplished a man."<sup>4</sup> Jens Westengard was known by his title of Phya Kalyanamaitri or "the beautiful in friendship." Upon Westengard's demise, Prince Devawongse conveyed his condolences and the condolences of King Rama VI to Westengard's widow. He wrote Mrs. Westengard that the "irreparable loss of your beloved husband was also Siam's irreparable loss of a true friend indeed."<sup>5</sup> Phya Prabha Karawongse, the Minister in Washington, apprised Mrs. Westengard of the many messages of commiseration. Mrs. Westengard responded that she knew that they missed him.<sup>6</sup> She explained that "he felt that he was working for and loving your country to his last living moment."<sup>7</sup>

Jens Westengard was the senior government adviser. He was responsible for the employment of foreigners in the government service. On March 3, 1916, William Hornibrook, the American Minister in

3) *Ibid.* Also, see Phya Akaraj, 12 July 1902, to John Hay, Secretary of State, การจ้างชาวต่างประเทศ, File 2, Part 1, letter no. 8878.

4) King Chulalongkorn to Mrs. Caroline Strobel, การจ้างชาวต่างประเทศ, File 4, Part 6.

5) Prince Devawongse, 14 Oct. 1918, to Mrs. Westengard, การจ้างชาวต่างประเทศ, File 7, Part 5, letter no. 9276.

6) Mrs. Westengard, 26 Sept. 1918, to Phya Prabha, การจ้างชาวต่างประเทศ, File 7, Part 5, letter no. 11491.

7) *Ibid.*



Bangkok, addressed a communiqué to the Secretary of State on the employment of Americans in the government service. He stated that with, at least, Westengard's tacit approval, the Siamese government had drastically reduced the number of American functionaries. He indicated that they had been replaced by British or French subjects. He asserted that during Westengard's term of office, one hundred and seventy-seven British subjects had been appointed to positions in the domestic and foreign service. Hornibrook believed that Westengard had neglected American interests. He related that Westengard had provided the American legation with neither information nor support. Hornibrook was distressed to learn that Westengard himself had recommended the elimination of the designation of the General Adviser. (The Foreign Affairs Adviser had been employed as the General Adviser.)<sup>8</sup> He held that American prestige would suffer as a result of the alteration.<sup>9</sup> Hornibrook maintained that Westengard represented more of a liability than an asset to American interests in Siam.<sup>10</sup> In the words of Mrs. Westengard, Westengard's gaze was always turned towards Siam.<sup>11</sup>

When Eldon James retired from his position as Adviser in Foreign Affairs, Prince Devawongse presented his wife with a gift. James had informed the Foreign Minister that his wife had become attached to the teak table in their furnished accommodation. He had related that his wife wished to buy the table and take it back with them to the United States. Prince Devawongse would not permit her to buy it. Instead, he presented it to her as a gift.<sup>12</sup>

On their arrival in Siam, the King invited Sayre and his wife to dine with him in the royal palace. The American adviser was held in the highest regard. In the company of King Rama VI, the couple

8) William Hornibrook, 3 March 1916, to the Secretary of State, *Reports of the Department of State Relating to the Internal Affairs of Siam 1910-1929*, Microfilm no. 729, Roll 6, United States, Archives.

9) William Hornibrook, 14 Oct. 1915, to the Secretary of State, *Reports of the Department of State*, Microfilm no. 729, Roll 6.

10) William Hornibrook, 3 March 1916, to the Secretary of State, *Reports of the Department of State*, Microfilm no. 729, Roll 6.

11) Mrs. Westengard, 23 Sept. 1918, to Prince Devawongse, การจ้างชาวต่างประเทศ, File 7, Part 5, letter no. 11495.

