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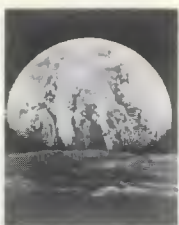
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COVER: This famous Apollo VIII photograph of the water-covered Earth rising above the moon best illustrates the resources whose exploitation will be regulated by new U.N. treaties. Our three-part survey of the Common Heritage concept begins on page 13.

The Common Heritage13

Recent international laws call for sharing global and celestial wealth with the developing world. By Francis X. Cunningham.

The Law of the Sea16

How the United States, bargaining for navigation rights, agreed to help the Third World mine the strategic minerals of the seabed. By Ann L. Hollick.

Who Owns The Moon?22

A space-law expert shows how the draft Moon Treaty would work against the best interests of this country and advocates that the U.S. not sign it. By George S. Robinson.

The Indochina Tragedy26

Author James C. Thomson argues that policy decisions and the style of State Department decision-making plunged the U.S. into an unwanted war it could not escape.

The Journal: Reluctant First Secretary34

Monticello beckoned to Jefferson, but the retiring minister to Paris could not turn down Washington's offer. By Frank Lancetti.

The *Foreign Service Journal* is the magazine of professionals in foreign affairs, published 11 times a year by the American Foreign Service Association, a non-profit organization. Material appearing herein represents the opinions of the writers and is not intended to indicate the official views of the Department of State, the International Communication Agency, the Agency for International Development, or the United States Government as a whole. While the Editorial Board is responsible for general content, statements concerning the policy and administration of AFSA as employee representative under the Foreign Service Act of 1980 on the editorial page and in the Association News, and all communications relating to these, are the responsibility of the AFSA Governing Board.

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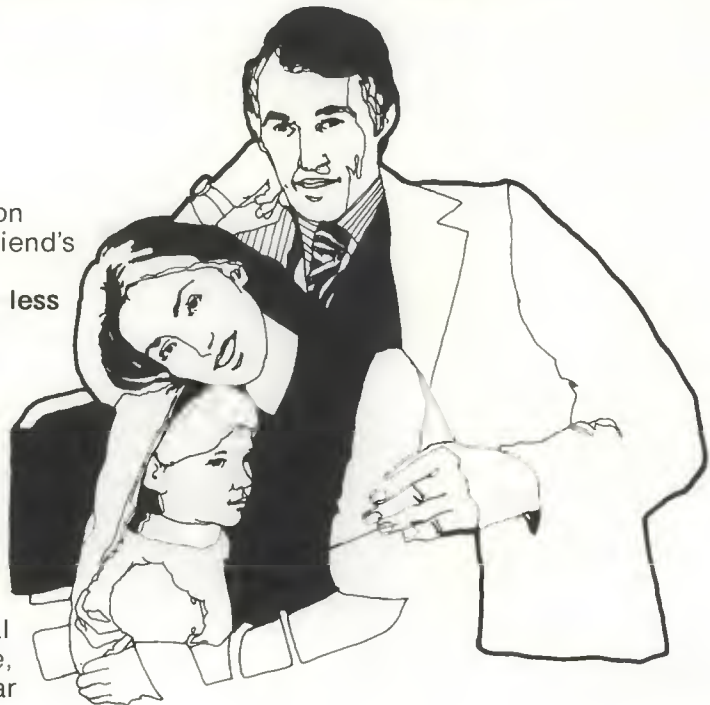
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LETTERS

Data & Diplomacy

I was happy to read Robert Driscoll's letter on the word processing/minicomputer program ("Bureaucratic Regurgitation," March) because it discusses a number of the fundamental issues involved in this subject and is a hopeful sign that the service as a whole, not just a small group of computer enthusiasts, is starting to address the inevitable question of automating our overseas posts.

I am even happier to report that two of the questions he raises, the wisdom of standardizing on Wang equipment and the utility of Foreign Service officers (as opposed to outside talent) acquiring data processing expertise, have been answered positively by our experience in the field.

First, although Mr. Driscoll is perfectly correct in pointing out that most Foreign Service posts do not have a Wang representative down the block and, indeed, are located in areas where another computer company is preeminent, service has not been a problem. E.g., in spite of the fact that Prague's VS minicomputer is serviced from Brussels, we have missed only one day of operation due to equipment failure in the six months since the system was installed. This is largely a tribute to the Information Systems Office's perspicacity in buying equipment that thrives in the hostile environments in which we so often have to conduct our business, but also demonstrates Wang's commitment to maintaining the machinery it sold us. I think that when we weigh the costs we have incurred in flying service personnel into Prague against the tremendous discount ISO realized by buying our computer as part of a large, bulk order, it will be found that we have saved a great deal of money. Needless to say, the department is also saving incalculable amounts by creating standardized programs rather than forcing

each post to reinvent the wheel by doing the programming locally, a situation we could not benefit from if each post had its own type of computer.

Mr. Driscoll's other question, whether we should depend on Foreign Service officers or outside experts to run our computer operations, has also been answered by our experience. In the course of developing systems to automate the various activities carried on at posts (from maintaining inventories to handling the staggering caseload of a visa mill) we have found that the functionality of programs is in almost direct ratio to participation of State Department personnel in their design and implementation. And notwithstanding the supposed complexity of computers, even FSOs such as myself can run them.

