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FOREIGN SERVICE JOURNAL
JANUARY 1976 60 CENTS

"The Silent Invasion"
by David Fitzhugh

**"Congress, Commissions and
Cookie-Pushing"**
by Benjamin Welles





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lovelier or more
peaceful than
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more superb than
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"People will not look forward to posterity who never look backward to their ancestors."—Edmund Burke

People vs. Government:

The Duality of American Foreign Policy

LOUIS J. HALLE

THE IMPACT of the French Revolution, like the impact of the Russian Revolution a century and a quarter later, tended to unsettle the minds of men throughout Europe and America. Conservatives like Edmund Burke and Alexander Hamilton were alarmed by it. They saw it in terms of the threat to legitimacy and the rights of property, or as chaos overthrowing order, or as the disorderly and bestial mob breaking the bonds of civilized rule. But to the most sensitive and humane portion of mankind, those whom we would today call "socially conscious," it was the final downfall of ancient evil. To Thomas Jefferson and many others it seemed like the dawn of a new age for suffering mankind, a sort of millennium in which final judgment would be meted out and the Kingdom of Heaven established, at last, on earth. The long historic ordeal of humanity was over. When that great equalizer, the guillotine, began eliminating the wicked, it was seen as a sort of machine for purging from society the evil which had always oppressed it, the evil which pertained to a particular social class rather than to humanity as a whole. One could not allow oneself to doubt that this evil would now be replaced by good. Very soon, perhaps, there would be only the virtuous left on earth, people like us. In the same way the Soviet Communists undertook to purge "the enemies of the people" a generation ago and are still doing it. Jefferson deplored the fact that some innocent blood was being shed, but rather than that the cause of liberty should fail, he said, "I would have seen half the earth desolated." Today, when we have accumulated an experience of revolutionary dynamics which was not available to him, one would want a guarantee of re-

sults before paying such a price. The hopefuls of the time, however, did not then foresee Napoleon and Louis XVIII, just as the hopefuls of 1917 did not foresee Stalin and Khrushchev. They did not foresee that, in a few years, revolutionary France, champion of the rights of man, would be conducting a war of extermination against the revolted slaves of Hispaniola, seeking to reimpose servitude upon them. They did not take account of the fact that there is only one species of man, that God did not create two species, one "People" and the other "Enemies of the People," that the common man, too, bears the consequences of Adam's fall.

The French Republic was proclaimed on the 21st of September, 1792. On the 21st of January, four months later, the man who had been Louis XVI was processed by the guillotine. Ten days later the new French Republic declared war on the old England of King George III. This succession of events raised ideological fervor to a high pitch in the United States. The enthusiasts of the new revolutionary dispensation danced in the streets every time there was news of a French victory over the British. They dropped the title "Mister" and began calling one another "Citizen." William Cobbett reported that in Philadelphia, then the capital of the United States, Louis XVI was guillotined in effigy twenty or thirty times every day, and that young women under twenty expressed a willingness to dip their hands in the blood of Marie Antoinette, whose turn beneath the knife had not yet come. "Bliss was it in that dawn to be alive," sang the poet Wordsworth.

Picture, now, the cold, detached minds of old President Washington and his Cabinet, meeting behind closed doors to agree that the nation must remain neutral and impartial between France and Britain, while in the streets the noble passion rages to the strains of "La Marseillaise." This strikes me as immensely poignant and

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significant—the opposition between the strategic and the ideological, between the classical and the romantic, between the head and the heart, between experienced wisdom and the sense of righteousness, between maturity and youth. That opposition was to precipitate a sort of constitutional crisis, or at least a constitutional issue, the question being whether the government led the people or the people the government in the new nation which had been born on our shores.

It was into this charged atmosphere of 1793 that a remarkable character, Citizen Genêt, first minister accredited by the new French Republic to the American government, blazed like a comet. Genêt was young, fervent, and more brilliant than judicious. Apparently he thought of himself not only as the emissary of the Girondist administration in Paris but also as the agent of the revolutionary ideology, fraternally bearing salvation to the American people as to all mankind. He might, had he wished, have come directly to Philadelphia to present his credentials to President Washington's government. A house guest usually makes it the first order of his business to say hello to his hostess and shake hands with her. Instead, Genêt landed at Charleston, South Carolina, where he was greeted with wild enthusiasm. He presented his credentials first, so to speak, to the American people. Quite regardless of the fact that the United States had declared its neutrality, a fact of which he had not yet informed himself, he proceeded to organize the conduct of his country's war on American soil, sending out French privateers from Charleston to seize British ships in American waters, setting up prize courts to con-

demn those ships, preparing a military expedition from American soil against the adjacent provinces of Spain. He presided over the foundation of a local branch of the French Jacobin Clubs. Having done all this, he at last embarked on a long triumphal procession through the back country to Philadelphia. A trip which might have been made in less than a week, says Professor Bailey, "was dragged out over twenty-eight days, to the accompaniment of salvos of artillery, fraternal embraces, and frantic cheering." Philadelphia turned itself out, on his arrival, in a like demonstration of enthusiasm. Now, at last, he was ready to receive the expected embrace of that old man, George Washington, to whose government he had still to present his credentials.

But President Washington stood on cold formality. He was more than twice as old as Citizen Genêt, the fire apparently no longer burned in his breast if it ever had, and Genêt, who did not find himself received as the bridegroom, quickly concluded that this old man had no right to speak for the young and ardent American people. The President's "Proclamation of Neutrality," which Genêt had just learned about, did not have the authority of the popular will behind it. In the new dawn of freedom Citizen Genêt could not be bound by the usages of a dead past. He had no compunction about disregarding the Proclamation, and he had no compunction about making his appeal from the President to the real sovereign, the people. In fact, he embarked on a political campaign against the government to which he was accredited.

At first this was not done in vain, and President Washington, together with his Cabinet, had the bitter experi-

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ence (reflected in the Farewell Address) of seeing a great part of the American people, probably a good majority, siding with a foreign envoy against its own government. The authority of the government, its power to govern, was thrown into question, not just by Genêt but by his political following among the American people. Woodcuts appeared of Washington being subjected to the guillotine, just like Louis XVI and the other enemies of the people. He was accused of treason. The NATIONAL GAZETTE of Philadelphia claimed that the popular reception accorded Citizen Genêt showed that "sovereignty still resides with THE PEOPLE, and that neither proclamations nor royal demeanor and state can prevent them from exercising it." "In a republican country, it was said," according to Justice Marshall, "the people alone were the basis of government . . . The doctrine that the sovereignty of the nation resided in the constituted authorities was incompatible with the principles of liberty; . . . if M. Genêt dissented from the interpretation given by the president to existing treaties, he might rightfully appeal to the real sovereign whose agent the president was, and to whom he was responsible for his conduct."

Writing to Jefferson many years later, John Adams said: "You certainly never felt the terrorism excited by Genêt, in 1793, when ten thousand people in the streets of Philadelphia, day after day, threatened to drag Washington out of his house, and effect a revolution in the government, or compel it to declare war in favor of the French revolution and against England." During those days, according to Marshall, those who did not share the revolutionary ardor "were calumniated as the tools of

Britain and the satellites of despotism . . . a passion for France . . . was deemed the surest test of patriotism."

All of us who have seen similar surges of popular ideological feeling in our own time, threatening to wise policy and the authority of government alike, can perhaps take courage from the happy ending to this particular tale. President Washington never weakened, Genêt finally went too far, the passion of the day exhausted itself, and the French authorities not only agreed to Genêt's recall but had the guillotine waiting to demonstrate its impartiality upon him. He preferred, however, to take the political asylum in the United States which President Washington offered him. He married the daughter of Governor Clinton of New York and set himself up as a gentleman on the banks of the Hudson River. Who knows but what, with time and reflection, he may at last have gained for himself some of the maturity and wisdom which characterized the old man whom he had held in contempt? In the ultimate appeal from Demos drunk to Demos sober Washington came out well. Before long he was universally honored by us Americans for the wisdom of his policy, his courage, and his firmness. If Washington was vindicated at last, so in a sense was democracy.

I HAVE RECOUNTED this old history of Washington's "Neutrality Proclamation" because it illustrates so vividly, at the very outset of our national life, one of the difficulties which attends the prudent conduct of foreign affairs in a democracy. Here we see strategy against

Continued on page 21

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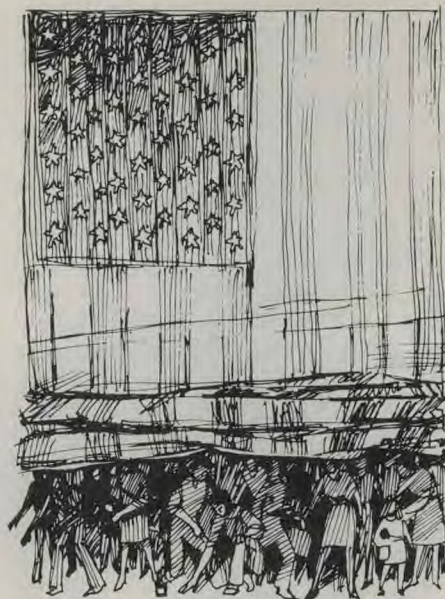
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FOR THE PAST two years I have been assigned to an American Consulate in Latin America located at the headwaters of a river that flows only north. This is the river of illegal immigration that winds its way to the United States despite numerous difficulties at home and almost as many when it arrives in the United States. During these two years this Consulate has issued an average of 1600 tourist, or non-immigrant, visas a month. Those 38,400 non-immigrants entered the United States legally, with a visa, but there is no known method of determining how many have since become illegal aliens by working or overstaying their temporary visitor's permit, since the United States has no system of checking people out through immigration when they leave the country. In view of the perforated border between the United States and Mexico, the United States really has no way of knowing who is coming or going.

During this same period the news media in the United States have presented numerous features in newspapers, magazines and on television describing the problem, some of the causes and a few of the effects of rampant illegal immigration. In July 1974, the United States Immigration and Naturalization Service (INS) estimated the number of illegal aliens in the United States as somewhere around six million. In the face of mounting evidence, INS revised that figure in March 1975 to 12 million, and growing. Despite the amount of evidence and information made available, Congress has failed to take any action that would adjust the existing law to existing needs; has done little or nothing about the Rodino bill (pending since 1972) that would make hiring an illegal alien unlawful and subject the employer of an illegal alien to a fine; nor has Congress appropriated any additional revenue that would allow INS to enforce current immigration regulations. It would appear, rather, that Congress has been sitting back, contemplating the strength of this group as a power bloc in some future election.

David FitzHugh has been in the Foreign Service of the United States for the past ten years. He is presently serving as a Consul in one of our Consulates in Latin America.



THE SILENT INVASION

"Send these, the homeless, tempest-tossed to me: I lift my lamp beside the golden door." — Emma Lazarus

DAVID FITZHUGH

The New York TIMES of December 26, 1974, reported that "in the last five years, District 3 (New York City) officials have deported about 5,300 persons and verified the departure of 55,000 aliens who were allowed to leave voluntarily . . . But the Service does not know whether another 48,000 illegal aliens who were ordered to leave actually went home." INS has no record of their departures and it is making no effort to determine if they have left. In other cities, INS officials have been forced to tell the illegals they have apprehended to leave the country voluntarily because INS does not have enough money to transport them back to their homelands. Police officers in Las Vegas, Nevada have been advised to release their illegals after apprehension because it is too expensive for INS to come and collect them. The Miami HERALD reported in March 1975 that INS did

not have the money to pay Dade County Jail for housing the illegal aliens awaiting deportation. In the first quarter of 1975 there were 388 illegal aliens in Miami who were given 10 days in which to leave the United States voluntarily, but INS has no way of knowing if they left and will not know unless they are arrested again at some future date. If present rates continue, immigration in the 1970s will surpass the 1890s, one of the peak immigration decades when Europe poured her millions of tired and poor into the economy of America.

The motivation for immigration in that era was varied: religious persecution, economic and natural calamities, among others. The basic reason for the present, even greater, immigration is economic. This is certainly true for those leaving the economic catastrophe of Latin America, rich in minerals and natural resources, but poor in production of either industrial or consumer products. They are leaving, in part, because their former colonial exploitation has been replaced by economic domination; because where exports consist of only raw materials instead of finished products there can be no prospect for improvement in real wages. They are leaving for America because they know they can work, legally or illegally, and if deported, they can return to work again until caught and deported, and so the cycle continues.

In a period of a few months in the United States the illegal immigrant can more than triple the annual salary earned in his homeland. The August 1974 issue of the AMERICAN FEDERATIONIST, the official magazine of the AFL/CIO, estimated that "illegal aliens cause an annual wage loss to US workers of more than \$10 billion." The FEDERATIONIST also stated that "in thousands of cases, illegals have worked in the United States for years and then have gone home to collect Social Security benefits from a nation of which they never became legal residents and to which they never paid income or Social Security taxes."

This has occurred because under the present Social Security system there is no requirement to be a citizen or a legal alien to obtain a Social Security card. Furthermore, a Social Security card is often the

only document required of a person seeking employment.

There are a number of reasons for the lack of immigration control: inadequate staff to patrol the borders where the bulk of the illegals enter from Mexico; insufficient budget to enforce the law; the ease with which an illegal immigrant can hide in a large community of his own countrymen within the United States; the lack of diligence in determining the alien or citizen status of a petitioner for Social Security/welfare benefits; and the inadequacies and inconsistencies of the present immigration law. This is the real problem to which not only Congress, but the nation, should address itself, a new immigration law that is responsive to the realities of the present and that is adjustable to the vagaries of the future.

In every large city there are communities or ghettos of recently arrived immigrants and illegal aliens. The newly arrived, legal or illegal, flock to this community because it offers them security, friends and comfort in a new land where the customs, food, language and laws are all unfamiliar. To be with people they can understand and who can understand them is a natural bridge to entering a new world. The illegal alien can also come into this community, hide for years and frequently become a leader in the community and respected "citizen," despite the fact that he is in the United States illegally.

There is also the factor that smuggling aliens is big business. There are recruiters in foreign countries with whom the intending alien can arrange his trip to the United States. The recruiter generally works with an American citizen in the United States who finds the illegal a job and handles his entry into the country. The cost for this help ranges from \$300 to \$700 per person. After arrival the illegal, who, during his trip to the United States, has often gone days without decent food, with little water, riding in the back of trucks packed like cattle or hidden in the trunk of a car, can have no recourse to the law for protection because he is in the United States illegally. He has a choice: to pay or to be turned over to the police. He is frequently given a job at a salary below the

minimum wage because the employer knows he is illegal, knows that the alien cannot complain to Immigration and knows that he can reduce his own operating expenses by hiring illegal aliens. I once interviewed an illegal alien domestic, employed by a doctor in Los Angeles, who said she had worked for \$50 a week and was delighted because it was more than six times the \$32 a month she made in her Latin American homeland. It is also below the legal minimum wage in the United States. This fact is not unknown, either to the alien or to the employer. There are a number of industries that thrive on the hiring of illegal aliens, such as fast food restaurants, hotels, laundries and the garment industries that pay on a piecework basis. Hotel managers in large urban areas have stated, unofficially, that they would go out of business if they could not hire illegal aliens to whom they pay less than the minimum wage. In a recent two page article by Leroy F. Arons, the Washington Post reported:

"David Tallichet, a restaurant entrepreneur from Texas who runs 40 restaurants nationally, half of them in California, hires Mexicans as dishwashers. Many of them, he admits, are illegal aliens.

"If the Government makes it illegal to hire these aliens," Tallichet says, "we're going to end up having to go down to the missions, or else raise the pay of dishwashers to \$5 an hour and raise the price to the customers."

The article also describes a small businessman, a Mexican-American who operates on a paper-thin profit margin, and his attitudes towards legal aliens versus illegals as employees. "The ones that do have papers, they just don't want to do the work unless they get paid more. If you don't pay, right away they threaten you with Immigration. I'm very wary of legals. They cause me problems." The January 1975 ABC-TV program, "Illegal Aliens—The Gate Crashers," noted that there are illegal aliens hired by high government officials as maids in their homes, and what immigration officer is going to deport the maid of a Congressman or Senator?

There is a wide misconception that illegal aliens work only in the low-paying, unskilled jobs that no American wants or will take. General Leonard F. Chapman, Jr.,

Commissioner of INS and former Commandant of the Marine Corps, has stated that, in a spot check in the Los Angeles area between July and September of 1974, there were 8,813 illegals apprehended who were employed. Of these, 4,291 were working in heavy industry at wages of \$4.50 to \$6.50 an hour; 1,982 in light industry at \$2.50 to \$3.55 an hour and the remainder in agriculture at an average of \$1.65 an hour. General Chapman said it is not unusual to find illegals in the urban centers earning up to \$9.00 an hour. I recently talked to an applicant for an immigrant visa and we discussed his illegal employment while he was in the United States. When he described his jobs during this interview, I asked, "But don't you have to belong to a labor union to do that kind of work?" The applicant replied, "Yes, of course. I was a member of a local of the Teamster's Union for my first job and joined a local of the AFL/CIO for my second." This occurred in 1973-74 when unemployment lines were approaching the records set during the 1929 Depression. Slumping American industry eliminated 465,000 jobs in November and 675,000 in December of 1974, a total of 1.1 million jobs lost in two months.