12) Prince Devawongse, 15 May 1923, to Eldon James, การจ้างชาวต่างประเทศ, File 9, Part 1.

toured the former royal living quarters. The next morning, Sayre's children were permitted to ride the King's white elephant. In the course of his service, Sayre was awarded the Grand Cross of the Crown of Siam. The title of Phya Kalyanamaitri was also bestowed upon him.<sup>13</sup> In a farewell letter, Prince Traidos Prabandh, the Minister of Foreign Affairs, wrote Sayre that "during the short time you were here, you have been to me not only an Official Adviser but also a true and loyal friend."<sup>14</sup> Prince Traidos added that "how much I miss you no words can sufficiently describe."<sup>15</sup>

### An Attractive Employee

Generally speaking, Phya Suriya was correct in his assumption. The American adviser did engage the sympathies of the United States' government for the revision of the existing treaty arrangement with Siam. In 1909, Jens Westengard discussed the question with Hamilton King, the American Minister in Bangkok. Westengard gained King's confidence and support. King warned Westengard of the possible opposition of the American missionaries to revision. He indicated that the missionaries had obtained land to build churches, schools, hospitals and dispensaries. He related that the missionaries dreaded the effect of direct jurisdiction on their landholdings. He noted that the missionaries felt insecure in their holdings because they did not possess a clear title to their property. King apprised Westengard that for the most part, the missionaries were the only private persons who were interested in the negotiations. He indicated that their support must be secured. He proposed that in a short letter accompanying the treaty, the Siamese government should agree to replace the deficient title deeds with the appropriate papers. Westengard obtained the approval of the Siamese government for King's plan.<sup>16</sup>

13) Francis B. Sayre, *Glad Adventure* (New York: MacMillan, 1957), p. 105.

14) *Ibid.*, p. 106.

15) *Ibid.*, p. 106.

16) Jens Westengard, 8 August 1909, to Prince Devawongse, สนธิสัญญาการเจรจาแก้ไข สนธิสัญญาทางไมตรีพาณิชย์และการเดินเรือระหว่างสยามกับอเมริกา/treaties: the negotiations to revise a treaty of friendship, commerce and navigation between Siam and the United States/, No. 1, File 2, Part 1, Thailand, Ministry of Foreign Affairs, Archives, letter no. 3990. Also, see draft letter as agreed to by Westengard and King in สนธิสัญญา No. 1, File 2, Part 1, letter no. 5525.



Three months later, Westengard arrived in New York City and met with the Executive Council of the Board of Foreign Missions of the Presbyterian Church. He described the Siamese government's scheme to protect church property in Siam.<sup>17</sup> The Executive Council was impressed. Subsequently, the Board of Foreign Missions notified the State Department of its "cordial readiness" to submit its missionaries to the full jurisdiction of the Siamese courts.<sup>18</sup> In Washington, Westengard met with Ransford S. Miller, the head of the Bureau of Far Eastern Affairs. Miller referred to the Japanese precedent. In 1894, the United States agreed to a new treaty arrangement with Japan. According to the engagement, the abolition of extraterritoriality occurred upon the promulgation of the legal codes. Furthermore, Miller stated that the United States had to take into consideration the reaction of China and Korea to the revision of the Siamese arrangement. He claimed that China and Korea would request similar concessions. He concluded that the surrender of jurisdiction must be in accordance with some general principle. He held that the principle must involve the application of a particular rule. The rule, he related, was that the codes must be completed prior to the surrender of jurisdiction. It was apparent that treaty revision was to be limited to the adoption of the American proviso. Westengard answered that Siam's relationship with Denmark was peculiarly favorable and that he might approach the Danes on the subject of revision. Miller asserted that the United States wished to do something to assist Siam. He asked Westengard if there was anything else of importance which Siam desired? Miller then proposed a new commercial engagement. Westengard was pleasantly surprised by Miller's offer. Several days later, Miller informed Westengard that the State Department had agreed to the negotiation of a new jurisdictional and commercial arrangement. Miller stated that the formal negotiations were to occur in Bangkok.<sup>19</sup> On June 9, 1910, Hamilton King wrote Westengard that he had been in Washington and had had several

17) See Westengard's memorandum in สนธิสัญญา, No. 1, File 2, Part 1, letter no. 9149.

18) Mr. Stanley Wilson, Secretary of the Board of Foreign Missions, to Jens Westengard, สนธิสัญญา, No. 1, File 2, Part 1, letter no. 9595.