BRUCE F. MORRISON
General Services Officer
Prague, Czechoslovakia

Policymaking Reforms

Congratulations to Bill Veale for his excellent set of articles on reforming our foreign policy institutions (*Journal*, January, February, and March 1981). His proposals on this perennial topic are the most far-reaching, comprehensive, and innovative of which I am aware. Surely they could go far toward curing the State Department's malaise and, more importantly, our persistent lack of coherence in foreign policy.

The problem which looms large with respect to Veale's reform package, of course, is how to translate it into reality. Even if there were a consensus within State to proceed in the direction he outlines, the obstacles which would emerge from other elements of the executive branch and within the Congress would be formidable, as recent history has shown.

Still, one can only agree with Veale's conclusion that "we must find the courage to take first steps and decide where we want to go."

DAVID ADAMSON
U.S. Mission to the U.N.
New York, N.Y.

Unfair Review

Readers of the *Journal* have come to rely upon the high quality of its book reviews and their objectivity.

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Consequently, I feel that others will also be disappointed that the review of the most recent book by Ambassador Martin F. Herz (*Journal*, April) was assigned to a known opponent of the author's thesis, Mr. William Lenderking. As might be expected, the result is hardly likely to satisfy the careful reader.

The controversy between William Lenderking and Ambassador Herz in the pages of the *Journal* in 1975 regarding Vietnam might well have called for a different reviewer. Let us hope that the present case does not represent initiation of a policy followed by some commercial publications of assigning reviews to established critics of an author.

As to the Ambassador's book, *The Prestige Press and the Christmas Bombing, 1972*, Mr. Lenderking is apparently unhappy that the study does not encompass the effect upon Congress of the air operations when in fact it seems clear that the intent was to describe only the way that a particular military action was dealt with by the prestige media.

Readers of the book may expect to hear why the bombing was politically effective as a demonstration of American will rather than militarily effective in a narrow sense, why those who shouted loudest were not necessarily representative of the United States, and why much that was reported as news was actually editorial comment.

BRUCE BUTTLES
FSO, retired
Rumson, N.J.

Overthrowing Mossadeq

In a recent review of Barry Rubin's book *Paved with Good Intentions* (*Journal*, May), recounting the American experience in Iran, it is observed that a body of opinion, including former U.S. ambassadors to Iran, finds it "too skimpy to be credible" that the CIA could have served as catalyst for the overthrow of Mossadeq in 1953.

For interested Foreign Service professionals, it may help to keep the record straight. From his responsibilities at the time in our embassy at Teheran, this writer can state that, although the initial CIA effort was foiled, its second effort and revamped plans, still based upon activating a concerned public and military, spurred a popular up-

rising and military support for the Shah, thus ousting Mossadeq. The sole former ambassador knowledgeable about the circumstances of the time is Loy W. Henderson, whose views are available.

ROY M. MELBOURNE
Raleigh, N.C.

Ranks for Spouses

Isn't it time to give some status to the Foreign Service spouses (usually wives) who take part-time, temporary, indefinite jobs at post?

Many of them have worked for years, primarily as secretaries, sometimes as nurses. They fill in in all sorts of emergencies when Foreign Service staff are not available or when the workload may not justify a full-time appointment. They may work for a few months during someone's illness or for years at a 20- or 30-hour a week job. They are capable and experienced, cost the government nothing in housing or other allowances, and do not take jobs away from our fine professional staff corps.

Yet rarely, if ever, are they considered for promotion above the lowest pay level. Each new post means another start at the bottom; they remain an eternal underclass of 9's, no matter how efficient, loyal, and hardworking they are.

These spouses have chosen to follow their husbands on assignments all over the world, taking a chance that they will find employment at a time when two incomes are an absolute necessity for such things as children's college educations. Often they have given up careers in the States and accepted jobs at lower professional levels and less pay than they could earn outside the service. At a time when it is increasingly difficult to recruit for overseas they fill a real need, and their willingness to take a chance undoubtedly encourages officer spouses to accept appointments happily.

Why not a personal rank they could carry with them which would take account of past experience (with half credit for halftime jobs, etc.)? They would not ask for dual assignments, but when they work they should be eligible for the financial recognition they deserve.

MARTHA H. WEDEMAN
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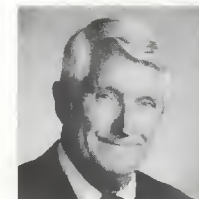
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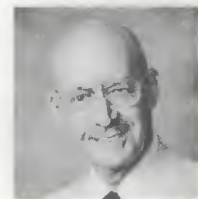
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BOOK REVIEWS

Magnificent Bibliography

U.S. FOREIGN RELATIONS: *A Guide to Information Sources*, by Elmer Plischke. Gale Research Co., \$36.

This is an exciting, superbly organized bibliography of materials on U.S. foreign relations, one that has long been needed by practitioners, students, and scholars. We have had starts at such a reference before, among them very useful ones by Elmer Plischke himself. Now Plischke has compiled a work of 715 pages that supplants all others and will surely prove to be a classic. Any library, public or private, institutional or individual, with any pretense of utility in U.S. foreign affairs and indeed diplomacy in general should possess it.