Under these conditions the illegal is not only depriving a United States citizen of a job, he is frequently avoiding payment of US income tax by claiming enough dependents to prevent any tax being withheld from his salary. Many illegals are hired on a day-basis and paid in cash with no deduction made to the government for income tax and Social Security tax purposes, and a man working illegally certainly isn't going to volunteer any of his paycheck to a government that doesn't know he exists.

Federal income tax regulations prohibit claiming any member of the family who lives outside the United States as a dependent. Consular officers, during their interview of prospective immigrants, review the applicant's previous income tax forms, if available, which are sometimes submitted as supporting documentation. The applicant will often admit that three or four of the seven or eight dependents live in his homeland and have never been in the United States. Truthfully, he is frequently

contributing to their support by a monthly check sent to his family. This is but another defeat in the country's chronic fight against the loss of foreign exchange and the balance of payments, which INS estimates to run into the billions annually.

Immigration officials cite two incidents to illustrate the price the American taxpayer must pay for such disregard of the law. In a pilot project conducted jointly in 1974 by INS and the Internal Revenue Service in the Los Angeles area, 1,702 aliens were referred to Internal Revenue. From this small group, \$247,696 was assessed as being owed to the Government, or \$145.53 per alien, but only \$168,469 was collected, or \$98.99 per alien. The second incident was a bill INS received from a county medical facility for services given to illegal aliens, a bill for \$7 million. Because INS is not authorized to pay the bill by law, these costs must be made up by the county taxpayer, since the doctors' fees and the bills for medicines and medical supplies must be, and were, paid.

I recently received a phone call at my Consulate office from Maria C., an unmarried woman who had been an illegal alien. While in the United States she had given birth to a US citizen child and had received child support payments from the City of San Francisco. She wanted to know why her child support payments had stopped after she returned to her homeland. I explained to her that the City of San Francisco does not continue to pay child support after the mother and child leave the country. She then told me that a friend of hers, Carmen M., also a former illegal alien and unmarried mother of two US citizen children, was still receiving child support payments after returning home and if Carmen could get paid, Maria saw no reason why she, too, could not get her money. Maria later explained that a friend of Carmen's in San Francisco was fraudulently submitting the welfare requests in San Francisco, receiving the money in Carmen's name and then forwarding it to Carmen here in Latin America.

If, as many who work in the immigration field advise, the first and most important step in stopping this silent invasion is to enact legislation making it unlawful to employ

an illegal alien, surely the second is for Congress to write a new immigration and naturalization law. Under the present law, the Immigration and Nationality Act of 1952—the controversial McCarran Act, passed reluctantly by Congress, vetoed by President Truman and passed again by the Congress—the alien can violate federal law by illegal entry into the United States, fend off deportation and eventually become a legally admitted alien and a United States citizen as a benefit of his prior vio-

"One need not carry a driver's license except when driving a car; one need not carry proof of citizenship status except when applying for a job, since according to existing law (which is assumed to be constitutional) an alien may not work in the United States without prior permission of the government."

lation of the law. It is probably the only law in the land that makes a mockery of that once hallowed principle of Common Law: "No man shall profit from his own misdeeds."

ITEM: Under the present law, the illegal, alien parents of a US citizen child born in the United States may not claim a derivative benefit for immigration to this country until their child reaches his 21st birthday. If the parents are natives of the western hemisphere, however, even though they are in the United States illegally, those alien parents may submit an application for immigration as soon as the child is born. They will be accorded an immigrant visa, in most cases, after a normal wait of about two and a half years. During this waiting period they may continue to reside in the United States and work, notwithstanding they are in the United States illegally and are therefore working illegally.

ITEM: An unmarried woman from the western hemisphere who is an illegal alien and who has an illegitimate child born in the United

States may also claim the same right to immigrate as the parents of a US citizen child as noted above, despite the fact that this is contrary to the letter and intent of the law. How many of these "proud parents" enter the United States each year in defiance of the law can only be guessed at since American consular offices do not record them as a special category. Random samples kept on a monthly basis at our Consulate number as high as 35 a week. When this unwed mother receives her immigrant visa, she is entitled to take her other minor, unmarried children and her parents to live in the United States with her.

Cases where a woman, in the early weeks of her pregnancy, applies for and receives a tourist visa from one of our Embassies in the western hemisphere in order to remain in the United States until the birth of her child, thereby automatically making the child a citizen, are common. We recently had a case in our consulate where a husband, ineligible to receive an immigrant visa, sent his pregnant wife to the United States, as she already had a valid multiple-entry tourist visa, for no other reason than to have their child born in the United States, thus conferring on the parents the right to immigrate as parents of a United States citizen child.

ITEM: According to the Immigration and Nationality Act of 1952, immigrants from the eastern hemisphere are allowed into the United States only under a system of seven preferential categories, while immigrants from the western hemisphere are allowed to immigrate on a first come, first served basis, if they meet the other requirements.

ITEM: A couple, or an unwed mother, from the eastern hemisphere, who are the parents, or parent, of a US citizen child may *not* claim any derivative benefit for immigration from that child until he or she reaches his or her 21st birthday.

We would have a difficult time, indeed, trying to disprove that old complaint that the United States is still trying to restrict immigration of people from the Mediterranean countries, the Arab world, the Sub-Continent and the Orient. Inequality and racial discrimination were among the primary reasons

President Truman vetoed the McCarran Act. The primary reason Pat McCarran, the late Senator from Nevada, forced the act through Congress, after the veto, was to prevent, or at least minimize, immigration of Chinese and people from the Mediterranean countries.

This was the era immediately after the fall of the Chiang Kai-shek government and the takeover of China by Mao Tse-tung and the Communist Party. Chinese were fleeing the Mainland in droves and some of them had already immigrated to the United States. Fearing this mass exodus would somehow descend upon California and Nevada, the racial restrictions were written into the bill. They were later softened to include groups by hemisphere rather than by race or ethnic origin. President Truman had vetoed the bill but, in the heat of the Cold War, one could have waved the flag of "Communist takeover" or the dangers of "the yellow peril" and gotten Congress to outlaw motherhood and apple pie.

ITEM: Under the present immigration law, each Consulate or Embassy that issues immigrant visas has a certain monthly quota to fill. This quota is determined by the Consul the previous month when he determines how many pending applications appear to be ready, valid and have the proper priority date. If, during the personal interview with each immigrant-applicant, the Consular officer determines that he or she does not qualify, that application is rejected. The quota, however, is not reduced by one for each such rejection and by the last week of the month the Consul is in the position of having to accept less than qualified applicants rather than return any of the unused numbers from the monthly quota to Washington. The return of such numbers would indicate that the Consul had not screened his applications well enough or that he was too rigid in his application of the law, and in bureaucratic management it is better to issue the visas to non-qualified applicants than to return numbers and run afoul of "The System."

In September 1974, INS provided figures to a Sub-Committee of the House of Repre-

sentatives that revealed that INS could, in a few months, make available 1,000,000 jobs to unemployed Americans by the deportation of illegal aliens then working in the United States and by Congress making it unlawful to employ illegal aliens. Under the still pending Rodino bill, Congress could make it unlawful to hire an illegal alien. But no benefit will accrue to the unemployed American citizen unless the illegal alien is also deported and out of the job market. Because the law permits an illegal alien to collect welfare or unemployment benefits, depriving him of a job without deportation will only create a greater burden on the taxpayer since the illegal can then join the unemployment line and collect unemployment insurance, welfare and/or food stamps. The rationale for this reluctance to deport so many is, in part, that such mass deportation would create an undue hardship on the workforce of their homelands by a sudden increase in the number of workers. The decision-makers in Washington feel that rather than overload the workforce of these countries, it is better to allow the US taxpayer to continue to pay higher taxes, to provide unemployment and educational benefits for the illegal aliens at the same time as the American Government is giving away billions in foreign aid and military assistance to these same countries that supply the majority of them.

INS has admitted there is no realistic estimate of how many children of illegal aliens are in the United States receiving a free education, also paid for by the tax-paying citizen who may well be denied the job held by the child's illegal alien parents. In the final analysis the American taxpayer is picking up the bill for both unemployment benefits and free education for no other reason than that Congress is reluctant to accept the responsibilities that are the price of power and privilege.

There are several steps Congress could take to alleviate the present situation. One is a national identity card, such as many other nations have, that would state the holder's citizenship status, among other things. The mere mention of such a proposal sends the Attorney General, Edward Levi, into a paroxysm of legalese, because a "domestic

passport would come close to violation of something akin to a constitutional right." The term "domestic passport" is used by those opposed to the idea, to conjure up Orwellian visions of 1984 and Stalinist purges of 1936. Those who see the suggestion in the same light as a driver's license refer to it as a "national identity card." Probably in 1922 there were some who rebelled against having to take an examination to demonstrate they could handle a car, citing their constitutional right to drive a horse, a wagon or an automobile, as they pleased. After all, their taxes paid for the roads. One need not carry a driver's license except when driving a car; one need not carry proof of citizenship status except when applying for a job, since according to existing law (which is assumed to be constitutional) an alien may not work in the United States without prior permission of the government. It is a suggestion that will evoke much discussion and, more than likely, some litigation.

Attorney General Levi has also stated he is unenthusiastic about the Department of Justice's pledge to step up efforts to deport illegal immigrants already in the country. If he were to make such a statement in an area where jobs are few and illegal aliens many there is good reason to suspect that some wag would observe: "His enthusiasm might increase if it were possible that an illegal alien could become Attorney General."

Some officials, experienced in the problems and causes of immigration, have already discussed the possibility of charging a fee of \$10 for a single entry visa and \$25 for a multiple entry visa to tourists from those countries that have a high incidence of illegal aliens already in the United States. Tourist visas are now given free of charge on a reciprocal basis with most countries and such a change would require a modification of the agreement with each country so affected. This would not remedy the situation but it would at least provide INS with some of the funds necessary to deport those illegal aliens they have apprehended and alleviate the necessity of the US taxpayer bearing the financial burden of deportation.

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"Thin gruel is being served in a very thick bowl." — Senator Mansfield



The Genesis of the Murphy Commission

Congress, Commissions, and Cookie-Pushing

BENJAMIN WELLES

ON JUNE 30 the Murphy Commission (a/k/a The Commission on the Organization of the Government for the Conduct of Foreign Policy) breathed its last and disappeared silently into history. Silently? Well—almost silently.

Before dissolving into its component parts the Commission delivered to the President, to the

Benjamin Welles joined the New York Times after graduating from Harvard in 1938. He served in Panama for four years before joining the Army where he was on duty in the Middle East and Europe. After his return to the Times he served successively in Peking, London (covering SHAPE-NATO) and as bureau chief in Spain-Portugal. On his return to the United States Mr. Welles wrote a book, "Spain, the Gentle Anarchy" and spent seven years in the Times's Washington bureau covering national security affairs. He retired in 1972 and now freelancers from Washington.

leaders of Congress, to the Executive branch—and made available to students of government—a 250-page report in 14 chapters containing "scores" of recommendations for the improvement of the government's far-flung and often cumbersome foreign policy machinery. It was the 83rd such study since World War II and whatever high level attention these recommendations finally receive no one could characterize them as snap judgments.

In fact between its creation by Congress in mid-1972 and the completion of its task last summer the Commission spent nearly three years and nearly \$3 million of the taxpayers' funds. The 12 Commissioners (four named by the White House; the other eight by Congress) interviewed 200 witnesses.

They contracted with 300 experts for various reports. They called on 50 government departments and agencies and on 225 overseas missions and posts for their views and conducted public hearings in four cities outside of Washington. Finally, the Commission spent 43 full days weighing the mass of evidence before them and deciding on their final recommendations. No rush job this!

And what, after so much diligent laboring, did the mountain finally produce? Opinions here vary widely. Senate Majority leader Mike Mansfield, himself a Commissioner, raked the final report from stem to stern in a blistering supplementary highlighted by such terms as "timidity," "a surfeit of words" and an "absence of clarity."

"Thin gruel," snapped the usually mild-mannered Montanan, "is being served in a very thick bowl."

Others closely connected with the Commission, however, feel this is unfair. While conceding that the Commission, with more dynamic leadership and better staff work, might have produced an epic report, they still do not dismiss its findings as an exercise in futility.

"We planted some trees under which we won't shelter," one source said "but later commissions or study groups will. Probably our most important contribution was to identify the issues that need correcting. Obviously this will take time."

Space and the reader's attention span do not permit a detailed analysis of all—or even some—of the Commission's recommendations but the key problems and the most sensible suggestions fall into five broad categories: The Purposes of Organization, The President and the State Department, The Conduct of Foreign Policy, Congressional-Executive Relations and, finally, The Organization of Congress. In analyzing the functioning of the White House the Murphy panel found, for example, that the NSC—the heart of its foreign policy machinery—had not been restructured since its creation in 1947. Various Presidents had, of course, used the NSC in varying ways. The Commission's report was, of course, drafted before President Ford's recent sweeping top level personnel shifts.

Nonetheless the panel, for example, recommended that future Presidential Special Assistants for National Security Affairs "have no other official responsibilities"; e.g. no Kissinger wearing two hats. But then, as if frightened by its own temerity, it fulsomely lauded the "extraordinary abilities" of Secretary Kissinger.

The panel also called for a beefing up of the NSC's somewhat questionable capability in the increasingly important field of international economic policy.

In weighing the role of the State Department the Commission recommended that it concentrate on three major functions: assessing the impact of US policy on foreign affairs and vice versa; monitoring the other 50-odd government agencies involved in foreign policy and, finally, the actual conduct of bilateral relations or "diplomacy." It urged closer coordination between the work of US diplomatic missions overseas and the role of the United States in such multinational agencies as the United Nations, the OAS, the World Bank, etc. Among various recommended organizational changes perhaps the most striking was that calling for a top level Policy Information Officer to improve the handling of the press, public affairs and policy information.

This proposal derived from the Stanton Report (named for its chairman, Dr. Frank Stanton, ex-president of CBS) which was virtually incorporated into the Murphy report and which recommended the early demise and interment of USIA. The Stanton group recommended the creation of a new Information and Cultural Agency to which would be transferred the State Department's cultural activities (CU) plus longer-range information. Day to day explanation of the United States government's foreign policy, it suggested, should revert to the State Department.

Meanwhile the VOA, the tail that has increasingly wagged the USIA dog, would become semi-independent under its own board of directors but would get "policy guidance" from State. Where "guidance" began and "control" stopped was carefully sidestepped.

The Murphy Commission called for a greater State Department role in political-military issues and

suggested also some innocuous tinkering in the organization and duties of the intelligence community. It urged a greater role for the President's Foreign Intelligence Advisory Board. It proposed that the nation's chief intelligence officer have "regular and direct" contacts with the President (a view Dr. Kissinger is hardly likely to share) and that he be a "person of stature from outside the intelligence career service." Presumably Watergate and its aftermath had impressed on the panel the White House-cum-political pressures from which such intelligence careerists as Helms and Colby were scarcely immune.

"People may be the single most important element in a successful foreign policy," noted the Commission; an excellent sentiment from which few would be impelled to dissent. Otherwise its chapter on personnel—attributed largely to James W. Clark, formerly with OMB and now with the Chase-Manhattan Bank, contained several sensible proposals. It urged, for instance, creation of a Foreign Affairs Executive Service drawn from the best officers in the various government agencies dealing with foreign affairs and available to the President for top-level ambassadorial or other executive appointments. It recommended substituting for the present cumbersome system of peer-level review before promotions semi-automatic promotions in mid-career and appointment to assignments at the FSO-2 level and above on the basis of the importance of the job and not the rank-in-the-man. The Murphy panel found the present state of management-employee relations—particularly in its grievance procedures—woefully deficient and recommended that the American Foreign Service Association's role be confined in future to that of a "professional" organization rather than as the sole effective bargaining agency for the Foreign Service.

The Commission's timid treatment of the key—but politically sensitive—issue of Executive-Congressional relations is best illustrated by the following unexceptionable passage: "A new era of cooperation between the Executive and the Congressional branches in foreign relations is vital to the se-

curity of our nation and to the peace of the world." No clarion call to fresh ground-breaking here!

"We devoted about 90 percent of our time to changes needed in the Executive branch and about 10 percent to the Congress," conceded one Commission source. "Looking back it was a mistake, perhaps, to spend so much time telling the President how to reorganize the White House when every President is going to do it his own way!"