19) Jens Westengard, 30 April 1912, to Prince Devawongse, สนธิสัญญา, No. 1, File 2, Part 4, letter no. 854.

interviews with the Bureau of Far Eastern Affairs. He noted that the bureau was well-disposed toward Siam and anxious to negotiate a new treaty. He intimated that the United States did not intend to be outdone by any other nation. He maintained that the United States desired "to go Siam one better".<sup>20</sup> The following day, Miller addressed a communiqué to Westengard. He expressed his gratification at having had the opportunity to meet him and to learn more about the good work which he was doing in Siam.<sup>21</sup> He explained that the American government's desire to be of assistance was even greater because an "American like yourself holds such an important advisory position in the Siamese Government."<sup>22</sup>

The Siamese government rejected the American counterproposal. Westengard indicated to Prince Devawongse that it was imperative to rid Siam of the antiquated treaties as soon as possible. Westengard returned to Washington with the objective to secure freedom for Siam in economic and other matters. He sought to induce the American government to renew its previous offer and, in addition, to concede jurisdictional autonomy. He entered into negotiations with the State Department and attracted support for his proposal.<sup>23</sup>

In 1919, Prince Charoonsakdi Kritakon, the Siamese Minister in Paris, urged Prince Devawongse to agree to the assignment of Eldon James to the task of negotiating a new treaty in Washington. Phya Prabha was of the same mind. At a special meeting of ranking officials in Paris, Phya Prabha held that it was important to bring Siam's case to the attention of influential Americans in a Westengard-like manner. When James was asked his opinion, he responded that at the moment his services would be better employed in the United States than in Europe. James had been informed that President Woodrow Wilson was favorably inclined toward Siam's request for revision. He understood that President Wilson, a keen Presbyterian, was interested in the missionary effort in Siam. He noted that the Board of Foreign Missions

20) Hamilton King, 9 June 1910, to Jens Westengard, สนธิสัญญา, No. 1, File 2, Part 2, letter no. 3355.

21) R.S. Miller, 10 June 1910, to Jens Westengard, สนธิสัญญา, No. 1, File 2, Part 2, letter no. 3354.

22) *Ibid.*

23) Jens Westengard, 13 July 1914, to Prince Devawongse, การจ้างชาวต่างประเทศ, File 6, Part 4, letter no. 6442. See letters in สนธิสัญญา, No. 1, File 3, Parts 6-7.



approved of revision. He surmised that an opportunity existed. However, he specified that the negotiations should be undertaken immediately. Otherwise, he feared that the upcoming American elections would force the postponement of the negotiations for two or three years.<sup>24</sup>

With the successful conclusion of the American negotiations, the American adviser engaged the sympathies of the other treaty powers. In May of 1924, Sayre notified King Rama VI that he was relinquishing his post. He referred to his children's health and to his reluctance to remain in Siam without his family.<sup>25</sup> Prior to his departure, he was received by King Rama VI. King Rama VI pointed out that Siam had failed repeatedly in its efforts to negotiate a new treaty with the European representatives in Bangkok. Sayre remarked that Siam should appeal directly to the European heads of state. King Rama VI queried whether Sayre himself was willing to undertake such a task for Siam? Sayre's reply was an affirmative response.<sup>26</sup>

In January of 1925, news was received in Paris of an assault upon a Frenchwoman in Rajburi. The French Ministry of Foreign Affairs decided to delay the signing of the new treaty. Sayre feared that the French would make additional demands. He even envisioned the loss of the treaty. He contacted Ferdinand Pila, the French negotiator. Pila assured Sayre that France had no intention of taking undue advantage of the incident. However, he warned that France would have to seek additional guarantees if anti-foreign sentiments had motivated the assault. Sayre believed that the Siamese government must convince the French Ministry of Foreign Affairs and French public opinion of the true nature of the assault. Sayre held that Siam must agree to the presence of a foreign legal adviser at the preliminary investigation. After a series of conferences with Pila, Sayre was able to report that progress had been made in restoring full confidence. Sayre noted that his efforts had been expedited by King Rama VI's assurance of full and prompt

24) See the minutes of the Paris meeting, 2 Sept. 1919, in สนธิสัญญา สนธิสัญญากับอังกฤษ/ treaties: treaties with England/, No. 2, File 1, Part 1, Thailand, Ministry of Foreign Affairs, Archives, letter no. 8402.