The scope of the *Guide* is generous. It includes not only expected sections on diplomacy and diplomats, the role of the President (and Vice President), Congress, State Department, and Foreign Service, the National Security Council system, the intelligence community, the military, other agencies, and the bureaucracy, but also sections on decision-making, specialized aspects of the U.S. conduct of foreign policy (including the media and interest groups), functional aspects (including consular, trade and aid, cultural, educational, scientific and technological relations), crisis diplomacy, systematic and theoretical analysis of foreign relations, and a final section on fiction. Such subjects of great current interest as mistreatment of diplomatic and consular officers are of course covered, as are international terrorism, kidnapping, and sky-jacking. The reference embraces not only books but extends to the more significant articles in periodicals (the *Foreign Service Journal* is well represented), Congressional reports, government studies, master's theses, and doctoral dissertations. It includes privately printed books and diaries such as the journal of Charles

Sawyer, kept while he was ambassador to Belgium in 1944-45.

With this field burgeoning so rapidly in recent years, it would be unrealistic to suppose there would be no inadvertent omissions. One is Robert F. Kennedy's *Thirteen Days*; a second, Edward G. Lansdale's *In the Midst of Wars*; a third, John G. Stoessinger's and Alan F. Westin's *Power and Order: 6 Cases in World Politics*, containing James J. Wadsworth's classic study of the "Atoms for Peace" diplomacy conducted by the United States. Others are Harold J. Noble's *Embassy at War*, O. E. Clubb's *The Witness and I*, George T. Mazuzar's *Warren H. Austin at the U.N.*, and Richard E. Neustadt's *Alliance Politics*. Unclassified Rand publications appear to be missing, such as the study by Hans Heymann Jr. of *The U.S.-Soviet Civil Air Agreement from Inception to Inauguration: A Case Study*. But if Homer has nodded in these few respects we can consider ourselves amply blessed by what his industry and perspicacity produced during his long hours awake. This is truly a monumental work and deserves not only the gratitude of every professional but a place in his or her library, however bulging.

—SMITH SIMPSON

Stone on Palestine

UNDERGROUND TO PALESTINE, by I.F. Stone. Pantheon Books, \$3.95 (paper).

I.F. Stone is not exactly a patron saint of Zionists. This book, which draws upon the *PM* articles he wrote in 1946 about a trip to Palestine with illegal immigrants, is, for the first 224 pages, generally in praise of the courage of those survivors of the Holocaust who were seeking to enter Palestine in contravention of the mandatory power's rules. Nearly 35 years later, the account is of some historical interest, though I was mildly aggravated by the continued use of initials for countries, cities, and individuals.

It is the last part of the book—"Reflections and Meditations Thirty Years After" (published in 1978 in the *New York Review of Books*)—that is far more interesting. In it he explains why he is frequently ostracized as a Jewish dissident, why his articles would not be pub-



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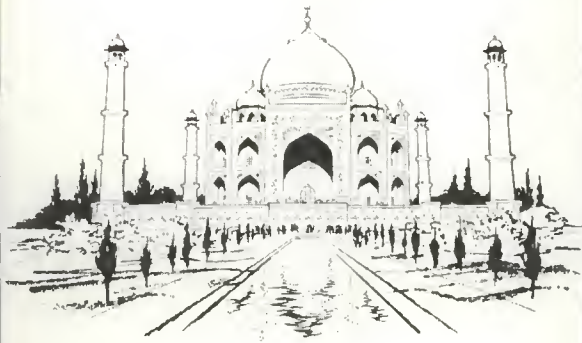
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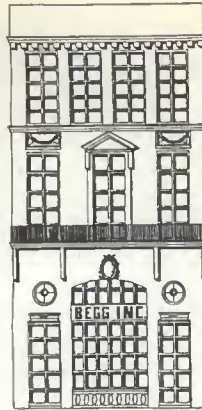
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lished in book form earlier in the U.S. (for refusing to delete his suggestion of a bi-national solution) even though it was later published—intact—in Hebrew. Few American Jews, he states, know how much free debate goes on in the Hebrew press and in Hebrew books in Israel.

Toward the end of this section he describes the "Other Zionism," those who recognized that the Arabs in Palestine also had rights: Ahad Ha Am, Judah Magnes, A.D. Gordon, and Martin Buber, to name a few. He concludes with a passionate call for reconciliation with the Arabs, which "alone can guarantee Israel's survival."

—JAMES H. BAHTI

China After Mao

COMING ALIVE: *China After Mao*, by Roger Garside. McGraw-Hill, \$12.95

In *Coming Alive*, Garside gives an eyewitness account of China's awakening from an Orwellian nightmare and its struggle to free itself from the shackles of feudalism, Marxism-Leninism-Maoism, and 20th-century technology. Fluent in Chinese, he served in China 1968-70 and again in 1976-79 as first secretary of the British Embassy in Peking. Upon leaving China in 1979, he was appointed professor of East Asian Studies at the U.S. Postgraduate Naval School.

Garside surveys post-Mao-era reforms in political, economic, social, military, and international areas, reforms for which Teng Hsiao-p'ing was mainly responsible. Teng challenged Mao's policies, which had been revered as the immutable wisdom of an infallible demi-god.

Politics was no longer in command; economics and production were. "Better red than expert" was a slogan no longer heard. Young Chinese destined for higher education were selected for ability, not class origin. Trade, investment, and cultural relations with the capitalist world were promoted. Grass-roots democracy was advanced through local elections. A move toward a government of laws rather than of men was made through legal reforms to protect citizens' rights from an arbitrary officialdom. But progress in liberating policies has been gradual and erratic. As a Chinese student

advised, "Always remember two things about China: one billion people and three thousand years of feudalism."