This marked reluctance to come to grips with the key issue of Congressional-Executive branch cooperation in foreign affairs explains in large measure why, after the expenditure of three years and \$3 million, the Murphy Commission's report has landed with all the impact of a jellyfish on a beach. This was the key issue—the reason for the Commission's creation—but the Commission ducked it. To understand what happened one must go back to the mid-1960s when Fulbright and the Senate Foreign Relations Committee found themselves in a virtual state of belligerency with the White House over foreign affairs—principally Vietnam. A Senate-headed commission modeled on the British Plowden Commission appealed increasingly to Fulbright, Mansfield, Aiken and others as the best lever to pry open the White House-State Department monopoly on foreign policy. But the House, more amenable to White House pressure, balked and successive State Department "housekeepers," such as William Crockett, kept assuring the Committee that they were about to institute sweeping reforms if only given more time. It was not until 1972, with Nixon and Kissinger now running foreign policy out of the Oval Office that Congress finally created a 12-member commission and voted it an initial \$1 million.

"Once the Foreign Relations Committee had its million dollars," recalled a congressional source, "the State Department's interest suddenly blossomed."

Reluctant to let the Executive branch investigate itself the Foreign Relations Committee had originally envisaged as chairman of the new group Senator William B. Spong, Jr., an energetic young Virginia Democrat. But Nixon, fully

aware that the Senate intended to poach on his preserve, delayed naming his four Commissioners for at least six months. Finally when his game-plan was ready he named Robert D. Murphy; William J. Casey, President of EXIM; Anne Armstrong, Presidential Counsel and David M. Abshire of Georgetown University.*

The choice of Murphy was astute—and has been widely attributed to Abshire. Abshire had just relinquished his position as head of Congressional liaison at the State Department to become head of Georgetown University's Center for Strategic and International Studies.

Abshire had close political ties to Nixon through his father-in-law, Admiral George Anderson, then head of the President's Foreign Intelligence Advisory Board. Murphy was prestigious, experienced and—from Nixon's viewpoint—safe. A former Ambassador, Political Under Secretary and Presidential trouble shooter he was intimately familiar with the machinery of foreign policy. He was also expert in intelligence; in fact he had occasionally scared his former colleagues on the Forty Committee by insisting on the dislodging of various wearisome or pestiferous foreigners whom he had deemed down the years inimical to US interests. As a senior official of Corning Glass he was also well-connected in Big Business.

If there was anyone, less likely, in Nixon's mind, to rock the boat and let Congress into the hallowed preserve of foreign policy making than Robert Murphy it was possibly Francis Wilcox whom Murphy, busy with his New York affairs, named as his Washington

Apart from the four I've mentioned (Murphy, Abshire, Armstrong and Casey) the other eight are: Mrs. Charles E. Engelhard, Jr., the Engelhard Company; Arend D. Lubbers, President, Grand Valley State College, Allendale, Michigan; William S. Broomfield, US House of Representatives; James B. Pearson, US Senate; Peter H. B. Frelinghuysen, US House of Representatives; Frank C. P. McGlinn, Fidelity Bank, Philadelphia; Mike Mansfield, US Senate; Stanley P. Wagner, President, East Central University, Ada, Oklahoma; Clement J. Zablocki, US House of Representatives and Nelson A. Rockefeller, Vice President.

chief of staff.

Wilcox, too, was prestigious, an ex-Assistant Secretary of State, and one-time dean of SAIS. Moving with painstaking deliberation Wilcox, under Murphy's aegis, began assembling a safe staff of some 30 liberally-compensated associates and assistants. Even so the Commission's research director was not named for the better part of a year. Finally in May 1973 the Commission (now named for its chairman Murphy after the Congressional Commissioners balked at White House suggestions that it be named after Abshire) lumbered into action. Meanwhile Spong, whose 1973 defeat had cast gloom throughout the Foreign Relations Committee, was succeeded by the reluctant Mansfield and Spong was named the Commission's General Counsel in a move widely interpreted as a consolation prize.

Given the genesis of the Commission, profound White House suspicion and astute White House domination of the staff, there was little reason to suspect that the Murphy group would recommend opening the well-guarded portals of foreign policy making to the Senators and Congressmen fidgeting outside in the cold and peering through hoar-rimed windows at the goodies within.

In fact for the next two and one-half years the panel wound its way slowly through the hills and dales of endless testimony. Witnesses were called from alpha to omega—from Kissinger, Schlesinger and Colby to militants of the Gay Liberation group appeared at public hearings in Philadelphia. Months turned to years and the fingers of the stenotypists flew ever on.

Meanwhile Mansfield, who had offered the Commission the use of his sumptuous official office for its hearings, began visibly to fidget. Not only were the hearings apparently endless but Spong, dispirited over his defeat, seemed hard pressed to keep order as the testimony and reports rose to ceiling height. At the end of 1974 came the final straw. Ford replaced Armstrong with Nelson Rockefeller. Not only did the White House camel have its nose under the tent—it was occupying the tent bodily. When the busy Vice President left behind as his "staff assistant" the able, respected

General Andrew Goodpaster, a former NATO Supreme Commander and veteran White House aide, plus a substantial staff, Mansfield walked out and the Commission had to find new quarters.

"Rockefeller's role was patently obvious," said a reliable eyewitness. "He kept warning against '526 Congressional hands on the tiller of the ship of state.' Boiled down his recommendations seemed to be—Kissinger would run all foreign policy through the NSC and Rockefeller would run domestic policy through the Domestic Council."

The Murphy Commission recommendations are reportedly required reading for students of government at the John Fitzgerald Kennedy Center in Cambridge. Copies have also gone out to all of the federal bureaucracy's far-flung fiefdoms for comment which someone in the White House—no one quite seems to know precisely who—is reportedly pulling together for presentation to the President. At State, once the report was public, there was the familiar rush with all bureaus ordered to have comments and reactions ready for the Secretary within 24 hours. The initial frenzy has now died down and meanwhile the compilation has been sitting in Kissinger's pending box for many weeks.

And in Congress? Do the foreign affairs committees of the Senate and House plan early hearings? It would not appear so. One does not precisely hear the sound of animals crashing about in the forest; in fact the silence there is deafening. I asked Mansfield one day for his private assessment of Congressional reaction to the Murphy Commission's voluminous report. I recalled some of the lines from his dissent: "... even a cursory reading of the Commission report reveals a ... timidity and paucity of substance ... obvious lack of any consensus among the Commissioners ... almost total absence of any consideration of the role of Congress." Mansfield, normally the most courteous and mild of men, smiled grimly.

"Have one of those cookies," he suggested, pointing to a plate as we sat sipping coffee in his office. "They're delicious. They were freshly baked this morning by my secretary's sister."

The temper of chums, the love of your wife, and a
new piano's tune—
Which of the three will you trust at the end of an
Indian June?—Kipling

DETENTE AND SOUTH ASIA

ARCHER K. BLOOD

OVER THE YEARS, the record of the United States in South Asia has been a mixed one at best. Our experience brought home to us the limitations on our ability, particularly regarding military assistance, to influence the actions of the major regional states, India and Pakistan. The Indo-Pakistani wars of 1965 and 1971 pushed us toward a posture of gradual disengagement.

Is this posture still valid today? Do the actions of the other two major external powers interested in South Asia, the Soviet Union and the People's Republic of China, support or threaten a policy of dis-

engagement? Will the current detente relationships between the United States and the Soviet Union and between the United States and China contribute to a moderation of great power rivalries in the Asian subcontinent? Or will regional crises pull the external powers back again into the vortex of South Asia?

A current assessment of the strategic importance of South Asia reveals a continued absence of US vital interests, but a delicate balance between the regional powers and the three external powers. Both our checkered experience in South Asia and our changed perception of the strategic importance of the area argue for a continued policy of disengagement which, by its very lack of commitment, favors greater flexibility and could encourage continued restraint on the part of the Soviet Union and China.

Disengagement and Reassessment

Viewed through 10 years of hindsight, 1965 looms as the continental divide of US involvement in South Asia. As a prophetic signpost, 1965 seems even more significant than 1971 with its more dramatic but also more aberrant

events.

From 1950 to 1965 US involvement in the subcontinent was sustained at a relatively high level of resources and diplomatic energy, relatively high, that is, for an area of the world always considered less important than Western Europe, the Far East, or Latin America. The United States offered extensive development assistance to India and Pakistan and, to a lesser but still considerable degree, to Afghanistan. The incorporation of Pakistan in 1954 into the Dullesian fortress line was aimed at containing Sino-Soviet expansionism, and it gave rise to extensive military assistance to Pakistan and to the establishment of a communications base outside Peshawar. This linkage with Pakistan was marked by the signing of a Mutual Defense Assistance Agreement, and subsequently a bilateral Agreement of Cooperation, as well as by Pakistan's adherence to SEATO and the Baghdad Pact, later CENTO.

US diplomatic initiatives sought a resolution of the perennial quarrel between Afghanistan and Pakistan over the Afghan-raised Pushtunistan issue. Brief but intensive military assistance to India followed the Chinese-Indian border conflict of 1962. There were occasional attempts to play a mediatory role in the Kashmir dispute, and our energetic, successful efforts supported the Indus Water settlement under World Bank auspices.

The close US ties with Pakistan did serve to thwart the attempts of the Soviet Union to expand its influence with the Pakistan Government, but our military supply policy failed signally in its purpose of achieving a military balance on the subcontinent which would militate against the renewal of Pak-Indian hostilities. Instead, we, particularly the Congress, were appalled to see US weapons, furnished to Pakistan for defense against the Soviet Union and China, used offensively against India in 1965 in an attempt to force a decision on Kashmir. We were also dismayed to see US arms furnished to India for protection against the Chinese being used to broaden the conflict with Pakistan beyond the borders of Kashmir. The Pak-Indian conflict of 1965, brief though it was, forced home on us the realization that our ability to influence the ac-

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tions of those major regional states was ineffective when set against the political dynamism of the subcontinent and the two nations' perceptions of their own national interests. Besides, by 1965, two other important external powers, the Soviet Union and the People's Republic of China, were interested and significant participants in the South Asian game.

Our reaction was to forbid the supply of military equipment to both India and Pakistan. This austere policy was moderated in 1966 to permit both countries to buy "non-lethal end items," in 1967 to permit the sale of spare parts for military equipment already provided, and in 1970 on a one-time exception to allow Pakistan to buy some armored personnel carriers. The value of all types of military assistance to the nations of South Asia, however, declined from a yearly average in the period 1950-65 of 9 million to a yearly average in the period 1966-75 of less than \$16 million. A more important comparison is the share of worldwide military assistance commanded by the South Asian countries in FY 1965, which was over 5.5 percent, and their projected share for FY 1975 which is only .06 percent.¹

To those of us who were serving in the subcontinent at that time, 1965 did not appear a particularly high signpost. We were acutely aware of the strong congressional disillusionment with military assistance to the subcontinent in the wake of the 1965 war, and we were more pessimistic than was necessary about the opportunities for Soviet diplomacy flowing from the Soviet Union's peacemaking role at the Tashkent Conference. I doubt, however, that many of us realized the extent to which US preoccupation with Vietnam would move South Asia, and indeed other areas, to the back burner of priority in the ensuing years. Nor was it apparent then that the failure of Ayub's 1965 Kashmir putsch had fatally destroyed his infallibility and originated the set of circum-

stances which would strengthen another revisionist force, that of the Bengalis, and result in the division of Pakistan into two states.

NOT ONLY did US military assistance to the subcontinent dwindle to a trickle after 1965, but also US diplomatic activity in the area was muted. In January 1970 the US base near Peshawar was closed, thus removing what was both a tangible, but declining, US interest in the area and a Pakistani lever over US freedom of action vis-a-vis the subcontinent.

Although the levels of US development assistance did not decrease markedly after 1965, some of our regional elan and optimism about development prospects in South Asia began to disappear. We began to look less and less on the third world as a profitable arena of competition between the Communist and Free World economic systems. Progress was too slow. Rapidly increasing populations ate up the marginal increases in food production. Increased reliance on the institutions of state socialism by India and, to a lesser extent, by Pakistan provided a less productive funnel for our aid. Also, we were comforted to see our rivals, the Soviet Union and China, experiencing the same headaches and frustrations as did we in the arena of development assistance.

Old enthusiasms matured as we came to realize that both Indian and Pakistani leaders could be difficult, as well as obstinately determined to follow their course as they saw it. The US-Indian relationship, which had been one of alternating fulfillment and disillusion on both sides, gravitated toward a plane of steady, albeit tolerable, mutual frustration. The US-Pakistani relationship, while always an easier one, became more realistic and hard-headed on both sides as the Pakistanis accepted military assistance from the Soviets and the Chinese and lowered their profile in SEATO and CENTO.

More important, we downgraded our estimate of the threat of Sino-Soviet aggression in the subcontinent. After its successful incursion into the frontier regions of India in 1962, China again became a paper tiger. The Soviet Union, as we shall note, muffed its post-Tash-

kent opportunities and, besides, was following a policy not essentially very different from our own.

It is tempting but unrealistic to look upon Russian/Soviet policy toward South Asia as one of consistent, patient pressure for control and influence, dating back to the early 19th century and culminating successfully in Soviet sponsorship of the winning side in the 1971 war between India and Pakistan. In the 19th century, Russian aspirations south of the Hindu Kush figured more prominently in the imagination of British writers like Kipling and British administrators like Lord Auckland than in the councils of Czarist ministers. Molotov's so-called expression of historic interest in South Asia and the Indian Ocean in 1940 now seems to be more of a German move to deflect Soviet interests from the Balkans and the Middle East than a true reading of Soviet goals.

Not until 1955, in the wake of the establishment of the US tie with Pakistan, did Khrushchev and Bulganin visit the subcontinent and initiate Soviet developmental assistance to India. Soviet military assistance to India was another five years away.

Since the mid-1950s, the underlying thrust of Soviet policy seems to have been the creation of a stable subcontinent through improved relations between India and Pakistan, while at the same time limiting US and Chinese influence in the area. In particular, the Soviet Union has sought to ensure that China's flanks are contained by states either well-disposed toward the Soviet Union or, at a minimum, neutral with respect to China and the Soviet Union. To the extent that the Soviet Union and the United States have both favored stability through Indo-Pakistani cooperation, Soviet policy was complementary to US objectives.

During the 1962 Chinese incursion into India the Soviet Union, having no desire to see India further humiliated and being concerned about the gains achieved by the United States and the British, worked to bring about a halt to the fighting. In 1965 the Soviet Union, like the United States, was disturbed by the outbreak of war between India and Pakistan. Like the United States, the Soviet Union followed a policy of neutrality al-

¹Data Systems & Reports Division, Comptroller, Defense Security Assistance Agency, Foreign Military Sales and Military Assistance Facts, April 1974.

though, unlike the United States, it did not discontinue military aid.

In the Security Council, Moscow cooperated with the United States to bring about a ceasefire resolution acceptable to both sides and supported the Secretary General's peace mission to the subcontinent. In company with the United States, the Soviet Union warned the Chinese against taking any steps to escalate the conflict and, like the United States, was concerned that the conflict gave China the opportunity to expand its influence in Pakistan.

Soviet neutrality in the 1965 war enabled India and Pakistan to accept a Soviet mediatory role at the Tashkent Conference the following year. Although Soviet prestige and influence in South Asia seemed at a new high, the aftermath of Tashkent was not a success story for Soviet diplomacy. After some initial progress in the withdrawal of troops, the exchange of prisoners, and the restoration of air, postal, and telegraphic links, Indo-Pakistani antagonisms reasserted themselves. The leaders of the two countries did not hold any follow-on meetings and trade connections remained severed. In Pakistan the Tashkent agreement was attacked as a pledge not to use force to settle the Kashmir dispute.

Soviet mediation at Tashkent and the subsequent Soviet attempt to play the role of the honest broker in the subcontinent did not succeed in achieving a reconciliation between India and Pakistan. Nor did the more involved Soviet role serve to weaken Pakistan's ties with Peking or Washington, despite the provision of Soviet military equipment to Pakistan beginning in 1968. When, in June 1969, Brezhnev launched his proposal for regional economic cooperation followed by a collective security arrangement, India was cool and President Yahya effectively scuttled the scheme for regional economic cooperation by declining to participate in a Soviet-sponsored conference in Kabul.

The Soviet Union, like the United States, thus experienced the futility and frustration of trying to hustle the East into a stability which neither major regional power was willing to purchase at the expense of its vital interests. Again, like the United States, the Soviets

discovered that the other two external powers could exert an effective brake against the growth of the third power's influence through their ties and influence with one or other of the regional powers.