25) Francis B. Sayre, 22 May 1924, to King Rama VI, เบ็ดเตล็ดชาวต่างประเทศ./ miscellaneous: foreigners/, No. 30, File 6, Thailand, Department of Fine Arts, National Archives.

26) Sayre, *op. cit.*, pp. 104-105.

justice. Pila informed Sayre that the treaty would be concluded on the preliminary investigation's presentation of its findings. He stated that the signing would occur even if the report was unfavorable.<sup>27</sup>

The preliminary investigation found the assailant to have been intoxicated at the time of the crime. However, the Siamese government had neglected to assign a foreign adviser to the investigation. The French Ministry of Foreign Affairs was disturbed by the oversight. It had to consider the reaction of public opinion to the ratification of the new treaty. Sayre surmised that the Ministry of Foreign Affairs wanted to await the outcome of the trial before committing the French government. Sayre was, however, successful in his endeavor to convince the French to sign immediately. The Ministry of Foreign Affairs agreed to a conditional signature. The reservation was embodied in a note to be presented at the signing of the treaty. The French reserved the right to reopen negotiations to obtain certain judicial safeguards. The exercise of the right was contingent upon the trial's disclosures. Sayre accepted the compromise agreement. He wrote Prince Traidós that immediate confirmation of acceptance was vitally important from the point of view of securing new treaties from the other European countries.<sup>28</sup>

In London, Sayre moved in the more exclusive social circles. He believed that the special difficulty of the British undertaking made it desirable to acquire social connections. Sayre believed that a great deal could be accomplished in England through social contacts. Friends arranged a meeting between Sayre and Austin Chamberlain, the British Foreign Secretary.<sup>29</sup> At consecutive interviews on the 23rd and 24th of February, Sayre prevailed upon the Foreign Secretary to consider the negotiation of a new treaty. Chamberlain was favorably impressed by Sayre's genuine friendliness. He found Sayre to be a capable and businesslike person. He had listened to Sayre's arguments and had

27) Francis B. Sayre, 17 Feb. 1925, to Prince Traidós, สมธิสัญญา สมธิสัญญากับฝรั่งเศส/ treaties : treaties with France/, No. 3, File 8, Part 16, Thailand, Ministry of Foreign Affairs, Archives.

28) *Ibid.* See, in addition, Annexes A-T.

29) Francis B. Sayre, 28 Feb. 1925, to Prince Traidós, สมธิสัญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 23671.



concluded that there was a good deal to be said in favor of Sayre's proposal.<sup>30</sup> Sayre recognized that he had a "fighting chance". He informed Prince Traidós that he would make the most of it.<sup>31</sup> Next, Sayre met with the Under Secretary of State for Foreign Affairs, Mr. Victor Wellesly. Sayre discussed the matter of revision with Wellesly. Wellesly was satisfied with Sayre's appraisal. He promised to obtain an official decision on the question within a short period of time. On the following day, Phya Prabha, now the Siamese Minister in London, introduced Sayre to the Director and to the Assistant Director of the Far Eastern Affairs Department. Sayre presented the case for revision and received a positive response.<sup>32</sup> Sayre observed that "in fact the more men I have met and talked to at the Foreign Office, the more I realize their entire ignorance of the real Siamese situation, and the hopelessness of getting a satisfactory treaty had these conversations not taken place."<sup>33</sup> Two days later, Sayre spoke with the Under Secretary of the Board of Trade.<sup>34</sup> On March 4th, Sayre lunched with the Director of the Far Eastern Affairs Department. The Director intimated that the British government would probably consent to the negotiation of a new treaty. On March 5th, Sayre conferred informally with members of the Board of Trade. He succeeded in gaining their approval for a new commercial arrangement. On March 6th, Sayre argued Siam's case before the representatives of the Foreign Office, the Board of Trade, the Colonial Office and the India Office.<sup>35</sup> Afterward, Phya Prabha wired Prince Traidós that the British government had consented to the negotiation of a new treaty.<sup>36</sup> Four months later, the treaty was completed.

