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Quebec Independence: Is It Coming?

Our Musical Chairs Diplomacy

Death Watch



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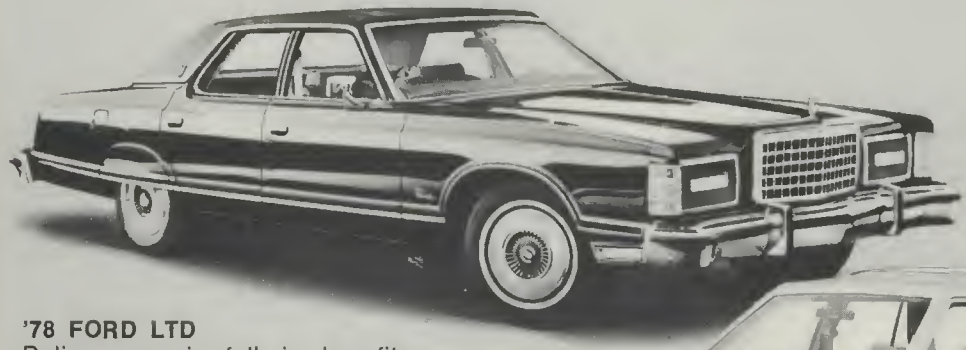
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AFSA RECOMMENDS FS EXCLUSION FROM C.S. REFORM ACT

Congress is currently considering the President's proposed Civil Service Reform Act. After careful study of the proposed bill, AFSA believes that the foreign affairs agencies should be excluded from the provisions of this legislation.

If enacted in its present form, a new Senior Executive Service would be created, consisting of some 9,000 super-grade positions in the Civil Service in all Federal agencies, including most FSO-1 and FSO-2 positions in the Foreign Service, and the personnel in the Civil Service and Foreign Service of those ranks. Henceforth, assignments to those positions and promotions to those ranks would be largely handled government-wide. Senior positions in the foreign affairs agencies could be filled by persons with no prior experience in the Foreign Service and senior Foreign Service personnel could be transferred to fill positions in other agencies. Further, in its current form, the bill would legislate an employee-management system along the lines now provided for in Executive Order 11491 which governs such matters in the Civil Service. It was because the provisions of E.O. 11491 were not suitable to the unique requirements of the worldwide, rank-in-person Foreign Service personnel system that a separate executive order, E.O. 11636, was issued in 1971 to cover the foreign affairs agencies. We continue to believe a career in the Foreign Service is sufficiently different from a career in the Civil Service to justify a different system of employee-management relations.

There follows a partial text of AFSA's letter to the appropriate Senate and House Committees explaining AFSA's position:

Senior Executive Service

The Association opposes inclusion of Foreign Service personnel and positions in the proposed Senior Executive Service. In fact, the Foreign Service in the three foreign affairs agencies already operates on the basis of a rank-in-person system which requires the kind of rotation among jobs which develops broad-ranged managers. The SES proposal is ill-defined, with no clear indication of how it would be implemented. The SES would provide a rank-in-person system which allows flexible assignments, but only at the senior level and covering all agencies. This program is fundamentally incompatible with the existing personnel structure of the Foreign Service, which operates on a rank-in-person system with mobility among jobs throughout an entire career.

The pursuit of our national objectives in the area of foreign policy requires a Foreign Service system which trains people in diplomacy through their careers, and which can retain those individuals in the Foreign Service in senior positions. The career concept of the Foreign Service also depends on the availability of senior positions for those personnel who spend their professional lives developing the necessary skills and attributes to fill them. Those senior level jobs are an integral part of the total Foreign Service personnel system and should not be treated differently.

As set forth in the Foreign Service Act of 1946, members of the Foreign Service are carefully chosen and trained in diplomacy and advanced in a competitive process to the senior ranks on the basis of merit. Once a Foreign Service employee is appointed to a position in the SES, and through SES procedures is appointed to a position in another agency where the employee's managerial skills may be needed, the employee's transfer may be of a permanent nature such that his or her skills in diplomacy will be permanently lost to the Foreign Service. We are sensitive to the Foreign Service's responsibilities to represent abroad the entire US Government and of the necessity that Foreign Service personnel be familiar with the work and problems of other federal agencies. Rather than relying on the SES personnel system to provide a means to develop understanding between the Foreign Service senior personnel and those of other agencies, we advise that this be accomplished in the future as it has been in the past; that is, there should be exchanges of personnel on temporary details for one or two specific assignments. These details afford excellent opportunities for personnel to learn about developments in the other agency and to exchange necessary information without the cost to the Foreign Service of losing the employee whose career talents and interests lie in diplomacy.

The overseas dimension of Foreign Service work further compounds the incompatibility of the Foreign Service and the Civil Service systems. Foreign Service personnel are available for service worldwide; the senior Foreign Service positions in Washington are filled by the same group of officers who fill comparable positions overseas. The integrity of the total system requires that there be no differentiation between the competitive processes for meeting the personnel requirements in Washington and overseas. Moreover, it is paticularly important that those positions overseas traditionally occupied by Foreign Service personnel be filled with individuals who have acquired the necessary professional diplomatic skills, generally learned from prior overseas experience.

Advancement to the senior levels in the Foreign Service is based upon successful peformance and competition in the middle-level positions, both overseas and in Washington. With respect to the Department of State, AFSA and management of the Department are developing a senior threshold selection process which will be more effective in the selection of personnel from the mid-career to the senior ranks.

Section 3134 of S. 2640 limits the number of non-career appointees and non-career positions in the SES to not more than 10 percent of the total number of SES positions governmentwide. As you are probably aware, positions in the foreign affairs agencies have always been particularly attractive to political appointees, and the Foreign Service is thus more susceptible than its domestic counterparts to being faced with the lion's share of political appointments. A limit of 10 percent on such positions government-wide in the SES may serve domestic agencies adequately, but it would be a tremendous disservice to our nation's interest in a career Foreign Service based upon merit. . . .

Labor Relations

With regard to the proposed title governing employee-management relations, AFSA submitted a statement before your Committee in support of legislation such as H.R. 9094, but which would recognize the special needs of the Foreign Service. As you know, the Foreign Service is currently covered by Executive Order 11636 instead of Executive Order 11491, because of the unique requirements of the worldwide, rank-in-person personnel system necessary to meet our agencies' responsibilities. We believe it preferable to have legislation rather than the current Executive Order, and we continue to press for it. The scope of the bargaining unit, the scope of negotiations, applicable grievance procedures, and the appropriate unit for bargaining are all areas where specialized provisions are necessary to take into account the unique features of the Foreign Service. Unfortunately, as these special problems have not been taken into account in H.R. 9094, the bill would not provide the Foreign Service with the advantages which it offers the Civil Service.

I trust these views will be helpful to you and your Committee, and hope that your decisions will reflect our considered opinion on the positions we have taken.

"He wasn't there again today. I wish, I wish he'd stay away." — Hughes Mearns

The Man Who Wasn't There

GEORGE T. CHURCHILL

Jerome intended to be a spy, the first invisible spy, no less. He had not come all the way to Washington to be a reports coordinator. No, his niche was much farther up the great beetling cliff of the Washington bureaucracy. He would be the first spy to walk undetected into the Kremlin and take notes at the Politburo staff meeting.

Still, as a toe hold, reports coordinator was not a bad job. Jerome mailed out questionnaires to various companies and collated the replies. Collated meant he filed three copies and put the fourth, fifth, and sixth copies in the burn bag, crumpling them carefully as he had been shown. Each January he put all the files that were three years old into cardboard boxes, taped them shut, and turned them in at Central Files for a handful of blue receipts. In another 24 years, by his computation, there would be enough receipts to fill a box to be carried down to Central Files. It was a job that allowed him time to think, since no one ever asked to see the questionnaires.

Time to think was what he needed if he were to solve the puzzle of invisibility. The ancients had supposed a magic cloak or cap might do the trick. Since magic and science are now one, could a cloak be devised that would deflect light rays around the wearer? Power sources would have to be considered. He might need to carry a large battery under his arm and plug himself into a wall socket at inconvenient times. There would be obvious hazards, too. Suppose the cloak got caught in the elevator doors at the Kremlin, leaving him there in plain view between Brezhnev and Gromyko, with his note pad in his hand.

Others had supposed some chemical could be swallowed that would cause light rays to pass straight through the body. The chemical would, of course, have to be tested by FDA, to be sure it didn't promote cancer. Jerome could see endless complications. How do you detect cancer in a rat you can't find? Would invisibility be inherited? Imagine the laboratory, perhaps the whole city, overrun by invisible rats. And in the end what do you have? Your invisible spy would have to dash about naked through the frosty streets of Moscow. Any idiot with a can of spray paint could blow his cover.

The answer came at the most unexpected time. Jerome, having made the necessary appointment the previous day, was talking to Mr. Crudleigh, his immediate supervisor. "The second drawer of the left-hand safe," he was saying, "on occasion malfunctions. Not always, you understand, but . . ." It came to Jerome that Mr. Crudleigh was no longer listening. More to the point, he no longer saw Jerome. His eyes had glazed over and he was staring at a calendar picture of the Andes on the far wall. Jerome's heart bounded. In a flash he had discovered the Principle of Invisibility.

He explained the principle to Muriel over a plate of stewed lamb at the Astor that evening. "Invisibility is as much art as science," he told her. "As much mime as mechanics. One need only find the cross-over points where the human mind dismisses what is, objectively speaking, in plain view."

"I just don't see it," Muriel said, concealing a yawn.

"You just watch!" Jerome said. "I intend to be. . . I intend to be the first spy to walk into the Kremlin!"

"Count me out on that one," Muriel murmured. Her attention had drifted to the bearded man across the way who was eating fried squid with his fingers. The waiter passed their booth three times before noticing that Jerome was signaling for the check.

Whatever catches the eye or ear works against invisibility. Words like "dollar-bill" or "gangster" or "skin-flick" must be avoided. Others such as "correlation," "inevitability," or "significant" cause the eyes to blur and the attention to stray into less stony pastures. Best of all are such combinations as "enhanced coordination" or "felicitous adaptation" spoken earnestly in a flat voice.

Clothes are important too. Lively ties and tattersall vests must go. A dark green tie with a faint cross-hatching of purple, on sale for $2.95 at Peoples Drug Store, will cause an instinctive embarrassed aversion of the eyes. Dusty black shoes, an unpressed suit of vague polyester fabric in one of the mushroom shades will complete the ensemble for one aspiring to disappear.

With the dedication of an athlete in training, Jerome willed himself to be invisible. There is, he discovered, much to be learned from bores. Not your everyday monologuists or the elderly aunties who do go on, but the great crashing bores of this world who fix you like a beetle on a pin and tell you in detail and in multiple versions things you are yearning not to hear. But why does the bore cling so desperately to his victim? Because, Jerome realized, because the bore *knows* that if he lets go he will become invisible. By sheer accident the bore has stumbled on the priceless secret of invisibility, but is terrified to use it. Jerome's task, therefore, was to practice the art of boredom and to become at last the bore who let go.

"I am seeing someone else these days," Muriel told him when he called. It was as well. On their last date she lost sight of him in the Hot Shoppes cafeteria line and drank her coffee alone, although he sat beside her talking the whole time.

Active avoidance, Jerome discovered, is even more effective than your common slipping-away variety of disappearance. "None so blind as he who will not see." When a group of University students streaked by Queen Victoria, that prim old lady never knew to her dying day that they were naked. Show a man what he hates to see, and he will find a way not to see it. It was enough, Jerome found, to look and sound like the bearer of discomforting news. People would somehow find a way not to see him.

Sidling up to a policeman, Jerome put on his best herald-of-doom expression. "Without for a moment suggesting dereliction of duty," he began. The policeman suddenly blew his whistle and leaped into the street to hury up a startled driver who was already doing the speed limit down Constitution Avenue. It was a good start.

George Churchill will be remembered as the author of "The Man Who Hated Flies" (FSJ, *March*).

Jerome shuffled into Mr. Crudleigh's office without an appointment; his secretary never saw him at all. Mr. Crudleigh looked up in astonishment. "Relative to the continued operational requisites of the coordinating function. . ." Jerome began in his most earnest voice. Mr. Crudleigh's eyes settled into a fixed stare. "It has no doubt occurred to Management that with proper attention to. . ." Mr. Crudleigh yawned, shook his head, and began to blue-pencil a memo on his desk. Restraining the urge to shout, Jerome strode back and forth across the office advocating government-wide reorganization, administrative redundancy, and at length, since Crudleigh was clearly oblivious to his presence, interoffice copulation and the abolition of all supervisory positions. Leaning on Crudleigh's desk, Jerome dumped over the jar of paperclips and set the government-issue glass paperweight spinning on its round top. Invisibility was working! As a final test, he snatched Crudleigh's pen from his coat pocket and, sitting on the desk top, scrawled a big X across the paper his boss was reading. Crudleigh jumped when he saw the curious inklines appear on the paper, but he did not look up. He shook his head, turned the page in puzzlement, and again began his meticulous blue-penciling. Jerome walked out unseen. The secretary did not look up.

When he discovered the final axiom of invisibility, Jerome felt he was ready to cross the river and offer his services to CIA. It had worried him that he had to be seen, perhaps even heard, before people would shut him out of their minds. Before the huge woman on the bus sat down on him, she had surely seen him, if only for a split second. She jumped up with an apologetic squeak, then, looking perplexed, sat back down on him again. This time Jerome gave her such a pinch right through dress and corset and all that she shrieked, leaped to her feet, and waddled off in utter confusion to the front of the bus. The point was that in spite of the pinch she not only stopped seeing Jerome, but quite forgot that she ever had.

Secure in this knowledge, Jerome boarded the blue bus that travels the CIA route. The driver turned a blind eye the moment Jerome began explaining why he had no pass. Through the streets of Rosslyn and up the sun-dappled parkway Jerome's nerves jumped with anticipation and anxiety. He needn't have worried. The bus carried him through the chain-link gate, past the guard-booth, and up to the CIA building.

The main entrance was less frightening than the Kennedy Center, which dwarfs a man and renders him conspicuously out of proportion. The CIA entrance was merely large. The guards looked friendly. The moment Jerome spoke they turned away so fast they collided. Jerome walked on past, leaving them struggling to disentangle their jacket buttons.

Within, the CIA building warmed Jerome's heart. Along the beige halls they had painted their office doors bright colors—scarlet, violet, puce—in a last ditch effort to fend off the final stages of narcolepsy. Even the art in the halls was the best kind—abstract.

Jerome had discovered that people looking at a Corot or Sargent at the National Gallery were distinctly annoyed if he stood in their way. Invisibility began to fray at the edges. At the Hirshhorn, on the other hand, no one



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noticed if he blocked the view. Experimenting there in front of a splendid black-on-black canvas, Jerome found that art lovers' eyes glazed only a little more when he stuck his head directly in the way.

In the Pentagon, amidst the hard-edged generals and intricate machinery portrayed on the walls, he felt always in danger of reappearing. The seventh floor of the State Department was more congenial. Ancient Secretaries of State looked out at him with eyes saddened by years of decorum and the miseries of dealing with diplomats. Dim views of mountains and waterfalls were misty around the edges. No threat to invisibility there. But best of all was the CIA, where great swirling abstracts swept over the limits between the real and imagined, reducing life in these pale corridors to a dream of motion.

Jerome headed at once for the biggest office he could find. Walking with practiced ease past the secretary who never looked up from her nail polish, Jerome approached the gray-haired man behind the big desk. The American flag in one corner bespoke high rank. A broad expanse of windows looked out over the trees. The man looked up in surprise as Jerome approached. "Perhaps," Jerome began, "the inappropriate conspicuousness of the ordinary counter-espionage agent has been acknowledged as. . ."

The man swiveled his chair and looked out the window tapping his finger tips gently together.

"The principle of invisibility is, of course, integrally related to. . ." Jerome said.

"Shirley," the man called. "Come on in here and bring your notebook." In no hurry, she sauntered in blowing on her nails.

"You know I hate that dress. It makes you look bunchy."

Jerome held up a placating hand. "The matter under discussion," he said, "will no doubt be perceived as more. . ."

"You're just trying to make me mad," Shirley said, "to get out of taking me to the beach."

"A motel in West Virginia is one thing," said the gray-haired man, "but Rehoboth!"

Jerome realized with a start that even though both had to lean around him to see each other, they had no idea he was there. Should he speak plain English?

"And after I've given you the best weeks of my life!"

Jerome backed silently toward the door, trying to be as invisible as possible.

"Oh come on, Shirley. We'll have a nice lunch out of town somewhere and afterwards. . ."

"Liver and onions at Howard Johnson's down on Route One again! All you ever care about is the afterwards."

Jerome pulled the door shut behind him and stood disconsolately in the hall. Dreams die hard! The Kremlin was, after all, beyond his reach. Of course he could become visible and make these people pay attention. But invisibility is retroactive. The moment he demonstrated his power, they would forget he had ever been there. And anyway being invisible was so comfortable once you were used to it.

Forlornly Jerome drifted through the halls of CIA, peering over shoulders here and there, drinking coffee from the office coffee pots, looking through the files on

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Chile and Greece. He ate his meals in the cafeteria and slept like a gypsy on a different couch every night. On the fourth day he found himself in a conference room beside a large man in a snuff-colored corduroy suit. The man tapped out his pipe and leaned forward to speak. "We would, of course, want to give your proposal the, ah, the. . ."

"Appropriate consideration," Jerome prompted.

"Appropriate consideration," the man said with a pleased smile. "Although your recommendation is hardly, ah, scarcely, ah. . ."

"Within the parameters of established policy guidelines," Jerome said.

"Within the parameters of established policy guidelines," the man announced, sinking back in his chair with a sigh of satisfaction. Jerome smiled an invisible smile. "For the foreseeable future!" he burst out.

"For the foreseeable future," the chairman picked up, "we will proceed on the assumption that. . ."

On the first floor, Jerome found a lavender door labelled "Assignments Correlation Unit" where a young lady mailed out preference questionnaires in six copies to employees overseas and correlated the replies. Correlated meant that she matched up the jobs people wanted against the jobs coming open and wrote down the results on another form, filing everything at the end of the day in a large olive-drab safe. It was a quiet job as no one asked to see the files. Once a year she neatly placed the four-year-old folders into cardboard boxes, tied them up and carried them down to Central Files where she was given a handful of receipts to be filed under "R". Jerome held his finger on the string while she tied the knots, although of course she had no idea he was there.

Her name was Cynthia. Although not as robust as Muriel, she was pleasant to watch as she bent gracefully over the file drawers. After a few days, she had her hair done up a new way, and began wearing a blue cardigan to work, Jerome's favorite color. At the morning break, she started bringing two cups of coffee, finding with mild surprise that she seemed to have drunk both while they were still hot. When he was not needed at staff meetings or conferences, Jerome would tilt back in his chair across from Cynthia and talk to her while she hummed over her forms, now and then blushing prettily at something she could have sworn she almost heard.

It would have been a grand thing to be the first spy into the Kremlin. But it would also have been, Jerome began to see, a cold and lonely thing to do. Invisibility had to be a way of life or it couldn't be achieved at all and, he began to suspect, he wanted to be a spy so that he could be famous, which is quite the opposite thing. Reaching for one of the cookies Cynthia had begun to bake for morning coffee, Jerome knew he was cut out to be a loyal, if unseen, member of the team. Though he would never earn his security badge, the possibilities were endless. Only yesterday he sat at the right hand of the Director himself at staff meeting, and slid in front of him a note reading, "Cool it, Chief, this is *not* the Navy." The Director's wind-tanned face had flushed with annoyance, but he got the point. And Cynthia! Not every woman prefers a visible lover. Jerome rocked back in his chair smiling his invisible smile.

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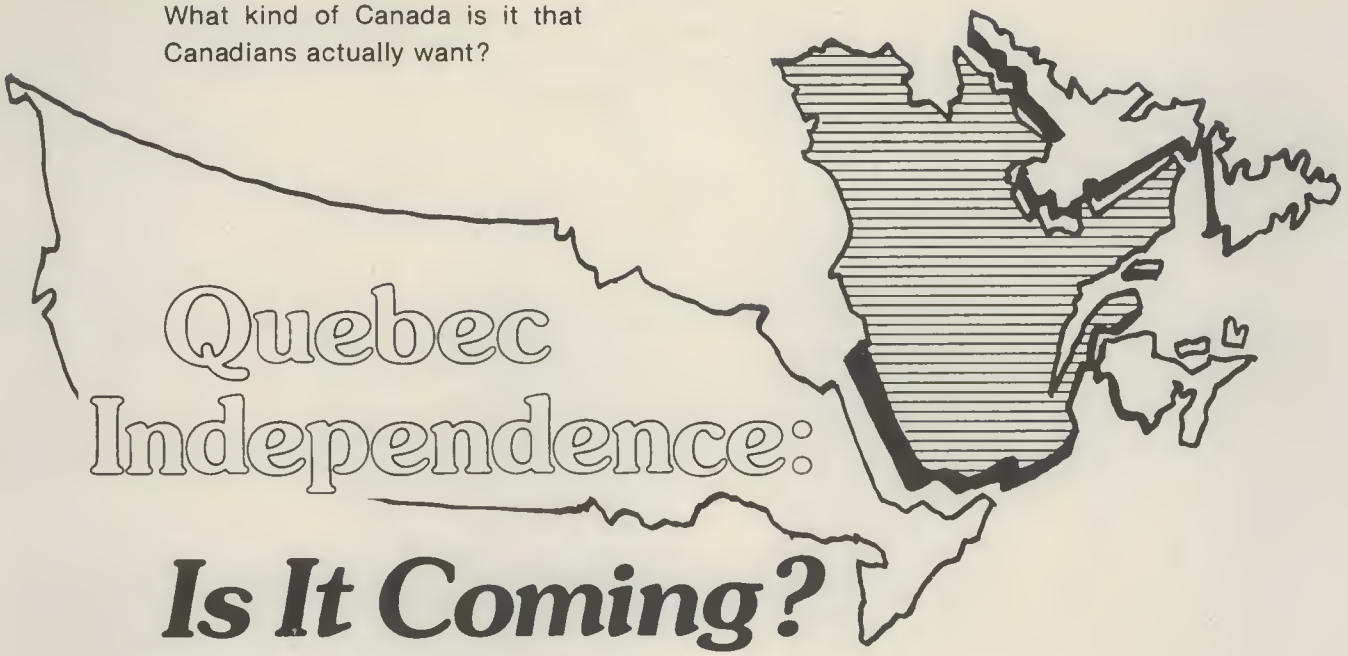
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What kind of Canada is it that Canadians actually want?