China's armed forces are large but 20 to 25 years behind the U.S. and Soviet Union in equipment. The Defense Department has calculated it would cost \$41 to \$61 billion for the United States to provide sufficient goods and services for China to be able to defend itself against Soviet attack by conventional forces. "Given the inferiority of China's economic, scientific, and technological base," writes Garside, "it cannot hope to buy or make the equipment to tip the military balance with the Soviet Union in its favor in the foreseeable future."

For some years, Chinese leaders have been warning the world about Soviet expansionism and global hegemony, "the illusions of détente, and the ambitions of the Soviets. . . . There are strong reasons for believing there will not be a new Sino-Soviet alliance," Garside argues. The prospects are for a re-freeze rather than a new thaw in relations. China tried and rejected the Soviet model for economic de-

velopment. It now seeks economic partnership and defense alignment with prosperous market-economy countries such as the United States, Japan, and West Germany.

Referring to Foreign Service officer Jack Service's collected dispatches in *Lost Chance in China*, Garside declares that "America was not able to heed the prophets on its payroll," but as the 1980s began, "America and her allies have another chance to work with China. . . . The years between have brought a little wisdom along with bitterness. . . . Will we be better at dealing with the Chinese than our predecessors 35 years ago?"

—ROBERT W. RINDEN

After the Flood

THE VIETNAM TRAUMA IN AMERICAN FOREIGN POLICY, by Paul M. Kattenburg. Transaction Books.

Don't give up on yet another book about Vietnam until you've had a look at Paul Kattenburg's *Vietnam Trauma*. This is one not to be missed, and it might save you an awful lot of reading other, lesser books.

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We've had a flood of Vietnam books, many of them quite compartmentalized, giving us a writer's particular view of what was going on in Southeast Asia, what he was doing, what he experienced. Some of these books have been evocative, atmospheric, almost poetic, journalistic, or polemical in nature. Some have been very good books and some very bad.

It has taken us a long time to feel comfortable about Vietnam, and perhaps we shall never feel we have truly pinned it down completely. After the years of living the war vicariously in front of the television, it is hard to become dispassionate and analytical. It's hard to look back, acknowledge our mistaken judgments, see the bad and the good. For those of us who have been there, it's hard to forget the poignant sign that used to be posted at the entrance to Tan Son Nhut Airport: "We shall never forget the 50,000 Americans who gave their lives here."

Kattenburg does help to make it understandable. There is a good reason for this: The author *was* there himself, and from early on, at

considerable personal cost, espoused U.S. disengagement. Kattenburg has since left the State Department and moved to a teaching position at the University of South Carolina.

The perspective of years has only sharpened Kattenburg's early feeling that the United States should not have been directly involved in Vietnam and, once so engaged, should have departed. He takes the long view, showing the origins of U.S. involvement and emphasizing the connections between policies in Vietnam and events in the United States. He shows how belligerency in Vietnam fitted into the views on global affairs held by our leaders of the time and how domestic events—the various peace movements, marches, and demonstrations, Kent State, etc.—ultimately brought light into the tunnel.

In much of Kattenburg's book, you can hear him as lecturer. There are the neatly tied up paragraphs, the designed chapters, the cross-references, the footnotes, and an admirable bibliography. There are also, on occasion, the tutorial tone, the editorial we, and, regrettably in my view, the occasional resort to

the new vocabulary of political science.

But Kattenburg never allows the turgid vocabulary to dominate the flow of his study, for he is not interested in showing us how he understands and can use the tools of contemporary political science. He is much more interested in giving us the larger canvas of the Vietnam picture, how and why the United States became involved, the dynamics and the weaknesses of U.S. policy, how Vietnam affected America and how Americans ultimately affected our policies in Vietnam. It was both a daunting task as well as a labor of personal involvement, and Kattenburg succeeded admirably in meeting the challenges.

—PRATT BYRD

Members of the Foreign Service and the professional diplomatic community who have had books published recently are invited to submit them for review in the Foreign Service Journal. Authors should ask their publishers to mail review copies to Book Reviews, Foreign Service Journal, 2101 E St., NW, Washington, DC 20037.

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A Personal Editorial

Effective June 5, I have resigned my positions on the Governing Board and the State Standing Committee. I do this with a great deal of regret, but the requirements of my new job will no longer permit me to devote the time and attention that AFSA must have. Bob Stern, as an individual, is not irreplaceable. Without any sense of false modesty I can say that there are hundreds of members who could, if they were willing, step right in and do the job. The problem AFSA has now—and has always had—is finding someone who is willing to take on the aggravation and the heartburn that come with the territory.

An election is now in process. Twelve people, good and true, will be elected, and the leadership of AFSA will go forward. It would, however, be the gravest folly for anyone to believe that these 12 can carry the load alone. They will need and must have your help. A few hours of effort a week can strengthen the foundation we have already built and allow us to carve out new accomplishments in the years to come. Perhaps, like me, those few hours will prove so rewarding that you will be seduced into full membership on committees and, eventually, the Governing Board. I hope so, because the time I have given to AFSA I count as among the most rewarding of my years in the service. As a relatively junior officer, I

have testified on behalf of the service before both Houses of the Congress, I have negotiated with the Secretary of State and his key officials, and I have argued on the service's behalf before anyone whom I could get to stand still long enough to listen.