30) Austin Chamberlain, 25 Feb. 1925, to Phillip Cunliffe-Lister, F.O. 371/10971, Great Britain, Public Record Office. Also, Francis B. Sayre, 28 Feb. 1925, to Prince Traidós, สำนัสดูญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 23671.

31) Phya Prabha, 25 Feb. 1925, to Prince Traidós, สำนัสดูญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 21354.

32) Francis B. Sayre, 28 Feb. 1925, to Prince Traidós, สำนัสดูญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 23671.

33) *Ibid.*

34) *Ibid.*

35) Francis B. Sayre, 13 March 1925, to Prince Traidós, สำนัสดูญญากับอังกฤษ, No. 2, File 3, Part 3, letter no. 620.

36) Phya Prabha, 7 March 1925, to Prince Traidós, สำนัสดูญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 22020.

### A Capable Employee

The office of the Adviser in Foreign Affairs offered an in-training program in law and diplomacy. The élite of the diplomatic corps were graduates of the program. Prince Traidos was apprenticed to the Adviser in Foreign Affairs for a period of three years. Initially, he was considered a student assistant. Eventually, he was promoted to secretarial status. Prince Charoon, Phya Prabha and Phya Buri Navarat, Phya Prabha's predecessor as Minister in London, also began their careers as student assistants.<sup>37</sup>

The relationship between the American adviser and the Siamese government approximated that of a lawyer and a client. The American adviser drafted treaty proposals. He analysed counter-proposals. He scrutinized articles and clauses and revised provisions. He argued Siam's case. He counseled the Siamese government on policy determinations.<sup>38</sup> In his latter capacity he advised the Siamese government to secure a grant of fiscal autonomy. In December of 1905, Edward Strobel devised a plan to revise the existing commercial arrangement. However, Strobel's objective was to gain an increase in the tariff rate. It was not until the American counter-proposal of 1909 that fiscal autonomy became the objective. Westengard approved of the American offer of autonomy subject to most favored nation treatment. He urged Prince Devawongse to accept this offer. He noted that previously the extension of extraterritorial privilege to Asians had been the subject of concern. He maintained that problems of similar magnitude and significance remained to be resolved. He referred to the effort to modernize Siam's administrative structure, and he pointed out that reform was an expensive and complex undertaking. He observed that progress required higher salaries to engage the more highly skilled and higher budgets to buy better equipment. He held that Siam would be unable to meet its future expenditures with a 3% *ad valorem* tariff. Westengard questioned the value of requesting a higher rate of assessment. In his opinion, "piecemeal revision" meant the payment of "heavy prices for slight advantage." In contrast, he claimed that the American offer was exceed-

37) See dossiers on Prince Traidos, Prince Charoon (T), Phya Prabha (T) and Phya Buri (T) in ข้าราชการไทย/Thai government officials: biographies/, Files 1-3, Thailand, Ministry of Foreign Affairs, Archives.

38) See the pertinent files in the Ministry of Foreign Affairs Archives.



ingly advantageous. He indicated that under most favored nation treatment, the United States did not possess any "*independent rights*" which would have to be "bought off" to obtain revision.<sup>39</sup> Nevertheless, Westengard failed to convince Prince Devawongse of the relative importance of the fiscal grant. Subsequently, he tried to secure a jurisdictional concession which would satisfy the Foreign Minister.