Quebec Independence: *Is It Coming?*

DONALD E. NUECHTERLEIN

Until November 1976 few Americans were aware that Canada's national unity might be threatened by the determination of Quebec nationalists to separate their province from the rest of Canada, after more than two hundred years of political domination by English-speaking governments in London and Ottawa. Canadians, however, were fully aware of the potential threat since 1960 when a new provincial government decided to modernize Quebec's economy and assert the cultural distinctiveness of its six million French-speaking citizens. Indeed, the election of Pierre Elliott Trudeau, himself a French Canadian, to the position of Prime Minister in 1968 was a signal that the ruling Liberal Party in Ottawa believed that persuading Quebecers to remain in the Canadian Confederation was probably the most important challenge the federal government would face in the 1970s.

The elevation of the Parti Quebecois to government power in Quebec following provincial elections on November 15, 1976, was a serious setback to the Trudeau government because it signaled the failure of its vigorous efforts to stem the growth of this separatist party by emphasizing the bilingual and multicultural nature of the new Canada. The Parti Quebecois, led by a brilliant politician, Rene Levesque, won the election on a platform of good government in Quebec, but it made no secret of its determination also to bring about the independence of Quebec as soon as public opinion would permit it. A leading figure in the new government, Claude Morin, was quoted by the New York *Times* as saying: "What we shall propose to the rest of Canada when the time has come is a new type of association which shall take into account the requirements of economic independence as well as the historical and natural aspirations of Quebecers to be the masters of their own national destiny."

Since November 1976, the key question asked by Canadians, and by many Americans, is: Will the independence movement in Quebec run out of steam as the economic realities of separation become clear, or is the nationalist drive likely to gather momentum under Levesque's vigorous leadership? A second question is: If the nationalists cannot muster a clear majority for separation in the referendum, will the radical elements in Quebec resort to violence to try to achieve their goals—as some of them did in Montreal in 1970?

Canadian National Interests

To understand the outcome of future events in Quebec and their impact on the remainder of Canada and the United States, it is important to assess the national interests of Canada and the United States, and the national aspirations of Quebec separatists. For Canada, the Trudeau Government outlined its assessment of Canada's interests in a series of pamphlets published in 1970 entitled: *Foreign Policy for Canadians*. In the first of these, under the heading "Basic National Aims," the document stated that Canada had three basic national interests, or aims:

- that Canada will be able to remain secure as an independent political entity;
- that Canadians will enjoy an "enlarging prosperity in the widest possible sense";
- that all Canadians will see in the life they have and the contribution they make to humanity "something worthwhile preserving in identity and purpose."

These basic national interests are predicated on two "inescapable realities," the document asserted, both of them crucial to Canada's continuing existence: "Internally, there is the multi-faceted problem

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of maintaining national unity. It is political, economic and social in nature; it is not confined to any one province, region or group of citizens." (The overriding priority, therefore, was maintaining the political integrity of the Canadian Confederation, without which Canada might not survive as a nation-state.) "Externally, there is the complex problem of living distinct from but in harmony with the world's most powerful and dynamic nation, the United States." (Here the Trudeau Government was alluding to a growing external threat to Canada's national interests—the economic and cultural pull from the "colossus to the south.") In sum, the Trudeau Government acknowledged in 1970 that the primary national interest of Canada was to preserve the political, economic and territorial integrity of the country against two threats: one from the Quebec separatists, and the other from the United States. Trudeau's objective was to accommodate the six million French-speaking Quebecers more fully into the confederation (total population, 24 million) by asserting a *Canadian* identity vis-à-vis the 230 million Americans.

In 1972, Secretary of State for External Affairs, Mitchell Sharp, authored a long article for the Canadian journal *International Perspectives* (Autumn 1972) entitled: "Canada-US Relations: Options for the Future." In it, Sharp laid out the dilemma in Canadian foreign policy posed by the United States, as well as the policies the Trudeau Government planned to follow to cope with this threat to Canada's interests. Sharp stated:

"The Canada-US relationship, as it has evolved since the end of the Second World War, is in many respects a unique phenomenon. It is by far our most important external relationship, but it is more than an external relationship. It impinges on virtually every aspect of the Canadian national interest, and thus of Canadian domestic concerns."

Sharp's worry was that Canada's strategic dependence on the United States, growing out of the Second World War, had caused the country to become economically dependent as well. The thrust of his argument was that Canada would lose its independence of action if it continued along the road of "continentalism." He then cited three options in Canada's relations with the United States: "a) we can seek to maintain more or less our present relationship with the United States with a minimum of policy adjustments; b) we can move deliberately toward closer integration with the United States; c) we can pursue a comprehensive long-term strategy to develop and strengthen the Canadian economy and other aspects of our national life and in the process to reduce the present Canadian vulnerability." The Foreign Minister then argued strongly in favor of the "third option," as it came to be known:

"The basic aim of the third option would be, over time, to lessen the vulnerability of the Canadian economy to external factors, including, in particular, the impact of the United States and, in the process, to strengthen our capacity to advance basic Canadian goals and develop a more confident sense of national identity . . . The accent of the option is on Canada. It tries to come to grips with one of the unanswered questions that runs through so much of the Canada-US relationship, which is what kind of Canada it is that Canadians actually want. It is thus in

The Quebec Situation

PATRICIA G. ERICKSON

How was it that a scattering of thirteen weak American colonies, with peoples from many racial, cultural, historical and linguistic backgrounds, was able to form a United States of America while Canadians, with basically only two differing founding groups, until this day question who and what they are?

To be truly a nation, there has to be a national mythology complete with heroes, herculean struggles against tyranny, and a sense of mission, as Ramsay Cook wrote in his *Canada and the French-Canadian Question*. The American Revolutionary War provided the American colonists with those necessary ingredients. By engaging in a war against a formidable opponent and with heavy odds against their success, the American colonists' gamble was tremendous and their reward for winning was total freedom—a complete severing of ties subordinating them to any European power. They won full responsibility for their future development, and with responsibility came leadership qualities and some modicum of wisdom difficult to develop otherwise.

Canada, on the other hand, has maintained its ties with Britain. All official Government acts and decrees must have the approval of the Governor-General who represents the Queen of Canada*. When taking the oath of allegiance to Canada required for citizenship, new Canadians also swear loyalty to Her Majesty, Queen Elizabeth. And while membership in the British Commonwealth is voluntary and the Governor-General's role is largely ceremonial, he does retain broad discretionary powers that may on occasion be exercised. For instance, he has the power to dismiss a government for unlawful or unconstitutional actions.

For Americans unfamiliar with Commonwealth relationships, it is easy to assume this places Canada in a subservient role; however

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*Queen Elizabeth II of Britain is also Queen of Canada.

no sense in anti-American option. On the contrary, it is the one option of all those presented that recognizes that, in the final analysis, it may be for the Canadian physician to heal himself."

In line with this policy, the Ottawa Government enacted an investment review law which screens all new foreign investment to insure that Canada's economic interests are protected; it placed restrictions on Canadian advertising on US television programs watched by Canadians; and it provided large financial support to Canadian writers, artists, musicians and other cultural activities in order to create greater appreciation for Canadian culture. It has also sought to expand its trade relations with Europe and Japan, to offset the huge trade flow to and from the United States (two-thirds of Canada's imports and exports are with the United States).

In view of these new directions charted by the Trudeau Government, the following conclusions may be drawn about how Canada defines its national interests in the 1970s and the policies it is pursuing to protect them:*

Defense of homeland. Canadian defense is inextricably tied to that of the United States, and the close postwar continental defense arrangements should be continued.

Economic well-being. Canada's economic ties to the United States have resulted in a real possibility that Canada may lose control of its economic policy to the United States and that Canadian industry will be dominated by American interests. Therefore, Canada must insure that new foreign investment benefits Canadian rather than American interests and that Canadian laws apply in all trade relations.

World order. Canada must have an independent policy in world affairs in order to avoid being seen as an American satellite. It must also build bridges to Francophone nations in order to make French Canadians feel more comfortable within the Canadian Confederation.

Ideological. Canada must build a deeper appreciation of its own political and cultural identity in order to avoid being absorbed into the American states. It must also convince French-speaking Canadians that they have more to gain by remaining within the larger Canadian framework than would be the case in an independent Quebec state.

**For definitions of these categories, see Donald Nuechterlein, "National Interests and Foreign Policy," Foreign Service Journal, July 1977.*

Quebec's National Aspirations.

Although the Parti Quebecois campaigned primarily on a reform platform in the provincial elections of November 1976, it never left a doubt about its ultimate goal: independence and sovereignty in economic association with the rest of Canada. The party's program was outlined in a 1975 pamphlet entitled: "Summary of the Programme and the Statutes of the Parti Quebecois." A section entitled "The Political Life in a Sovereign Quebec," stated:

"Now, four centuries of a common history have made Quebecers a *nation*. Quebecers have an indisputable desire to live together and to preserve their own culture as it has been enriched by the contributions of each ethnic group which has chosen to live with us . . . Meanwhile, Quebec does not yet have the political levers which will

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Canadians would disagree with such an assessment, stressing that by the Statute of Westminster in 1931, the Governor-General of Canada ceased to represent the British Government and became solely the personal representative of the Sovereign, Queen Elizabeth. Under the British North America Act, the Crown is the unifying power of the executive, the legislative and the judicial and is the legal point of reference for state authority in Canada. As recently as 1949, the United Kingdom Parliament, at the request of the Canadian Government, revised the BNA Act to give Canada amending powers on all matters except those relating to provincial rights, languages and minority rights in education. In June 1971, the seventh Conference since 1968, provincial premiers submitted various proposals to their legislatures including that authority to amend the BNA Act be transferred from the British to the Canadian Parliament. All the other provinces approved the new charter except Quebec. Nevertheless, many Canadians today are continuing to look seriously at the British North America Act and Confederation with an eye to making changes and reassessing their relationship with Britian.

With the American Civil War, nationalism in the United States was again tested and tempered much in the same way a fine piece of steel is forged by exposure to intense heat. It was a bloody, bitter, and very shattering struggle with both sides morally convinced their position was the only just one. With the victory of the Unionists, the stamp of one-nationhood was permanent. Americans since then have never seriously questioned their identity. Even the bitterness caused by the Vietnam conflict had little effect on an American's feelings of who and what he was, or is. He opposed his Government's actions in an unpopular and what many considered to be an unjust war. Many came to Canada to avoid fighting in Vietnam, but for the most part, at that time, they thought of Canada as a temporary refuge. Not long after, the United States Government and the nation opposed President Nixon's abuses of power. The problem was met head-on and resolved within the context of the Constitution, and no American thought of returning to the land of his ancestors.

The above is simply an effort to point out the differences in development and to explore some possible reasons why the United States and Canada approach nationhood differently in 1978. It is also an effort to explain Canadian wariness in matters of mutual concern—especially in view of Quebec's most recent insistence on its uniqueness which the Parti Quebecois claims can only be preserved by separation from the rest of Canada. A Canada without Quebec becomes an easy pawn on the international scene—economically, politically and militarily. Canadians know it and Americans know it.

give it the means to guarantee its cultural and economic existence. In effect, the power is exercised at the federal parliament by a foreign majority, and with one government of eleven in the federal-provincial conferences, Quebec is always a minority in Canada. No people can run the risk of entrusting its destiny to others."

The party promised to obtain independence for Quebec by democratic means after it came to power. Its plan was: first, request Ottawa to give it the powers of sovereignty, except those which the two governments would agree upon "to develop an economic association" between them; second, if this proposal was not accepted by Ottawa, hold a referendum in Quebec to obtain the consent of its citizens to proceed with independence; third, provide Quebec with a new constitution; and fourth, seek admission to the United Nations and recognition of other countries. (In 1977 the Levesque Government reversed the order of the first two steps—with the referendum scheduled first, probably in 1979.) The party platform stated that Quebec's foreign policy would be guided by two basic goals: 1) to "safeguard the interests of the Quebec people, peace, security, and the necessity of interdependence and economic and socio-cultural contributions of other states;" 2) solidarity of the Quebec people with "the people on the road to development," presumably with the Third World nations.

After assuming power in November 1976, the Parti Quebecois began implementing its domestic program, most notably a new language law which requires most children to attend French-speaking public schools. It promised to hold a referendum in Quebec within two or three years, and it began drafting the rules that will govern the referendum. An opinion poll conducted in October 1977 showed that less than 20 percent of the eligible voters favored outright independence for Quebec, but 45 percent would be in favor if it could be accomplished in economic association with Canada. Premier Rene Levesque believes it is inevitable that once Quebec declares its independence, other provinces will agree to economic association because it will be in their interest as well as Quebec's. In an article published in *Foreign Affairs* (July 1976) before he became premier, Levesque wrote: "Such a scenario would call, as a decisive first step, for a customs union, as full-fledged as both countries consider to be mutually advantageous . . . For indisputably such a partnership, carefully negotiated on the basis of equality, is bound to be in the cards." He envisaged Quebec developing along social democratic lines "rather comparable to the Scandinavian models," and in foreign policy he thought "Quebec's most privileged links, aside from its most essential relationship with the Canadian partner, would be first with the United States—where there is no imaginable reason to frown on such a tardy but natural and healthy development." Thereafter Quebec would look to Francophone countries, especially France—"who would certainly not be indifferent to the fact that this new nation would constitute the second most important French-speaking country in the world." Judging by the warm reception Levesque received in Paris in November 1977, he could count on diplomatic support from at least one European power.

In light of these statements, the national aspirations of the Parti Quebecois can be summarized as follows: in *defense* matters, it would rely on the American defense umbrella but would probably not contribute much financially to the common defense of North America; *economically*, it would depend on an economic association with Canada and a special relationship with the United States to enhance its well-being; in *world order* affairs, Quebec would take an active role in the United Nations, tend to identify with Third World nations, and seek close ties with France and other French-speaking countries. *Ideologically*, it would support democratic governments and human rights efforts, and would emphasize support of French culture and the French language in other parts of North America. In sum, Quebec's interests would not be incompatible with those of Canada and the United States, except that it might be demanding in economic relations and insist on equal treatment with Canada to enhance its economic well-being.

United States Interests Vis-à-Vis Canada

Much has been written about the "special relationship" between the United States and Canada in the past twenty years; and indeed, there was a special way in which Washington and Ottawa conducted their business. It has been informal, diversified among many government departments and agencies, and has involved frequent interchanges at many levels of government. The special relationship is most notable in the defense field, where the two countries formed the North American Air Defense Command in 1958 and entered into a number of other agreements whereby their armed forces worked in close harmony. Until 1971, it applied also in the economic field, where Canada's economic needs were usually given special consideration because of the enormous trade between the two countries—the largest of any two states in the world. To a lesser extent, it also applied to the way in which the two countries looked at the rest of the world, especially toward Europe and the need for North America to support NATO against the Soviet threat.

However, this special relationship began to show strains during the 1960s and Washington showed displeasure when Canada floated the Canadian dollar in 1970 without consultation. Then, in August 1971, the special relationship came to an abrupt end when the United States imposed a ten percent surcharge on all imports, in order to force a devaluation of the US dollar, and refused to give special consideration to Canadian products. The Vietnam war also produced growing disenchantment in Canada with Washington's judgment in foreign policy. Also, Canada did not follow the US lead in trying to isolate China from the world community, and it did not break relations with Castro's Cuba but continued its trade in non-strategic goods.

The rise of the Parti Quebecois to power in November 1976 caused Ottawa and Washington to take another look at their relationships, however. Shortly after Jimmy Carter entered the White House, Prime Minister Trudeau made an

official visit to Washington, D. C. where he addressed a joint session of Congress on February 22. Reaffirming close Canadian ties with the United States Trudeau stated: "The friendship between our two countries is so basic that it has long since been regarded by others as the standard for enlightened international relations. No Canadian leader would be permitted by his electorate consciously to weaken it." Taking account of the possible separation of Quebec from Canada, Trudeau also declared: "The sudden departure of Quebec would signify the tragic failure of our pluralist dream, the fracturing of our cultural mosaic, and would likely remove much of the determination of Canadians to protect their cultural minorities."

President Carter was asked at a news conference on February 23 whether he thought there was much concern in the United States over the future unity of Canada. He made this comment about the Quebec issue:

"There's a great deal of concern in this country about the future of Canada and I have complete confidence, as I said in an interview with the Canadian news media, in the sound judgment of the Canadian people. I'm familiar—even more familiar today than I was two days ago after Prime Minister Trudeau's visit—with the problems in Quebec and the inclination of some of the French Canadians to have an independent status from the rest of Canadian Provinces. I don't know what's going to be the ultimate outcome. But I believe that we are so closely tied together with Canada on a mutually beneficial basis, sharing problems, sharing opportunities, sharing trade, sharing manufacturing companies that have joint ownership, our exchange of energy sources, our sharing of the St. Lawrence Seaway, the Great Lakes as far as water pollution is concerned, the bringing of Alaskan oil and natural gas down to us, that we have got to have a continuing relationship with Canada. *My own personal preference would be that the commonwealth stay as it is and that there not be a separate Quebec province.* But that's a decision for the Canadians to make and I would certainly make no private or public move to try to determine the outcome of that great debate." (emphasis added).

The President seemed to be saying that Canadian unity was an extremely important interest of the United States, that he personally hoped Quebec would not secede from Canada, but that US policy would be to let Canadians work out the problem themselves.

Americans have taken Canada for granted so long that it comes as a surprise to be asked: How important is Canada to the United States? The following is a reasonable summary of US interests at the present time:

Defense of homeland: Canadian territory and air space are a vital interest of the United States insofar as any threat from the Soviet Union is concerned. In strategic terms, Canadian territory and air space cannot be separated from US territory and defense planning.

> "Quebec cannot have it both ways: secession as well as continuing economic benefits resulting from membership in the greater Canada. If negotiations between Quebec and Canada do not produce an agreement, a very tense situation would then result and violence could flare. Ottawa would do everything reasonably possible to prevent this situation from occurring, but it may not be successful."

Economic well-being: Canada is by far the largest trading partner of the United States. In 1975, 21 percent of all US exports went to Canada, and 23 percent of all US imports came from Canada. The book value of US investment in Canada is $34 billion, and American companies have a controlling interest in many of Canada's largest industries. There is an enormous amount of tourism, about 70 million people annually cross the long border in both directions.

World order: The United States no longer expects automatic Canadian support in many of its relations with the rest of the world; but the two nations share a strong interest in defending Europe and in maintaining strong western economies, and in promoting peace in the middle East and Africa. Therefore, the United States has a major interest in an outward looking, internationalist policy by its northern neighbor.

Ideological: The two countries share many values: belief in human dignity, in the rule of law and justice, in representative government, in a free-market economy, in social mobility, and in providing economic and technical assistance to less developed countries. The United States has a strong interest in the continuation of a democratic, progressive and optimistic Canadian neighbor.

In sum, the US interest in Canada is very deep, deeper than with any other country in the world. Therefore, it comes as a shock to many Americans to realize that Canada might break up as a nation.

Scenarios for the Future

Looking to the next two or three years, what are the likely situations that could evolve in Canada around the question of Quebec separation? Will the process of determining the outcome of this contest be peaceful, as all sides fervently hope, or will it lead to violence and even civil war? The following three scenarios may well occur in Canada, although the first one is more certain than the second and third.

1. *The Quebec government announces a referendum for the fall of 1979 in order to determine whether Quebecers want their government to negotiate with Ottawa on Quebec independence in an economic association with the rest of Canada.* The Parti Quebecois would be aware that outright separation from Canada cannot gain more than 25 percent of the vote in Quebec, but would calculate that if the referendum is on "sovereignty and economic association" with Canada, there would be a good chance of obtaining a majority in favor of negotiations with Ottawa.

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"The American Foreign Service . . . does in fact produce career officers who merit ambassadorial rank."—Ambassador Robert McClintock

Our Musical Chairs Diplomacy

WILLARD L. BEAULAC

The spring of 1951 found the Beaulac family in Bogota, some 9,000 feet up in the Andes mountains. We were happy there. My work was interesting (what ambassador's work is not interesting?). Colombians were a friendly and agreeable people. The climate was delightful. And our children were at home in Bogota. We had no desire to leave. But we had been in Colombia four years, and we were confident that in the nature of things we would soon be on our way to another post.