These past few years, exciting as they have been, are just a beginning. AFSA must and will continue to "work the Hill," testifying before appropriations and budget committees, confronting key legislators on issues of importance to the service. AFSA must and will negotiate with management on the implementing regulations to the new Foreign Service Act. AFSA must and will be the watchdog of all of the men and women of the Service. How good a job AFSA does is directly dependent on you. If you care enough about the service and its role as the corps of foreign policy professionals, you will give time, give thought, and give a damn. If you do not, we are all losers.

In closing, let me thank all of the overseas chapters that have responded to our calls for input, all of the individuals who gave of themselves to make our presentations professional and, most of all, my colleagues on the Governing Board, who have put up with me for all this time. Goodby, Good Luck, and Godspeed.

—BOB STERN
State Representative

The Common Heritage

An Overview of the International Laws That Call For Sharing Global and Celestial Wealth

By FRANCIS X. CUNNINGHAM

The concept of "The Common Heritage of Mankind" is a challenge that has been thrown before the developed countries. It is a continuous thread running through the Third World's demands for a global redistribution of wealth. The oceans, the seabed, outer space, and the electromagnetic spectrum are examples of resources said to belong to no state, corporation, or individual but rather to all mankind.

The Common Heritage philosophy surfaced as an element in the North-South dialogue in 1970. The Maltese ambassador to the United Nations, Arvid Pardo, on behalf of the developing countries requested the General Assembly to create a seabed committee. The committee declared a moratorium on all seabed exploration, ruled the seabed lying beyond national coastal jurisdiction the "Common Heritage of Mankind," and convened the Third United Nations Conference on the Law of the Sea in Caracas in 1974.

In the Common Heritage philosophy, any country, corporation, or consortium that undertakes to ex-

plot what is said to belong to mankind should do so for the benefit of all. Much of the reward from the activity should be used for meeting the needs of the developing world. This idea was also raised in preparations for the World Administrative Radio Conference, and it is contained in the U.N. Outer Space Treaty of 1967 and the so-called Moon Treaty, which is open for signing.

The moral and philosophical arguments of the Common Heritage idea are difficult to refute, but many capitalist nations in the North believe it strikes directly at the free enterprise system. After ten years of pressure by the developing world, these countries are on the defensive and may eventually agree to it as a basic principle in future negotiation.

Moral Consciousness

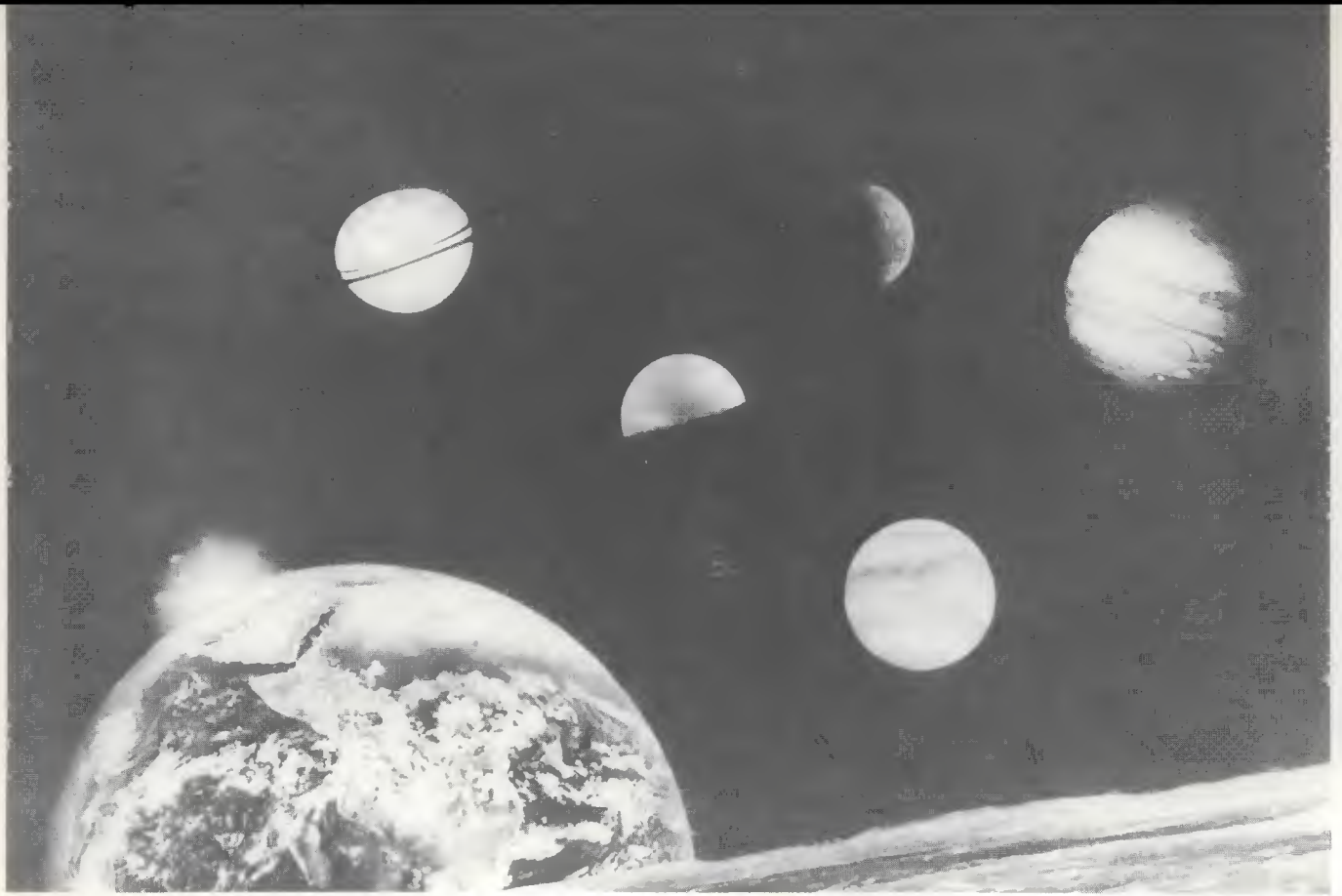
The civil rights revolution of the Sixties, and the anti-war movements, have awakened many Americans to a need to reassess their ethical and moral assumptions. The Common Heritage concept does seem morally right, and consonant with our traditions. It of course greatly antedates the North-South confrontation, being found in the English principle of the common area and American national parks, for example. Thus the South is recalling a doctrine that has had long standing in the North. More recently, federal regulation of the domestic broadcasting industry began with the belief that the airwaves belonged to everyone and that therefore their use should be regulated to ensure the public interest. Internationally, our policy toward Antarctica, for example, has been one of opposition to staking claims,