Eldon James and Prince Charoon realized that Prince Devawongse was interested more in the jurisdictional aspect of revision. Therefore, they drew the Foreign Minister's attention to the relative significance of the commercial concession. In 1918, the French proposed a jurisdictional engagement based upon the 1909 Anglo-Siamese Treaty. James urged Prince Devawongse to refuse to negotiate unless the French offered to concede fiscal autonomy.<sup>40</sup> Prince Charoon also exhorted the Foreign Minister to accept nothing less than a complete revision of the existing treaty system. Prince Devawongse responded that the Siamese government desired to negotiate an all-inclusive accord. According to Prince Devawongse, it was unlikely that the Siamese government would merely agree to a jurisdictional treaty.<sup>41</sup> Nevertheless, Prince Devawongse never devised a means to attain a commercial concession. At the high level conference in Paris in 1919, the importance of a dual objective—fiscal as well as jurisdictional autonomy—was stressed. James, Prince Charoon, Prince Traidos (then, Under Secretary of State) and Phya Prabha concurred in an approach recommended by Phya Buri to secure fiscal autonomy.<sup>42</sup> In general, the American adviser sustained the commercial issue until the matter was taken up by ranking Siamese officials.

39) Jens Westengard, 30 April 1912, to Prince Devawongse, สนธิสัญญา, No. 1, File 2, Part 4, letter no. 854.

40) Eldon James, 16 Dec. 1918, to Prince Devawongse, สนธิสัญญาพิจารณาแก้ไขสนธิสัญญาใหม่กับนานาประเทศ/ treaties : to consider requests to revise anew the treaties with the various countries/, No. 15, File 2, Part 1, Thailand, Ministry of Foreign Affairs, Archives, letter no. 12108.

41) Prince Devawongse, 18 Feb. 1919, to Prince Charoon, สนธิสัญญากับนานาประเทศ, No. 15, File 3, Part 3, letter no. 15018.

42) See the minutes of the Paris meeting, 2 Sept. 1919 in สนธิสัญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 8402.

### Observations

It is misleading to describe the relationship between the American adviser and the Siamese government in terms of a concept derived from traditional Chinese diplomacy. The concept refers to the use of one barbarian against another or, in a modified sense, to the use of one national to bind a nation. In 1909, Westengard entered into discussions with Hamilton King on his own initiative. Twice Westengard visited the United States during periods of furlough from his work. In both instances, he indicated to Prince Devawongse that he intended to approach the American government on the subject of revision. After his retirement from the government service in 1914, Westengard persisted in his efforts to secure a new treaty for Siam.<sup>43</sup>

Eldon James believed that his office was superfluous unless he was consulted on important questions. James wished to be assigned to the proceedings in Paris in 1919 and asked Prince Devawongse to grant his request.<sup>44</sup> Prior to the high level conference in Paris, James suggested that he should be a party to the Washington negotiations. Prince Charoon concurred.<sup>45</sup>

The point could be made that the account fails to take into consideration the subtlety of 'oriental' diplomacy. The American adviser was treated with honor and respect. He was held in the highest esteem. It could be asserted that the treatment accorded the American adviser was

43) Jens Westengard, 8 August 1909, to Prince Devawongse, สนธิสัญญา, No. 1, File 2, Part 1, letter no. 3990. Prince Devawongse, 9 August 1909, to King Chulalongkorn, สนธิสัญญา, No. 1, File 2, Part 1, (T), letter no. 3994. King Chulalongkorn, 10 August 1909, to Prince Devawongse, สนธิสัญญา, No. 1, File 2, Part 1, (T), letter no. 4030. Jens Westengard, 30 April 1912, to Prince Devawongse, สนธิสัญญา, No. 1, File 2, Part 4, letter no. 854. Jens Westengard, 5 June 1913, to Prince Devawongse, สนธิสัญญา, No. 1, File 3, Part 5, letter no. 2980. Jens Westengard, 13 July 1914, to Prince Devawongse, การจ้างชาวต่างประเทศ, File 6, Part 4, letter no. 6442. See documents in สนธิสัญญา, No. 1, File 3, Parts 6-7.

44) J.C. White, Chargé d'Affaires, 17 April 1919, to the Secretary of State, *Records of the Department of State Relating to the Political Relations between Siam and the United States 1910-1929*, Microfilm no. 730, United States, Archives.