When the inevitable telegram arrived we were elated. I was being transferred to Cuba. The new appointment was not only pleasing. It seemed to me to be particularly appropriate. I had served as counselor of embassy in Havana from 1937 to 1941. In addition to the normal duties of counselor I had handled sugar, which was the most important economic and political subject in the country, as well as the principal factor in Cuba's relations with the United States. I had a wide acquaintance with persons in political and economic life. I felt I could do a useful job in Cuba.

Ambassador Beaulac served in eleven Latin American countries, two of them twice, and was ambassador to five, before retirement in 1962 as Deputy Commandant of the National War College. Retirement was followed by a series of lectures on Latin America throughout the United States and, from 1965-67, performing various studies for the State Department. From 1967-69, Ambassador Beaulac served as diplomat in residence and visiting professor of government at Southern Illinois University and, for the next two years as visiting professor of political science at Ball State University. Since 1971 he has been writing, traveling and playing golf, and he has just signed a contract for a new book.

There was only one tiny cloud in the sky. It was possible and even probable that our tour in Havana would not be prolonged. There would be presidential elections in the United States in 1952, and following them career ambassadors would take part in the usual game of musical chairs. Some would be assigned to new posts abroad. Others would be given jobs in Washington. Still others would be retired. The many changes would be aimed not at improving our representation abroad (although it needed improvement), but at making room at the top for persons to whom the newly elected president owed political debts. And Havana was a highly coveted post. It is only 90 miles from the Florida coast, so that an ambassador who was so inclined could hop over to Miami or Palm Beach in a matter of minutes. And Cuba was such a friendly country that no great problems for the United States could arise there. Some political favorite would be almost sure to get Havana under the new Administration. But we put thoughts of that kind out of our minds. "Sufficient unto the day," we decided. We were happy to be going to Cuba.

Returning to Havana was like coming home. The chief of protocol who welcomed us at the airport was the same chief of protocol who had said good-bye to us when we left for Madrid ten years earlier. The under secretary of state I had dealt with during our first tour was now secretary of state. Our Cuban friends, of course, were still there, and most of our American friends as well. We felt we belonged in Havana.

But one event during our tour disturbed us greatly, and of course it disturbed Cubans much more. It had to do with Fulgencio Batista. I knew Batista well. In 1937, when the Beaulacs first arrived in Cuba, Colonel Batista, who as an enlisted man had led the "sergeants' revolt" of September 4, 1933, was the power behind the throne. While our ambassador maintained normal contact with the country's president I conducted much of the embassy's business with Batista. And since Cuba was closer, politically, to the United States than any other Latin American country, and economically almost a part of the United States, I saw him frequently. I also helped him, because he was the real head of government, the person who had the power to make decisions on behalf of the Cuban people. We talked to each other with frankness.

Batista had run for the presidency in 1940, while we were still in Cuba, and had won in honest elections. He was considered a good president, and at the end of his term he had handed the government over peaceably to the person who had defeated his candidate to succeed him. Now, in 1952, Batista was once more a candidate for the presidency. He had become wealthy and corrupt. He had shared wealth with his colleagues of the armed forces, who had remained the arbiters of political power after his departure. When he concluded he could not win the presidency at the polls he took over

the government by force with the aid of those same military leaders.

Thinking Cubans were outraged by this wanton destruction of Cuba's new-found democracy. Batista's first revolution and his first presidency had provided, in the minds of many, a way out of political chaos, but now Batista was inviting a return to chaos. It seemed evident to me, as it did to most of my Cuban firends, that it was only a matter of time before Batista and his clique would be overthrown.

My own relations with the new President Batista were friendly—and correct. The close association I had had with him in earlier days could not be erased. But I never permitted myself to become identified with his regime. I considered that the United States would do well to keep above the revolution against Batista which was already beginning. As it happened I, myself, had no trouble keeping above it.

In November, 1952, eight months after Batista had seized power, Dwight D. Eisenhower was elected president of the United States. Early in 1953 a Cuban-American attorney in Havana called me on the phone and said, "Willard, I hear you are going to be replaced as ambassador." "I wouldn't be a bit surprised," I replied. "Who is going to replace me?" "I don't know," he said, "but I have it from friends in Washington that you will be out in a matter of weeks."

A few days later the secretary of state called me to Washington. "Here it comes," I said to the family. I boarded a plane in Havana. When we stopped in Tampa I bought a morning newspaper. There on the front page, under a caption that read, "Ambassador to Cuba," was a photograph of a portly man wearing a tuxedo. And the man wasn't me. The ambassador-to-be had not waited for the Department of State to announce his appointment, or even to ask the Cuban government whether the appointment was acceptable to it; he had made the announcement himself.

It was two days before I could get in to see Secretary Dulles. Meanwhile I talked to various friends in an effort to discover what was going to happen to me. But that turned out to be a closely held secret. Freeman ("Doc") Matthews, who had preceded me as counselor in Havana and was now deputy under secretary of state, did say, "I don't know where you are going, but the scuttlebutt has it that it's Brazil." I decided that Brazil would be my next assignment.

Finally Secretary Dulles called me to his office. It was the first time I had met him. I found him genial, easy to be with and easy to talk to. After ten minutes or so of conversation he indicated, as secretaries of state can, that the interview was over. Puzzled, I said, "Mr. Secretary, you probably assume that someone has spoken to me about a new assignment, but no one has." "Oh, I'm very sorry," he said, "I thought you knew. Yes, we have a very important embassy in mind for you—Argentina."

"As Dr. Eisenhower entered the presidential office Peron greeted him with a warm smile and outstretched arms. Dr. Eisenhower is a courteous, cultivated gentleman. He opened his arms in turn, and the two embraced."

Secretaries of state and presidents can't keep all the countries in the world straight. I felt like saying to Mr. Dulles, "Are you sure you don't mean Brazil?" But I thought I had better not. I thanked him and left, not knowing whether I was being named to Argentina or Brazil. Nor did I know until a week later when the press announced my appointment to Argentina.

The New York *Times* commented favorably on the appointment. So did the Pawtucket *Times*. President Batista gave the Beaulacs a farewell dinner, and the Argentine ambassador to Cuba gave us a dinner welcoming us to his country. A few days later Dr. Milton Eisenhower, brother of the new United States president, arrived in Buenos Aires on an official visit. The president had named him his special advisor on Latin American affairs, and Dr. Eisenhower had decided it was time he took a look at the one-sixth of the land surface of the earth which was to be his special responsibility.

Milton Eisenhower had, of course, already given thought to Latin America. One thing that concerned him was the number of countries that were governed by dictators. He had decided that a useful United States role would be to promote democracy in the area. As a part of such an effort he thought the United States should embrace democratic presidents but offer only a handshake to dictators. The idea was not new, and when tried it had not worked, but it appealed to Dr. Eisenhower.

One of the most notorious and most anti-American dictators at the time was Argentina's Juan Domingo Peron. The idea of distinguishing between democratic presidents and dictators (the fact that Peron, the dictator, had been democratically elected must have bothered Dr. Eisenhower a little) appealed to Dr. Eisenhower so much that when he armed himself with photographs of his brother to present to the Latin American chiefs of state, he arranged for all of them to be autographed except the one to be given to Juan Domingo Peron. Happily, perhaps, an alert State Department desk officer got wind of this experiment in creative diplomacy and arranged for a Pan American-Grace airline pilot to carry an autographed photograph to Buenos Aires with instructions for Dr. Eisenhower to present it to President Peron. Nor was Dr. Eisenhower's plan to greet Peron with a mere handshake carried out.

Americans tend to picture dictators as harsh, combative persons, and of course they are quite capable of harshness when they believe it is required. But many of them also are charmers, and Peron could exude charm when it suited his purpose. As Dr. Eisenhower entered the presidential office Peron greeted him with a warm smile and outstretched arms. Dr. Eisenhower is a courteous, cultivated gentleman. He opened his arms in turn, and the two embraced.

Dr. Milton Eisenhower and General Juan Domingo Peron, despite ideological differences, got along just fine. During their conversation Peron said, "I understand that the United States is

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"A man can die but once: we owe God a death."—King Henry IV

Death Watch

HOWARD R. SIMPSON

Captain McClain had been on the MedEvac run from Soctrang for about six months when they pulled him out and sent him to the Central Highlands. He didn't mind. He was sick of the wounded. First he had felt shock at their suffering, then pity. Then a strange hard block of indifference had expressed itself through impatience. Impatience to load the next litters, to get the moaning, bloody cargo to the field hospital and, finally, to get them out of his chopper. His only satisfaction was to pull away from the field and rise up into the clean air away from the ambulances and the small knots of Vietnamese civilians that always seemed to be watching the transfer of wounded.

He liked the Highlands. The mountains were dangerous but they kept a helicopter jockey on his toes and they were beautiful and full of mystery. The checkerboard of the Delta with the exaggerated greens of a mad, one-palette Mondrian had been monotonous. Here, swooping over the wildness, he was exhilarated.

His mission was different too. Flying utility in support of the Special Forces camps brought something new each day. He'd used his chopper as a gunship during a daylight ambush action, flown it, gut-heavy with ammunition, to a post hanging on by its teeth, and delivered a trussed-up mountain pony to some Montagnard scouts who had claimed to need it to pack their only mortar. In reality, they needed it to run a shuttle of sticky tins into the valley during the opium harvest.

Today he was flying three Special Force demolition men in to blow an abandoned concrete blockhouse on the reverse slope of a particularly high mountain. The French had built the blockhouse many years ago, the Japanese had used it in 1944, then the French again, then the Vietminh. Now it was technically abandoned but a Rhade hunting party had reported seeing cooking fires. There was a good chance Victor Charlie was using it as a patrol rendezvous or a stopover for his couriers. Two gunships and a thin skin with some Vietnamese Rangers aboard had gone on ahead to look the place over and cover the demolition team.

McClain was waiting for their radio message to cut into the static buzzing of his head set as he drifted his chopper over another wooded rise before turning the controls over to his co-pilot. Lieutenant Latham was a short-timer. McClain liked him. He'd hate to see him go. It was like everything else in the goddamn war. Things just started to work and then something was changed and you began all over again. He and Latham made a good team. And a good chopper team was important. It was hard to pin down. Some of it came from mutual confidence. A lot of it came from confidence on the part of the passengers. It was obvious when they loaded Vietnamese Rangers. The Ranger unit had been around a long time and they knew a good chopper crew when they saw one. Prior to each operation McClain had had to push an excess of wiry little Rangers out of his ship during the loading period.

McClain glanced over his shoulder at the passengers. They were smoking cigarettes and vibrating to the steady "tock-a, tock-a" of the rotors. A strange breed, McClain reflected; tough, impersonal, professional under their sweat-stained green berets. McClain wondered what they thought of him. He turned back to the mass of dials and gadgetry before him. He smiled and glanced at his West Point ring. He too was a professional but it didn't seem like the same business.

Latham tapped him on the arm and pointed slightly off to the right. A mountain ridge rose sharply and peaked toward their front. They had the choice of climbing over it fast or sliding off to the left and running up through a narrow valley to pass the mountain on its flank.

McClain gestured to the left with an open hand and Latham swung the ship in that direction. The trees suddenly seemed close as they entered the defile. McClain signaled to the gunners stationed at the chopper's open sides to keep their eyes open. They had already swung their machine guns level with the ridge's tree line, and checked their traverse. Now they hung over their guns, half in and

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half out of the chopper, held in place by broad safety belts. Their rears rested on the double folded bulletproof vests that had become the chopper crew's guarantee of continued masculinity in the face of small arms fire from the ground.

The Special Forces team sat quietly, looking bored and impatient to get to work. The funnel of wind in the valley and the turbulence kicked up by the rotors demolished their cigarettes and they spat the ragged butts out the door.

At first Captain McClain thought his engine was missing. He heard the coughing. It soon turned into a deeper sound, a baritone popping. He swung around to see a stream of cartridge cases from one of his active guns sparkling in the sunlight with the gunner directing a long loop of tracers into the tree line. Glowing red balls were rising toward them, passing dangerously close with a sinister hiss.

The hit jolted the ship sharply to the right. McClain felt them sliding. Latham let go of the controls and reached toward his chest. McClain took over and fought the bucking while the odor of burning plastic and hot metal filled the cabin. He had a moment to notice the starlike perforations letting the sunlight in through the fuselage and then his ship spun over on its back and slid toward the trees, its rotor revolving slowly like the damaged antennae of a huge insect.

They crashed through a thicket of dry bamboo and smashed into the ground throwing up a curtain of dust and filling the air with startled dragon flies. Something started to burn. McClain found he was still secured in his safety belt but lying several yards from the wreckage. He felt behind him and found he was attached to part of his seat. The bamboo had started to burn now and he could hear it crackling like a string of firecrackers. Black smoke was shutting out the sun and he heard someone shout. "Jesus, Jesus, oh Christ," the scream hung in the still air. McClain tried to move but he could only prop himself up on an elbow. He noted the blood over the front of his flying suit but for some reason he didn't identify it as his own. He raised one arm to chase away the flies but it shook so violently he let it drop beside him.

The ammunition exploded. He fell flat and listened to it sputter and pop. Then he remembered the heavy olive green sacks they had loaded for the demolition team. His imagination gauged the amount of heat building up in the fire. A pure panic seized him and his slack, shocked muscles reacted. He crawled away from the smoke and flames, noting in his panic that one of his feet, in its torn boot, was pointing in the wrong direction. He fell flat and fought with his safety belt. He finally freed it and left part of the seat fragment behind. The rest he couldn't free as it had become part of him, lodged deep in his flesh.

He crawled as far as he could before he fainted. The explosion, when it came, lifted him off the ground and threw him against a tree trunk, splintering two of his ribs.

He awoke in darkness. Once again he thought he had lost his sight but a yellow flickering at the outer edges of his vision reassured him. There were torches moving around the wreckage. He tried to call for help and he found he had no voice. His body felt as if it had been inflated beyond its capacity, like an over-burdened balloon. He moved his hands slowly, cautiously. He felt his face and lingered over the hardened cuts that drew his flesh together. He was momentarily relieved to feel the soft area of his stomach whole under his flying suit and he left his hand there for a moment, savoring the rise and fall of his own breathing.

Then, as he became more awake, a slow but steady wave of pain swept over him. It was so general and so deep that he fainted again for several seconds. He recovered with an extreme clarity of thought as if the pain had cleaned the cluttered channels of his mind.

His situation was suddenly clear to him. He was badly wounded and down in enemy territory. The

"Their rears rested on the double folded bulletproof vests that had become the chopper crew's guarantee of continued masculinity in the face of small arms fire from the ground."



torches undoubtedly belonged to the VC. He hesitated a moment to think this out. Instinctively his right hand searched for the hip holster and his Smith and Wesson 38. But even before he discovered that the revolver was missing he rejected the need for its use.

Your job is to live, he told himself repeatedly. Each time he did so it seemed that the words were being forced out from between gritty, splintered teeth. He needed help. He needed it badly and he must hurry. He opened his mouth and called for Latham but no sound came. He tried again and produced a low wheezing. Where the hell was Latham? He shook his head, fighting the thought that Latham was dead, but the reality rose to the surface without his help and he slumped back against the tree trunk with his eyes closed and thick salty tears coursing over the bloody crust of his damaged face.

Daylight came early, throwing a rose glow over the high mountains and stilling the cries of the night birds. McClain awoke with his head flat on the ground. He had fallen away from the tree trunk. He moved and fought to focus his eyes further than the green fern frond that brushed his face. There was still movement around the wreck and the sound of hammering or chopping. Gradually he identified the movement. Men were working on his chopper. He saw one drooping rotor pointing skyward and the black-clad figures moved around its base and out of his line of vision.

There were other men in tan uniforms. They seemed to be standing guard. McClain touched his lips and marveled at their size. It was as if he were wearing a rubber mask.

There was no doubt about it. he must find help. With a great effort he moved his elbows back even with his shoulders, paused for a moment and then tried to push himself up. It was the first time he had looked at himself since the crash. There must be some mistake, he thought, staring down at his leg. His foot, pointing off at its odd angle, seemed to belong to someone else and the shredded suppurative flesh and chips of white bone at his ankle were obscene. He stared, fascinated, his head wobbling between his shoulders and he saw undulating movement of new life under the mask of black flies clustered there.

The pain and the sickness rose in him and he fell back unconscious. In his dream it was all right. It was going to be fine because he had shouted and the coolies and the VC dropped whatever they were doing to come running. They came running and each of them wore a Red Cross brassard. Their faces were mirrors of grave concern and one of them took a long white bandage from his pocket and wound it around the wounded leg. The bandage smelled of vanilla and the VC soldier had the same face as Dr. Gregory, the family doctor he had known in Wisconsin.

Yes, everything was more than fine. They put him on a litter and it rose of its own power into the sky and took him to a big hospital with blue walls. But his fellow patients were all broken machine guns with only their nasty little muzzles showing above the sheets. This seemed strange to him and he tried to ask the nurse as she went by but she didn't hear him and he tried to shout. He awoke.

The sound of movement near the wreck had ceased but someone was there, just to his right. He moved his head slowly to bring whoever it was into sight. McClain wasn't sure if the man was a medical orderly but that was not too important. The main thing was to be found.

The man sat squatting on his haunches about fifteen feet uphill from McClain. He was a Montagnard. A very old man with a face like badly cured leather and two long white hairs growing out of a mole on his chin. He was wearing a dirty black beret and smoking a small pipe of buffalo bone. His black shirt was in tatters and his loincloth sagged at his thin waist. A Montagnard knife hung over his shoulder in its bamboo sheath.

McClain tried to smile but his lips wouldn't respond. He was only able to raise his hand and move his fingers in greeting. At this slight movement the old man moved a foot or two further away.

McClain mouthed the word water. "Nuoc," he tried to say in Vietnamese. The frustrating silence infuriated him. He began to move his hand from its resting place in the dust to his mouth. He repeated the gesture over and over again. Then he paused, exhausted, and waited for a reaction.

The old man shifted the pipe in his toothless mouth and stared at McClain. Their eyes met and McClain feverishly sought a glimmer of comprehension. The old man's gaze seemed void of both thought and compassion. The Montagnard looked at the wounded man with the same interest and patience he would devote to a wounded tiger lying in a pit trap.

The fever in McClain's temples resounded like a steady hammer blow. Determined he once again moved his elbows into position and hauled himself up. The pain ground into his being and he began to sob. He fought his hand through the tangle of ripped zipper and cloth into a pocket of his flying suit. His shaking fingers closed over his wallet and he pulled it out and held it toward the old man. He remained in this pose for a full minute, in dead silence, until his strength gave out. The wallet fell to the ground. He remained propped up for several seconds, panting, searching the other man's face. Finding nothing he slumped back, looked up at



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2,000 miles on a bicycle from Malmo to the Arctic Circle and south to Helsinki

A Report from Sweden and Finland



JORMA L. KAUKONEN

I am in Mill Valley, looking out at my garden. It is eight o'clock in the morning. The rain has stopped and the two-year drought is over. My watch, however, says five which means that it is five this evening in Helsinki, Finland. To tell the time here I have been adding three to whatever my watch shows.

Mr. Kaukonen writes, "I continue to be eclectically interested in music, including rock. I'm a serious photographer. Last year I achieved Western man's ultimate goal-the presidency of the Belvedere Tennis Club. Brewster Morris and Arch Calhoun give further Foreign Service cachet to the club. This summer my wife and I are going to walk all over Finnish Karelia."

Thus, five PM Helsinki time plus three equals eight AM on a clear day in Mill Valley, Marin County, California, model for the world of the future.

Why do I have my ancient Rolex set at Helsinki time? It all goes back to an eccentric odyssey I made last summer when I bicycled two thousand and more miles from Malmö, Sweden and then from Turku, Finland up the Bothnian coast to Rovaniemi and the Arctic Circle and then down the middle of Finland to Helsinki. The trip is tattooed on my mind and having my watch set to Finnish time brings it back in vivid color.

My watch is a constant reminder that it is possible to break the manacles of routine, to embark on a new experience with no relationship to anything done previously and that it is even possible to go back to an area once known professionally and experience it in a new and absolutely different way and role.

Once I wrote a retirement chronicle entitled *Rosebuds Around Her Navel* which had to do with new experiences and the joy of a changing life. Its theme was, I think, that we are all as dispensable as Kleenex and how nice that retirement at 60 makes new experience possible.

One day last summer, I looked at

the mail and paper that had accumulated that week in my Mill Valley home and the weight and stridency of their demands and information were overwhelming: the Sunday New York *Times*, the San Francisco *Chronicle*, *Foreign Affairs*, poop sheets from the local World Affairs Council, Common Cause, appeals to ban the handgun, save the whales, stop nuclear proliferation, save the redwoods, free Joan Little, elect better congressmen. In the Foreign Service *Journal* a debate was raging about retirement—some of my colleagues demanding the right to shuffle the same old papers in perpetuity. All that paper. My house was as full of it as an in-box in a political section after a staff meeting. It was really time to get away from it all, something which I would never have been able to do if I had not been put out to the pasture of retirement.