Chinese involvement in the affairs of the subcontinent has differed in kind and extent from US and Soviet involvement because of two factors in the Sino-South Asian relationship not shared with the other two external powers. First, its geographic proximity is more marked, giving rise to actual border disputes with the largest of the South Asian states. Although the Soviet Union shares a common border with Afghanistan, there has been no border issue or conflict of interests between the Soviet Union and Afghanistan since the latter part of the 19th century. China, on the other hand, looked at India over the buffer states of Nepal, Bhutan, Sikkim, and Tibet until the last two lost their buffer status through the incorporation of the one into India and the other into China. In addition, Chinese territory, including Tibet, is contiguous to both the Pakistani and Indian areas of Kashmir, the Indian states of Uttar Pradesh and Himachal Pradesh, and the North East Frontier Agency.

Secondly, because it had a direct clash of interest with a regional state, a state whose power differential was not considered to be significant, China could not play the detached, mediatory role which the United States and the Soviet Union occasionally assumed.

Yet once the border dispute with India was solved militarily to Chinese satisfaction, China's involvement in South Asia diminished. China continued its support of Pakistan through military and economic assistance and diplomatic means, probably aimed more toward countering US and Soviet influence and Pakistan than it was directed against India. China also harassed India through support to the Naxalites in West Bengal and the Mizo and Naga insurgents in Eastern India.

During the 1965 war, China supported Pakistan by making some threatening moves along the Sino-Indian border but desisted from any strong action in the face of US and the Soviet warnings. Of the three external powers, only China

was not neutral in 1965. Consequently, she was able to strengthen her position with Pakistan by taking over first place as arms purveyor to that country. Immersed in the problems of the cultural revolution, the Chinese seemed to take a less active interest in the subcontinent after 1966, while maintaining their intimate connection with Pakistan.

China's relatively restrained policy toward South Asia suggests a restrained Chinese interest in the region, focused primarily on the maintenance of stability and the security of the Chinese marchlands along the Himalayas. Apparently China has not thus far looked upon South Asia as an area of great opportunity, and has not striven very energetically to exploit the potential for exercising leadership over indigenous revolutionary forces, in part because of its ties to the non-revolutionary state of Pakistan.

THE LESSENERED US involvement in South Asia, which dates from 1965, preceded the Nixon or Guam Doctrine of 1969 and the beginning of the current detente relationship with the Soviet Union. Our disengagement from South Asia is sometimes referred to as a case study in the Nixon Doctrine, but it really occurred before application of that doctrine. The US-Soviet detente, while hospitable to restrained US-Soviet rivalry in South Asia, was not an important contributor to the standoff in the relationship of all three external powers to the subcontinent. Rather, each of the powers had learned of its limited ability to exert significant influence over a sustained period, either because of checks imposed by the other external powers or, more pointedly, because of rubbing up against the assertive nationalism of the regional states. "Once burned, twice shy" is perhaps too strong an adage to be applicable here. Still, of the three external powers, the United States and the Soviet Union carry some scar tissue, and all three have seen enough of subcontinental fires to be leery about plunging too deeply into South Asian affairs.

Engagement and Reassessment

The dramatic US opening to China occurred during the incuba-

"The relationship between the United States and India is one in which there is no significant conflict of interest. . . . Neither covets the territory, trade or prestige of the other, nor do we compete for the attention or favors of third countries."

tion of the 1971 crisis which was to explode before the end of that year in hostilities between India and Pakistan and to give birth to Bangladesh. The coincidence of the crisis and the establishment of a different Sino-American relationship intensified the impact of the new three-cornered detente on the two principal South Asian states and the third external power. To complicate matters further, the focus of the crisis, Pakistan, had played a helpful role in bringing about the new relationship. Consequently, the US opening to China exacerbated, rather than checked, tensions on the subcontinent and impeded, rather than facilitated, external power efforts to bring the crisis under control.

At the inception of the crisis in March 1971, it is unlikely that any one of the players wanted to see the breakup of Pakistan: not the United States, not China, not the Soviet Union, and not even India which stood to gain from an all-Pakistan government under the control of the Awami League that pledged better relations with India. All three external powers seemed relatively content with the status quo in early 1971, and apprehensive over drastic changes in the political map of the subcontinent.

At first, the Soviet Union followed a fairly neutral course. While censuring Pakistan's repressive actions in East Pakistan, the Soviet Union urged a peaceful solution of the dispute within the framework of

a united Pakistan. Chinese public comment on the crisis was sparse and generally noncommittal. India, although making no secret of its sympathy for the Bengali insurgents, refrained from legal recognition of Bangladesh and overt military assistance to the insurgents.

It is moot whether the US opening to China was more of a reason or a pretext for the Treaty of Peace, Friendship and Cooperation between the Soviet Union and India that was signed in New Delhi on August, 1971. To India, the new US-Chinese relationship meant that the United States would probably not join hands with the Soviet Union, as it did in 1965, to warn China against any show of force in support of Pakistan if the East Pakistan crisis deepened into war. Consequently, India could look only to the Soviet Union for support. The Soviet Union, for its part, might have conceived of the pact to some extent as a counter to a suddenly improved Sino-American relationship. But certain scholars have argued that Moscow hoped primarily that the pact would stabilize the situation by discouraging any precipitate action by Pakistan, which now knew that India would have Soviet support,² or by providing some leverage in restraining India if that became necessary.³ To Pakistan, after the fact, it appeared that the Indo-Soviet pact had been intended as a deliberate Indian move to prepare for its invasion of East Pakistan.

When hostilities broke out, the two-sided triangle of the evolving US-Soviet and US-Chinese relationship did not prove to be as effective a platform of crisis management as had the pre-detente US-Soviet cooperation in 1965, when neither had any reason to be beholden to Chinese sensitivities. The balance of power in the subcontinent, suddenly made more intricate by the US opening to China and the Soviet pact with India at a time of regional crisis, made it easier for the regional states to play off one external power against

²Vijay Sen Budhraj, *Soviet Russia and the Hindustan Subcontinent* (Bombay: Somaiya Publications, 1973), p. 218.

³William J. Barnds, *India, Pakistan, and the Great Powers* (New York: Praeger, 1972), p. 243.

another, and made a genuinely neutral role more difficult for the United States and the Soviet Union.

Nor did the leverage of the major powers over the actions of the regional states turn out to be decisive. US efforts with President Yahya to bring about a change in the suicidal policies of the Pakistani military ran out of time. The Chinese were unable to deter India from moving on Pakistan, and the Soviets watched from the sidelines as the crisis drifted into war.

In the immediate aftermath of the December 1971 war, most observers of the South Asian scene were prone to belabor the enhanced Soviet influence resulting from support of the victorious Indians and the correspondingly lessened influence of the United States and China. Now, over three years later, the starkness of these earlier impressions has been moderated by the processes of adjustment and accommodation under way on the subcontinent.

PAKISTAN seems to have reconciled itself amazingly fast and well to the loss of its eastern wing, and probably is better off politically and financially for it. Bangladesh, in desperate need of external assistance, has no reason to be hostile to any external power. India, its pact with the Soviet Union notwithstanding, has displayed a desire to warm relations with the United States, and even the tentative stirrings of an interest in looking toward an eventual improvement of its relations with China. The Soviet Union has not sought to capitalize on its 1971 gains in any manner alarming to the United States; the United States has acknowledged the enhanced power of India; and China has continued its restrained role. Over all these developments the new and broadened detente relationship has cast a beneficial shadow, as the three external powers presumably attach more importance to the new relationship than to stirring up new rivalries in South Asia. Thus, the 1971 crisis, while it drew the three external powers willy-nilly into immediate involvement in South Asian affairs, may turn out to be only a temporary and reversible sidetracking of the longer-term

trend of disengagement dating from the mid-1960s.

Restraint and Reassessment

A well-conceived foreign policy toward a region should always adjust to the realities of the situation in that area. The problem in giving substance to this truism lies in determining what forces drive a government's perception of these realities or, as they are more often termed, national interests. In the case of South Asia, does the gradually evolved US posture of taking a reduced part in the affairs of the subcontinent represent:

- greater wisdom accumulated through almost thirty years of experience, comprehending a conscious judgment that South Asia now represents less of a threat and less of an opportunity;

- distraction to higher priority involvement in neighboring areas, first Indochina and then the Middle East; or,

- an attempt to rationalize past frustrations and to console ourselves into believing that our interests are not particularly large and important because we no longer have the resources or the will to support these interests?

The answer appears to contain all three elements, but the first is clearly the most important determinant.

The bogeyman of Soviet or Chinese military aggression in South Asia, never very substantial, seems even less so today in the light of the Sino-Soviet hostility and improved US relations with both the Soviet Union and China. Geographically, South Asia is protected by tremendous mountain ranges, making major aggression extremely difficult. Moreover, the principal centers of Soviet and Chinese power are remote from South Asia.⁴ Nor need we be apprehensive over the prospects of internal subversion through indigenous Communist parties, at least in the near run or foreseeable future. In India, the Communists are plagued by factionalism. In Bangladesh, they have not yet succeeded in making substantial inroads into the political control of the dominant Awami League, nur-

tured on the still powerful spring of Bengali nationalism. In Pakistan, the Communists have remained weak and unable to exert any effective influence over the course of political developments.

South Asia possesses no natural resources which are needed urgently by the United States. Only one percent of US overseas foreign investment is in South Asia and US trade with the countries of the subcontinent has not been significant, appearing to hold little potential for substantial expansion.

Many writers have seen a derivative strategic importance for South Asia because of potential US-Soviet naval rivalry in the Indian Ocean. Such importance is likely to remain more hypothetical than actual until such time as a regional state, such as Iran or India, has the ability to project military power into the Indian Ocean to a meaningful degree, and as long as no regional state provides base facilities to either the Soviet Union or the United States.

Similarly, the transformation of East Pakistan into Bangladesh does not seem to have altered substantially that land's lack of strategic importance. A perceptive AID colleague in Dacca was fond of saying that "The strategic unimportance of East Pakistan (in great power eyes) cannot be underestimated." Now that the Bengalis have achieved independence, it can be argued perhaps that India no longer has to worry about a potentially hostile rear area in the event of renewed hostilities with China in the North East Frontier Agency. India's problems with insurgents in the areas bordering Bangladesh, however, have probably not diminished because of the chaotic law and order situation and the quantity of loose arms in Bangladesh.

OUR PURELY bilateral relations with the countries of South Asia present few significant problems. That most quotable of our ambassadors to South Asia, former Ambassador to India Daniel P. Moynihan, said, "The relationship between the United States and India is one in which there is no significant conflict of interest. . . . Neither covets the territory, trade or prestige of the other, nor do we

compete for the attention or favors of third countries."⁵ The same statement could be made with respect to the other nations in the subcontinent, or indeed, to most of the countries in the Third World with whom our problems, if they exist, nearly always involve the relations of one or the other of us with third countries.

Indeed, the danger of these third country problems should be enough to keep us from being lulled into believing that the current, tolerably stable situation on the subcontinent is necessarily deep-rooted or permanent. There is always the danger that some one of the regional states will seek the support of one or more of the external powers in order to strengthen its position in a dispute with another state on the subcontinent, or to help redress the regional power balance more in its favor. Both India and Pakistan have sought and obtained external support in the past. Yet, balanced against a regional state's temptation to solicit outside support and an external power's temptation to provide that support is the underlying suspicion of the South Asian nations regarding great power activities, and the corresponding desire of the regional states to assert an independent course of action as much as possible.

In this connection, the July 1972 Simla Agreement between India and Pakistan is encouraging since it signified the intention of the two most important regional states to reconcile their differences on a bilateral basis. The three external powers, by welcoming the agreement, have chosen to follow a policy of noninvolvement in disputes between India and Pakistan. Further, the Simla process offers some hope even with regard to the perennial problem of Kashmir. Although it is difficult to foresee a Kashmir settlement acceptable to both India and Pakistan, progress toward an eventual settlement seems greater in a bilateral context than if pursued in a wider arena such as the United Nations.

Continued on page 24

⁵Daniel P. Moynihan, *Address to the Indian Council of World Affairs, New Delhi, 28 December 1973. Printed in India Quarterly, Vol. XXX, No. 1 (January-March 1974), 6.*

⁴Ibid., p. 324.

Vindication and Honor

THE CHINA HANDS: *American Foreign Service Officers and What Befell Them*, by E. J. Kahn, Jr. Viking, \$12.95

China has an old saying: "Shan yu shan pao, o yu o pao, shan o mei pao, shih hou mei tao." (Good has good recompense, evil has evil recompense—if good and evil have not been recompensed, it is because the time has not yet come.)

It has taken a grievously long time for justice to be done those brilliant, young Foreign Service officers in China whose Foreign Service careers were ruined and their lives and their families' saddened by the demagogic persecution of Joe McCarthy, Dick Nixon and their "China Lobby" henchmen.

Despite their deep knowledge of the language and country, their sympathetic insight into the plight of the Chinese people and their prescient judgment of the trend of events, they were discredited and their reports ignored at the very time when their services were crucially needed. They reported China developments as they saw them—and they saw them accurately. But, alas, for America and China, what they found and recommended was rejected in favor of the addleheaded misperceptions of General Pat Hurley and the self-serving "information" gladly supplied by the Chiang-Soong oligarchy and their hangers-on.

At the American Foreign Service Association luncheon in honor of these officers in January 1973, Barbara W. Tuchman ("Stillwell and the American Experience in China, 1911-45") referred to the Nixon pilgrimage to Peking in February 1972 and observed: "Yet it could have happened 25 years earlier, sparing us and Asia immeasurable and, in some degree, irreparable harm if American policy had been guided by the information and recommendations of the staff of the Chungking embassy, then acknowledged to be the best-informed Foreign Service group in China."

The gist of its reports was that Chiang was on the way out and the Communists on the way in—and that US policy should take this into account. "China's destiny is not

Chiang's, but theirs," John Davies foretold in 1944.

The incalculable harm done these men is largely irreparable but there is heartening recompense in the verdict of history: they were right. In recent years, authorities on China and Sino-American relations, in publishing a number of scholarly studies of this period, have called widespread attention to this fact and to the tragic folly of dismissing their wise counsel. Among these works, an outstanding one is Kahn's meticulously researched and beautifully written account of "what befell them" and his detailed, anecdotal story of their background and careers. Though Edmund Clubb, John Davies, Ray Ludden, Jack Service and John Carter Vincent are the more prominently featured, many other China Hands are interestingly described. Professor Arthur J. Schlesinger, Jr., calls this book "an absorbing narrative and a splendid act of national reparation."

In view of the long-drawn-out ordeal these officers and their families suffered, the vindication and honor that at long last came to them is but meager reparation. But Kahn's moving account does help. Like Edmund Clubb's "The Witness and I," it contributes much to the history of US-China relations and of the US Foreign Service. It will be read with sorrow that good is so tardily and inadequately recompensed. It will be read also with pride in these patriots' ability and loyalty in their country's service and with admiration for their courage and dignity in adversity.

—ROBERT W. RINDEN

Probing the Diplomatic Mind

THE MAKING OF THE DIPLOMATIC MIND: *The Training, Outlook and Style of United States Foreign Service Officers, 1908-1931*, by Robert D. Schulzinger. Wesleyan University Press, \$15.00.

This short book by a professor of international relations at the University of Denver summarizes in a useful fashion the attributes and attitudes of service members of two or three generations ago. From its subtitle one might suppose that it covers only the years from 1908 to 1931, but in fact it contains a considerable amount of material on the

service before 1908, and it manages in an epilogue to bring the story of the "diplomatic mind" all the way up to Henry Kissinger and Helmut Sonnenfeldt in 1974. It draws heavily on material from the memoirs of American diplomats from the turn of the century to the present, and in addition it provides much information from unpublished archival collections of the letters and other writings of prominent Foreign Service personalities of earlier times. Its annotated critical bibliography of source material on the history of the service is of particular merit. All in all, then, it is a worthwhile addition to the growing library of academic studies of the evolution of the foreign affairs profession in this country.

This said, however, it must be added that it is a long way from a definitive study of its subject. It is much too short, for one thing. A detailed analysis of the administrative and intellectual history of the profession in the period covered, which is what the book purports to give us, is not something that can be crowded into a bare 155 pages of text. The author is also not quite as critical as he might have been in his use of his source material, a consequence perhaps of his evident lack of first-hand experience within the service.

One example of his somewhat simplistic treatment of his subject matter will suffice. He tells us that officers with diplomatic commissions by and large despised their consular colleagues, and the consuls gave as good as they got. All true enough, to be sure, but insufficiently backed up with illustrative material to convey the real flavor of the enduring warfare between the two groups.