even though several other countries have done so. We neither claim Antarctic territory nor recognize the claims of others. When Admiral Byrd flew over the South Pole in 1947, he dropped the flags of all U.N. members to dedicate the continent to "the ideal of brotherhood among peoples."

The United States Senate may have endorsed the concept of the Common Heritage by passing Resolution 49, introduced in 1978 by Senator Claiborne Pell, Democrat of Rhode Island. Resolution 49 "expresses the sense of the Senate that the United States government should seek the agreement of other governments to a proposed treaty requiring the preparation of an environmental impact statement for any major project, action, or continuing activity which may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area." One might read the "global commons area" of Resolution 49 as referring to a "Common Heritage area," and the implication might be that no nation or corporation or consortium should act unilaterally to reap the benefits of exploiting what is the Common Heritage.

At present, exploitation of resources often leads to problems. Spreading desert-like conditions due to overgrazing and other factors claim an area about the size of Maine each year. By the year 2000, desertification and erosion could destroy a significant portion of the world's cropland, and as much as 40 percent of the tropical forests may be gone. But when we urge the developing countries to husband these re-

Francis Xavier Cunningham joined the Foreign Service in 1973, following 15 years of industry experience in solid-rocket propulsion project management. He was assigned to Brussels in 1974, Manila in 1976, and is currently in the Bureau of International Organizations Affairs, with primary responsibility as action officer for the United Nations Environment Program. The views in this article are the author's and do not necessarily reflect Department of State policy.



The vast resources of the Earth and solar system are visible in this montage of NASA photographs.

sources, they respond: "You didn't worry about natural resources during your development. Does your new-found concern reflect a desire to keep us from catching up?" Perhaps our unqualified acceptance of the Common Heritage concept could give validity to our demand that developing countries act as responsible stewards of their portion of the Heritage.

The Role of Science

The Club of Rome, in its recent report "No Limits to Learning—Bridging the Human Gap," is very critical of science: science has departed from its objective ideals; it is a victim of "maintenance learning," which conforms to old assumptions about how the world works. "Science and technology, whose original purpose was the reduction of complexity, now count among the causes for its increase," says the report. And it adds: "Where the relevant sectors of pure and applied science are needed most—in health, food, shelter, and education—they are least available. And where science is most available it is employed for destructive ends—defense and arms." Science, the report says,

needs a new direction: it should be aimed in an innovative way toward human needs.

This would appear to be a strong indictment of science and technology. But, apparently unbeknownst to the club, science *has* been moving in an "innovative way toward human needs." And there is reason to believe that science has brought mankind to the threshold of an era in which we will find solutions to the overwhelming problems of resource and energy shortages, overpopulation, and global pollution. It is for this very reason that many fear the impact of the Common Heritage concept. While recognizing its moral imperatives, many feel the idea can blunt the spur of incentive, the reward for risk, the basis of the free enterprise system that has brought a high living standard to the West. They fear it could smother the driving force behind the new thrust of science. The arguments of those who oppose the Moon Treaty show that this is not merely an academic concern, and they were able to persuade Congress last year that the treaty could chill any commercial interest in space.

Using science and technology as a

springboard, industry will be heading outward into the solar system in the next 50 years, because space is an exciting environment for industrial operations. It offers a range of gravitational accelerations from zero up to as fast as you want to spin a centrifuge, various gravity gradients, a very high vacuum available just by opening the door, a temperature range from near zero up to solar temperatures, and a broad spectrum of electromagnetic radiation. These characteristics and their corollaries—absence of separation caused by density differences, ability to mix materials in a precise manner, and opportunity to grow perfect crystals as well as very large ultra-thin membranes, for example—have excited industrial researchers. Space industry will give mankind many new products.

The nearby moon offers vast supplies of raw materials for space industry. There is also abundant energy from the sun that will permit almost any manufacturing operation. And space industry cannot pollute the Earth's biosphere or, for that matter, the solar system. Almost any commercial process that can be done on Earth can also be carried

out in space. And many processes can be done only there.