A couple of years ago, I began to bicycle around Marin County with a San Francisco trade union functionary who had been a seminarian in his youth and therefore given to cerebration. He too had been put out to pasture in a political shakeup in his bureaucracy and for reasons he has never been able to explain took up bicycling. With his help, I learned a little about this art form and over the hills and valleys of Marin County we cycled and cerebrated together. It was he who gave me the means for getting away briefly from the paper that clutters up all our lives.

Once I bicycled around Lake Tahoe with Ray, a young cross-country skiing friend and a contemporary of my younger son. He was so impressed with the fact that I was able to do the 76½ miles in a little more than six hours that he urged me to join him and his wife in a bicycling summer in Scandinavia. Ultimately I said yes.

But before doing so I had to consider all kinds of questions. Would I survive? Would my diurnal rhythms be compatible with two young people—urban dropouts, products of the San Francisco flower child era? I like to get up early and am addicted to newspapers. They sleep late and the peak of their creativity is late morning or early afternoon and newspapers play a very small part in their lives. Other things are much more important. What would Sweden and Finland be like from the vantage point of the hard saddle of an Italian bicycle? I thought about all this for a long time—at least several days—and the whole idea was so quixotic I had no choice but to say yes.

The process of planning for such a trip is really not very interesting and there are in any case no precedents, so far as I could learn, for the one Ray had in mind. So I will only say that I changed the wheels on my light Italian bike for ones with heavier spokes, replaced my sew-up tires with high pressure tubed ones, bought used panniers and a handlebar bag from Tony Tom, a young bicycle expert of Sausalito, and filled them with a few tools, clothes, and camera and was ready to go. Altogether, my bicycle and everything I carried weighed twenty kilos which is what the airlines allow coach passengers.

I didn't really worry very much about repairs. Ray and Colleen had cycled and camped up and down the West Coast and they know all about how to take apart and reassemble a bicycle and I am in any case an optimist. I believed in Tony Tom and in the way he refitted my bicycle. Besides there are thousands of cyclists in Scandinavia and somebody surely would be able to fix my bike in case of need. We carried sleeping bags and Ray also took along a very light four-person tent in which the three of us would sleep. I, for my part, carried two pocket dictionaries—one in Swedish, the other in Finnish.

Ray and Colleen preceded me to Europe. We met in Copenhagen, assembled my bicycle at the airport, spent the night in a campground on the outskirts, and took the ferry the next day to Malmö. We had coffee and sandwiches with the parents of my older son's wife and bicycled that afternoon to Lund and put up our tent in a slight drizzle in a small community campground some twenty or thirty kilometers north. Our odyssey had begun.

I am tempted but will not succumb to the impulse to list all the points on the map through which we passed on our way to Stockholm. I must, however, mention a few. There is Växjö in Småland with its museum honoring the emigrants of the 19th and early 20th centuries, the subjects of Wilhelm Moberg's trilogy. My parents were part of that Nordic exodus. There is a charming coastal town named Waldemarsvik where I had a wonderful warm meal, my first in more than 24 hours. I remember Oskarshamn, home of the Swedish wood sculptor Dödeshultaren, once a dying fishing, boat-building village, now a nuclear center, and Trosa, a charming artsy craftsy town with deep historic roots, not far from Stockholm.

And finally, of course, there is Stockholm—like any American metropolis at rush hour—affluence apotheosized, city streets clogged with automobiles inching their way toward suburbia bound freeways, streetcars dead and forgotten, the air foul with exhaust fumes. It was possible for us to move more quickly by bicycle from the embassy to the *af Chapman*, the training ship turned hostel, where we stayed than it is for my ex-colleagues to drive to their homes in Lidingö or Stocksund. So much for progress.

On the other hand, behind the embassy I found the quiet, peaceful pasture where the king's sheep graze and the place where the Swedish labor movement, which together with the employers' federation (ostensible opponents but actually fast allies) has created the most efficient materialist society in the world, sings the International every May 1. And I loved the quiet vistas of Djurgården and of Waldemarsudden and the channel leading to the archipelago. What a joy to visit Moderna Museet again!

In Stockholm, I read newspapers for the first time in days and my main impression was how little had changed in Sweden since I worked there: the same protagonists, the same debate, big Swedish labor and big Swedish management maintaining with minor divagation the equilibrium which makes socialist Sweden a more efficient capitalism than the United States. On the other hand, I could not help but note that Olof Palme, ex-Prime Minister, had become unemployed because of popular revulsion against nuclear expansion, a hot subject of debate in California where some people consider "progress" a dirty word.

Stockholm was also a place to



"But there is no club of 60-year-old former Foreign Service officers who have cycled from Malmö to the Arctic Circle and south to Helsinki.But then I said, for goodness sake, you can be the founder and in the meantime the sole member of a very exclusive club which others in time might want to join."

consider the eternal truths revealed by our odyssey thus far. One of them was that people carry too much baggage. Even with a bicycle and gear weighing only 40 pounds, I was carrying too much. I could have done with two fewer pairs of shorts, one less pair of woolen stockings.

The secondary roads of Sweden are often not suited to thin-tired Italian touring bikes. They begin beautifully and lead to beautiful towns, but frequently turn into gravel covered nightmares, navigable only by the clunker bicycles Scandinavians use for their daily chores.

Discomfort is man's natural state and when cold rain falls and the day's goal is dozens of kilometers away it can be endured with masochistic equanimity. Peoplc do not dissolve in a cold rain.

Scandinavia is as expensive to live in as the United States, but when you are traveling on a bicycle, and sleeping in a tent in a campground, along the road, or in a youth hostel, life is greatly simplified. Small town restaurants serve good warm food cheaply and on the road it is possible to survive well with dark bread, cheese, raisins, fruit, and bottles of water.

Stockholm was also a crossroads and we had to decide whether to continue up the Swedish coast to Haparanda or take a ferry to Turku and bicycle up the Finnish side of the gulf to Oulu. It was also a place to consider the strain on our odyssey resulting from our different bio-rhythms.

I got up early, they late. I love long, sustained physical effort in an andante tempo. Ray and Colleen tend to cycle in furious presto bursts. I want a daily schedule with a specified geographic goal of at least a hundred kilometers. They approach each day with a let it flow attitude. I must have warm food at regular intervals. They are addicted to yogurt and cold snacks of fruit, cheese, and nuts and don't like to stop in small town restaurants. But we have no doubt about our ability to reach the Arctic Circle for even I am now in good physical condition.

We took thc ferry to Turku and our first overnight stop was at a campground in Rauma, a charming place with ancient wooden houses, the third oldest city in Finland, born in 1442 but with roots going even further back. We cycled through Pori, immortalized for me in Runeberg's poem about Ensign Ståhl, through Kristinestad, a unique architectural evocation of the late 17th and 18th centuries and we detoured briefly to Teuva and Aystö to visit friends and relatives on their farms.

Ray and Colleen replaced damaged spokes and worn-out tires in Vaasa, but I just kept rolling along and the fact is I completed my entire Scandinavian bicycle trip without a single flat tire or repair. At a long easy stretch leading to Oravainen or Oravais as the Swedish-speaking Finns call it, Ray asked me to set the pace and I experienced an amazing congruence of wheel and road and body—an extraordinary natural high which culminated in a Daliesque landscape. The Bothnian inlet of Oravainen was illuminated at 10:30 that night by a surreal sun low on the horizon and in the shallow water a quarter of a mile away young members of a sports club on their way home splashed and swam, their shadows long and weird. At a restaurant in Kalajoki, the cook and the waitress played Beatle music of their classic Sergeant Pepper period as well as San Francisco rock and in Raahe we were asked by Finns at the next table in a bar-restaurant to join them in celebrating the imminence of midsummer.

By the time we got to Oulu the summer had turned cold—the coldest summer, my cousin insisted, since the ice age. When we started north toward Kemi we ran into a bitter, cold, torrential rainstorm and we got there exhausted and, in fact, a little tired of each other. Ray and Colleen said they'd had enough cold so they headed west by train to Haparanda, Sweden and I started north to Rovaniemi alone.

The day was bitter cold, a head wind making cycling painful. The road was empty and there was an infinity between towns, but at glacial speed I nonetheless achieved Rovaniemi in a cold, driving rain which was succeeded by snow flurries. The following morning I set out for my Ultima Thule—the Arctic Circle—some eight kilometers north of Rovaniemi. A German tourist took my picture with my camera to prove I'd been there.

Back in Oulu, I took stock of myself at my cousin's summer cottage and celebrated midsummer with his family. His neighbors lit the mandatory bonfire which evoked all kinds of ancestral memories. The weather in Oulu alternated between brief sunny intervals and rain. At a sunny moment I started south for Helsinki, still alone, determined to complete my trip by bicycle.

There is a long, relatively flat

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What to do until ERA is ratified

DIVORCE and the

ELIZABETH S. THURSTON

On June 5, 1977 an editorial in the Washington *Post* stated that for "every two marriages in the United States this year, there will be a divorce." The prediction came from the National Center for Health Statistics. California has had a divorce rate in excess of 60 percent since January 1, 1970, the effective date of its innovative "no-fault" divorce law. Today some form of no-fault divorce is available in all but three states (Illinois, Pennsylvania, and South Dakota), and the divorce rate nationwide is now expected to reach 50 percent.

It is not the purpose of this paper to comment on the possible effect of such a change on the general population in the United States, or worldwide, for indeed we are not alone in this revolution which has political, social and economic implications within almost all societies. The concern here is how best to prevent financial disaster falling upon the nonwage earner spouse of a Foreign Service employee when there may be a 50 percent chance that his or her marriage will be dissolved by divorce rather than death. Since classifications based on sex are now suspect under the law, as they should be, the term "spouse" has been used in referring to the nonwage earner, and this nondiscriminatory term must be kept in mind. However for ease of expression the term "wife" will be used in this paper. It is the wife who by law "must perform her household and domestic duties . . . . without compensation therefor." (*Rucci v. Rucci, 25 Conn. Supp. 221, 224, 181 A2d 125, 127 (1972).*) Since the married woman must by law work for security, not for pay, divorce is a violation of her right to share in the profits of the marital partnership.

If the marriage is dissolved by death, the law bends backwards to protect her investment, regardless of the length of her contribution. If on the other hand the marriage is dissolved by divorce, the law makes promises which in more than 90 percent of the cases are not kept. In 1922, the last year the Census Bureau kept national alimony data, alimony was granted in only 14.7 percent of a nationwide sample of decrees. In 1971 alimony was granted in less than 10 percent of the divorce cases, according to Nagel and Weitzman, "Women as Litigants," 23 *Hastings L.J.* 189-191. A survey of decisions in all jurisdictions in 1976, 1977 and so far in 1978 indicates that the percentage must necessarily have dropped, for repeatedly the opinions note that the wife is employed or has been employed in the recent past and is not only capable of supporting herself but either intends to or should reenter the job market.

If alimony is granted, it is frequently for only two or three years while the wife is to receive training in order to support herself. Gone entirely is the concept that after divorce the wife's standard of living is not to be reduced and she is to be supported on the same level as during marriage. Disregarded by the courts are the continuing discrimination against women in seeking work in "men's fields," and the facts that a woman is still in most cases paid less than a man for equal work and that as a class women earn only 58 percent as much as



"But think, darling, you are replacing the 6001 word processor and I told the Ambassador you *wouldn't break down——"*

Elizabeth S. Thurston has devoted the past eight years to a study of the social and legal consequences of divorce, with emphasis on the distribution of marital property. Mrs. Thurston has a B.A. and M.A. in Psychology from the University of Texas and had finished the course work for a Ph.D. in Sociology at the University of Wisconsin before becoming a Foreign Service wife.

This article is directed toward raising questions, not giving definitive answers. The Editorial Board of the Journal *recommends that readers seek expert advice and counseling on family problems.*

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Foreign Service Spouse

men. In addition it is the husband who retains the marital property represented by his "earning power": the longer the marriage the more valuable this property becomes, and in an exactly inverse ratio is the homemaker wife rendered incapable of obtaining a job with reasonable pay, or any job at all. The unfairness is maximized, for the highest incidence of divorce is among women in the middle-year age group of 35-54, according to a 1975 Market Opinion Research Poll of 1,522 U.S. women. (*To Form a More Perfect Union* (1976 ed.) p. 102, U.S. Printing Office.)

The same report found, page 105, that

> (a)mong women 18-54, over three-fourths said a lifestyle they would prefer is a combination of homemaking and career, with a majority wanting to stay home when their children were small. *Only nine percent would prefer being mainly a homemaker.*
>
> Three-fourths of married women say they are absolutely certain their present marriage will last until they or their husbands die. However only one-half of married black women are absolutely certain their marriages will last. Among women who worked and then quit to become full-time homemakers, 84 percent express certainty their marriages will last.

This optimism is not justified by the divorce rate, but it is about the only attitude a financially dependent wife can live with, especially after many years have passed without a job record she can present should divorce require her to work outside the home. Divorce is something that happens in other marriages, never in your own, and preferably not in your friends' marriages, for then you must face reality and begin to think less emotionally. It is well-recognized that homemakers provide invaluable services contributing to the welfare and economic stability of this country, yet receive no health, retirement, or unemployment benefits as a direct result of their labor. Nonemployee Foreign Service wives are required to carry out the homemaker role under much more difficult and varying conditons than wives who remain in the United States. In addition they are usually required to forgo their own career development to fall under the "two-person-single-career" category, a term first used and defined by Hanna Papanek as a "(s)pecial combination of roles whereby wives are inducted by the institutions employing their husbands into a pattern of vicarious achievement." (Papanek, "Men, Women and Work: Reflections on the Two-Person Career," *78 A.J.Soc. 852 (1973).)*

The term is referred to by Lenore J. Weitzman, who states that:

> According to Papanek this pattern serves as a social control mechanism which derails the occupational aspirations of highly educated women into a subsidiary role determined by her husband's career. Papanek shows how the husband's career suffers if the wife does not cooperate—and vice versa. *(62 Ca. L.R.1169, 1186, "Legal Regu-*



"To Mr. James Sharon, Vice Consul: Please call at this office at your earliest convenience. Alice Sharon, Assistant to the Ambassador."



"Well, folks, as I told you, it's a hardship post. There are NO jobs for wives."

lation of Marriage: Tradition and Change" (1974).)

The Department of State has abandoned its traditional policy of discouraging wives from even seeking employment abroad. What amounted to a prohibition was based on a need to counteract, so it was put, an image of the rich, selfish Americans further enriching themselves by taking jobs away from the impoverished nationals of the host country. A Department Notice dated August 16, 1971 announced:

> It is the policy of the Department of State, AID and USIA to consider the employment of dependents of employees who wish to work in posts abroad. . . .
>
> . . . (M)any dependents desire employment as a constructive expression of their interests and to make use of their educational background and work experience.

The complete reversal of policy is explicitly stated in the Notice, which directs that:

> Posts should give favorable consideration to employment on the local economy which may make use of a wider range of educational background and work experience of a dependent and which might benefit directly or indirectly the image of the United States abroad.

Implementation of the new policy has been lax, while the societal forces which impelled the change have gathered momentum. The number of divorces in the United States in 1977 was 20,000 higher than the 1976 total and more than twice the number a decade earlier. This represents the 11th consecutive annual increase in the divorce rate. *(Nat. Center for Health Stats., Monthly Vital Stats. Rpt. Mar. 13, 1978.)* Nonemployee wives who can see these figures as a trend which could involve their own marriages cannot be content to have their need for financial security rest solely upon the goodwill of their husbands to continue spousal support, even when ordered by the court, should their marriage be dissolved. Married women are beginning to realize that the promise of the law is illusory, and the myth of the alimony drones has resulted from a very few well-publicized cases, usually based on a contract rather than a court order, and alimony is just that—a myth.

Restatement today of the purpose of the new policy to consider the employment of dependents of employees abroad could well include a recognition of the jeopardy in which a dependent Foreign Service wife places her financial future if she is denied a right to work—for pay. That the placement of dependent wives in paying jobs abroad has not met the demand is evidenced by the legislation recently enacted. It orders the Secretary of State to help spouses find jobs overseas. This law was initiated by a Foreign Service wife, Cynthia Chard, who directly solicited sponsors for the bill in the Congress. It is an important step forward, but the most strenuous efforts cannot be expected to end in work for all wives who seek it, let alone work related to their interests or their education.

The Department Notice dated January 21, 1972 entitled "Policy on Wives of Foreign Service Employees" defined the husband and wife teams and the wives' participation in the representational activities of a post:

> as a voluntary act of a private person, not a legal obligation which can be imposed by any Foreign Service official or his wife. . . .
>
> . . . (T)he Department believes that emphasizing the voluntary nature of wives' contributions will strengthen and enhance the traditions of cooperation and common purpose which have characterized Foreign Service life.

Undoubtedly the Department of State still views the Foreign Service as a joint venture: it is the two-person-single-career in the ultimate sense. If "the best and the brightest" are to remain in diplomatic life as a team, the needs of both members of the team must be met. The new law to aid wives seeking employment abroad must be strenuously enforced in order to realize the full effect of the relief it can bring, however insufficient. In addition legislation must be passed to protect a dependent Foreign Service wife's investment in the marriage; she must be assured that her contribution as homemaker to the family itself, and her special contribution "towards the attainment of the objectives of the Service and the US Government (by her) participation in the representational activities of a post . . . one of the major strengths of the Foreign Service" will not be found of no value—to her—should divorce rather than death dissolve her marriage.

If, under the present state of the law, an otherwise viable marriage is threatened by the nonemployee wife's fears concerning her financial security in the future, several steps can be taken to alleviate or even to cure the problem. The measures are legal and should be understood by both spouses. It is usually the husband who has the better understanding of the rules, or perhaps the only understanding. Should he be inclined he could mislead his wife into a belief that she had security when in fact she did not. But when both spouses know the rules a satisfactory solution with legal effect may be worked out. Of particular significance to Foreign Service spouses are the laws relating to domicile, contracts between the spouses, the several kinds of joint tenancy accounts, life insurance, and divisible divorce.

DOMICILE

By its nature Foreign Service work removes the family from its direct tie with "home base," that is, the matrimonial domicile. Traditionally the decision of when and where to move has not been made by either of the spouses, but by the superiors of the employee spouse in the foreign affairs agencies "neither at his (the employee's) request nor for his convenience." The family's new home is almost always either at a post abroad or in or around Washington, D.C. if the employee is on a domestic assignment. It is of the utmost importance that both spouses understand the legal distinction between the terms "domicile" and "residence," for the location of their matrimonial domicile affects a broad range of legal rights and duties, including the place where they or their children may receive free or lowered tuition at a state school, be liable for taxes, sue for divorce, exercise voting rights, run for public office, receive unemployment benefits, have his or her estate administered, and have determined the distribution of the marital property, whether dissolution is the result of death or divorce, and the tax consequences thereof, both federal and state.

A person can have only one domicile, although he may have

more than one residence. However for most spouses their domicile is also their residence if they have only one fixed place of abode. Length of time spent in one place does not necessarily distinguish a residence from a domicile. A temporary residence may extend over months or years; while a domicile may be established the first moment of residence if accompanied by the intent to remain for an unlimited or indefinite period. *(In re Garneau, 127 F.677.)*

A citizen of the United States is by constitutional or statutory law also a citizen of one of the 51 jurisdictions within the United States or of one of its territories: at all times, from birth to death, he is domiciled somewhere, and remains a domiciliary of one jurisdiction until he takes positive steps by which he acquires a different domicile and relinquishes the former.

Obviously a Foreign Service employee does not become a domiciliary of a foreign country to which he is assigned, nor does he automatically become a domiciliary of the state where he resides while on assignment within the United States. *(Rhodes v. Rhodes, 182 P2d 275.)*

It is important that Foreign Service spouses understand that their legal domicile is the place where a husband and wife reside or will reside when able to do so in the relation of husband and wife, that is, the place *of choice* where the marital contract is being performed. It is not necessarily where they own their only home or where either or both may have voted or registered to vote. Also, there can be a personal domicile distinct from the matrimonial domicile, for instance, a domicile for the purpose of succession to one's property. *(Gould v. Gould, 201 App.Div. 670, 194 N.Y.S. 745).* For these reasons the box on the Residence and Dependency Report designated "Legal Residence" can be not only confusing, but may lead to an unlawful distribution of marital property with dissolution by either divorce or death, the payment of taxes where none were due, and other losses.

Domicile is not affected by the fact that the change of residence was motivated by self-interest *(re Woodward's Estate (Sur.) 123 N.Y.S.2d 765, affd. 283 App.Div. 846, 128 N.Y.S.2d 587),* such as a desire to secure lower taxes or avoid state taxes *(Slater v. Munroe, 313 Mass. 538, 48 N.E.2d 149);* to take advantage of easier divorce laws *(Peff v. Peff 2 N.J. 513, 67 A.2d 161);* to have one's will proved and his estate settled in one county rather than in another *(re Newcomb 192 N.Y. 238, 84 N.E. 950);* or any other advantage. "The strongest evidence which can be furnished as to intention to change one's domicile is afforded by declarations accompanied by acts which are consistent therewith." *(25 Am.Jur.2d, Sec. 93, page 69.)* However the usual acts indicating a change of domicile are most often not practical for Foreign Service spouses. If they own a home it is usually in or around Washington, D.C.; their only bank accounts may be in the same area, as well as their church membership and even their burial plot; and they may have voted outside their domiciliary state by mistake (Cf. Department of State *Newsletter,* March 1976, "Your State Tax Obligations" by Gilbert H. Sheinbaum).