The answer here, we may suppose, is that the written record can seldom be depended on to show how such matters are really decided, for personnel officers in those simpler times were doubtless as devious as their modern counterparts in keeping to themselves damaging information about how they did their jobs. Perhaps, though, the author would have given us a somewhat different picture if he had not overlooked some of the service's dirty linen hung out on the line in Post Wheeler's "Dome of Many-Coloured Glass," published in 1955. Wheeler

(he ended his career as Minister to Paraguay in the first administration of FDR) evidently got in trouble with an inner circle in the Department in 1913 when, as Chargé at St. Petersburg, he reported on a subordinate who was living in sin with a foreign woman in St. Petersburg's best hotel. The following quote from a 1924 conversation of Wheeler's with William Howard Taft on the eve of the passage of the Rogers Act (of glorious memory) will give JOURNAL readers something of the flavor of this curious work:

"I'm on the Department's black list," Wheeler reminded him. "I dodged the clique's ax in 1913, you remember, and four years ago [Secretary] Colby snatched me from their talons. But now they can do as they please. The present Bill for the reorganization of the Foreign Service was originally planned to checkmate their presumption, but the Department was too foxy for the law-makers on the hill. It wrote the Executive Order which laid down the *modus operandi* for the Bill, and that made its strong-arm squad, the Personnel Board, supreme. The Undersecretary of State now has the power of life and death over the whole service. There is no appeal from his say-so. The State Department has become the most un-American branch of the government."

—THOMAS A. DONOVAN

Roots of Law

EVIDENCE BEFORE INTERNATIONAL TRIBUNALS, *Revised Edition*, by Durward V. Sandifer. Foreword by Phillip C. Jessup. University Press of Virginia, Bibliography and Index, \$27.50.

This book was first published in 1929. In the ensuing years, this scholarly pioneer work has become a classic on the subject.

Incorporated in the revised edition is a fresh examination and analysis of the subject matter including the published literature as well as the manuscript records which came into existence since 1939. In this examination Sandifer observes that "the most striking impression is one of continuity. There is no break in the involved chain of evidentiary activity practices. There are, of course, variations in detail and in segments of the rules applied, but the overall picture is a familiar one. The integrity of the fabric of the law and practice is evident. . . ."

International tribunals "keenly

alive to the presence before them of sovereign states as litigants," writes Sandifer, "generally insist on their right to seek the truth wherever it may be found. . . . This attitude has resulted in an insistence on procedures unhampered by the formulas and formalities of the municipal law of evidence—civil or Anglo-American." Tribunals, he goes on to say, "uniformly assert two freedoms—freedom from restrictive rules of admission and freedom to evaluate evidence admitted on submission by the parties." In a flexible system there are strengths and weaknesses, and the author sets forth what they are.

What has been the influence of Anglo-American and civil law (the latter with its roots in Roman law) on the law of evidence as applied in international arbitration and adjudication? The author answers as follows: "Although in its predominant characteristics the practice in the production of evidence before international tribunals bears more resemblance to civil law procedure than to Anglo-American, important features bear the imprint of the latter." One might refer briefly to a few such aspects as the admission of hearsay, the rules covering the burden of proof, the strong reliance upon evidence in written form, the use of experts and expert inquiries in all of which there are close parallels to civil law procedure.

As for the contribution of Anglo-American procedure to the law of evidence in international judicial procedure, Sandifer regards "the use of the affidavit, a means of proof originally unknown to civil law" as "probably the most significant. . . ." There are a number of other contributions, such as the system of free proof, the best evidence rule and the rules of judicial notice, to mention but a few.

The author states in the preface that the purpose of this study is to present in systematic and codified form a statement of the law of evidence as it stands today in international procedure. The study achieves that purpose.

Just as Wigmore's masterly treatise on the Anglo-American system of evidence has had and continues to have an enormous influence on students, scholars, practitioners, and judges of the common law, so will Sandifer's revised treatise exert a comparable influ-

ence on the law and practice of evidence before international tribunals.

—DAVID W. WAINHOUSE

Indulgent Hosts

BEFORE THE BLOSSOMS FALL: *Life and Death in Japan*, by Agnes Newton Keith. Little, Brown, \$8.95.

Mrs. Keith's writing reputation rests on her charming portrait of pre-war Borneo, "Land Below the Wind," and the human reportage of its post-war sequel, "Three Came Home." Her book on Japan has a pretentious title and is filled with commonplaces which even the Japanophile will recognize as coming from the fine hand of her indulging and indulgent hosts. Obviously, a woman of her experience and sensitivity does have insights, but they are overlaid too much with the sightseeing account of the trails of officials led her on. Now, if she had just concentrated on her thought that the main difference between the Japanese she knew in 1934 and the Japanese she saw in 1974 was "the battle of the sexes just beginning here . . ."; a lot of male chauvinist losers would delight in reading how the good guys are staying ahead in Japan.

—J. K. HOLLOWAY

A Clean Window Pane

A FORD NOT A LINCOLN, by Richard Reeves. Harcourt Brace Jovanovich, \$8.95.

Richard Reeves's "A Ford Not a Lincoln" doesn't tell us much we didn't already know about Gerald Ford because, it becomes painfully apparent, there simply isn't much more to tell. The openness and candor of the President allow us to peer inside the White House, and that's a refreshing change, but it's like looking through a clean window pane; nothing obstructs the view. There is nothing there. But Gerald Ford obviously enjoys living in the big house he moved to last year: state dinners, dancing, Pearl Bailey, his personal photographer, Air Force One, trips out of town, foreign travels. This is the good life. This is indeed a Ford not a Lincoln, who has yet to fill the office he occupies.

—DAVID LINEBAUGH

ideological partisanship, the mind against the heart. Here we see the government unanimous on one side, a dominant part of the people inflamed with noble passion and true belief on the other. Here we see those who, today, are acknowledged to be among the outstanding statesmen of modern history, those who are now held to have been right in 1793, united in the pursuit of a policy that was cold, calculating, selfish in the sense that it took account of the national interest primarily, essentially amoral, not primarily concerned with the treacherous question of righteousness as an issue in international conflicts. On the other side you have what appears to be all nobility, the sword in the hand of the avenging angel, the great cause of human liberation throughout the world, the moral crusade for the salvation of mankind from evil.

Again and again, throughout American history, these forces will contend, even into our own time, even to this very day. Again and again their contention will take the form of a conflict, disguised or not, between government and people, and we may see government resorting to all sorts of devices to carry out what it conceives to be the strategic policy in the face of a public to which strategic thinking is not native and may be repugnant.

But even in the veins of statesmen the blood must sometimes run hot. I think it was General Marshall, a man with something of General Washington's austere self-discipline, who as Secretary of State used to say that the essential for any man in such a position was to keep down his own emotions. In the city of Washington I don't

"Every government which tries to practice a policy of neutrality or non-partisanship in particular situations faces the problem of making its own warmblooded diplomats conform, as well as those it receives."

know how many men, remaining outwardly imperturbable all day, go home at night to beat upon the wall with their fists and howl. This is something that many Washington wives know all too well.

Referring to the crisis of 1793, I have pictured the statesmen as cool and calculating strategists, the public as inspired by ideological fervor. That picture requires correction. Just as God did not create two species of humanity, aristocrats and common men, so he did not create as two species government officials and members of the public. It is, in fact, the same blood that runs through the veins of both. If there is a difference it is, perhaps, a difference of information, experience, and responsibility which impels some to discipline the natural ardor of this common blood. But it would be a mistake to think that foreign policy is ever made by mechanical calculators rather than by human beings who are essentially just like us. When I see newspaper commentators, time and again, speculating on what can be the profound and calculated rationale of a particular foreign policy move by Moscow or London or Washington I think to myself that they may well be misleading themselves and their readers. In all likelihood the foreign policy move is to be

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accounted for by the fact that the men who made it had not been getting enough sleep. If we could see the inside of all these great capitals today, we would find cause to worry because the increasing difficulty of conducting international relations in the modern world has reached a point where it sometimes exceeds the normal tolerance of the human organism. Occasionally this is revealed, as when an Anthony Eden breaks down. More often we, the public, don't see it. I have talked to Washington doctors, however, and many of them could tell a story which none of us would find comforting.

I have referred so far with unqualified admiration to the generation of the American Founding Fathers. But no one can read of the doings of Franklin, Hamilton, Jay, Jefferson, Madison, Monroe, and the rest without being aware that, whatever other qualities they may also have had, they possessed the general weakness of our common nature. It would, for example, be easy to make out a case for behavior that was close to treasonable on the part of Hamilton and of Jay. These men, too, were human beings, though in the long run and collectively they somehow managed to transcend our ordinary bounds.

Citizen Genêt represented impassioned humanity as the men who constituted the American government, apparently, did not. His righteous behavior, as we see it in historical perspective, was not right. But there was nothing unique about it except, perhaps, the degree to which it went. Every government which tries to practice a policy of neutrality or non-partisanship in particular situations faces the problem of making its own warmblooded diplomats conform, as well as those it receives. It is a

daily problem in the State Department. It was a problem for President Washington's second administration, which succeeded hardly better in having its own successive ministers in Paris conform to American neutrality than in having the French minister in Philadelphia conform to it.

While Citizen Genêt was conducting himself so improperly in the United States, Gouverneur Morris, the American minister to France, was openly hostile to the French Revolution and, like Genêt, was working to oppose the domestic policy of the government to which he was accredited. He took an active part in trying to effect the escape of Louis XVI, and he saved those he could from the guillotine by providing asylum for them in his house. Apparently he, too, could not hold himself neutral in a conflict between good and evil, between right and wrong—though his identification of right and wrong happened to be the opposite of that made by Citizen Genêt. When the American government asked for the recall of Citizen Genêt, the French government found that it had the same sort of grounds for demanding the recall of Mr. Morris.

Mr. Morris's successor in Paris was the man who would, thirty years later, give his name to the traditional American doctrine involving non-participation in European quarrels. Nevertheless, the spirit of neutrality was as alien to Mr. James Monroe as to Mr. Morris or Citizen Genêt, and his conduct as the minister to belligerent France of a neutral state showed the same impropriety. He became, quite openly, an ardent supporter of France against Britain. When this partisanship led him into conflict with the policy of his own government (which he

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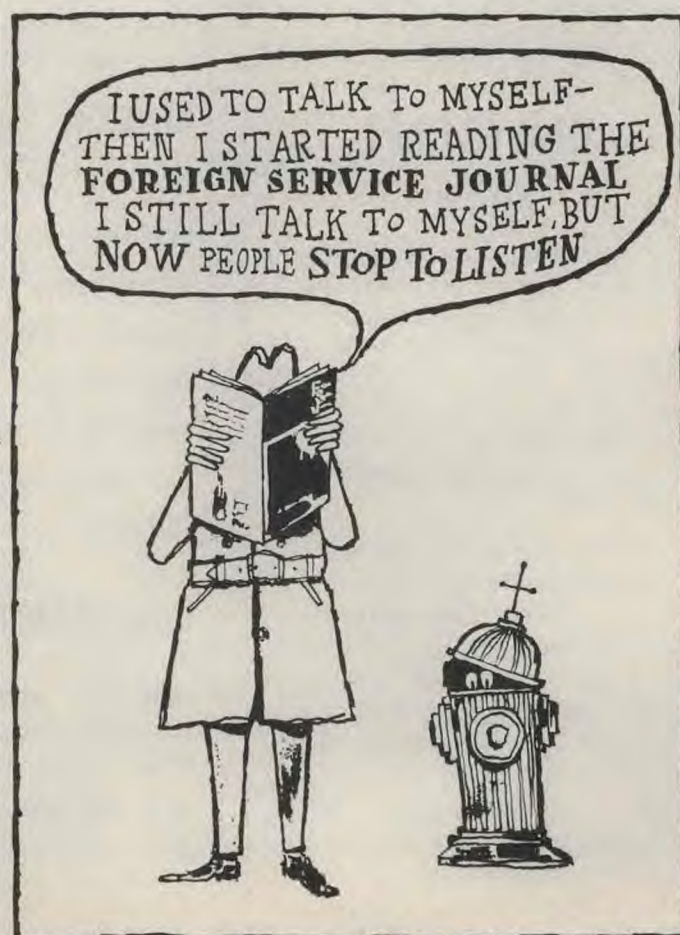
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assured the French would be overthrown in the election of 1796) it finally became necessary for his government to recall him. Again one sees the difficulty that our ardent human nature makes in the impartial and calculated conduct of foreign relations, as well as the point of Talleyrand's famous advice: "*Surtout, pas trop de zèle.*"

I know all too well how painful it is to many among us to be told that foreign relations ought not to be conducted with moral fervor and partisanship, that they ought rather to be calculated in a cold-blooded fashion, weighing advantage and disadvantage. Many of us can find no personal fulfillment in action that does not represent a militant righteousness opposing the powers of darkness. In a world ridden by injustice, a world in which the Kremlin cracks the whip over helpless masses, a world in which the wicked British try to subvert Egypt's newly won sovereignty or a wicked Colonel Nasser commits aggression against the international community, a world in which South Africa oppresses Indians and India oppresses Kashmiris, a world in which power is held by a General Franco or a Marshal Tito, a world that contains such a wicked man as Dulles (or is it Acheson?)—in such a world, how can one be neutral?—how can one refrain from marching in the streets with the forces of righteousness, open hand or fist uplifted as the case may be?—how can one refuse to take one's stand for the good and against the evil? Under such circumstances, to be neutral, to be cold, to be calculating, to think only of oneself, is to stifle one's best instincts, to take away the zest and incentive of life.

To this the mature and skeptical may object that the

"The skeptic who has read his history well may, in fact, come to fear and distrust the servants of a militant righteousness more than he fears the cool and the calculating."

identification of righteousness is not such a sure thing as this attitude supposes, and that there is even a sin of pride involved in the passionate assurance that one has, in fact, identified it. History gives support to this objection, for what had seemed utterly righteous at the time has generally taken on a different aspect in historical perspective. Is it not a paradox that Washington, the man who was execrated by the righteous in 1793, today seems to represent a greater moral nobility than his opponent, the ideological crusader, Genêt? The skeptic who has read his history well may, in fact, come to fear and distrust the servants of a militant righteousness more than he fears the cool and the calculating. "You shall scarce speak to Cromwell about anything," wrote a contemporary of England's Protector, "but he will lay his hand on his breast, elevate his eyes, and call God to record. He will weep, howl, and repent, even while he doth smite you under the fifth rib." It was in the cause of righteousness that the guillotine drank so much French blood during the period of which I have been speaking. Only righteousness, it appears, can justify the more extreme forms of human brutality. ■

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DETENTE IN SOUTH ASIA

from page 18

The internal power balance in South Asia, changed perceptibly in India's favor as the result of the 1971 war, is still an unsteady one. India is now perched higher than Pakistan on the seesaw, but not so much higher as to cause the plank to move all the way in one direction. The new situation on the subcontinent seems to call for Indian preeminence without domination, inequality of power without hegemony. Such a balance will necessarily be a delicate one, easily upset by one of the external powers and conceivably calling for the occasional insertion of some remedial external pressure.

Phillips Talbot has written of the post-1971 grouping of India, Pakistan and Bangladesh as a "ménage à trois" on the subcontinent.⁶ For the bulk of the post-World War II period, South Asia has also been an

uneasy ménage à trois for the United States, the Soviet Union, and China. In the longer run, the South Asian scene could be altered significantly if the present triad of external powers capable of influencing developments in the area should expand to include Iran, which is already beginning to play an expanded role, and Japan. Again in the longer run, should its power increase markedly, then India, a nation which already has the world's fourth largest armed force and is an incipient nuclear power, might well chafe at even a restrained effort of the external powers to manipulate a security balance in South Asia. Indian writers are now beginning to express the hope that the possession of nuclear weapons by India could permit Indian policymakers to treat the subcontinent as India's security zone and to forestall foreign interference.⁷ In other words, the

present distinction between the regional states and the major external powers, which is largely one of power, might come to be less meaningful.

The latest *ex cathedra* pronouncement on overall US policy toward South Asia is found in President Nixon's report to the Congress on 3 May 1973 entitled "US Foreign Policy for the 1970s." In this report President Nixon said:

The relations between the countries of South Asia and countries outside the region must be consistent with the peace and independence of the subcontinent and the peace of the world. If any outside power acquires an exclusive position in an area of this mass and potential, others will be forced to respond. The major powers all have important relationships there. No South Asian interest is served if those relationships are embroiled in local tensions. . . . We see no reason why we cannot have bilateral ties with each country in South Asia consistent with its own aspirations and ours, and not directed against any other nation. We shall gear our relations with other major powers outside the region to

⁶Phillips Talbot, "The Subcontinent: Ménage à Trois," *Foreign Affairs*, Vol. 50, No. 4 (July 1972), 698.

⁷J. A. Naik, India, Russia, China and Bangladesh (New Delhi: S. Chand & Co., 1972), p. 94.

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encourage policies of restraint and noninterference.⁸

Such a policy is a prescription for continued mutual restraint by all three external powers, resting to a considerable extent on our belief that neither the Soviet Union nor China will want to risk its detente relationship with the United States by taking steps in the subcontinent that might provoke a countervailing response from us. Detente is thus explicitly credited with an important role in the preservation of stability in South Asia. Interestingly, the President spoke not of the vital interests but of the "important relationships" of the major powers. The term "relationship" suggests a historically-derived configuration of concerns with a particular country rather than a cold, hard assessment of that country's strategic importance to us. The most obvious

of these relationships are the Soviet Union's relationships with India and Bangladesh, China's relationship with Pakistan, and the United States' relationships with India and Bangladesh, as well as with Pakistan.