Space industrialization offers a solution to the problems which are rapidly encroaching on our world of the 1980s—overpopulation, insufficient energy, scarce resources, global pollution. It suggests that perhaps we need not give up hope for the future of free enterprise; perhaps our economic system has an untapped potential bounded only by our imagination and optimism. According to G. Harry Stine:

The risks are high, but the entire 21st century may hinge on what we manage to do in space in the next 20 years. Without the [space] shuttle and its progeny to open up the closed system of Spaceship Earth, we may indeed be faced with a future in which we chase our tails endlessly in a closed cage with limited resources, a dwindling supply of fossil fuels, a growing population, real or politically contrived shortages of everything imaginable, and the famous Club of Rome "Limits to Growth" staring us bleakly in the face. We may even find ourselves headed down into a new Dark Age—this time with our fingers on the nuclear triggers.

And all the while, a hundred miles above our heads lies a new frontier with abundant energy, a solar system full of raw materials, and an opportunity for us to test the hypothesis that we are not insignificant beings.

This generation may be the first and last capable of recognizing that the human race can, within a century, spread throughout the solar system, performing activities of great value and changing its lifestyle for the better.

We should not dismiss this vision as exaggerated or impossible. Remember that at the end of World War II the jet airplane was a new device, full of bugs, surrounded by emergent technologies, and requiring the best possible people to operate. To suggest that a grandmother would be able to fly around the world aboard a jet in armchair comfort at nearly the speed of sound within 15 years would have been an unbelievable forecast. As it turned out, *great-grandmothers* could do this, and within 25 years it was the only way a grandmother could visit her grandchildren because the jet airplane spelled the demise of the ocean liner and most of the long-distance passenger trains.

The private capital investment to create the international airline net-

work was staggering. It involved not only aircraft, but great new airports, incredibly complex control systems, complicated navigational systems, fuel storage and distribution, ground transportation, maintenance organizations, food handling operations, and an entire chain of subsystems to support these.

The vast resources of the sea and the seabed offer similar potential. The oceans themselves contain large amounts of minerals in solution or suspension, and the seabed is literally littered with nodules containing important elements that are relatively scarce on the surface. Interestingly, the resources of the sea could help us exploit the resources of space and celestial bodies, for the nodules are rich in manganese and cobalt, which are used in rockets. Like the exploitation of space, mining the sea is a relatively new concept made possible by a relatively new technology whose possibilities are only now becoming visible.

Incalculable Resources

The potential of these resources is incalculable. The seabed comprises nearly twice the area of the continents, and the solar system contains a resource base perhaps the equivalent of a thousand earths. In both areas, international treaties call for a sharing of the wealth among all nations while recognizing that only a few have the capital and technology to exploit it. The latest draft of the sea treaty calls for the establishment of an international authority to regulate seabed mining and to distribute its fruits, and a similar regime could arise out of the Moon Treaty clause that calls for "an equitable sharing by all states parties in the benefits derived from those resources." Though the Moon Treaty cleared the General Assembly for signing in 1979, the Law of the Sea treaty is hung up in conference on the issue of seabed resources.

The practical interpretation of these clauses will be task for lawyers and judges in years to come, of course. But the question can be asked as to whether there will be incentive for private enterprise to manufacture moon mining equipment, for example, when control and profit from such technology will be shared with Third World countries that have not shared the risks. As space-law expert Arthur Dula says,

"Resources that are owned by everybody are developed by nobody." Treaty backers, on the other hand, say that prospects for private enterprise in space will be enhanced by mutual cooperation under the treaty. The "international regime" does not have to be a profit-eating dictatorship. It could work like Intelsat, in which nations and companies jointly own and operate the international network of communications satellites.

The free enterprise system offers the potential of great reward to those who take large risks, and there will be great technological and financial risks involved in achieving the promise of space industrialization and seabed mining. But many of the socialist countries emphasize redistribution of the world's wealth, rather than production of new wealth. Will exploitation of these resources be pursued under a system where rewards must be shared with those who have not shared in the risks of the ventures?

This is a practical, not a philosophical, question, and it addresses an issue concerning the future of our race. It illustrates the fact that the Common Heritage of Mankind is an idea with extremely far-reaching implications, in the areas of ethics, science, economics, politics, and diplomacy. Could acceptance of this concept by the North actually frustrate man's attempt to bring to reality the vast promise which can be foreseen for the future of his species? If such a question about the Common Heritage can be seriously asked, a serious answer must be given. And one wonders whether such answers can be reached through position papers or task force reports.

Perhaps the answer should come from a great national debate—a debate which would involve our best minds in economics, political theory, ethics, science, the unions, homemakers, students, farmers. And perhaps it should address such questions as the moral and ethical demands of the Common Heritage concept, the future of free enterprise and capitalism, and the mutual obligations of North and South. If we believe in democratic principles, we owe it to ourselves to arrive at a real consensus before making decisions, implicit or explicit, on issues which might have a fundamental impact on the future of mankind. □

Law Of



The Sea

BY ANN L. HOLLICK

One Sunday last March, John Temple Swing read the *New York Times* while riding the subway to the early morning opening meeting of the tenth session of the Third United Nations Conference on the Law of the Sea. The conference had been running for seven years and, save for agreements on deep seabed mining, was close to proposing a final treaty for ratification. Swing read a front-page story that told him that he and the rest of the U.S. delegation, all holdovers from the Carter administration, had been dismissed the night before by President Reagan. Several policymakers later joined Carter's recent head of the delegation, Elliot Richardson, in calling the abrupt action "a second Saturday Night Massacre."