At least ten jurisdictions now permit a wife to establish on her own a domicile apart from her husband in an on-going marriage. (Alaska, Arkansas, Florida, Indiana, Montana, New Hampshire, Oregon, Texas, Vermont, and Wisconsin). Six others allow the privilege on a conditional or limited basis. (Kentucky and New Jersey only with the husband's consent; Massachusetts, Vermont and Virginia for purposes of taxation; Georgia for voting purposes.) Until these recent changes the domicile of the husband was by operation of law that of the wife. For the Foreign Service wife not living apart from her husband it is not apparent that she could establish a domicile different from that of her husband, although the employee wife whose husband's domicile is in one of the states authorizing the new rule could change her domicile, whether the husband is a Foreign Service employee or not. However, the wife's election of a domicile different from that of her husband has effects going beyond marital property and tax consequences to employment and educational benefits and other legal rights. It should be exercised only after careful study.

The financial consequences of a choice of domicile vary, not only among the community property states themselves, although they all base their marital property laws on those of Spain, but also between the community property states and the so-called common law states, those adopting the common law of England as the rule of decision in their courts. In the eight community property states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington) the spouses are vested with one-half the earnings of either or both, as earned, and the differences in their laws are relatively minor.

When the marriage of domiciliaries of a community property state is dissolved there is no taxable transfer of the marital property if the community property is divided equally. In contrast, of the 43 common law jurisdictions 17 have mandatory property division (Alaska, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Indiana, Kansas, Kentucky, Maine, Missouri, Montana, North Dakota, Oklahoma, Vermont, Virginia, and Wyoming); 17 have permissive property division (Alabama, Arizona, Florida, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, Oregon, South Dakota, Tennessee, Utah, and Wisconsin); and 10 have no inter-spousal property rights (Georgia, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and West Virginia). *(Cf. 49 So.Cal. L.Rev., Sept. 1976, 1401, 1419-1423, "Income Tax Consequences of Divorce," (up-dated).)*

The transfer of a share of the separate property of one spouse to the other in a divorce action results in no taxable gain on appreciated property, even though the receiving spouse takes the property at the fair market value, in possibly 17 of the common law jurisdictions (Alaska, Colorado, Illinois, Indiana, Kentucky, Maine, Michigan, Montana, Nebraska, New Jersey, North Dakota, Oklahoma, Oregon, Tennessee, Utah, Wisconsin, and Wyoming). These states are referred to as

"community-property-like" states because the interest of one spouse (usually the wife) in the separate property of the other is vested with the filing of a divorce action, the only inchoate aspect being the amount of the property to be awarded. *(Cf. Imel. v. U.S., Supreme Ct. of Colo., 517 P2d 1331 (1974).* The statutes in the community-property-like states may require an "equitable" division of the marital property, but it is unlikely that equitable will be equated with "equal," the usual division in the true community property states. However, in Colorado, a common law jurisdiction which has adopted without modification the Uniform Marriage and Divorce Act, the property earned during the marriage will probably be divided equally.

If the domicile is in a community property state there would vest in the nonwage earner wife one-half of the property acquired during the marriage, including a pro rata share of the Foreign Service retirement benefits. If the community property state should be California, New Mexico, or Washington the wife is entitled to her one-half of the husband's earnings as he is paid. In these states the husband is no longer the manager of the whole of the community if the wife wishes to take control of her share. In all but the community property states the contribution of the homemaker is discounted. Therefore by selecting a community property state, and especially by selecting California, which is the leader in modernizing marital property law, Foreign Service spouses would be committing themselves to a partnership of co-equals. With only one income to share, this solution to the financial insecurity of a homemaker would not be the equivalent of two incomes, nor would it compensate the wife for the forfeiture of the satisfaction and recognition that could come from her own career development. But at least it puts both spouses on an equal footing with regard to the marital accumulations, except for the husband's earning power.

CONTRACTS BETWEEN THE SPOUSES

Although domicile is the most fundamental of the legal concepts which should be clearly understood by Foreign Service families, there are other factors which affect the financial security of the nonemployee spouse. One of these is antenuptial or postnuptial contracts between the parties regarding the property owned before marriage, that acquired by either inheritance or gift after marriage, or that earned during marriage.

LIFE INSURANCE

In the common law jurisdictions life insurance proceeds are characterized as the separate property of the insured. In the eight community property states the character of the proceeds as separate or community property or both is determined by different rules. The *apportionment doctrine* characterizes policy proceeds as separate and community in proportion to the amount of premiums paid from separate funds and the amount of premiums paid from community funds. The *inception of title doctrine* characterizes policy proceeds as separate or community, depending on the character of the funds that were used to pay the first premium. It has been determined by some of the community property states that neither of these two rules should be applied to term life insurance, for term insurance has no cash value and is renewed in effect with each premium payment. Therefore a rule called the *risk payment doctrine* has been developed for situations in which both separate and community funds have been the source of premiums on a term life insurance policy. It is based on the concept that life insurance proceeds should be characterized according to the source of the funds which paid for the risk portion of a life insurance policy which is in effect at the insured's death. The risk portion of a policy is the face value minus the cash value, if any.

Decisions in five community property states (Arizona, Idaho, Louisiana, New Mexico, and Texas) apply the risk payment doctrine to term life insurance policies because of the unique character of term life insurance, where protection for the coming year depends exclusively upon payment of an advance premium. If the term passes without the insured's death, the protection purchased expires, with the insured having had the benefit of protection for the year. In applying the risk payment doctrine to term life insurance, the life insurance proceeds are characterized as separate or community according to the source of the last premium payment. If the last premium payment was from community funds, the entire proceeds are characterized as community property.

In the five states applying the risk payment doctrine, no case has been found which determines the character of the proceeds of Federal Employees Group Life Insurance, where, although term insurance, coverage continues after retirement, on a reduced basis, with no further premiums due. It can be assumed that the domicile of the insured at retirement, when the last premium due was deducted from his salary, determines the separate or community character of the proceeds.

Three community property states (California, Washington and Nevada) have not adopted the risk payment doctrine. California has applied the apportionment rule since 1931, to both cash value and term insurance, as has Washington. Nevada has never faced the problem of determining whether the inception of title, apportionment or risk payment rule should be applied when insurance premiums have been paid with both separate and community funds, although Nevada looks to California law where lacking its own. *("Community and Separate Property Interests in Life Insurance Proceeds," 52 Wash. L.Rev.* 67-102 (1976).)

Under community property law, where a spouse is made sole beneficiary of a life insurance policy on which the premiums are paid wholly from community funds, the insured spouse has made a gift to the other spouse of his one-half interest. Thus the entire proceeds become the separate property of the beneficiary. *(Witkin, Summary of California Law, 7th ed., sec. 52; Estate of Dobbel, 38 P 87.)* If the insured spouse does not name the noninsured spouse as beneficiary of at least one-half the proceeds of a life insurance policy on which the premiums were paid from community funds, the unnamed spouse can recover one-half the proceeds from the beneficiaries in court, or a pro rata share if separate funds

were also used. The same principles are applicable to premiums paid from funds held in a true joint tenancy account.

With regard to Federal Employees Group Life Insurance, the Congress has determined that the insured can change the beneficiary at will. However, if the premiums, or any portion of them, have been paid with community or joint tenancy funds, the courts in community property states (and presumably in common law jurisdictions) will in a dissolution action offset the noninsured spouse's proportionate interest in the proceeds with other assets. The same treatment would be given a Foreign Service Protective Association policy on which premiums have been paid in whole or in part from community or joint tenancy funds, or an individual policy in which the insured has been granted the right to change the beneficiary.

Also likely to grant offsetting awards, but possibly less than one-half the proceeds, where the insured retains the right to change the beneficiary, are the community-property-like states and the states that have accepted the Uniform Marriage and Divorce Act without modification. Both categories have been described above and the states in each identified.

DIVISIBLE DIVORCE

Apparently all states now recognize the concept of divisible divorce, which is simply the granting of a divorce or legal separation without determining the rights of the spouses in the marital property. In other words, the court may alter the status of the parties, making them single persons (or legally separated spouses), and later entertain an action for the distribution of the marital property. However, if under the law of the matrimonial domicile the marital property is vested in the employee spouse and not subject to distribution with divorce, and the spouses have not entered into a property settlement agreement or spousal support agreement, the dependent spouse cannot ask the court for spousal support after a divorce has been granted, on the theory that although the husband is responsible for his wife's support his obligation for future support can be determined only while the parties are still married. Approximately one-third of the states now require either spouse to support the other, depending on the need of one and the ability of the other to pay.

Today "irretrievable breakdown of the marriage" as the only ground for divorce (other than incurable insanity of one of the spouses), or another form of no-fault divorce, such as "living separate and apart" for a statutory period, makes divorce a certainty upon unilateral demand in all states except Illinois, Pennsylvania, and South Dakota.

Thus there has been elimination or modification of the traditional defenses to divorce, such as recrimination, condonation, connivance, and in some cases collusion, so that, in effect, no defense is available to the spouse not wanting the marriage to end. Yet in approximately one-half of the states the law either does not provide for the wife an interest in the separate property of her husband, or it makes her interest dependent upon a variety of factors, the most important of which is the wife's innocence and the husband's guilt. Now no-fault divorce has wiped out even the innocent wife's claim to a share of her husband's separate property in these states, since they have not changed the laws regulating the treatment of the marital property with divorce. New laws requiring an equitable, preferably an equal, distribution of the marital assets must be enacted everywhere.

"On April 7, 1977, the District of Columbia law was changed to require the court to take into account the contribution of the homemaker in dividing the marital property. Virginia law was changed, effective July 1, 1977, to mandate that recognition be given to the monetary and nonmonetary contributions of the spouses."

It must also be noted that if an action for divorce or legal separation is brought in a sister state or foreign country, that is in any place other than the matrimonial domicile, the respondent is not required to make an appearance in the foreign jurisdiction. With no-fault divorce, dissolution will be granted since no contest is permitted except in the three states named above. However, if the spouse bringing the action has established a domicile apart from the matrimonial domicile, that is, a separate domicile for divorce, the foreign jurisdiction cannot adjudicate the property rights or support rights of the respondent spouse who does not appear in the action. In some states even a so-called special appearance, to contest jurisdiction of the court only, is regarded as a general appearance, and thereby the court assumes power to adjudicate the property rights and the support rights of the respondent, the very situation the respondent was trying to avoid. Maryland is one such state.

CONCLUSION

The rights of the spouses in the property earned by their joint efforts are, in the absence of a contract providing otherwise, determined by the law of their matrimonial domicile. Recognition of the homemaker's contribution to the marriage, her role in building family wealth and property, is ignored upon dissolution in approximately one-half of the states. And in all but the eight community property states her contribution is discounted when the partnership profits are divided. Clearly the time has come for marriage throughout the United States to be declared a partnership of coequals, with equity upon entering, during, and at dissolution of the relationship.

It is tragic that in many divorce cases the Foreign Service nonemployee wife loses the protection provided by her domiciliary law, which may mandate that she receive from one-third to one-half the marital property, depending upon various criteria. The laws of the District of Columbia, Maryland, and Virginia, where many Foreign Service spouses file divorce actions, have been among the most

archaic in proscribing distribution of the separate property of either spouse. On April 7, 1977, the District of Columbia law was changed to require the court to take into account the contribution of the homemaker in dividing the marital property. Virginia law was changed, effective July 1, 1977, to mandate that recognition be given to the monetary and nonmonetary contributions of the spouses. In April this year the Maryland legislature enacted a law to become effective on January 1, 1979 which grants the court discretion in dividing the property acquired during the marriage, taking into account *inter alia* the nonmonetary contributions of the homemaker spouse.

There appears to be no foundation in law for a domiciliary court, or a nondomiciliary court, in granting a divorce decree, to classify all marital property as if it had been earned in that jurisdiction, without inquiring about other possible domiciles, or for an attorney to fail to plead the domiciliary base of the property. This cannot take place in a community property state where the court's power of distribution is limited to the community property or the quasi-community property. The care with which domiciles are established and each asset classified in community property states is spelled out in their decisional law. *(Cf. Murphy v. Travellers Ins. Co. 207 P2d 595 (1949), distinguishing the various residences in the United States from the California domicile of a member of the armed forces; also, Rozan v. Rozan 317 P2d 11 (1957), tracing back to California the source of the funds with which real property was purchased in a state outside the former California domicile.)* There is no uniform marital property law of the 43 common law jurisdictions. A determination of domicile is essential since marital interests in movables acquired during marriage are governed by the law of the domicile at the time of their acquisition. *(In re Est. of Bruggemeyer, 2 P2d 534; Schecter v. Superior Ct., 314 P2d 10.)* The interests of the spouses in movables do not change even if the movables are taken into another state or are used to purchase land in another state. *(Tomaier v. Tomaier, 146 P2d 905 (Cal.); Depas v. Mayo. 11 Mo. 314, 319; Beard's Ex'r. v. Basye, 46 Ky. 133, 146; Avery v. Avery, 12 Tex. 54.)*

The court in a common law jurisdiction cannot be expected to be sufficiently knowledgeable about the laws regulating marital property in other common law jurisdictions to make a fair adjudication consistent with those in the sister states themselves. We are a mobile society and several matrimonial domiciles can be properly pleaded in many instances. When one or more of them is a community property state even greater injustice follows, for it seems to be a fact that the community property experts are all in the community property states. Even in the Internal Revenue Service's Central Office there is not a single community property expert.

For example, in a 1976 District of Columbia divorce action involving Foreign Service spouses the court permitted the employee husband to retain the whole of the marital property of a 30-year marriage as his separate property, specifically, the Foreign Service annuity paying more than $2,000 per month. Only the real property, the family home held as tenants by the entirety, was divided—equally. For 27 of the 30 years of the marriage the spouses were domiciled in Kansas, where the law mandates that "(t)he decree shall divide the real and personal property of the parties . . . in a just and reasonable manner. . . ." *(Kan.Stat.Ann. sec 60-1610(b) (1963).)* Kansas case law demonstrates a substantially equal division. The Foreign Service retirement benefits were wholly earned during the marriage by both spouses working as a team. In addition, the wife cared for their three children, frequently without the husband's help because of forced separations falling under the heading of "exigencies of the Service." In contrast with the mandatory division of the marital property under Kansas law, 9/10 of which is Kansas-based, was the applicable District of Columbia law (until April 7, 1977) stating that the court may divide jointly held property *(D.C. Code Ann. sec. 15-910 (1966))*, but such division does not extend to separately held property *(Mumma v. Mumma 280 A2d 73, 75 (D.C. Ct.App. 1971).)* The wife was awarded $338 per month in spousal support. The husband appealed to have the amount reduced to $300 per month. In her brief on appeal the wife pointed out for the first time the Kansas domicile, where almost the whole of the retirement benefits was earned. The reviewing court made no change in the awards. Furthermore the Foreign Service Retirement law cited by the court was the amendment effective October 1, 1976, which *no longer mandates* that a retiring married male employee provide a minimum survivor annuity of $2,400, *not* the law under which the spouse retired, and by which the wife, by name, was required to be made the irrevocable beneficiary of a survior annuity.

It must be emphasized that attorneys should plead all domiciles in dissolution actions involving Foreign Service spouses, as a basis for determining the interests of the spouses in the marital property. And it follows that wives must become knowledgeable about the assets of the marriage and be able to trace the origins and all changes in form of the property.

Not only do surveys indicate that married women today want to develop their own career potential and provide for their own financial security, but they seek to gain the dignity and self-esteem as human persons so long denied them. The laws are changing to bring about a greater degree of equity between the spouses, but even in the community property states the rights of the spouses are not yet fully equal, and in approximately one-half the jurisdictions the legislatures have not even begun to bring their laws into conformity with the realities of the times. With a mere nine percent of a cross-section of married women wishing to be mainly homemakers, it seems inevitable that an even lower percentage of Foreign Service nonemployee wives, with their better education, would today be content to follow that role by choice.

The Foreign Service as a whole must work to bring about the changes so necessary to restore the spirit of dedication and cooperation once so characteristic of its members. Recent amendments to the Foreign Service Retirement Act took away some of the protection that had been provided for Foreign Service wives, such as a mandatory

minimum survivor annuity, the right of a widow to remarry before the age of 60 without forfeiting the survivor annuity, and the right to receive the survivor annuity after divorce and remarriage to the former spouse even if she should be widowed within a year. At the very time that increased protection is essential to compensate for the enforced financial dependence of the nonemployee wife, she lost the protection the Department sought and succeeded in providing in 1960.

But regressive changes in the law cannot withstand a concerted effort to bring law into line with attitudes and life styles today and those in the forseeable future. Even if a Foreign Service nonemployee wife should choose not to contribute her time to representational and charitable work at a post, she must still be regarded as having made a contribution above that of the usual homemaker, by the number of time-consuming moves and the often primitive environment in which she is required to perform that role. An additional special equity is due her because of her removal from the United States job market. In the case of a wife of a senior officer it does not seem possible to change her traditional role of full cooperation in all areas. Nonemployee wives of Foreign Service employees must remain largely dependent: they cannot be equated with the wives of Civil Service employees or Members of Congress, who are not only free to pursue a career in the United States, but also not infrequently find that endeavor enhanced by their husbands' positions.

At one of the task force meetings of the International Women's Year Commission a particularly effective way to make government more responsible to the concerns and interests of women was suggested by James Lynn, Director of the Office of Management and Budget, who called upon government agencies to hold more public hearings before they made substantive decisions on policy issues and programs. Any proposed changes in the Foreign Service Retirement Act should also become the concern of all members of the Foreign Service and their spouses. Fairness in the law will add strength and stability to the Foreign Service benefiting both the Service and the US.

Bringing into force the Equal Rights Amendment would require all the states to pass legislation which would equalize the division of marital earnings at dissolution, whether by death or divorce. But ratification by three more states is necessary before the three-fourths required for passage is attained, and after passage two years must pass before the amendment would become effective. A largely overlooked alternative is available in the United Nations Covenant on Civil and Political Rights, adopted by a resolution of the General Assembly in 1966. Ratification by the United States of this convention providing rights for both men and women would require the Congress to enact *inter alia* legislation to "insure equality of rights and responsibilities of spouses as to marriage, during marriage, and at dissolution" and "prohibit any discrimination and guarantee to all persons equality and effective protection against discrimination on any ground such as . . . sex." President Carter announced in his address to the United Nations in March 1977 that he has asked the consent of the Senate for its ratification. In a letter dated July 29, 1977 the late Senator Humphrey told the writer that he endorses United States ratification of the above covenant, but added that "we have not yet won the public support required for Senate action." Women in the United States make up 52 percent of the population; with the help of "liberated" men the Senate could be brought to act in favor of ratification. The Foreign Service has a real stake in ratification of this covenant not only for the benefit to the families directly, but also for the improved image of the United States abroad, by our joining the many nations that have already declared in this binding international agreement that they believe in the equality of rights and in the dignity of all human persons.

In a Foreign Service marriage some of the usual disruptive influences may be present, such as differences over money matters, differences in religion, differences in level of education and the interference of relatives, in addition to the problem of career conflict. But many others peculiar to the Foreign Service may be much more important. They are cultural shock, disruption of a comfortable way of life, forced separations, unusual threats to health without adequate medical facilities, problems in educating children, apprehension with respect to war, riots, or even assassination. And as already pointed out, there is the understandable and justifiable fear of a nonemployee wife that by a divorce she has no power to prevent, and regardless of her age, health, the length of the marriage and the spouse's standard of living, she may find herself in a financial position in which even her minimal needs for survival cannot be met.

With the increasing industrialization and urbanization of our society has come a shift from the extended family to the smaller nuclear or conjugal family unit. In the Foreign Service contacts with the larger or extended family are further reduced, as well as contacts with a home community in the larger sense. In general, the family's role as the major source of psychological and emotional support for individuals has increased, and in perhaps no area has the role increased more than in Foreign Service life. There is multiplied emphasis on the emotional and psychological needs of the marriage partners—love, sex, intimacy, companionship, emotional support, ego enhancement, and security: "the conjugal family serves as an oasis for the replenishment of the person, providing the individual with stable, diffuse and largely unquestioning support. . ." *(Ryder, The Family in Developed Countries, 231 Sci.Amer.123, 128 (Sept. 1974).)* These fundamental benefits must to the fullest extent possible be preserved in the Foreign Service where both the strains and the rewards of the life are *sui generis*.

Uprooting a family from its home is unavoidable in the Foreign Service. However some of the financial losses that sometimes follow can be largely avoided. Lack of knowledge of the significance of domicile as the basis of the classification and distribution of marital property has not infrequently led to an unfair or even an unlawful loss of financial security. Fairness should be sought by the foreign affairs agencies' providing an opportunity for both spouses to gain the necessary knowledge.

Communication re:

The French Elections and U.S. Policy Towards the Left

EDWARD P. DJEREJIAN

The narrow electoral gains of the French centrist and rightist political parties in the March 1978 legislative elections, should not, ipso facto, be considered a development which will bring political stability to France or which has dealt a decisive blow to the French Left and the prospects of future communist party participation in government. Although the defeat of the Left in France and the virtual end of the "Common Program" allows the United States to find comfort in not having to face difficult decisions toward communist participation in a Leftist government along with the Socialists and the Leftist Radicals in France, the major problem of a divided and unstable France remains, with important implications for US policy.