Our undertaking to practice restraint and noninterference, provided the other major powers follow suit, should favor greater objectivity in our diplomacy toward South Asia. Some specific corollaries of a policy of restraint would be:

- a scrupulously restrained military supply policy small enough as to be easily terminated if continued military supply seemed more of a liability than an asset;
- a meticulous effort to keep tabs on arms sales to Iran and the Arab nations to preclude these sales from being transformed, against our intention, into indirect military deliveries to Pakistan or into a war reserve for Pakistan;
- the firm eschewal of any bases in the subcontinent; and
- a cooling of our rhetoric which

in the past has often connoted a degree of commitment greater than a policy of restrained noninvolvement would appropriately support.

For example, is it accurate or necessary to continue to refer to Pakistan as an ally, when we have no enemy in common and when our common objective boils down to the continued independence and integrity of Pakistan, the type of goal that we could say we shared with most of the countries of the world? Support and friendship can be offered in ways more meaningful and less misleading than through outmoded rhetoric.

If the restraint of our words matches the restraint of our involvement, which in turn matches and encourages the restraint of the Soviet Union or China, our policy toward South Asia should afford us the flexibility to adapt more readily to changing situations in this volatile part of the world where crises have a way of catching fire despite our most conscientious efforts and despite the beneficial damper of detente. ■

⁸Richard M. Nixon, US Foreign Policy for the 1970s; A Report to the Congress, 3 May 1973 (Washington: US Government Printing Office, 1973), p. 151.

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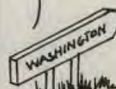
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THE SILENT INVASION

from page 10

As the current recession becomes worse and unemployment figures rise, one wonders how long Congress, the already overburdened taxpayer, the unemployed citizen and the labor unions now paying unemployment benefits will remain mute about an estimated 12 million illegal aliens in the United States, some of whom are taking jobs from Americans willing to work, some of whom are on welfare and relief, some of whom are collecting food stamps and taking advantage of free medical benefits, all provided by the American taxpayer. It may be that nothing will happen until Congress and the White House receive another "firestorm of mail and telegrams" indicating that the body politic is aware, has an interest and is reluctant to accept procrastination and a do-nothing approach to the problem.

In any discussion of immigration problems there will be as many solutions as there are interest groups

involved, government, social service agencies, minority groups, taxpayers etc. Very few, however, will discuss the one action required before the solution can be decided upon. That is the determination, by the President, the Congress and the People, of what kind of country do we want? Is the United States still open to immigrants, do we want them, do we need them, or are we "full up?" The recent influx of Vietnamese refugees has brought this question to the fore, with a variety of overtones.

Many Americans have become victims of the "Madison Avenue-izing" of population alarms and ecological oversell. A look at the geography of a few of the western states, or even some in the south, diminishes the argument of the "full up" school. Alabama, for example, is larger in land area than England and yet it has less than one half the population of London. A look at the history of our own development in the past 100 years and the contributions, scientific, educational, political, economic and religious, that have been made by im-

migrants gives some idea of their value to the nation and to the world. Immigrants usually have little to lose and much to gain; they have traditionally become more patriotic than the grandmothers of the DAR. Europe's poor have made America rich and have given her the pride and generosity that has made America the land so many of the world strive for. Now the immigrants are coming, not just from Europe, but from all over the world, bringing problems, expense, frustration, discomfort and disruption as well as a rich and healthy transfusion of energy, enthusiasm, ability to do and to learn and that characteristic vitality that has made this nation "America."

What we need, not only for "them," but for "us," is to determine what "we" are to be and then to insist that the government puts that determination into an immigration and naturalization law that protects the American citizen, supports and defends the legal alien and prevents the illegal alien from depriving both of their rights and privileges. ■

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Career Ministers

■ I regret that it is necessary for me to comment briefly on the letter from Mr. John D. Hemenway in your November issue on the subject of Career Ministers.

He referred to a selection list for Career Ministers submitted to me in 1967 and the reconsideration I asked for a person who had been passed over. I did so because I was informed that the selection board passed over this man because he had not had service abroad. What the board did not know was that this officer had volunteered for overseas service to me personally more than once, but that we had retained him in the Department because we believed that we needed him badly in Washington. Mr. Hemenway's statement that political friends of this man intervened in his behalf is simply not true. I myself considered him to be one of the ablest men in the Service (as his subsequent career has more than justified), and it was not his fault that he had not served abroad.

I discussed the matter with some of the senior members of the Foreign Service, such as the late Ambassador Charles Bohlen. It was their suggestion that a panel review this matter for the Board of the Foreign Service. Mr. Hemenway's remark that, "Some feel that it was simply corrupt," is personally offensive and without conscience.

Nominations for Career Ministers are made by the President, and the President is entitled to the best judgment of the Secretary of State. The record will show that I sent forward 99.9 percent of the recommendations of the promotion boards which were placed before me, but it was never my view that I had abdicated my own responsibility to the President or as the head of the Department of State.

Further, it was my experience that nominations for Career Minister and Career Ambassador had to be discussed by me in some detail with members of the Senate. There were Senators in those days who objected in principle to the very existence of these two ranks in the Foreign Service. A Secretary of State cannot adequately support

such nominations if his own role is merely that of a robot and he cannot say in good conscience that he strongly recommends confirmation by the Senate.

While we are being candid, I might remind Mr. Hemenway that I had served at all ranks in the Department—from the most junior to the most senior. During those many years I could not help but know that officers of career services can sometimes develop their own personal preferences and personal animosities toward their colleagues. There is no system which can absolutely guarantee that such considerations may not play a part at whatever level of government. The responsibility for recommending Career Ambassadors and Career Ministers was one which I took with the utmost seriousness, and the instance cited by Mr. Hemenway is one of which I am very proud.

DEAN RUSK

Athens, Ga.

Further on CMs

■ I am not in a position to comment specifically on the qualifications of the individual who has most recently been nominated for that grade. However, I feel considerable resentment at the presumption of Mr. Hemenway in writing on behalf of the Association a letter not approved by the Foreign Service Association Board, and including therein a number of snide references to the individual previously so promoted in 1968 whose qualifications I believe I am amply able to assess as being of the highest level. The letter's author cites the 1968 example as a horrible precedent. He says, "a very bad 1968 precedent . . . has all the earmarks of the same kind of raw political 'clout.'" I would draw his attention to the fact that the 1968 individual was nominated by a Democratic Administration and that since that time, a Republican Administration has seen fit to elevate the recipient to even higher responsibility in the State Department than he then occupied. In my view, this is the best possible example of the proper role which can be played by senior Foreign Service officers, and in the best tradition of some of our most illustrious past colleagues. Incidentally, when Ambassador Riddleberger questioned

the earlier case, he did so strictly on the basis of an interpretation of the fundamental concept on which the Foreign Service was established, *not* with objections to the individual involved. Even so, I questioned Riddleberger's conclusion and remember telling him so at the time.

I believe that Mr. Hemenway might well reread the precepts for the 1975 selection panel with particular emphasis on the phrase which he quotes to the effect that "a Career Minister normally (repeat normally) will have served overseas as a senior officer." The emphasis should properly be on the word "normally." No one, I believe, would take issue with the general consensus that a foreign service is established to serve abroad, among other duties, and obviously most officers will have done so. However, there are obviously cases where exceptional treatment is warranted, and I am fully convinced that the case of the officer involved in 1968 is properly one such. I doubt that anyone would feel that an officer retained in service in Washington by the expressed wish of the Secretary of State should be penalized in relation to promotion by such service. After all, that is exactly why the absolute limit on assignment to Washington to four years for a Foreign Service officer was eliminated twenty some years ago.

WALWORTH BARBOUR
Ambassador to Israel,
1961-73

Gloucester, Mass.

Drugs and the Market

■ Donald C. Johnson's article, "The Drug Enforcement Agency Abroad," in the November JOURNAL was a thoughtful analysis of US drug policy, for which he would have deserved great praise had he dug a bit deeper in order to avoid serious error.

The most critical error is the author's major premise that the demand for illicit drugs is inelastic. Repeated studies by reputable organizations have addressed the question of why an addict would abandon his habit. High on the list of answers in virtually every study is that his habit got too expensive in terms of price and risk of arrest. Thus, the vast majority of addicted Vietnam veterans dropped heroin

shortly after returning to the United States, with many citing its high cost and fear of arrest as motivating factors.

A second critical error is the author's assertion that the United States drug strategy concentrates on supply reduction. In fact, 60 percent of the Federal Government's FY 1975 drug-related expenditures went into treatment, rehabilitation and research efforts. Arguing from this mistaken premise, Mr. Johnson advocates that we should "simply ignore supply and concentrate on making rehabilitation available and attractive." Yet, the doctors and administrators of numerous treatment programs—whom one might expect to view law enforcement efforts with disdain—repeatedly advocate a vigorous law enforcement effort to drive up the cost and force the addict into treatment sooner.

Mr. Johnson argues that DEA "cannot and will not be effective" and that it is "presumptuous" of the United States to enlist the support of other governments. I agree that DEA will probably never stamp out entirely the supply of illicit drugs, just as the most assiduous gardener can never be assured of a weedless tomato patch. Like the gardener who continues to pluck weeds, DEA's task is to prevent our society from being overrun by illicit drugs.

As for the propriety of asking foreign governments to cooperate with DEA, most governments freely accepted multilateral treaty obligations to do so—dating back to Article 9 of the 1912 Hague International Opium Convention which provided that "Parties shall cooperate amongst themselves in order to prevent the use of drugs for any purpose other than medical or legitimate use." All of the international narcotics conventions since that time—including the 1961 Single Convention—are amplifications and specifications of that 1912 agreement. The error here is to view drug abuse as solely an American problem when, in reality, it has been an international concern since the early 1900s.

I am concerned about Mr. Johnson's allegation that Foreign Service officers see a "basic ambivalence" in the roles of DEA agents and Consular officers. Consular officers are not charged with

the task of springing lawfully-arrested Americans, but with seeing that these Americans—whatever the crime with which they are charged—receive the full measure of their rights under local laws and international standards. Nor is there a contradiction in our policy when we request a foreign government to crack down on traffickers of whatever nationality but—once in jail—to treat them legally and humanely. I cannot believe that this distinction is too subtle for a Foreign Service expected daily to deal with political nuances.

Mr. Johnson's article also repeats the claim that our international drug policy results in the arrest of "many . . . casual marijuana users." Let's look at some facts. A recent study of 340 Americans arrested in Mexico on marijuana charges showed that over 94 percent involved amounts of more than one ounce. (The laws of virtually all US states consider possession of more than one ounce as presumptive evidence of trafficking and not simple possession for personal use.) The median age of these arrestees was 25.3 and the median amount involved was 60 kilos—132 pounds, or 38 pounds more than the standard bag of cement. This typical American marijuana arrestee in Mexico, over 25 with 132 pounds of "grass," is hardly an immature casual user.

Despite the misconceptions in his article, I welcome Mr. Johnson's interest in this critical social problem, which accounts for major content in our relations with a substantial number of countries. Many of our Foreign Service colleagues, working with dedicated Drug Enforcement Administration specialists, are devoting more and more of their time and skills to the challenge of international control.

I can assure your readers that we do not now have a "trade-off" situation with drug control cooperation in competition with other foreign policy objectives. As in the case of contagious diseases, there is increasing recognition abroad that drug abuse is a worldwide scourge, that it is apolitical, and that it warrants close international cooperation.

SHELDON B. VANCE

Senior Adviser to the Secretary of State and Coordinator for International Narcotics Matters

Bouquets

■ FSJ for August includes two excellent items which surely deserve high praise and close attention of all concerned. I refer to David Linebaugh's book essay, "The Final Tragedy of Vietnam," and to John Krizay's letter, "Is the AFSPA Health Insurance Plan Good Enough?" Both contributors know where of they speak. They speak eloquently and convincingly, and FSJ does well on behalf of AFSA membership by featuring them.

Indeed it will be tragic if Linebaugh's superlative synthesis, and outline of *The Five Lessons*, which are not just about four great books but about a currently vital topic of universal concern, remain available only to readers of FSJ. Others have treated the subject, but none so succinctly and well, in my opinion at least. It at least deserves the serious attention of every reader of Fitzgerald, Halberstam, Thomson, and the Pentagon Papers, and of every thoughtful citizen of the USA. Ignored by the Establishment, the lessons have to be learned, and *taught* to politicians, *by citizens* of the USA, if our brand of democratic republicanism is to survive, in a FREE USA.

As for Mr. Krizay's keen report on the AFSPA Health Insurance Plan (AFSA News, page 38), I am *one* long-time AFSA member, vulnerable disability retiree, and gullible subscriber to the AFSPA option from the first, who surely will DROP the AFSPA option at the first opportunity, unless convinced in the meantime that changes have been made to correct ALL of the comparative deficiencies so clearly and convincingly described by Mr. Krizay, who has done AFSA members such great service by disclosing them.

Congratulations and thanks, FSJ, for publishing the Krizay and Linebaugh contributions. This is what FSJ *ought* to be, and *mostly seems* to be, all about!

REUBEN R. THOMAS

Fayetteville, Arkansas

Some Pointed Remarks

■ What is at issue is whether the AFSPA board—alleging to act on behalf of foreign service employees—is getting the best for its constituency in health care coverage.

This issue should be debated openly and vigorously because what is at stake is the accountability of AFSPA as well as the cost and coverage of health insurance.

I say AFSPA is not doing a good job, and the fact that Mr. Wolfe or others with AFSPA health coverage are satisfied does not disprove the charge. Nor do any of the nine points in Mr. Wolfe's letter.

I would be glad to go over each of AFSPA's points if space could be allocated. For this purpose, we may look at a few of those set forth in Mr. Wolfe's letter (*in the November FSJ, ed.*):

Point #1: the issue I raised is not whether other plans offering more complete coverage cost more, but whether AFSPA should be able to offer better coverage at the same price. I conclude that it should because the medical care of foreign service personnel is subsidized and because AFSPA's administrative costs are too high.

Points 2 and 3: I suggest that CSC praise of AFSPA's administrative efficiency refers to timely and properly submitted reports—not to the economy of its operations. Moreover, I cannot accept the volume explanation of the higher AFSPA administrative costs. Recall that the average employee group plan administrative cost is also generally lower than AFSPA's. Three factors account for the huge administrative cost: first, the \$35.00 per illness deductible which induces a larger volume of small claims (which are costly to process); secondly, AFSPA's own "take" of 1-3% of premiums for performing services of little or no value; and finally, Mutual of Omaha's conservative reserve policy by which it simply holds far larger reserves generally than most other carriers.

Point 7 in Mr. Wolfe's letter seems to imply that a \$35.00 *per illness* deductible is somehow better than \$50.00 or \$100.00 deductible for all illness per year. The relative merits of the two co-payment methods is very complex, but I would assert that, in most instances, an annual deductible for all illness is superior to a per illness deductible in promoting greater predictability, lower administrative costs and lower total out-of-pocket costs.

Point 8: This statement that

out-of-pocket costs of AFSPA subscribers is 50% less than that of subscribers to government-wide plans is an amazing statement made without citing any source. Studies to determine comparative out-of-pocket medical costs entail meticulous surveys of subscribers of two or more plans of similar age, sex and working conditions, under conditions where each person surveyed keeps complete records of all medical bills and insurance reimbursements. No such study involving AFSPA plan has ever been undertaken.

Point 9: neglects to mention that the \$250,000 limit on the Government-Wide Service Benefit Program is over and above the cost of 365 days hospitalization, surgical costs and certain lab and X-ray costs which are covered without limit.

But the real issue here is embodied in Mr. Wolfe's *points 5 and 6*. These points have to do with accountability and responsiveness of AFSPA to the foreign service employees it allegedly represents. If the majority of employees, indeed, think it worthwhile to apply health insurance premiums toward coverage of \$150.00 per year of orthodontic treatment, I certainly would not object, foolish though I, personally, think it is. But AFSPA does not know and makes no effort to find out how many foreign service employees want and use this coverage, or how many would prefer to apply the premium to other kinds of protection. Likewise, brushing off its responsibility to account to its members (and all those eligible to become members) by pointing to annual CSC reports and the annual auditors' reports is not good enough. Neither of these reports tells us, for example, that the AFSPA Secretary Treasurer is paid \$27,000 per year for a part-time job (whereas a similar job in AFSA is uncompensated.) And what about the propriety of the Mutual of Omaha representative participating in AFSPA board meetings where health insurance issues are being decided? Indeed, I question whether this practice is not a violation of AFSPA's by-laws.