45) Prince Charoon, 3 Sept. 1919, to Prince Devawongse, สนธิสัญญากับนานาประเทศ, No. 15, File 4, Part 5, letter no. 7018. Also, see Prince Charoon, 5 August 1919, to Prince Devawongse, สนธิสัญญากับนานาประเทศ, No. 15, File 4, Part 5, letter no. 5806.



designed to induce him to take the initiative. However, the factual evidence goes against this approach to the problem. For instance, at a critical juncture, Prince Charoon did not request the assistance of the American adviser. Instead, in 1919, prior to James's arrival in Paris, Prince Charoon advised the Siamese government that a native official should be sent to Washington to negotiate a new treaty with the United States. He stated that the negotiator should possess special qualities which would enable him to gain the confidence of the American government.<sup>46</sup>

Furthermore, when Prince Charoon finally did ask for authorization to employ the American adviser in Washington, he discovered that the Foreign Minister disapproved. Prince Devawongse maintained that the adviser had been sent abroad to co-ordinate the diplomatic efforts in Paris and London. He insisted that if his services were no longer required in Europe, the adviser should be instructed to return to Bangkok. Prince Charoon raised the question at the Paris meeting. His colleagues agreed that a second wire should be sent to solicit the Foreign Minister's approval.<sup>47</sup> In sum, it was not an integral part of Siamese policy on revision to use an American to bind the American government.

Wolcott Pitkin served as the Foreign Affairs Adviser from 1915 to 1917. He was a young man. He was not a Harvard Law Professor. Previously, he had been the United States Attorney General in Puerto Rico. He lacked Strobel's pre-eminence. Strobel had represented the American government as Minister Plenipotentiary in Ecuador and Chile in the 1890's. He had been decorated by the French government for his assistance in the settlement of a treaty claim against Chile. Pitkin also lacked Westengard's experience. Westengard had come to Siam with Strobel as his assistant.<sup>48</sup>

46) Prince Charoon, 22 March 1919, to King Rama VI, สนธิสัญญากับนานาประเทศ, No. 15, File 4, Part 5.

47) See the minutes of the Paris meeting, 2 Sept. 1919, in สนธิสัญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 8402.

48) See personal data concerning Professor Strobel in การจ้างชาวต่างประเทศ, File 2, Part 1, letter no. 8880. See data on Jens Westengard in การจ้างชาวต่างประเทศ, File 7, Part 5. For data on Pitkin, see Frank McIntyre, Chief, Bureau of Insular Affairs, 25 Sept. 1914, to William Phillips, Third Assistant Secretary of State, การจ้างชาวต่างประเทศ, File 6, Part 3.

Pitkin was the most qualified candidate available for the position. The Siamese government was completely satisfied with the work of Strobel and Westengard and wished to employ an American.<sup>49</sup> Yet, it could very well be alleged that the reason for Pitkin's appointment was less than apparent. However, the fact would have to be taken into consideration that the status of the office was altered upon Pitkin's assumption of his duties. The employment of the Foreign Affairs Adviser as the General Adviser was brought to an end. The title was abolished.<sup>50</sup>

Pitkin objected to the change. He stated that his office would suffer a loss of prestige. He held that the capacity of his office to influence the great powers would be seriously impaired by the elimination of the designation. Also, he explained that the change would reflect upon his own competency and reliability. In his estimation, the foreign community would interpret it to mean that the new adviser lacked the full confidence of the Siamese government. He believed that his usefulness would be curtailed.<sup>51</sup> The American government disapproved of the Siamese government's decision. The American Minister in Bangkok believed that American prestige would suffer.<sup>52</sup> The State Department agreed and requested the continuation of the designation.<sup>53</sup> King Rama VI was, however, emphatic in his position, for he maintained that the General Adviser must qualify as the eldest of the foreign advisers and must have previous experience in a position of high authority. He asserted that, otherwise, the other foreign advisers would "feel uneasy in

49) Jens Westengard, 27 June 1914, to W.J. Archer, Adviser to the Siamese Legation in London, การจ้างชาวต่างประเทศ, File 6, Part 3. Also, see King Rama VI's memorandum, 15 July 1913, in เบ็ดเตล็ดชาวต่างประเทศ, No. 30, File 6.

50) Wolcott Pitkin, 9 Dec. 1915, to Prince Devawongse, การจ้างชาวต่างประเทศ, File 7, Part 1, letter no. 10754.