The facts speak for themselves. The centrist and rightist parties gained a legislative majority of 290 seats (which represents an actual loss of 10 seats compared to their seats in the previous Assembly) while the left obtained 201 seats (a gain of 17 seats over what they held in the previous Assembly). However, the Leftist parties polled 49.87 per cent of the popular vote in the first round (49.26 per cent in the second); the center/right polled 45.26 per cent in the first round (50.71 per cent in the second); and the small ecological and independent groups obtained 4.87 per cent in the first round. Therefore, we have a situation where, if you average out the popular vote percentages for the two rounds, the major parties of the center/right obtained 47.98 per cent and the major parties of the left obtained 47.90 per cent. Also, it should be noted that although the Gaullist RPR remains the largest single party in parliament, the Communist Party actually gained more seats than any other single party (+12). In fact, the electoral division of power is fairly even. Based on an average of the two rounds of the popular vote, the parties represent the following proportion of the French body politic:

Socialists:	25.7%
Gaullist RPR:	24.2%
Centrists:	22.3%
Communists:	19.9%

A structurally unstable France with over half the electorate systematically excluded from governmental power over the past 20 years is not in France's interest, not in the US interest, and not in the interest of the Western Alliance. Nor is it in the interests of the above parties to have the Communist Party participate in any important way in governmental power; and by this I mean at the ministerial level. What, then, is the alternative? It is, in my view, an opening to the non-communist left by the present governmental majority. The main purpose of such a strategy would be twofold: a) to form a more representative government for France and its people and, thereby, help to assure more stability; and b) to prevent, in the future, the prospects of communist participation in the government at the national executive level. Both of these goals are in the long term interests of the United States and a primary objective of our policy toward France should be to encourage, as appropriate, such ends.

An opening to the left which would allow the Socialists and the more moderate Leftist Radicals to participate in governing France, would be an act of statesmanship. President Giscard d'Estaing's hand has now been strengthened by the election results and such a gesture would be viewed as an act of strength and not weakness. Equally important, it would help deflect the political forces, from both the right and the left, which desire the polarization of France into antagonistic camps.

In 1969, during Pompidou's Presidency, certain Gaullists urged an opening to the left to avoid the formation of another "Popular Front" in France. They argued that the steady exclusion of the non-communist left, especially the Socialists, would drive these parties increasingly toward an alliance with the Communists and the consequent stark divisions of the French body politic into two camps. Their policy recommendations were rejected and the more conservative wing of the Gaullist party prevailed. In short, rather than risk sharing power with the left, it was decided to take the surer short-term approach of monopolizing power at the national executive level. History has shown how shortsighted this policy proved to be. A "Popular Front," in fact, was established in 1972 between the Socialists, Leftist Radicals, and Communists and the combined left has increased its political strength to the point where it represents virtually half of France today. Indeed, it almost won the last election.

With the present disarray of the left and the shattering of the "Common Program," for the time being at least, the governing majority in France has the opportunity to avoid the prospects of providing the French Communists (whose "Eurocommunist" credentials are very recent and, at best, suspect) with another historic opportunity to arrive at governmental power in a coalition government. To achieve this, a move must be made to allow the Socialists to share power now with the Presidential Majority. Such a policy should be encouraged by the United States in order to have a more stable political order in France and to deny the Communists the future possibility of sharing power at the national executive level.

Mr. Djerejian has served as staff assistant to Under Secretary George Ball as Political Officer, Beirut, Labor Attache, Morocco and as Principal Officer in Bordeaux. He is now in Russian Language Training.

FSJ BOOKSHELF

Bombing Germany

FROM APES TO WARLORDS, *by Solly Zuckerman. Harper and Row, $20.95.*

Solly Zuckerman is a name not as well known in the United States as it ought to be. One of the world's leading zoologists, Professor Zuckerman took leave from Oxford during World War II to become a roving science adviser to Winston Churchill; he has since become science adviser to other prime ministers and one of the leaders of the British scientific establishment.

In this first volume of his autobiography Lord Zuckerman describes with typical wit and directness his early years in South Africa and professional success in his adopted country, England. But its primary interest for American readers will be the account of his work in weapons development and as the pioneer organizer of systematic bomb-damage analysis for the RAF and United States Army Air Force in World War II. It is a fascinating description of the intense struggle within the Allied high command over how best to deploy air power against Germany.

It was and is Lord Zuckerman's contention that the Allied strategic bombing offensive against Germany was dissipated and misdirected by diffusion of mission and failure to concentrate and follow through on the "nodal points" around which German defense industry and front-line logistic support revolved. Specifically, he would have centered the Allied bombing offensive on key junctions of the German railway system thereby immobilizing troop movements, re-supply of fuel and munitions, and food distribution. Much of the book is devoted to the author's efforts to win the "air barons" and the high command, especially Churchill and Eisenhower, over to his point of view.

Surviving commanders of the US 8th Force may object to Lord Zuckerman's thesis on the ground that he took insufficient account of competing priorities. At the time, Allied military planners could not take the risk of leaving German ball-bearing and oil refinery targets unscathed. It was also imperative to bomb the aircraft factories that were producing the new German jet fighters that could well have made the bombing offensive prohibitively expensive. From a political standpoint the V-1 and V-2 rocket sites could also not be ignored. But Lord Zuckerman of course maintains that his "nodal points" approach would have paralyzed these targets as well.

—CHARLES MAECHLING, JR.

War in Japan

VALLEY OF DARKNESS, THE JAPANESE PEOPLE AND WORLD WAR II, *by Thomas R. H. Havens. W. W. Norton & Company.*

Simultaneously dazzled and discomfited, as some Americans seem presently to be, by the threatening production of the economic giant of Asia, Japan, one forgets easily the agony that was the prelude. *Valley of Darkness* reminds us that for eight years the Japanese people pursued a national struggle which only gradually they came to perceive as hopeless. Until the end—the Emperor's surrender on August 15, 1945—the family, both as unit and as nation, survived and if the Americans had invaded, men, women, and children would have met them with bamboo spears at the ready.

We know that three million Japanese lost their lives, that 750,000 urban school children were resettled in rural areas, in temples, inns, and resorts, and that after the bombings of March 1945, more than one-seventh of the Japanese population (10 million citizens) moved out of the cities in one of the great migrations of history. Citizens made do on the scantiest and most distasteful food and worked to combine the daily processes of life with unaccustomed farm labor while suffering the mental and physical anguish of a total war. The author translates this epic in human terms, quoting diaries and letters of those who lived through it.

In the midst of terrible destruction of life and property, people coped. No epidemics broke out and, from these reported accounts, morale was never totally shaken. The togetherness of neighborhood associations and the sharing of common catastrophe kept the struggle going. An army general is quoted as believing that air attacks strengthened the hatred of Americans and a will to carry on the war; an admiral, on the other hand, believed that the immense damage destroyed the desire to continue. The author comments that both were probably right. But certainly by the summer of 1945 few Japanese could in their hearts have wished the war to go on. Only the Emperor could bring its end.

This book is a factual and remarkably dispassionate account of a searing national experience. Its stark reality adds to our understanding of the Japanese.

—JOHN K. EMMERSON

The Open Door

CHOU, *by John McCook Roots. Doubleday, $8.95.*

The value and interest of this informal biography of Chou En-lai are much increased by the fact that the author knew the late premier of China over the decades and was an eye-witness reporter on the course of the Chinese Communist Revolution from its early years to the present. Mr. Roots has served as New York *Times* Far East correspondent.

His account of Chou's life and works within the context of the Revolution is especially worthwhile because of the paucity of reliable data on Chou. Communists disdain recognition for individual accomplishment. His wife, Mme. Teng Ying-ch'ao, compared the people of China to "a great ocean, and the leaders to the white froth on the wave-tops, born of them, carried by them, forever renascent, but non-existent without the ocean."

Chou's revolutionary experience is not surpassed even by that of Mao, Lenin or Stalin. He survived 60 years of revolutionary turmoil, civil war, world wars, Japanese invasion, American ostracism, Russian hostility and intra-Party machinations.

A far-sighted statesman and superb diplomatist, he was a key figure in the decision of Washington and Peking to reverse course: to end some 20 years of enmity and vilification and to seek areas of agreement and good will.

Senator Mike Mansfield, an informed student of Asian affairs, expressed his great respect for Chou, "admiration for his intellectual and political traits, and appreciation for the efforts he made

to bring about reconciliation between our two countries."

When Senator and Mrs. Mansfield paid a final farewell to Chou in his hospital room, Chou's last words to them were: "The door between our two countries never should have been closed."

In a farewell memorial of autographs presented in April 1938 to the author's father, Bishop Logan Herbert Roots, in Hankow, Chou quoted these lines from the Chou dynasty classic *Book of Songs*:

"May it not be true that man, banishing strife,
Will in true friendship find the fuller life,
Then God—all the gods—will lend a listening ear
And send the gift of peace so dear."

A comprehensive bibliography and many photographs of Chou, from 1938 onward, contribute to this admirable work.

—Robert W. Rinden

History—Straight Up

Slave Testimony, *John W. Blassingame, editor. Louisiana State University Press, $37.50 cloth, $9.95 paper.*

This is a collection of Black American source material on the slave experience in America. In over 700 pages it includes 111 letters written by slaves between 1736 and 1864, eight speeches, 129 interviews conducted by journalists, scholars, and government officials between 1827 and 1938, and a small collection of autobiographical narratives. Most of the material is from slaves or ex-slaves born in America; some, however, comes from slaves born in Africa. There are a few letters from ex-slaves who have settled in Liberia, and a considerable number of interviews with runaway slaves settled in Canada.

This is the raw material from which social and cultural histories are written and it exhibits the advantages and disadvantages one would expect from such material. If you like your history digested and condensed into compact form, and value interpretative comment as well, you might prefer Genovese's *Roll, Jordan, Roll.* But if you like your history straight from the mouths of those who lived it, quaint grammar and all, then you will thank the editor of *Slave Testimony* for assembling these diverse materials. The book should be of special interest to those working in African affairs and wishing to improve their understanding of the Black experience in American society.

— Charles O. Cecil

The Barbarians Landed

Early Sino-American Relations, 1841-1912 *(The Collected Articles of Earl Swisher), ed. Kenneth W. Rea. Westview Press.*

These seven essays by the late Dr. Swisher, Professor of History Emeritus, University of Colorado, are of great value. They are based largely on meticulous research on Chinese documents and they emphasize Chinese officials' perspective on early Sino-American relations.

In their memorials to the Emperor in Peking, these officials often wrote of the "inscrutable," "arrogant," "crafty" and "greedy" American, British and French emissaries with whom they were forced to deal after the Anglo-Chinese War of 1840-1842. The "barbarians' " lack of knowledge of the Chinese language and Chinese customs and formalities greatly hindered negotiations. A basic principle in dealing with them was the ancient stratagem of "using barbarians to curb barbarians," to sow strife and contention amongst them.

As it seems impracticable to comment on each of these essays, a few excerpts from those concerning the early dealings (1841-1861) may suffice to indicate the character of these scholarly articles. What follows is taken from Chinese officials' reports to the Son of Heaven in the Forbidden City.

"As the barbarians were born and bred in outer wilderness there is much in the institutes of the Heavenly Court that they do not fully understand. . . ."

"Your slave finds that the location of the United States is in the Far West. . . Of all the countries it is the most uncivilized and remote. . . The said country is in an isolated place, outside the pale, solitary and ignorant."

While advising sincerity and benevolence in coping with the barbarians, the Chinese officials observed that negotiations would have to be "on a fairly low level as, after all, the natures of scorpions and wolves can never be treated with human reason."

Another embarrassment: "Barbarian custom extols women. Whenever there are honored guests they are sure to present the women. . . Your slave was composed and respectful but uncomfortable" on such occasions.

The trials and delays attendant upon Caleb Cushing's patient efforts to achieve the Treaty of Wanghsia, signed July 3, 1844, may be appreciated from accounts of these negotiations from both sides. They may be compared to those of Townsend Harris, who negotiated our first full commercial treaty with Japan 1856-1858.

—Robert W. Rinden

Two on Sea and Weather

Regimes for the Ocean, Outer Space, and Weather, *by Seyom Brown, Nina W. Cornell, Larry L. Fabian and Edith Brown Weiss. The Brookings Institution $9.95, $3.95 paper.*

This is a fine piece of scholarship, compressing into a mere 250 pages the almost infinite considerations that must be thought about if one wants to manage the nonland areas: ocean, outer space and weather. It packs in all the conceivable rights of individual nations, special interests and humanity as a whole which may be affected by the exploitation of these realms.

The regimes recommended are similar for all three realms: a supranational authority to oversee and regulate their use and care. It is stressed that though the ocean and space once seemed inexhaustible and unspoilable they now suffer from scarcity, overexploitation and pollution.

The fact that this book is the work of a group has not hurt its cogency or unity of thought. Most of us wince at the prospect of committee drafting, for it can be as hard on the reader as eating raw dog. The treatment is dry here; still the style is straightforward and comprehensible.

The ocean section makes the pleasantest reading with briskly informative passages on marine ecology, fisheries, deep seabed mining, navigation and oil and gas extraction. Also it offers more real-life examples. It urges a "comprehensive ocean authority" to set and enforce policy for the use of the ocean. The big need is for "pro-

cesses" to reconcile nations with conflicting types of activity and make them accountable to each other and the rest of the world in how they handle this common resource. The authors would prefer to set up this organizational "father figure" now to stop competitive hassles for the usufruct of the ocean. They admit that such an institution will have to wait until "the conditions are ripe in particular fields and among particular sets of countries."

The authors concede that outer space is not yet as crowded as the ocean, except for the radio spectrum and the geostationary orbit. Nevertheless they want a "permanent international outer space projects agency" to avoid troubles among nations vying for space benefits. This part is logical and thorough, but, as with the ocean regime proposal, the authors are prone to rush into international solutions long before it will be practicable to do so. The group seems moved by third world states who feel they are missing the boat by not reserving parking places for their own geostationary hardware which they have neither the industrial capacity to launch, nor technical ability to maintain and operate. The United States has generously dispersed its achievements, inviting all countries to hook up with our satellites on a cost basis with no profits made by us. This book mentions that 80 nations have joined Intelsat; in fact, the number has now climbed to 98. Yet the authors seem worried that South American and African leaders whine over not getting their due share of this world commons, when they should be warning us not to cave in to political pressures which can only weaken the efficiency of present arrangements for everyone.

The portion on weather modification calls for better monitoring and analyzing the effects of this new technology. This part is more cautious in pushing for a world mechanism to protect against negligent or hostile weather manipulation. Perhaps, it says, we may have a mature system with adjudicatory services to handle violation of environmental conventions and disputes between countries.

Summing up, the authors call for internationalizing the regulation of the three realms, though our country may not benefit, in fact may incur near-term material costs. "We advocate this," they aver, "not from abstract altruism or international sentiment, but because it is central to basic US interests." In the long run the authors' position is unassailable, but for the immediate future there are no surefire efficient, dependable international regimens in sight. Therefore to follow the authors' bias of giving the store away in terms of American leadership seems dangerous and foolish. Our present expensive, hard-won dominance in these fields, particularly in the ocean and outer space can still preserve for the United States and all nations the advantages now accruing from the status quo.

LAW OF THE SEA: *Conference Outcomes and Problems of Implementation, Proceedings, Law of the Sea Institute, June 22-25, 1976, University of Rhode Island, edited by Edward Miles and John King Gamble, Jr. Ballinger, 425 pp.*

This book takes a practical look at new regimes of the ocean based on the progress of recent Law of the Sea negotiations. It offers a clear review of the major issues at the 3rd Law of the Sea Conference, along with alternative courses of action. It reveals why the future of an international seabed research authority (ISRA) is so dicey. It is a more practical venture into possible international entities like the ISRA, than the Brookings report provides. The counsel found here is that new laws and regimens should be pursued only as fast as we can produce provable means to implement them. Law of the Sea buffs should be sure to check this useful compendium.

—FITZHUGH GREEN

One for the Road

ROAD RACE, *by Chris Jones. David McKay Company, Inc., $14.95.*

The "pure" road race is dead . . . long live the road race in some other form, such as the long distance rally—and even that variant of the sport has a questionable future. Or so Chris Jones seems to be saying in his excellently illustrated contribution to the history of motor racing, from the close of the 19th century to such latter-day events as the Mille Miglia and the Monte Carlo rally.

Road Race is distinguished from similar books in that it concentrates on Italy, Argentina, and Mexico—whose Carrera Panamericana was the most spectacular contest of its kind in the world. The author skips the era prior to the murderous Paris-Madrid race of 1903 and dismisses American road racing in three pages, the Vanderbilt Cup and Grand Prize classics in two lines, because "these belong to a history of Grand Prix racing." But for those interested in Sicily's durable Targa Florio, which lasted from 1906 to 1973, or in the rough, tough South American road battles, this tightly written volume provides a wealth of informed detail.

—HENRY S. VILLARD



"I know it's a blow, Farnsworth, but reassignment to the Bahamas after ten years duty there is out of the question."

OUR MUSICAL CHAIRS DIPLOMACY

from page 15

changing its ambassador here. Why is it doing that?" "I don't know," replied Dr. Eisenhower, "but why do you ask? Don't you want him changed?" "No" said Peron, "I like the man we have now." "I'll speak to the president," Dr. Eisenhower said.

I cannot affirm that everything took place exactly as persons in the embassy later recounted to me. I was not there. I was back in Havana packing up to take my family to Argentina. What is well known is that Dr. Eisenhower, on his return to the embassy, cabled his brother in accordance with Peron's wish, with the result that my nomination as ambassador to Argentina was withdrawn from the Senate before that body had an opportunity to act on it. The United States not only had embraced a dictator; it had permitted the dictator to select its ambassador to Argentina—a cardinal diplomatic error which countries with few world responsibilities compared with those of the United States take great care not to commit.

Well there we were in Cuba. I was an American ambassador in Cuba, but I was no longer ambassador to Cuba. In fact I wasn't ambassador to any country. And I continued in that state for some three or four weeks. During that period I devoted my attention to golf. An avid duffer who had never had time to indulge his passion, I broke 80 for the first and only time. That almost compensated for the uncertainties that plagued me.

Finally a message arrived saying that I was being named ambassador to Chile, and to Chile we went. For me Chile, with its free society, was a much more agreeable assignment than Peron's Argentina. As in the case of Cuba, I had already served in the country and had a great many friends there. We stayed in Chile three happy years, at the end of which I was again named ambassador to Argentina. This time we went there and remained four years. Argentina without Peron was a fascinating place to be. We enjoyed it tremendously.

It was some years before I was told why I had been assigned to Chile, and why it had taken so long to decide on the assignment. It had nothing to do with my having served there before, and I am afraid that it had little to do with whether I was suitable for the job. It seems that "Doc" Matthews was correct in suggesting that I had been selected for Brazil. It seems, too, that the man selected for Chile was James F. Kemper, a businessman who also was a heavy campaign contributor and an effective fund raiser. But he considered Chile to be small stuff for a person of his stature. He said he wanted Brazil. So Beaulac, who has been assigned to Argentina to make way for one political appointee, was re-assigned to Chile to make way for another politcal appointee.

Now so far this has all been good fun. What is not funny is what happened in Cuba afterward. The man whose photograph I had seen in the Tampa newspaper was Arthur Gardner. Mr. Gardner was a very wealthy man. His wife was one of

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Washington's most active party-givers, and she carried her talent to Havana. The embassy residence, which she largely refurnished, became a center of feverish social activity. The Gardners' prize guest was President Batista, at a time when his star was rapidly declining and Fidel Castro's was steadily rising. And outside as well as inside the embassy residence Mr. Gardner was so effusive in his praise of Batista that the bemused president once said, "I'm glad Ambassador Gardner approves of my government but I wish he wouldn't talk about it so much." Every party the American ambassador gave for Batista, and every word of praise he had for him constituted a small defeat for the United States as well as for Batista, and a small victory for Fidel Castro.

Mr. Gardner's successor as ambassador to Cuba was Earl E.T. Smith, a New York stockbroker who had connections in both political parties. He had a winter home in Palm Beach and friends in Havana society. He also was a member of the Republican National Finance Committee. Mr. Smith was not a passive socialite however. He was an earnest and energetic activist. But like Arthur Gardner before him (and Robert Butler, a Truman appointee, who preceded me in Havana) he spoke no Spanish and had no experience in diplomacy. Critical of Batista at first, he later was regarded as a warm Batista supporter. When he was finally replaced by a career officer Fidel Castro was already in power.

What followed is well known: the communization of Cuba, the Bay of Pigs, the missile crisis (the first and, it is to be hoped, the last nuclear confrontation in history), Angola, Ethiopia, and still other Soviet-Cuban interventions in Africa. All those in addition to systematic efforts to subvert governments in Latin American.

Now few of us are without blame so far as Cuba is concerned. Most Cubans regarded Castro as a white knight who would restore democracy to the island, as he had promised to. The American press was generally sympathetic to him. The New York *Times* gave him ardent support. We shall never know what would have happened if the United States had had experienced ambassadors in Cuba during the crucial four or five years preceding Castro's take-over. What we do know is that, if there were opportunities, through the legitimate exercise of diplomacy on the spot, to influence the course of events in ways that would benefit Cuba and the United States, and promote freedom in the world (and the history of our relations with Cuba suggests that there were), we did not take advantage of those opportunities because we had no one on the spot who was fitted by experience or training to take advantage of them.