If the Foreign Service wants a separate health insurance plan, its members should have a voice in the composition of the plan. Whether

AFSPA or some other organization represents the employees in negotiating the plan, that organization is obliged to explain to the employees all the options and the cost implications of the different options. Once it has determined what the membership wants, it is obliged, above all, to seek through competitive bids a carrier which will provide the coverage and service claims promptly at the lowest possible cost. A plan run by an organization that does none of these things is not good enough.

JOHN KRIZAY

Washington

An F.S. Tribute

■ FSO Frederick D. Elfers, Chargé d'Affaires in Tananarive, met his tragic and untimely death in an automobile accident in Kenya on September 10, 1975.

An excellent manager and executive, Fred was superb at handling both people and problems. Always low-key, never excitable, blessed with those twin virtues of courage and a sense of humor, he could be relied upon both during crises and for every day's normal operations.

Fred probably had his greatest career moment in Vietnam, serving as Deputy Provincial Representative in the key province of Quang Tri adjacent to North Vietnam. There, with his wide span of responsibility, his managerial capacity was undoubtedly called into full play.

I came to know him later when he joined the Inspection Corps as a junior Foreign Service Inspector. He and I inspected Iran together, and I quickly came to appreciate his fine qualities both as an officer and as an individual. He pulled his full weight from the start, unusual for a senior Inspector, let alone a junior one.

Subsequently, I selected Fred to be my DCM at Tananarive. He completely fulfilled my expectations. His further service as Chargé since my retirement in May is additional testimony of the confidence reposed in him by the Department.

His friends will miss him as a person as well as an FSO. A true gentleman in every sense of that term, Fred will remain firmly etched in the memory of those who knew him.

JOSEPH A. MENDENHALL

Arezzo



This portion of the JOURNAL is the responsibility of the Board of Governors of AFSA and is intended to report on employee-management issues, conditions of employment and the policy and administration of AFSA, including its Board, Committees, and Chapters.

Members wishing to send letters on employment, working conditions or AFSA affairs should get them to AFSA by the 10th of the month preceding desired publication.

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New Foreign Service Grievance Legislation — An Analysis

On November 29, the President signed the FY '76 Foreign Relations Authorization Act, which *inter alia* added to the Foreign Service Act (22 USC 981) a new Part J — Foreign Service Grievances. At last the Foreign Service has a legislated grievance procedure of its own! The passage of this legislation represents a major advance in due process protection for every person in the Foreign Service against arbitrary, capricious, or unfair treatment by management. AFSA is proud to have been instrumental in obtaining its passage.

The December FSJ, AFSA News (p. 34) reported on the negotiating history of this legislation and promised a description and analysis of it. Since a description of the legislation (cleared with our Grievance Committee Chairman) already appears in the December DEPARTMENT OF STATE NEWSLETTER and is appearing in USIA

WORLD and FRONT LINES, we need not repeat it again here. In giving the analysis, however, to highlight what has been achieved by AFSA, we should mention the principal differences between the legislation and the Bayh Bill, which had been frequently passed by the Senate but always opposed by management and blocked by House Conferee Chairman Wayne Hays.

Definition of Grievance

The definition of grievance in Section 692 (1) (b) is somewhat narrower in the legislation than in the Bayh Bill. Specifically, the legislation excludes non-promotion. Management was adamant in opposing the possibility that a grievant could claim that he/she, rather than someone else, should have been promoted, since the Grievance Board would in effect have to second-guess the Selection Board's rank-ordering decisions. The legislation does, however, permit the Grievance Board to recommend promotion to the agency head as a remedy for a grievance which it finds meritorious; for example, because of inaccurate or falsely prejudicial material in a performance file. The Pell Amendment to the 1973 Foreign Relations Authorization Act already authorizes promotion, even retroactive, in accordance with such a recommendation.

The legislation also excludes grievances over individual transfers or assignments ordered in accordance with law and regulation. Management was equally adamant about this on grounds of Service discipline and the needs of the Service. However, the Grievance Board may recommend an assignment to the agency head as a remedy for a grievance it finds meritorious; and if the agency head were to reject such a recommendation, his decision would be subject to judicial review.

The legislation also excludes

complaints or appeals "where a specific statutory appeals procedure exists." However, in a letter of interpretation to AFSA, management agreed that the same set of facts could constitute the basis for an appeal or complaint under the grievance procedure or other statutory procedure. Section 693 (a) requires a grievant to decide whether he/she wants to file a grievance or, say, a complaint under Equal Employment Opportunity complaint procedures. The principal issue here is the RIF in AID; AID management contends that RIF matters must be handled by the Civil Service Commission; we contend that some matters, such as the assignment of a position AOSC code, may be grievable under these procedures even though they may later form part of the basis for a RIF. This question will have to be settled under the RIF procedures being negotiated by AID management and AFSA/AID, and probably by judicial review under the grievance legislation.

The rights of grievants who are not active duty Foreign Service people are limited by Section 692 (1) (c), which permits former officers or employees, or their surviving spouses or dependent family members, to grieve only the denial of an allowance or other financial benefit if denied "arbitrarily, capriciously, or contrary to applicable law or regulation," but not inaccuracies in personnel files or complaints with regard to working conditions.

Reinstatement

Former officers selected out since November 29, 1969 may grieve their selection out if it violated applicable law or regulation effective at the time of the selection out, or was predicated directly upon erroneous or falsely prejudicial material in the grievant's official personnel file. If the Grievance Board finds such a grievance

meritorious, it can order restitution of all financial benefits, but under Section 692 (13) can only recommend reinstatement to the agency head. The decision on whether to reinstate would be at the "sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations," and which decision shall not be subject to judicial review. In a letter of interpretation to AFSA, Deputy Undersecretary Eagleburger stated that any rejection of a reinstatement recommendation "will be based upon relevant standards of the needs of the Service prevailing at the time. Further, the reasons for this action will be conveyed in writing to the Foreign Service Grievance Board and to the grievant."

Again, management was adamant in excluding this one aspect of the grievance legislation from judicial review, in order to preserve the prerogative of the agency head to reject the reinstatement of an officer no longer qualified or needed for active service. The AFSA Governing Board decided to accept this proviso because:

- There are several hundred officers selected out in the past six years who could at least hypothetically be eligible for reinstatement into State and USIA under this legislation. If many of them were reinstated, it could depress promotion rates for officers still in the Service who are our members and members of the bargaining units we represent as exclusive employee representative.

- Management's letter of interpretation binds the agency head to act rationally, not arbitrarily or capriciously, in applying this proviso. For example, officers in specialties and ranks in which the agencies have a shortage would be more likely to be reinstated than those in surplus specialties and ranks, but personal distaste for an officer would not be a proper reason for rejection of the reinstatement recommendation.

- Many experts, in AFSA, management, and on the Hill believe that in any case the unfavorable restrictions of this proviso will be thrown out by the Courts the first time it is challenged.

- The proviso only applies to officers selected out in the six years

immediately preceding the enactment of the legislation. If the Grievance Board finds meritorious a grievance relating to selection out by an officer now or in the future, it has authority to direct the agency to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved, and to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted. This is stronger than the Bayh Bill, which provided only for recommendations to the agency head on selection out. The Grievance Board's decision on such a matter would be subject to judicial review.

Grievance Board Members

There are differences between the Bayh Bill and the actual legislation in picking the membership of the Foreign Service Grievance Board. The Bayh Bill would have provided three-member panels in each case, with the grievant and the agency head each picking one panel member who then together agreed on a third independent member from a roster of twelve. The grievance legislation provides that there shall be at least five members, including a chairman; that all members and the chairman shall be independent; and that management and the exclusive employee representative must agree on procedures for membership of the Board, selection of the chairman, and terms of the service of the members (two years unless otherwise agreed). The board may act by or through panels (of at least three members unless the parties agree otherwise) or individual members designated by the chairman. This change, not controversial in Governing Board discussions, reflects experience under the past interim grievance procedures.

Hearings

There are some differences between the Bayh Bill and the grievance legislation on hearings procedures. The Bayh Bill would have provided for a hearing in all cases, but the legislation provides for a hearing in any case involving disciplinary action or selection out

"or which in the judgment of the Board can best be resolved by a hearing or by presentation of oral argument." The Governing Board agreed that this limitation of the right to a hearing would serve the interests of most grievants by preventing simple cases, which can be decided on the basis of the written record, from clogging the Grievance Board's calendar and delaying the consideration of more serious cases.

The Bayh Bill provided that hearings shall be open "unless the board for good cause shall determine otherwise." The legislation provides that "The Board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others."

Both versions permit the Grievance Board to decide whether a hearing shall be open after weighing considerations of openness against the need to protect the privacy and reputations of the grievant and others connected with the case and classified material.

Summing Up

Those are the principal differences in the texts of the Bayh Bill and the legislation now enacted. The most important difference of all is, of course, that the Bayh Bill was only a bill, and remained so for four years, despite the best efforts of its supporters, including successive AFSA Governing Boards, to obtain its enactment; while the grievance legislation actually became a law. The Governing Board believes that the changes and compromises described above paid off in obtaining management support for detailed grievance legislation covering all active Foreign Service people and retirees and survivors and dependents in certain cases; permitting the filing of grievances on a broad range of individual problem areas; providing for the establishment of a Grievance Board independent of management influence; allowing that Board broad authority to order remedies for meritorious grievances; and permitting judicial review of the implementing regulations and Board decisions and all but one of the agency head's decisions.

The Next Steps

Within 120 days of enactment of

the grievance legislation—i.e., not later than March 29, 1976—implementing regulations must be promulgated and the new Grievance Board appointed and its procedures established by agreement between management and AFSA. Management is proposing to us a procedure for early appointment of the Grievance Board so that it can begin to work on its own internal procedures, and we expect to receive in January a management draft of implementing regulations.

Board Moves to Correct Procedural Irregularities

The role of procedure in the present AFSA Board, remarked upon in December's AFSA News, has resulted in two recent and decisive Board votes and the commissioning of a report and recommendations on parliamentary procedure for the Board.

Procedural matters—specifically, who speaks for AFSA—were highlighted by the newly-elected President's making critical remarks about the Secretary of State before the Board had held its first meeting. This led at the Board's first business meeting of July 17 to the 8-1 passage of a resolution that public positions of the Association have prior approval of the Board. On August 11, the Board had to ask the Vice President to withdraw a July 29 letter of the AFSA President to the Congress opposing Sonnenfeldt and Tuch for Career Ministers, sent without Board knowledge, discussion, or approval.

During November, the issue of how the Association's views are expressed has arisen twice, the first being in connection with unapproved letters the AFSA President wrote to the Congress concerning grievance legislation, which the Board found implied its support of a position on the legislation, which position it had not supported. This resulted in the Board's repudiating the letters, condemning the action, and censuring the writer by votes of 10-1, 10-2, and 7-4 respectively, with one abstention on the first and last question.

The AFSA President based his vote of July 17 on the US Constitution's guarantee of free speech and the AFSA Bylaws, his vote of August 11 on his belief that his letter was personal, and his votes of November 19 on his belief that his

letters did not misstate the Board's position and were designed to take the maximum position for negotiation.

The issue arose again in relation to the Board's 7-1 approval of an agreement on the precepts for the Performance Standards Board, after which the AFSA President declined to sign for AFSA, asking that the Vice President do so. The following day State Management received a letter dated November 18 from the AFSA President stating that only his signature was binding for AFSA on agreements with the foreign affairs agencies. When this had come to light, the Board on December 3 repudiated the letter and condemned the action which had been taken without prior Board approval, by a vote of 11-1. Finally the Board voted, 11-1, its interpretation of the Bylaws (Arts. V.3 & 4) that the President is obliged to authenticate acts of the Board, since his signature in such instances does not reflect his personal view and that refusal to sign would be considered a dereliction of duty and a violation of the Bylaws. Further, the Board expressly authorized the Vice Presidents to assist the President if he fails or refuses to perform official acts.

At the November 24 meeting the Secretary was asked by all to prepare a report by January 23 on parliamentary procedures, including Board authority under the current Bylaws to establish its procedures and possible necessary amendments that might be made to those Bylaws.

Bylaws, Minutes Offered

Members may request the Bylaws or certain of the minutes of the Board meetings, giving the date(s), or subject(s) in which they are interested, by writing AFSA at Room 3644, New State.

Authority Delegated To Three Committees To Speed AFSA Action

On October 28, the Governing Board voted to delegate the authority to act for AFSA in its role as exclusive employee representative under E.O. 11636 to three Standing Committees—for AID, State, and USIA. These committees, consisting of the AFSA officers, representatives, and other members

from the respective agencies are to act for the Foreign Service people in their agencies in all but inter-agency matters, and the full Board must approve all formal agreements these committees make under the Executive Order. The right of the whole Board to disapprove, modify, or question actions of any committee is preserved along with the right of any Board member to attend any committee meeting.

The immediate result of this little-noticed measure (AFSA News failed to report it last month!) has been to facilitate smaller and more harmonious groups of people in meeting and addressing subjects of single-agency concern without taking up the time of their other-agency colleagues on the Board in working out preliminary positions.

The AID delegation, led by 2nd Vice President John Patterson, has been functioning effectively from the beginning, as "Pat" and the two AID Reps, all veterans of the previous Board, have been working as a team for some time. Following several negotiations with AID management and appearances on the Hill, they have scheduled an open meeting in the East Auditorium of New State for December 16th to report to their constituency what has been accomplished and what remains to be done—and to hear members' views.

The USIA people, despite the relatively recent appearance of Secretary Frank Cummins and USIA Representative Willis Sutter on the Board, have benefited from the advice and expertise of former USIA Board members and others who sit on a 20-person USIA Advisory Committee which meets weekly. They are concerned in explaining the Foreign Service and AFSA to newly converted FAS employees and have already had one open meeting on December 2 concerning promotion precepts.

State Standing, due in part to the past resignation of four State Board members and their replacements' finding their feet, has gotten under way only recently. Chaired by Vice President Lars Hyde, at its first meeting on December 2 members agreed to set up a 20-person "keyman network" with representatives in all of the major

bureaus. At the same time the Committee sent out a letter to each of the employee special interest groups, asking them to appoint a liaison officer to its Advisory Panel.

In all these three committees full discussion among people from the agency most immediately concerned with certain proposals has been possible. With an increasingly smooth-running committee system, the Board has been able to refer urgent or time-consuming items on its agenda to committee. Committees by being able to prepare and refine issues for the Board's consideration have become much more helpful in limiting the time the Board has to spend on any one item, thereby expediting the Association's business.

AID AFFAIRS

A Time for Hope?

Bengali Nobel Prize winner, Rabindranath Tagore, wrote: "Man's history is waiting in patience for the triumph of the insulted man." This sentiment, combined with the Draconian measures taken against AID's insulted Foreign Service personnel for the last year and one half, has infused a spirit of either retaliation, hope, or resignation on the part of those of us who have been lucky enough to survive the RIF, forced placements, and promotion freezes. We think now is the time for hope. AID's recent management changes and attitudes indicate that our patience, in part due to two years of strong AFSA retaliation, may not have long to wait in terms of at least civility, if not triumph, in the treatment of AID's Foreign Service employees.

The past five months of negotiations with AID management have resulted in not only substantive bargaining for a change, but in a mutual respect enabling the parties to disagree on such matters as "un-fairs" and consultability appeals, without being disagreeable. At the same time, AID management is actually undertaking some enlightening and progressive policies for its Foreign Service employees. We realize that throwing bouquets to AID is a first for AFSA, but perhaps compliments are now finally due.

We have just completed consultations on new PER forms for both

officer and staff employees which will result in more substantive evaluations. The basic document was AID's; the refinements were ours. For example, on the FSS form, AFSA drew from the best of the old FSS form and the new FSR form and management accepted the changes.

AID recently hit us with three rather mind-blowing documents. One on Personnel Management Goals and Objectives, successfully negotiated, covers the gamut of noble Foreign Service personnel aspirations. The second was a proposed Circular Airgram publicizing to employees the monthly Agency Position Information Reports on Position AOSC List, Alphabetical Employee List, and Agency Staffing Pattern; AFSA applauded. The third was a proposal for "Precepts for Foreign Service Assignments" which AID presented to respond to AFSA's concerns that the criteria the Assignment Board uses be known by employees and that the "system" be open. Ironically, AFSA has appealed the consultability of certain aspects of this proposal, but expects to reach accord in the immediate future.

On the AFSA side of initiatives, we are presently about halfway through negotiations on new RIF procedures for Foreign Service personnel. We are proposing reassignment rights based on assigned skills codes in keeping with the rank-in-person concept, rather than permitting a person to be RIFed on the basis of the frequent irrelevance of position codes. We were also encouraged over the Agency's policy change to a long-standing AFSA proposal giving priority utilization to direct-hire Agency personnel over contract and PASA employees.