51) *Ibid.*

52) William Hornibrook, 14 Dec. 1915, to the Secretary of State, *Reports of the Department of State Relating to the Internal Affairs of Siam 1910-1929*, Microfilm no. 729, Roll 6.

53) State Department, 5 Feb. 1916, to William Hornibrook, *ibid.*



their minds." He observed that Pitkin was an inexperienced young man who had not held a prominent position prior to his appointment.<sup>54</sup>

The action of the Siamese government cannot be described as ingratiating or as an attempt to win favor. If the Siamese government had intended to exploit Pitkin's nationality, it would not have altered the importance of his position. It certainly would not have acted in a manner that might have affected in any way the friendly disposition of the American government.

In a recent article, Mr. Kenneth Young drew upon Shakespeare to describe the mode of the employment of the American adviser. He quoted from *Measure for Measure*:

"O cunning enemy, that, to catch a saint  
With saints dost bait thy hook!"<sup>55</sup>

In other words, according to Mr. Young, the American adviser, with his western mannerisms and techniques was the bait to catch the western nations.<sup>56</sup> However, in terms of Siam's policy on revision, 1909-1925, Mr. Young's conceptualization is too restrictive and tends to obscure rather than to enlighten. In 1919, Prince Devawongse took the French negotiations out of the hands of Eldon James and placed them in the hands of Prince Charoon.<sup>57</sup> It was Prince Charoon's approach on the jurisdictional question and Phya Buri's approach on the commercial issue which determined the course of the negotiations with the western nations after the First World War.<sup>58</sup> From 1919 to 1923, Prince Charoon was solely responsible for the French negotiations. He laid the groundwork. He engaged the sympathies of the French government and solicited the all-

54) King Rama VI, 14 Dec. 1915, to Prince Devawongse, การจ้างชาวต่างประเทศ, File 7, Part 1, letter no. 10958.

55) Kenneth Young, "The Special Role of American Advisers in Thailand 1902-1949", *Asia*, No. 14 (Spring 1969), 5.

56) *Ibid.*

57) See documents in สนธิสัญญากับนานาประเทศ, No. 15, File 3, Part 3.

58) See the minutes of the Paris meeting, 2 Sept. 1919, in สนธิสัญญากับอังกฤษ, No. 2, File 1, Part 1, letter no. 8402; and Peter B. Oblas, "A very small part of world affairs": Siam's policy on treaty revision and the Paris Peace Conference of 1919", *Journal of the Siam Society*, Vol. 59 Part 2, 51-74.

important treaty proposal.<sup>59</sup> At the time of Sayre's arrival in Paris, the French negotiations were near completion. Only questions of redaction remained to be settled.<sup>60</sup>

It was the policy of the Siamese government to appeal to the West on its own terms and in its own language. The Western treaty powers had imposed Western standards upon Siam. The Siamese had to come to terms with an alien system of jurisprudence to achieve a redress of grievances. The Siamese reacted in a practical manner and engaged the services of a Western lawyer. Yet, the Siamese government did not rely upon the American Adviser in Foreign Affairs to lay down Siam's approach to revision, nor did it depend exclusively upon the American adviser to implement the design. Furthermore, Sayre's mission was not part of a pre-conceived scheme to use a saint to catch a saint. Sayre's assistance abroad was requested after Sayre had notified the royal government of his intention to resign his position. King Rama VI intended to postpone Sayre's retirement by employing his services in Europe.<sup>61</sup>

### Conclusion

The Siamese government trusted the American Adviser in Foreign Affairs to act in the best interests of Siam. Authority and responsibility were delegated to him. He was permitted a considerable degree of freedom in his work. It was in his capacity as a lawyer, a jurist, an advocate, and a policy counselor that the American adviser contributed significantly to the successful conclusion of the treaty negotiations with the West.

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59) See documents in สนธิสัญญากับฝรั่งเศส, No. 3, Files 1-6.

60) See documents in สนธิสัญญากับฝรั่งเศส, No. 3, Files 6-7, Parts 15, 13.

61) Sayre, *op. cit.*, pp. 104-105.