The more administrations change the more they remain the same. Musical chairs diplomacy failed to meet our needs in Cuba, and effects in that country and in Africa, and indeed on our total position in the world, continue to be felt. What may be even more tragic is that experience has not impelled us to change our practices materially.

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QUEBEC INDEPENDENCE: IS IT COMING?

from page 13

The Quebec government would highlight nationalist issues prior to the referendum so that voters would be more inclined to believe that separation is preferable to continued participation in Canada.

2. *If the referendum shows that 50 percent of Quebec voters favor negotiations on the question of independence, Quebec will ask Ottawa for discussions to work out an acceptable economic arrangement, to take effect when Quebec becomes independent.* Quebec's representatives would seek to persuade the other nine provinces that this arrangement is in their own best interests by keeping open the Quebec market while also satisfying the aspirations of Quebecers for nationhood. Quebec would warn of the serious consequences resulting for Canada if no agreement is reached and would seek to convince Quebecers that a breakdown in negotiations was due to English Canada's continuing disdain for the French-speaking population. Ottawa's position in these negotiations would be reasonableness combined with firmness, emphasizing that Quebec cannot have it both ways: secession as well as continuing economic benefits resulting from membership in the greater Canada. If negotiations between Quebec and Ottawa do not produce an agreement, a very tense situation would then result and violence could flare. Ottawa would do everything reasonably possible to prevent this situation from occurring, but it may not be successful. Scenario 3 would then come into play.

3. *Negotiations with Ottawa and the other provinces reach an impasse and the Levesque government decides to hold new elections in order to obtain a mandate for declaring independence. The Parti Quebecois is returned to power with a majority of seats in the Quebec Assembly, but it does not win a majortiy of the popular vote. Levesque thereupon declares Quebec's independence and asks for international recognition and admission to the United Nations.* In this situation, the Canadian Government has two alternative courses of action: 1) it can declare the whole process of Quebec's move to independence illegal—as Britain did in the Rhodesia case in 1965—and ask the international community not to recognize Quebec; 2) it could wash its hands of Quebec and move to build greater unity among the remaining nine provinces. The second course seems unlikely if Trudeau remains the prime minister during the next few years.

The Potential for Violence

The above discussion is based on the assumption that citizens of Quebec and the rest of Canada will be rational and *peaceful* while the country goes through a process of deciding whether it will remain one sovereign state, or two, or more. But there is good reason to question whether a peaceful transition from confederation to independence for Quebec is the most likely process in which change will take place. Richard Simeon, a Canadian scholar writing in a new volume entitled *Must Canada Fail*, (1977) suggested that if current efforts fail to prevent disintegration of the confederation, "We will be

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forced, and perhaps in the near future, to face some frightening and unpleasant possibilities. The civility and tolerance on which we pride ourselves will be severely tested. We will face a situation which, when faced by other countries, has frequently led to civil war." Thus, violence in Canada is a possibility; but what are the circumstances which could produce it? And could it be contained?

Two situations in Quebec could lead to violence: 1) if the referendum outlined in Scenario 1 fails and the radical wing of the Party Quebecois concludes that Rene Levesque's peaceful, constitutional method of bringing about independence for Quebec will not achieve the desired results. This could lead to a split-up of the party, with the extremists forming their own organization and adopting violent tactics; (2) if the outcome of Scenario 2 is failure to reach a negotiated separation, and the English-speaking minority in Quebec believes its position to be so threatened that it adopts violent tactics to prevent Levesque from moving to Scenario 3. The suggestion made here is that local confrontations between English-speakers and radical Quebecers could trigger violence which in all likelihood would be dealt with by Ottawa as severely as the 1970 violence in Montreal. This time, however, federal intervention might spark civil war if Levesque hesitates, or opposes the introduction of federal forces into Quebec.

Violence, or the prospect of it, has the capability of changing the national interests of countries most affected by the issues, and Quebec would be no exception. The rational appraisal of interests made by the governments of Canada, the United States and Quebec, as outlined above, probably would escalate sharply if serious trouble erupted in Montreal, where there exists both the largest concentration of English-speakers and the most radical elements of the Parti Quebecois. Should serious violence occur there, either after a referendum or in connection with a breakdown of negotiations between Ottawa and Quebec, there is a real possibility that Canadian troops will be used to restore order—whether the Quebec government asks for them or not. If armed insurgency results and Quebec becomes a battleground between federal forces and the terrorist organization, the United States would avoid involvement; but it would also insure that no other country would become involved there, either directly or indirectly. This is because the United States cannot afford to see an unstable political situation on its northern border any more than Moscow can afford to have an unfriendly Poland or Finland on its western border. The real issue will be whether Levesque, as premier of Quebec, can control the extremist elements during the playout of Scenarios 1 and 2.

The Outlook

1980 is likely to be a critical year for Canada, for Quebec, and for the United States. Prime Minister Trudeau's Government must hold general elections by July 1979 and his Liberal Party is expected to win another mandate. Premier Rene

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Levesque will probably hold a referendum in Quebec in 1979, and a majority of voters there may support his proposal to start negotiations with Ottawa to obtain independence, in association. If negotiations are held, they are likely to go on into 1980, which is a presidential election year in the United States. President Carter's efforts to keep the Quebec issue out of American politics might then be no more successful than were his and President Ford's efforts to keep Panama out of the election campaign in 1976. Indeed, it is very likely that Quebec will become an important political issue in the United States, thus making it difficult for Washington to remain a friendly bystander for Scenarios 1 and 2.

Many Canadian political observers believe that Prime Minister Trudeau is a shrewd enough politician to prevent the split-up of his country and that, in the end, a bargain will be struck between Ottawa and Quebec to give Quebecers a greater degree of autonomy within a restructured confederation—and Quebec will accept this arrangement. One Canadian holding this view is Bruce Hutchison, a highly respected journalist who stated in a recent article in *Foreign Affairs* (October 1977): "To Mr. Trudeau pragmatism is the essence and natural operating method of democracy." Canadians who share this view believe it may be necessary for Canada to offer Quebec the right to post diplomatic representatives in some countries, either within or separate from Canadian embassies. But Ottawa would have to insist on the right to conduct economic planning for the whole country, and on the right to control defense relations; Quebec territory would thus remain a part of Canada for security and economic planning purposes. The key question is whether, in the final analysis, Quebecers will be willing to reject independence in favor of economic and political realities. Here the optimists may underestimate the intensity of nationalist sentiments in Quebec and may miscalculate the effects of violence in persuading elements of the Parti Quebecois to push for immediate independence. Such action could trigger a counter action by extremists on the right. Premier Levesque has strongly opposed violent tactics to achieve Quebec independence, but he also opposed the massive use of federal forces in Quebec to put down the terrorists in 1970. The question arises how forcefully would he, as premier, deal with a new outbreak of terrorism if it should occur.

The United States, as suggested above, would probably be accommodating toward Quebec nationalist leaders so long as things are peaceful in Canada and Ottawa decides it cannot keep Quebec in the confederation. But if serious violence breaks out in Quebec and it appears that Levesque will either be ousted by more radical forces, or is persuaded to join them, this could present the United States with a serious crisis. It is hoped that such a situation will not result from the present political struggle in Canada and a compromise will be worked out to preserve the confederation. But it would be foolish to assume that a worse situation cannot happen.

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A REPORT FROM SWEDEN & FINLAND

from page 21

stretch south of Oulu which lured me into bicycling much farther than I had ever moved in one day on two wheels under my own power. The weather for much of that day was so benign and the road a tape which rolled so easily into the spool of my front wheel that I finally reached Pihtipudas some 210 kilometers from Oulu, about 130 American miles. But that day, like all my days in Scandinavia, ended in a downpour.

The following day, with an acutely painful left knee, I worked my way through a demanding, beautiful landscape and finally straggled into a Jyväskylä school turned into a summer hotel. The clerk had on a T-shirt which read SAN FRANCISCO GIANTS. When did you leave San Francisco, I asked him in Finnish. I have never been there, he replied in English. I bought this shirt in London. I signed my name in the register: Jorma L. Kaukonen, Mill Valley, California, USA, and he said there's a guitarist of that name whose music I enjoy. He's my son, I said, and he handed me figurative keys to the city of Jyväskylä. We now exchange cards.

The next day, again through rain, I worked my way to Orivesi and a youth hostel, the day following to Hämeenlinna and another summer hotel, and the day after that I reached my final goal, Helsinki. There in the apartment of a cousin I took stock of myself. My first reaction was a sense of loss. What on earth will I do tomorrow? I don't have to bicycle anywhere. This lasted an instant and then I felt a sense of relief and joy at having achieved a personal, absolutely non-utilitarian goal. I had a sense of physical well-being and weighed 150 pounds, fifteen pounds having melted away in Sweden and Finland.

Two Helsinki newspapers in feature articles discussed an eccentric 67-year-old American named Kaukonen who had survived two thousand bicycle miles and I liked this stroking of my ego. I wished there were some bicycling organization within which I could reminisce about this experience in my later anecdotage. But there is no club of sixty-year-old former Foreign Service officers who have cycled from Malmö to the Arctic Circle and south to Helsinki. But then I said, for goodness sake, you can be the founder and in the meantime the sole member of a very exclusive club which others in time might want to join. The club wouldn't exist if I were still shuffling bureaucratic papers. Hurrah for retirement.

Back in California, Ray and Colleen and I look back on our Scandinavian experience with nostalgia. There is a golden glow about our summer as we reminisce, the tensions arising from our generation gap and our different life styles long since put aside.

And now I think I will reset my watch to Mill Valley time and erase that horological reminder of the time difference between here and there. It is time now to get ready for another chapter when the flood of paper threatens once again to engulf me.

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DEATH WATCH

from page 18

the trees and started to cry.

He hadn't cried for a long time—a very long time—and it seemed he must have cried for hours because the light had changed its position among the leaves when he opened his eyes.

He was delirious. He could see the old man's legs and his bare feet. He seemed to have moved closer. Well, you old bastard, he thought to himself, I'll fix you. I'll have you tossed in a chopper and we'll turn you over to our Ranger friends when we get back to base and they can ask you a few questions. Then we'll see if you've got a tongue!

His head lolled from side to side. He continued to speak on, only to himself. Why should an old Montagnard have a ration of GI beer? To him it seemed that the old man was sitting on several cases of canned beer and he knew each can was frosted with ice. He could see through the cardboard, so he knew.

And now he was receiving some medals in Saigon. The ceremony was taking place in the California bar near the waterfront and the bar girls were all lined up and dressed in VC uniforms. The thing that irritated him most, however, was the noise made outside by the motorcycles. He couldn't hear the speeches and he went outside and shouted to the drivers to be quiet but there was only one driver and he had the face of the old Montagnard. McClain screamed and screamed and the dream faded.

The light faded too until it became a little pinpoint before him. He reached for it to open it up and let the day back in but it was out of reach. He made a superhuman lurch and missed.

The old man started at McClain's convulsion. He tilted his head slightly to one side, listening and watching like a suspicious parrot. He seemed reassured by what he saw and he moved forward, still squatting, till he was within three feet of McClain's body.

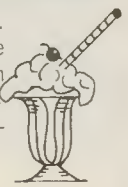
He unsheathed his knife and prodded the still form between the legs. Receiving no reaction he rose from the ground, slid McClain's wallet into his waistband and started to search through the pockets of the flying suit. He found some piastre notes, rolled them carefully and placed them under his beret. He kept the compass and the sheath knife. He stood for a moment looking at the boots but decided to leave them.

A glint of gold caught his eye and he knelt down over the body and lifted McClain's hand. He tried to straighten the fingers but didn't have the strength. Working quickly with the sheath knife he severed McClain's ring finger and tugged off the West Point ring. He held it close to his eyes for a moment. A sudden, childlike smile spread over his wrinkled face. He reached inside his shirt and brought out a small pouch slung from his neck on a leather thong. He opened the pouch and dropped the ring into it.

He paused for a moment, glancing around and listening to the sounds of the mountain dusk before he turned and started the climb back to his village. Behind him, except for the first calls of the nightbirds, all was silence.

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LETTERS TO FSJ

The US and South Africa

The article in the April *Journal*, "South Africa Today: Is Race War Inevitable?," is a good one. In a few pages Dr. Donald E. Nuechterlein captures the most salient issues involved. It is unfortunate, however, that the final paragraph is lacking in any real guidelines for policy makers in the Foggy Bottom area. There needs to be substantial amplification of just what role Western powers should assume in this area.

It can be concluded that the Republic of South Africa will not be able to continue to exist as the sole white rule state on the African continent. The main issue for the West is how apartheid will be abolished—by peaceful means or violent—that is through a civil war or a major war involving other African states or even non-African powers. The average white in South Africa is grossly ignorant of any complaints from the black population and has little or no knowledge of their living conditions. There is a widespread tendency to dismiss the possibility of the Africans better organizing themselves and a tendency to fall back on timeworn arguments of primitiveness and mutual hostility of the tribes living in South Africa.

It is hoped that the Carter Administration will not take seriously the argument of the Vorster Government that the preservation of apartheid is vital to the survival of the Free World. The real purpose of any action by the West in a future large-scale crisis would be the protection of financial interests. One possible additional pretext for aiding the South African government might be the need to counter any perceived Soviet threat in the Indian Ocean.

What Dr. Nuechterlein doesn't make clear is that, all things considered, it is difficult to envisage any course of events that might lead to any type of military intervention by any Western power, especially after the experience of Vietnam and Angola. Some kind of indirect intervention to protect the white regime is far more plausible but would definitely be counterproductive to American interests throughout the continent. Moreover, the possibility that the United States now, or in the future, might exert enough pressure to cause the South African government to abolish apartheid is very slight, though admittedly not negligible. It remains a fact that political denunciations have not and will not have any profound consequences for the South African government so long as economic relations with the US and other Western countries remain intact.

Finally, the article does not mention that it is conceivable that a certain liberalization within South Africa may neutralize the black opposition and make it settle for less than complete equality with the whites. This situation would ultimately lead to the development of a socio-economically differentiated society in which apartheid had given way, but in which the nonwhites of South Africa would remain second class citizens, even though they would possess the same political rights as the white population. The bottom line is that it is doubtful, considering the poverty and misery which have been imposed for so long on the blacks of South Africa, that they will ever be content with the limited reforms being made by the Vorster government. It is far more probable that they will seek to eliminate completely the doctrine and practices of white supremacy. Thus, unless substantial concessions are made by the white ruling class, it appears inevitable that South Africa will experience some major upheaval in the not too distant future. Such a conflict could easily escalate, perhaps even making South Africa the next international battlefield. What response can—and should—the United States make in such a situation? Its long-term interests throughout Africa—and perhaps the Third World—are at stake. Such an analysis deserves more than the brief treatment accorded the subject in the article at hand.

ROY A. HARRELL, JR.

Environmental Diplomat

Rodney Kennedy-Minott undoubtedly is the Administration's first environmental Ambassador. America's first environmental diplomat was the naturalist George Perkins Marsh, who was appointed Minister to the Sublime Porte in 1849 and Minister to Italy in 1861. Unlike his successors in *the early days*—and I stress *the early days*—of NATO's Committee on the Challenges of Modern Society, Marsh used the latter assignment not to respond to the Department's endless NIACT IMMEDIATE telegrams but to complete *Man and Nature*, perhaps the best general Environmental Impact Statement ever written. This book gave great impetus to the conservation movement more than a century before Fitzhugh Green's *Decade of the Environment* (*FSJ*, May 1978).

It was Marsh who wrote, as quoted by Stewart Udall in *The Quiet Crisis* (1963): ". . .The earth is fast becoming an unfit home for its noblest inhabitant, and another era of equal human crime and human improvidence . . . would reduce it to such a condition of impoverished productiveness, of shattered surface, of climatic excess, as to threaten the depravation, barbarism, and perhaps even extinction of the species."

JAMES G. SAMPAS

Brussels

Why Not the Best?

As a dues paying member in good standing of the Foreign Service Association, I read with great interest the article by Martin F. Herz entitled, "Maxwell Gluck and All That." While you may regard me as a suspect witness since I served for approximately eleven years as a non-career Ambassador, nevertheless, it occurred to me that you might be interested in a short article which I wrote on non-career diplomats and which appeared in the *New Haven Register* on February 14, 1978. The article by Ambassador Clare Boothe Luce which appeared in *Foreign Affairs* in July 1957 is, of course, far more extensive and complete.

I am convinced that the *Journal* would be interested in another slant on this important question. Doubtless that you will recognize that while Mr. Herz's article documents a number of unfortunate "gaffes" on the part of non-career diplomats, a list of "gaffes" by career diplomats could also be compiled. However, having defended the career service ever

since I served on the Foreign Affairs Committee of the House of Representatives, I have not gone into this aspect of the question.

I do think that James Reston, whom I quote in my article, was right in pointing out that the best people available should be appointed "regardless of party, wealth, or Foreign Service record."

JOHN DAVIS LODGE

Martin Herz comments: "I'm not aware that my article about Maxwell Gluck 'documents a number of unfortunate gaffes on the part of non-career diplomats.' Such an article remains to be written, and I hereby invite contributions for it. As someone who has had the good fortune to serve under David Bruce, Douglas Dillon and Ellsworth Bunker, I would never take the position that all non-career appointees are unqualified. The whole point of my article was simply that it is not unreasonable for the qualifications of ambassadorial candidates to be examined."

Author's Query

For a biography of General Walter Bedell Smith, Ambassador to the Soviet Union, 1946-49, and Under Secretary of State, 1953-54, I would appreciate learning of any correspondence or receiving personal accounts of his service from those readers who knew him.

WILLIAM P. SNYDER
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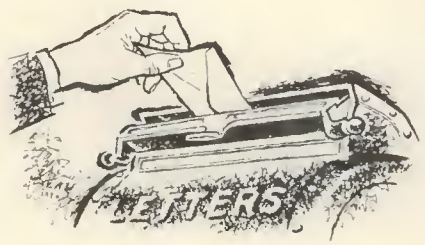
License News

Members of the Foreign Service with Virginia drivers' licenses will be interested in the following amendment to Paragraph 46.1-382 of the Code of Virginia enacted by the 1978 legislature and recently signed by Governor Dalton, effective July 1, 1978. Delegate George W. Grayson of Williamsburg introduced the legislation at my suggestion. The amended language is italicized:

"Para. 46.1-382. Extension of licenses for persons in armed forces *or foreign service*. —The operator's license of any person issued under the provisions of this article shall be held not to have expired during the period of his service, if any, outside the Commonwealth of Virginia, in the armed forces of the United States *or as a member of the diplomatic service of the United States of America, appointed under the Foreign Service Act of 1946, serving outside the United States* and six months thereafter; provided, however, that any such extension granted under the provisions of this section shall not exceed four years from the date of expiration shown on the individual's operator's license. Any person whose license is extended under the provisions of this section shall have documentary or other proof when operating any motor vehicle that he is entitled to the benefits hereof."

Incidentally, Dr. Grayson is professor of government at the College of William and Mary and lecturer on Latin American in the FSI School of Area and Country Studies.

WALTER J. MUELLER *(FSO-ret.)*
Williamsburg



Amnesty Replies

EDITOR'S NOTE: *Robert Ehrman showed Edward Ingraham's letter to the editor (June FSJ) to Amnesty International and this is their reply.*

Mr. Ingraham's letter, challenging Amnesty International's estimate of the numbers of untried detainees in Indonesia, requires an answer at several levels. First, it may be useful to restate the position which AI has consistently taken. In successive public reports, and specifically in the March 1977 report of AIUSA (which served as background to Mr. Ehrman's original article) we stated our belief that "the number of political prisoners presently held without trial . . exceeds 55,000 and the true figure is nearer 100,000." This estimate was restated in October 1977 in a detailed report issued by Amnesty's International Secretariat in London, which explained the underlying reasoning for AI's use of a substantially higher figure than that of the Indonesian authorities. One statement by the Indonesian Prosecutor General, Ali Said (cited on page 39 of the report) has a direct relevance in this context. Speaking to a group of European parliamentarians he admitted that, despite a presidential announcement some two years previously that all 22,000 prisoners (in 'C' category) had been released, in fact the release orders had not yet been put into effect by army commanders in charge of local detention centers; the prisoners remained in custody. Amnesty missions to Indonesia have similarly been told by government ministers of the difficulties inherent in enforcing release orders in the provinces. This may help to explain the apparent conflict between governmental and non-governmental estimates.

The sources used by Amnesty International, however, are not only official; they include Indonesians involved in welfare work on behalf of prisoners; many are individuals who would be unlikely to meet Jakarta-based diplomats in the normal course of their work.

It should be remembered that Mr. Ehrman's article appeared a year ago. In December 1977, a sizable release program was announced; this clearly modifies the total numbers of those still detained.

Acrimony about numbers can distract attention from the key issue in terms of human rights: the immediate release of all untried detainees. We note that Mr. Ingraham is not able to substantiate his original contention that Mrs. Sutanti Aidit was a member of the central committee of the Indonesian communist party. However, his letter could well be read as implying that Mrs. Aidit's political affiliations prior to 1965 in some way justify her subsequent detention without charge or trial for many years. This Amnesty International cannot accept. She is a prisoner of conscience and we work for her unconditional release in conformity with the Universal Declaration of Human Rights.