For the Secretary of the Year Award, AID proposed that six secretaries be eligible. In the interests of equity and fairness, AFSA counter-proposed that three Foreign Service secretaries share the award with three Civil Service secretaries. AID accepted our counter-proposal. On the Upward Mobility Program, AFSA has forestalled an apparent intent of AID to delay it, and is presently negotiating criteria for imminent implementation.

As the terminations and other negative AID personnel practices

appear to be on the wane, we intend to encourage more changes and to accentuate new initiatives which will further the Foreign Service of the Agency.

AFSA Negotiates Two Agreements with State On Selection Out Procedures

Your Association and the Department of State, after exhaustive talks, recently reached agreement on the text of the Precepts for a new Performance Standards Board and Special Review Board.

These precepts provide carefully prepared and clear guidelines on the performance standards required of those in State's Foreign Service, subject to selection out. Together with earlier negotiations on time-in-class, threshold, and related subjects, this provides a major and vital link in the forging of a chain of protection for the Foreign Service.

The Performance Standards Board

In the past, if a person were found to be in certain low ranges of rank-order lists by a selection Board, that person could be subject to selection out by merely being there, no matter that he or she had "done no wrong," nor fallen below minimum work standards (which were never clearly defined).

By virtue of the improved system, those now found in the very low ranges of rank-order lists (everyone is on a rank-order list) will be certified to a separate Board in alphabetical order. That separate Board will determine, based only on the written precepts, whether or not such officer fell below the minimum performance standards for the officer's class, but also strictly based on the written record properly before that Board. Such documented performance shortcomings may only be used if the officer has already been in present class for at least two years. The Standards Board must prepare a written justification in each case.

The officer may appeal any adverse decision of the Performance Standards Board to a separate Special Review Board, with full protection of due process.

The precepts for the Standards Board clearly list the only material available to the Board on which it must base its findings, certain

safeguards and protection, and a clear guide providing the criteria for the decisions and the Standard of Performance. The Board is directed to insure that each officer is considered with complete fairness. Mitigating or extenuating circumstances must be taken into consideration.

The names of the members of the Performance Standards Board and of the Special Review Board are subject to AFSA review, in advance, as are the members of all Selection Boards.

The Special Review Board

The Special Review Board affords officers whom the Performance Standards Boards have cited for selection out the opportunity of appealing that decision. Precepts for this Board are designed to safeguard the full rights to due process of the officers affected. The Special Review Board provides those officers the opportunity of a formal hearing and review of all of the performance material considered by the Performance Standards Boards. At this hearing, the officer may be represented by legal counsel and present witnesses, interrogatories and any relevant information he wishes. After thorough reconsideration of all the facts in the case including any new information introduced by the officer affected, the Board decides whether to uphold or reverse the selection out determination by the Performance Standards Boards.

In working toward an agreement, the AFSA negotiating committee tried to devise firm safeguards and genuine equity for officers choosing the appeals route. Management agreed to Special Review Board membership which would represent a broad cross-section of Foreign Service functional responsibilities and at least one Foreign Service member close in rank to the officer affected. While three of the five members are FSOs and therefore familiar with the unique qualities of Foreign Service life, the other two, one public member and a US Government agency member, must not have served in the Foreign Service community and will therefore lend a balanced, broader outlook to the Board. AFSA reviews all potential appointees. Additionally, an outside procedural adviser experienced in the

conduct of such hearings will assure that due process is accorded the officer whose case is being heard.

The officer under consideration by the Board has certain rights including:

- Pre-hearing access to all materials concerning his case considered by the Performance Standards Board including the statement supporting its decision;

- Representation by counsel;

- The right to present favorable witnesses and interrogatories;

- The right to cross-examine adverse witnesses;

- Travel orders and per diem if required; and

- Access to the Department's communications facilities for preparation of his case.

On the other hand, the Department's representative may be an attorney *only* if the officer affected is represented by an attorney. Further, the Department's representative may call witnesses and otherwise present evidence *only* to rebut or clarify evidence already presented by the officer.

The entire hearing procedure will be transcribed verbatim. The Board, after reviewing all information before it, will reach its decision by majority vote, with members not concurring submitting dissenting opinions.

And finally, the officer has the opportunity of filing a request for reconsideration citing specific errors of fact or interpretation in the Board's findings. The Chairperson of the Board must then promptly grant or refuse the officer's request.

The Department of State will release a full text of these precepts in a Foreign Affairs Manual Circular.

Selection Board Precepts Conclusion—And Beginning

The Association has now completed negotiations on a completely new, clear, and comprehensive set of Selection Board precepts. 1975 was the first year in recent memory that precepts have been completely negotiated before Selection Boards met.

The Association welcomes comments, criticisms, observations and any other response from members and non-members on the entire set of precepts. We expect to

enter into negotiations in February on the precepts that should be published well before the close of the next reporting period. We plan to use these precepts as a starting point.

No set of precepts can ever satisfy everyone, and all comments and contributions will receive careful attention and all will be included in the negotiation process. This is your Association. Use it.

AFSA STUDENT PROGRAMS

This is our final notice. All applications and supplementary materials for the 1976-1977 AFSA Financial Aid Grants and Merit Awards must be postmarked by February 15, 1976. For application forms and related materials call or write to: Mrs. Patricia Squire or Mr. Clarke Slade, 2101 E. St., N.W., Washington, D.C. 20037. (202-338-4047)

Financial Aid Grants for 1975-1976 ranged from \$300-\$1500 with a maximum of \$2000 to any one family. The Committee on Education feels that while a family's financial need status is not affected by the number of children in college at one time, neither should the family be penalized because there are several by the granting of only one grant per family per year.

Subcommittee and "Blue Ribbon Panel" To Report on the Scholarship Fund

On November 24, AFSA's new Treasurer JoAnn Jenkins announced that she had asked a group of AFSA members to investigate and report on charges made that the Association's and AAFSW's Scholarship Fund had been mismanaged by AFSA. These charges, made by AFSA presidential candidate Hemenway during and after his campaign, are that the Association has charged this fund excessively for administrative support and that it had illegally and improperly levied retroactive charges on the Fund. As the Scholarship Fund Subcommittee of the Finance Committee, this group headed by Board member Glenn Wolfe and including Cynthia Thomas, William Chapman, and Margaret Marks (AAFSW) is to report in January. Additionally a "blue ribbon panel" of retired people from DACOR headed by AFSA Executive Director Allen Moreland will be making an inde-

pendent review of the management of the Fund's half-million-dollar investment portfolio.

Independent Group Considers Affiliation With National Labor Union

On December 10, a group of Department Foreign Service employees, the "Committee for Affiliation," called an invitational meeting in the Department to discuss the pros and cons of a proposal to affiliate AFSA with a national public-sector union. Attending were representatives of the administrative and consular associations, political and economic officers, staff officers, AFGE representatives, and three AFSA board members. Jesse Clear, spokesman for the "Committee," examined briefly the various options available to AFSA including *status quo*, decertification, recall of officers, and affiliation. He then introduced the guest speaker, Thomas Fitzpatrick, Director of Field Services for the American Federation of State, County, and Municipal Employees (AFSCME) and his legislative and collective bargaining assistants.

Mr. Fitzpatrick dwelt on the public-sector and professional orientation of AFSCME and its successes in the legislative, organizational, and economic arenas under the leadership of its president, Jerry Wurf. The speakers stressed the degree of autonomy enjoyed by professional affiliates and described the legislative techniques, and administrative and research assistance the union can provide.

The question and answer period which followed was spirited. Topics included the recency of AFSCME's entry into the Federal sector; AFGE's position, performance, and experience within State/AID/USIA; hypothetical bargaining, grievance, administrative, and legislative situations; the degree of AFSCME's independence from the AFL-CIO; the mechanics and economics of affiliation, and the status of AFSA's present officers and certification under an affiliation agreement. One thoughtful questioner wanted to know what possible benefits AFSCME would derive from such an affiliation, since AFSA seemingly would receive so many.

Fitzpatrick's answer was that the Foreign Service is considered a prestige group; one whose affiliation would be appropriate for the largest public-sector and fastest growing national union.

People interested in this "Committee's" initiative should send AFSA their ideas, caveats, and alternative suggestions.

Rockefeller Public Service Awards Program Announces New Emphasis

The Rockefeller Public Service Awards Program is widening its scope to recognize outstanding contributions in public service at the local or state level, as well as national level—within government or outside.

For the past 22 years, the Rockefeller Awards focused on the distinguished work of federal career officials. The new awards program will honor individual US citizens in non-profit organizations, citizens groups, educational institutions and private enterprise as well.

The program is sponsored by John D. Rockefeller 3rd, and administered by the Woodrow Wilson School of Public and International Affairs at Princeton University. It is anticipated that five awards of \$10,000 each will be presented in late fall of 1976.

The new program will focus national attention on the most signifi-

cant recent achievements in crucial problem areas and the individuals responsible for them.

Although only five awards are planned, nominations are invited in nine critical problem areas identified for the first year of the new program. The areas are: (1) Expansion of employment opportunities, (2) Management of social conflict, (3) Reforming energy policies and practices, (4) Administration of justice and reduction of crime, (5) Rethinking and readjusting economic policies, (6) Restructuring inter-governmental relationships, (7) Reconsidering the role of public sector employment, (8) Redefining the role of the United States in world order, (9) International protection of environments and resources.

Achievements will be judged on their potential for improving the quality of American society. They will be evaluated on three criteria—how widely applicable and influential they are, how profound and durable they appear to be and how inspirational they have been. Each nomination must be submitted in the form of a Nominating Paper before April 30, 1976.

A brochure giving details on the nomination process can be obtained from: Rockefeller Public Service Awards, Woodrow Wilson School, Princeton University, Princeton, New Jersey 08540.

Life and Love in the Foreign Service



"And from now on, when a foreign ambassador says he wishes to present his credentials, don't make that allegedly hilarious remark of yours!"

Listings in this Special Services column are 40c per word, less 2% for payment in advance, minimum 10 words. Mail to Special Services, FSJ, 2101 E St., N.W., Washington, D.C. 20037.

GIFTS

THE AAFSW OFFERS an assortment of ten informal notepapers with envelopes depicting five scenes from the Department of State Reception Rooms. They may be obtained at the Housing Office, Room 1248, Department of State, for \$3.00, or by mail, AAFSW, Publications Sales Committee, P.O. Box 8068, Washington, D.C. 20024 for \$3.25. All proceeds go into the Educational Aid Fund.

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AFSA Raises Eligibility For Mustang Program From FSS-4 to FSS-3

At the Board Meeting on November 19, there was unanimously approved an agreement with State management that FSS-3 (equivalent to FSO-5) people might participate in the "mustang" program. This is a method by which staff people may elect to become Foreign Service officers. The reason behind the change was that a person should not be limited as to choice of pay-plan simply because she/he had risen to FSS-3. There are about 100 people in that rank.

Foreign Service People

Births

Lenderking. A son, Justin Alexander H., born to FSIO and Mrs. William Lenderking, on October 29, in Rome.

Deaths

Bohan. Merwin L. Bohan, retired Ambassador, died on November 23, in Dallas. Ambassador Bohan joined the Foreign Service in 1927 and served at Habana, Guatemala, Tegucigalpa, San Salvador, Lima, Quito, Santiago, Bogota, Buenos Aires, Mexico City and with the OAS with personal rank of Ambassador. He was the author of two books, "Investment in Cuba" and "Investment in Chile" published by the Department of Commerce. Ambassador Bohan received the Grand Cross Order of the Southern Cross from Brazil and the Order of the Quetzal from Guatemala. He is survived by his wife, Harriet, of 6902 West Lake Dr., Dallas, Texas, a daughter Elizabeth and a sister, Mrs. Lee Douglas, of Mexico.

Boyce. Mildred McCabe Boyce, wife of FSIO-retired Ralph L. Boyce, died on December 3, in Washington. Mrs. Boyce accompanied her husband on assignments to Taipei, Saigon, Lahore, Honolulu and Tokyo and was an active member of American and international women's clubs. She is survived by her husband, of Nokesville, Virginia, a son, Ralph, Jr., of Princeton, N.J. and a daughter, Elizabeth Ann of Arlington, her mother and six brothers and sisters.

Gardiner. Arthur Z. Gardiner, FSR-retired, died on December 4, in Washington. Mr. Gardiner entered government service in 1942 and served with FEA and ECA and the Department of State. He helped organize and direct economic aid programs for Greece and

Turkey, served as representative to UNRWA and as economic minister to Pakistan. He also served in Saigon and Tokyo before his retirement in 1964. From 1964-69 he was executive director of IVS. He is survived by his wife, Emily, of 810 Bull's Neck Road, McLean, Virginia, a daughter and three sons.

Hunter. Winifred Avis Shirley Hunter, FSSO-retired, died on November 9 in Aiken, South Carolina. Mrs. Hunter entered on duty with the Foreign Service in 1929 and served at Buenos Aires, Santiago, Windsor, Ciudad Juarez, Managua and Madrid, before retiring in 1950. She is survived by a cousin, Mrs. Lila Paton, 620 Whites-town Road, Zionsville, Indiana.

Pitts. Josephine F. Pitts, wife of FSO-retired Henry L. Pitts, Jr., died on November 24 in San Francisco. Mrs. Pitts accompanied her husband on assignments to Panama, Buenos Aires, Porto Alegre, Venice, Madrid and Mexico City. She was active in volunteer work with the AAFSW and other organizations. She is survived by her husband and daughter, Sandra, of 510 Molimo Dr., San Francisco, two sons, James of New Orleans, and John, assigned to the Consulate General at Milano.

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Awards Luncheon

AFSA's Eighth Annual Awards Luncheon on December 12 in the Benjamin Franklin Room drew 150 members and guests to honor the recipients of the Herter, Rivkin and Harriman awards.

AFSA President John D. Hemenway opened the presentation ceremonies welcoming the contributors of the awards, members, guests and recipients and introducing those at the head table. He read a statement from Governor Harriman whose recent illness prevented him from being the speaker. Governor Harriman wrote, in part, "I am grateful to the Foreign Service Association for its efficient and careful handling of this award over the years. I established it hoping that it would not only stimulate courageous, unorthodox thinking among our Junior Foreign Service officers but also jar the Department into the recognition of originality as a virtue rather than something to be feared." Mr. Hemenway also announced that AFSA's scholarship fund had been enriched by over a thousand dollars in royalties from sales of William B. Macomber's book, "The Angel's Game," published last summer.

The president then introduced Under Secretary Joseph J. Sisco who was Governor Harriman's choice to replace him as the speaker. Mr. Sisco remarked on his pleasure as a "deputy archangel" and on the distinguished list of speakers who had preceded him "at this annual rite where the Association reaffirms its admiration for the dedication and courage" of the award recipients. He expressed his deep regard for Governor Harriman, "dedicated to the public service in every sense of the word . . . he brought out the best in all of us, an independent soul, an independent spirit, a man who was always willing to express himself courageously." Mr. Sisco went on to say that the awards were especially timely at this moment when we face a crisis in government with "efforts being made which could destroy the intelligence services of this country. Anyone dedicated to the public service must ask himself what he can contribute." He called attention to the changing standards and ground rules and said "we are in great danger . . . of reflecting an uncertain image in the world. This

country has to pull itself together with more effective cooperation between the Executive and Congress . . . be no longer a house divided." Asking what this means for the Foreign Service, what kind of people should we be looking for, he said "people who can develop into political executives in the broadest sense . . . young men and young women thinking about broader concepts."

Christian A. Herter, Jr., presented the award which he and his mother established in honor of the late Secretary of State to Francis J. McNeil. Mr. McNeil received the award for a major contribution to a policy change on the issue of Cuban sanctions. He spoke briefly in response to the award calling attention to the change in climate since the days of the China hands and remarking that this spoke well of the Service's tolerance of dissent.

Mrs. John S. Long, widow of

Ambassador Rivkin, presented the Rivkin Award which is funded by members of the late ambassador's family, to L. Craig Johnstone and Lionel Rosenblatt, who risked both their personal safety and their careers to help the evacuation of some 200 non-VIP Vietnamese. Messrs. Johnstone and Rosenblatt stated that they accepted the award as a symbolic action which also honored others who had been similarly involved.

The Harriman Award was presented by Ambassador Franklin Williams to Gilbert D. Kulick who was cited for drafting a position paper and for operating through the dissent channel with the result that many of his points were adopted in a final modified set of instructions, classified by his Staff Director as "dissent at its best."

Nominations for the 1976 awards are now open and the specifications for these nominations will appear in the February issue.

Donald Rivkin, Joseph J. Sisco and Mrs. John S. Long before the Awards luncheon.



The 1975 Awards winners, from l. to r., Gilbert D. Kulick (Harriman), Lionel Rosenblatt (Rivkin), Francis J. McNeil (Herter), and L. Craig Johnstone (co-winner, Rivkin).



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