The JOURNAL *welcomes the expression of its readers' opinions in the form of letters to the editor. All letters are subject to condensation if necessary. Send to: Letters to the Editor, Foreign Service* JOURNAL, *2101 E Street, N.W., Washington, D.C. 20037.*

AFSA NEWS

JULY, 1978

This portion of the JOURNAL *is the responsibility of the Governing Board 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. AFSA News Committee, Room 3644, N.S.

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FSIO WINS TAX SUIT

The Fourth Circuit Court of Appeals (Maryland, Virginia, West Virginia and the Carolinas) has upheld the tax deductibility of home leave expenses in a suit brought by a Foreign Service Information officer, *Hitchcock v. Commissioner,* which we have reported on periodically. The court held that home leave expenses incurred by the Foreign Service employee may be deducted as a business expense from his taxable income. This is the second favorable decision by a federal appeals court and represents a significant victory for all Foreign Service personnel.

In certain circumstances Foreign Service employees who failed to deduct these expenses in the past may be able to obtain refunds for the tax years 1975, 1976, and 1977. The *Journal* will carry a full summary of this case and its legal implications in the August issue.

AFSA has provided financial support for the Foreign Service claimant in this case, which was also supported by the Thomas Legal Defense Fund, and was argued by Murray Belman, a private attorney and a former Deputy Legal Advisor of the Department. The financial contributions of AFSA members have made this success possible. We hope for your continued support of worthwhile legal causes, even though the IRS recently rejected our application to permit tax deductible contributions to a proposed AFSA Legal Defense Fund.

DIPLOMATIC PRIVILEGES AND IMMUNITIES

AFSA President Hydle testified on May 24, 1978 before the Senate Foreign Relations Committee which is considering a House-passed bill on *diplomatic privileges and immunities*. The bill repeals old 1790 Federal statutes which extended complete immunity from US judicial process to foreign diplomats, staff, families, and servants and provides that in the future such immunities and privileges will be consistent with standards set forth in the Vienna Diplomatic Convention. As an exception, the administration could negotiate agreements for more favorable or less favorable treatment on the basis of reciprocity.

AFSA spoke in support of the House bill, as the 1790 statutes make it extremely difficult for the United States presently to negotiate agreements whereby Foreign Service family dependents abroad may seek employment on local economies and whereby Foreign Service personnel and families abroad may obtain protection from host governments' taxes and threats of arrest. AFSA also presented clear evidence that foreign diplomatic and staff personnel receive more favorable exemptions from US federal and state taxes and other legal requirements than US Foreign Service personnel abroad receive. AFSA proposed that the bill be amended to authorize the Department to reimburse F.S. employees for host governments' customs duties and local taxes paid when importing or purchasing on the local market normal and necessary goods and services for use within that country.

The expense of compliance with host governments' duties and taxes is a burden that falls most heavily on F.S. personnel not on the Diplomatic List, especially secretaries and communicators.

ICA/AFSA GEARS UP FOR NEW AGENCY

AFSA's ICA unit has organized itself for maximum professional and employee management relations activities. Peter Wolcott (PGM/DP) chairs the standing committee and sits on the AFSA Board. Joel Fischman (PGM/DP) heads up our Professional Affairs Committee. Carl Bartz (PGM/D) now serves on the AFSA-wide Professional Affairs Committee. Jim McHale (VOA/DF) represents ICA on AFSA's Bylaws Committee. James President (ECA/AIC) heads up the effort in ICA to increase AFSA membership. Fred Shaver (AF) heads an already active Service Issues Committee. Fred himself serves on the AFSA-wide Members Interest Committee, while Jack Simmonds (MG/II) serves on the Extraordinary Dangers Committee. Other AFSA/ICA activists include Sean Kelly (VOA/PCX) who serves on the Congressional Relations Committee, Dale Morrison our representative on the AFSA Legal Committee and Wesley Pedersen (PGM/P) who is an active *Foreign Service Journal* Editorial Board Member.

The AFSA/ICA keyman network is being revitalized so that you will have somebody to turn to in your division for help or information.

An issue AFSA/ICA is very concerned with is the apparent failure of the Open Assignments apparatus in many cases. While we cannot formally consult with ICA management, we have the right to make our concerns known. A strong professional FSIO corps requires an assignment process based on merit, consideration and consistency. To date, many cases of forced assignments for positions, for which qualified officers have applied, are filled by officers who neither applied for the jobs nor want them. Long delays have affected the morale of many waiting for assignments. Officers overseas often find Washington unresponsive to their repeated requests for information on assignments and feel that they are sometimes not receiving the same "deal" that Washington based officers get. Albeit the old assignment process had serious faults, the new one held out the promise of serious consideration, in a timely, clearly laid-out fashion, of officers' preferences. The Open Assignments system, in theory, could help develop a more professional FSIO Corps and improve morale. We feel that this has not happened! Please send your comments on, horror stories about, or expressions of support for the open assignment process to Peter Wolcott or Fred Shaver, AFSA/ICA. We are concerned!

COST-OF-LIVING ALLOWANCES

In late May, AFSA's Members Interests Committee learned that the Department was completing plans to implement significant changes in the system of computing cost-of-living allowances, or post allowances, paid to Foreign Service employees at many posts abroad. The Committee immediately asked for a briefing on the proposed changes. As explained by the Department's briefers, the new system of computing cost-of-living allowances will cause the allowance to be reduced for employees earning roughly $32,000 or less and to be increased for employees earning over $32,000.

These changes are being implemented as a result of insistent pressure from the General Accounting Office and the Office of Management and Budget that the Department revise how it determines an employee's "spendable income," which is the basis for computing the amount to be paid as a cost-of-living allowance. Heretofore, "spendable income" has been defined as an employee's base salary less payment for taxes, retirement insurance, savings, contributions and gifts, as estimated from US Bureau of Labor Statistics National Consumer and Expenditure reports. No deductions from base salary have been made repesenting payments for shelter and utilities even though most Government employees abroad receive a housing allowance or live in government-leased or owned housing. The GAO and OMB view this current procedure of including the cost of shelter and utilities as spendable income while simultaneously granting a housing allowance as a form of "double dipping" and an increase to income not subject to income tax and cite this as an example of justification for repeal of section 912 of the Internal Revenue Code. They add that spendable income should represent only that part of the employee's income available to pay for goods and services and exclude the costs of shelter and utilities which are paid under a different allowance. The net impact of excluding amounts spent on shelter and utilities from the estimated spendable income is to significantly reduce the cost of living allowance being paid employees.

The other important change in computing the estimated spendable incomes has the effect of raising the allowances paid to senior level employees. Heretofore, the computation has assumed that $20,000 is the maximum salary paid any employee with the result that all employees at a post earning $20,000 or more received the same cost of living allowance. The ceiling is now being raised to $50,000 which substantially increased the estimated spendable income of most senior employees and thus increases the amount that can be paid them in the form of a cost of living allowance. It is at about the $32,000 salary level where the effect of raising the ceiling offsets the loss caused by the exclusion of shelter and utilities.

A departmental notice explaining these changes is expected to be circulated by mid-June announcing the changes will be implemented about September 1. As of our press time, it appears that most FSO/FSS/FSR/FSRU employees below the FSO-3 level who are receiving a cost-of-living allowance will suffer a loss in gross income even though their actual living expenses remain the same. For example, an employee with two dependents receiving a base salary of $15,000 at a post with a class 6 post allowance will find his or her cost-of-living allowance reduced from $3,200 to $2,430, or a loss of $790!

In order to express its concern regarding the harsh impact this will have on less well paid employees, AFSA obtained a special meeting June 5 with Deputy Under Secretary Ben Read. AFSA representatives argued that means should be found to mitigate against the proposed sharp reductions in the cost-of-living allowances. We recommended such possibilities as invoking a grandfather clause. We also asked that management tell AFSA how many FS employees are actually affected, and to what extent, and what net savings to foreign affairs agencies will be realized from allowance changes, and whether these funds can be used to implement other recommendations proposed by Inter-Agency Committee which do benefit employees and are being delayed because of lack of funds. Without regard to the changes, we pressed Read for early action to implement the 1977 recommendations of the Inter-Agency Committee on Overseas Allowances, (A) to amend regulations governing movement and storage of household effects to authorize all single employees ship 7500 pounds and all married employees ship 12,000 pounds, and (B) to institute new relocation allowance whereby employees being transferred eligible for temporary lodging and subsistence allowance for 90 days split as desired by employee between old and new posts. In addition to other suggestions, we emphasized Department recognize that in comparison with Americans living in USA, the "spendable income" of many employees abroad already substantially reduced because working spouses generally unable to accept employment in host counties.

Responding to AFSA comments, Read indicated that he and others in management now fully sensitized to moral impact of proposed COLA reductions. He promised to examine all possible ways for reducing impact on those adversely affected and to seek early action for carrying out Inter-Agency Committee recommendations and AFSA's proposals which would benefit employees.

We shall continue our efforts to support ways of reducing the adverse impact of these revisions in the system of computing the cost of living allowances.

AFSA's PROTESTS FORCE AID CONTRACT REVISIONS

AFSA recently presented the AID Auditor General with information that AID might be misusing its authority to approve Indefinite Quantity Contract (IQC) Work Orders. It included evidence indicating that "sweetheart" arrangements were being made by operating Bureaus to obtain the services of particular contract employees. The information also indicated that some IQC contractor employees were being used as direct-hire employees in violation of Civil Service Commission regulations.

The Auditor General has completed its investigation of the information presented and, according to a published AID memorandum, "did not find evidence of criminal actions, but did find evidence that the Agency has and, in all probability, is continuing to use some contractor employees inappropriately."

Acting in response to the Auditor General's report, the AID memorandum indicates all existing IQC Work Contracts are being reviewed to ensure they are in order. If any work order does not conform with requirements, AID promises to take action on an urgent basis either to seek a correction of the work order or to terminate the work. Also, the Office of Contract Management has been instructed to screen future contracts more carefully and to get legal opinion on questionable cases.

AFSA applauds the "Whistleblowers" who alerted it to the inappropriate practices which AID is now trying to correct.

FOREIGN SERVICE HONOR ROLL

Hermann F. Eilts, Ambassador to Egypt, received the honorary degree of Doctor of Laws from the Dickinson School of Laws in June. During his 31 years of Foreign Service, Ambassador Eilts has received the Flemming Award and the Department of the Army Distinguished Civilian Service Decoration. He has written books and articles on Middle East history.

FOREIGN SERVICE DAY 1978

The highly successful 13th annual Foreign Service Day on May 19 began with the welcome and opening remarks of Director General Harry G. Barnes, DACOR President Burke Elbrick and AFSA President Lars Hydle. A stimulating schedule followed, featuring speakers Frank Carlucci, Deputy Director, CIA and David Newsom, Under Secretary for Political Affairs. The Foreign Service Cup was presented to Ambassador Ellsworth Bunker and the Director General's Cup to Ambassador Theodore C. Achilles. Equal Employment Opportunity Honors were presented to Ambassador Clifton Wharton and Mrs. Lucile Atcherson Curtis. The afternoon session was a series of round-table discussions, followed by the Secretary's Reception.

On May 20, AFSA's traditional post-FS Day brunch at the Foreign Service Club found more than 80 interested members gathering for drinks, an excellent meal, an autographing session with Ambassador Jack K. McFall whose tenacity (see May *FSJ*) had resulted in the publication of "Tales of the Foreign Service," and a report on AFSA today. President Lars Hydle introduced those at the head table: Ambassador Frances Willis, Ambassador McFall, Board Members Robert Cleveland and Eugene Braderman.

Bob Cleveland read a message from Mr. Foreign Service, Loy Henderson, who was unable to attend. Mr. Henderson's touching tribute to Thomas Wasson appears on this page.

President Lars's introduction of Miss Willis enumerated her string of "firsts," ending with the indisputable fact that she is "first in the hearts of her colleagues."

Ambassador McFall gave a brief history of his contest which resulted first in many contributions to the *Journal* over the past nine years and as of Foreign Service Day, 1978, in the publication of "Tales of the Foreign Service," edited by Ralph Hilton, with a foreword by McFall, and published by the University of South Carolina Press. Ralph Hilton had planned to attend but labor problems on his newspaper in Savannah precluded it.

The concerns of AFSA members surfaced in questions and discussions on union affiliation, career opportunities, Foreign Service wives, limited intake of junior FSOs, *Bradley v. Vance* and the Pepper bill (both of which relate to retirement), affirmative action and the proposal to form a Foreign Service League, similar to the Navy League in purpose and operation.

Space does not permit listing those present at this pleasant occasion, nor a complete rundown of the questions and discussion. Reunions of colleagues were celebrated, absent friends were mourned, and, God willing and if the creek don't rise, we'll do it again next year.

SKILL CODE CHANGES

AFSA and Management have just completed negotiations on a new Procedure for Skill Code Changes. This program, effective June 6, 1978, will permit primary skill code changes for all Foreign Service employees, including changes within cone and from one cone to another, and changes for secretaries and communicators on excursion tours.

Negotiations were long and complex, but we are extremely pleased with the final outcome. All of AFSA's proposed additions and revisions were eventually accepted, resulting in extensive revisions and substantial improvements to Management's original proposal. The program provides a fair and practical method of allowing movement within the system while taking into account surpluses or deficits in the skill codes involved.

The final program is of special interest to the Staff Corps, since it provides for the first time a means by which employees on excursion tours can apply for a change of skill code. This will not only allow qualified Staff Corps employees to move into new career fields, but will also provide more promotion opportunities for those who elect to remain in the communicator/secretary fields.

RONALD L. NICHOLSON: NEW AFSA BOARD MEMBER



Ron Nicholson was appointed by the AFSA Governing Board on May 9 1978 to fill the vacancy created by the resignation of Nancy Fox as AID Constituency Representative on the Board.

Ron is a long term member of AFSA with experience both as a Keyman and as a member of the AID Standing Committee. After receiving a Masters in International Relations from the University of Denver, he joined AID in 1961 as a Management Intern. Following a period of service in AID Washington, Ron was assigned overseas to Guatemala and Costa Rica before he became Assistant Mission Director for Program in Panama in 1970. He was transferred to a similar position in Sal Salvador in 1971. Returning to AID/Washington in 1973, he held positions in the Latin American Bureau and in Narcotics before becoming officer-in-charge of Anglophone West African affairs where he still is.

LOY HENDERSON's TRIBUTE

During recent days there have been a series of celebrations in commemoration of various events that have taken place in the Middle East during the month of May thirty years ago.

Next week will mark the 30th anniversary of an event which it seems to me it would be appropriate for members and former members of the Foreign Service to remember. On the 23rd of May 1948 our Consul General in Jerusalem, Thomas Campbell Wasson, died at his post as the first member of the Foreign Service to fall a victim to the animosities and hatreds generated by the upheaval that was taking place in the area. It is my understanding that Tom was selected by the Department for what was then the most hazardous post in the Service because of his established integrity, his proven ability to carry on with courage and dedication in dangerous and delicate situations, his open and friendly personality, and the fact that he had no family dependents. When offered the post he said that he was pleased to accept it as a challenge.

In the early afternoon of May 22nd as he was returning by foot from the French Consulate General in Jerusalem, where he had been attending a meeting of the Truce Commission, to the American Consulate General he was hit by a sniper's bullet. At the time he was wearing a "bullet-proof" vest which the Department had furnished him and which he had promised to wear. The bullet, however, struck him in the upper part of his right arm and then passed on into his chest. He died the next morning without recovering consciousness. The identity of the sniper was never established.

May 1, therefore, on this occasion offer a toast to the memory of Tom, of whom the Service will always be proud, and to other members of the Service who, during the last 30 years, have courageously sacrificed their lives in their endeavors to represent our country in the troubled areas of the Middle East.

FSJ SPECIAL SERVICES

In order to be of maximum assistance to AFSA members and **Journal** readers we are accepting these listings until the 15th of each month for publication in the issue dated the following month. The rate is 40¢ per word, less 2% for payment in advance, minimum 10 words. Mail copy for advertisement and check to: Classified Ads, **Foreign Service Journal,** 2101 E Street, N.W., Washington, D.C. 20037.

HOUSES FOR EXCHANGE

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WRITERS: "PROBLEM" MANUSCRIPT? Try AUTHOR AID ASSOCIATES, Dept. FSJ, 340 East 52nd Street, N.Y.C. 10022.

IF YOU ARE LOOKING for an out-of-print book, perhaps I can find it. Dean Chamberlin, FSIO-retired, Book Cellar, Freeport, Maine 04032.

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VANDIVIER RESIGNS

Jim Vandivier, State Rep, recently resigned from the Governing Board and submitted the following letter:

I herewith submit my resignation from the AFSA Governing Board to become effective at your pleasure but no later than June 20, 1978.

The primary reason for my resignation is that I am being transferred on overseas assignment later this summer. A secondary, but important, additional concern is that unexpectedly I have not been able to program sufficient time to do justice to meeting the important responsibilities that a Board member should reasonably shoulder. I think it essential that the AFSA Board "play with a full deck" if it is to meet the urgent challenges which confront the whole Foreign Affairs community at this important time.

I leave with a touch of sadness and regret. A little more than a year ago AFSA, torn by internal strife, appeared to many as being on the verge of dropping from the employee representative scene forever. Its treasury was empty; its staff demoralized and underpaid; vindictive but troublesome legal actions required a costly defense; membership support rested in a distressingly small corps which itself was beginning to have doubts. From those dismal days AFSA has made a remarkable recovery. There is still a long, difficult road to travel but it seems to me that exciting things are starting to happen and, at last, there is reason for hope and optimism.

If I may be permitted a final salvo, I should like to reiterate the importance which I attach to AFSA's need to provide satisfactory liaison with the growing number of "special interest groups." They may appear irresponsible at times, motivated by self-interest and gaining special advantages, but it has been my observation that as they plunge more deeply into the issues that trouble them they gain new appreciation for not only AFSA's own interests and actions on their behalf but also often express a desire to provide what AFSA requires most urgently—resources and active membership on committees where so much of the useful work of AFSA must be accomplished. No longer a "bull" on affiliation, I see this, along with the hope that AFSA can add at least two additional staff members on the payroll, as the only sensible way to go.

In closing, I want to tell you that I have enjoyed our association very much and I shall miss that relationship. My best wishes and great respect for each of you individually is about all I can offer for now. Just hang in there.

Foreign Service People

Marriage

Gellert-Penfield. Mrs. Nathan Henry Gellert was married to James K. Penfield, retired Ambassador, on May 19, in Seattle, Washington.

Birth

Peck. A son, Thomas William, born to FSO and Mrs. Edward L. Peck on February 17, in Washington. The Pecks are now in Baghdad.

Deaths

Ashford. Theophilus E. Ashford, FS1O-retired, died on April 15 in Bethesda, Maryland. Mr. Ashford joined the Department of State in 1950 and USIA in 1953. He served in Jakarta, Tokyo, Niigata, Songkhla, Bangkok and again in Jakarta as Binational Center Director. He received the Meritorious Honor Award in 1965 and retired in 1974. Survivors are his wife, Marion, 9930 Juillard Dr., Bethesda, Md. 20034, a daughter, Marion Spurlock, of Davis, California, a son, Ronald, of San Francisco, and two grandchildren.

Shapiro. Harold Shapiro, FSR-retired, died on May 7, in Washington. Mr. Shapiro was a CIO regional labor leader for 16 years before entering the Foreign Service in 1955. He served at Rome and Rio de Janeiro as labor production adviser and assistant labor attache and with AID in Washington before his retirement in 1973. He is survived by his wife, Geraldine, 3900 Watson Place, N.W., Washington, D.C. 20016, and a son, Michael.

FS LEGAL SEMINAR

Attention: foreign service families—both active and retired—State, AID, ICA, Peace Corps and AAFSW! Do you have the latest information on property, wills, inheritance, taxes, credit, diplomatic immunity, retirement, annuities, divorce and child custody? These and other pressing concerns will be explored by a panel of distinguished attorneys at a day-long seminar on Saturday, September 30, at the Foreign Service Institute.

The seminar is being organized by the Women in Transition Committee of the Forum of the Association of American Foreign Service Women. It is open to all members of the foreign affairs community, both women and men.

Mark your calendar now to attend this pioneering legal seminar! Space will be at a premium. All those wishing to attend are urged to contact the Overseas Briefing Center at 202-235-8784 for reservations and further information about the program.

Fact: Overseas insurance either replaces your household effects at today's prices or it doesn't.



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Most overseas insurance policies cover your household effects for their replacement cost less depreciation. This means that your $500 stereo system purchased 5 years ago may have an actual cash value of only $250 today. That's what most overseas insurance policies (or the Claims Act) would pay if it were lost or destroyed—hardly enough to replace the entire system at today's prices.



Current Replacement Cost

The American Foreign Service Association is sponsoring a Package Insurance Program for AFSA members only. The AFSA program covers you for the replacement cost of household furniture and personal effects that are lost or destroyed.

This means that your $500 stereo system would be replaced with a similar system at today's prices even though they may be higher than $500, subject only to the policy deductible of $50.00.

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