Reagan's move put the treaty on hold in the United Nations, where the United States had played a leading role in shaping the draft agreement. The *Times* noted that "the administration was most concerned about the provisions giving poor countries a share of seabed minerals and obliging private mining interests to transfer technology to a special U.N. agency [the "Enterprise"] that would be set up under the treat-

Ann L. Hollick is the director of the Office of International Commodities in the Economic and Commercial Bureau of the State Department. This article is adapted and excerpted from her book U.S. Foreign Policy and the Law of the Sea, to be published this month by Princeton University Press. The book was written while the author was associate professor at the School of Advanced International Studies of Johns Hopkins University. The introductory section was added by the editor to bring the article up to date.

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ty." The *Washington Post* said that the action was part of a campaign to end U.S. dependence on foreign supplies of strategic minerals, the administration fearing "the treaty would jeopardize deep-sea mining of minerals by U.S. firms."

The Reagan administration had announced soon after the inauguration its plans to stockpile strategic minerals needed for military hardware. Secretary of the Interior James Watt noted that the U.S. "is now dependent on foreign sources for 100 percent of our manganese and 100 percent of our cobalt," two essential constituents of the high-grade steel used in jet engines, armor plate, and artillery shells. Perhaps as much as 1.5 trillion tons of potato-shaped nodules containing nickel, copper, manganese, and cobalt lie on the deep-ocean floor.

The treaty would create an international seabed authority, whose operating arm—the Enterprise—would conduct mining operations. The authority would have the power to restrict production of seabed minerals under a formula designed to protect competing land-based producers. Private miners—there are now five multinational consortia—would be obligated to provide explored mine sites to the authority and to sell technology to the Enterprise. Signatories to the treaty would have to finance the Enterprise's initial operation.

The concept of a parallel international Enterprise to mine the seabed for the developing countries is one facet of the "Common Heritage of Mankind" precept advanced during the negotiations by Third World nations and accepted by the United States during years of concessions designed to secure, among other things, free movement of military vessels and seabed access for the private firms.

Thus, there is an ironical touch to Reagan's call for a review of the U.S. position. One independent observer was quoted by the *Post*: "The conference was a negotiation entered

into by a Republican administration, conducted throughout by Republican leaders, and whose major avenues of compromise were determined by Republican policy experts and put forward by Republican spokesmen." The *Post* noted that Secretary of State Henry Kissinger had "set the basic deal" on sharing the wealth of the seabed in 1976, "yet a Republican administration has deliberately capsized U.S. policy." However, a review of the long negotiating process provides some insight into why Reagan wants to reconsider the draft provisions.

Oldest Laws

The law of the sea is one of civilization's oldest areas of international law. Early reliance on the oceans for food and transport led to the development of two general precepts to govern the interaction of political groups such as city states, the Roman empire, and nation states: "freedom of the seas" and a contrasting legal principle, that of enclosure or division of the oceans.

In the 20th century, the tension between pressures for enclosure and for maritime freedom has continued. Early in the century expanding use of the oceans generated growing interest in reaching some sort of general agreement on the width of the territorial sea and of a special-purpose contiguous zone. Under the auspices of the League of Nations, a Conference for the Codification of International Law met in The Hague in 1930. One committee discussed the territorial sea and contiguous zone. While it was agreed that the territorial sea formed part of the territory of the coastal states and that other waters were "free," there was no agreement on the width of the territorial sea or on the nature and breadth of the contiguous zone. Prevailing political forces supported the concept of the freedom of the seas beyond a narrow territorial sea. The ground was laid, however, for subsequent United Nations conferences to deal with coastal-state off-

shore jurisdiction and the status of the areas beyond. In the second half of the 20th century the tide has turned substantially in favor of the forces for enclosure.

Coastal states have been quick to lay claim to offshore minerals. This was accomplished as early as 1958 in the Geneva Convention on the Continental Shelf, which granted coastal states sovereign rights over the seabed resources off their shores.

Seabed nodules were discovered as long ago as the 1870s, but only with the development of a recovery capability nearly 100 years later did they begin to assume commercial importance. Nodules of commercial interest are found at depths of 12,000 to 20,000 feet, well removed from continental margins. The greatest concentrations are in the North and South Pacific oceans. Once the technological means to mine the ocean floor had been developed, it became apparent that the existing law of the sea was inadequate to deal with the jurisdictional problems posed by a mid-ocean resource. Under the 1958 convention, each nation could conceivably extend its boundaries to the middle of the ocean as it developed the capability to harvest nodules. Such an approach would clearly benefit those nations fronting on vast oceans while offering little for other countries.

Newest Laws

The Third Law of the Sea Conference (UNCLOS III) and its preparations spanned the 1970s, and during this period each administration appointed different law of the sea negotiators. Problems in the larger policy environment contributed to the difficulties the United States experienced in the law of the sea from 1974 to 1976, when the Group of 77, representing the developing world, was elated by OPEC's ability to unilaterally impose a massive income transfer on the developed world. The full impact of the resulting world recession and economic interdependence had not yet been understood and the goal of the Group of 77 remained the pursuit of OPEC-like successes through group solidarity. The international and domestic environment was not propitious for the negotiation of a balanced, comprehensive law of the sea regime.

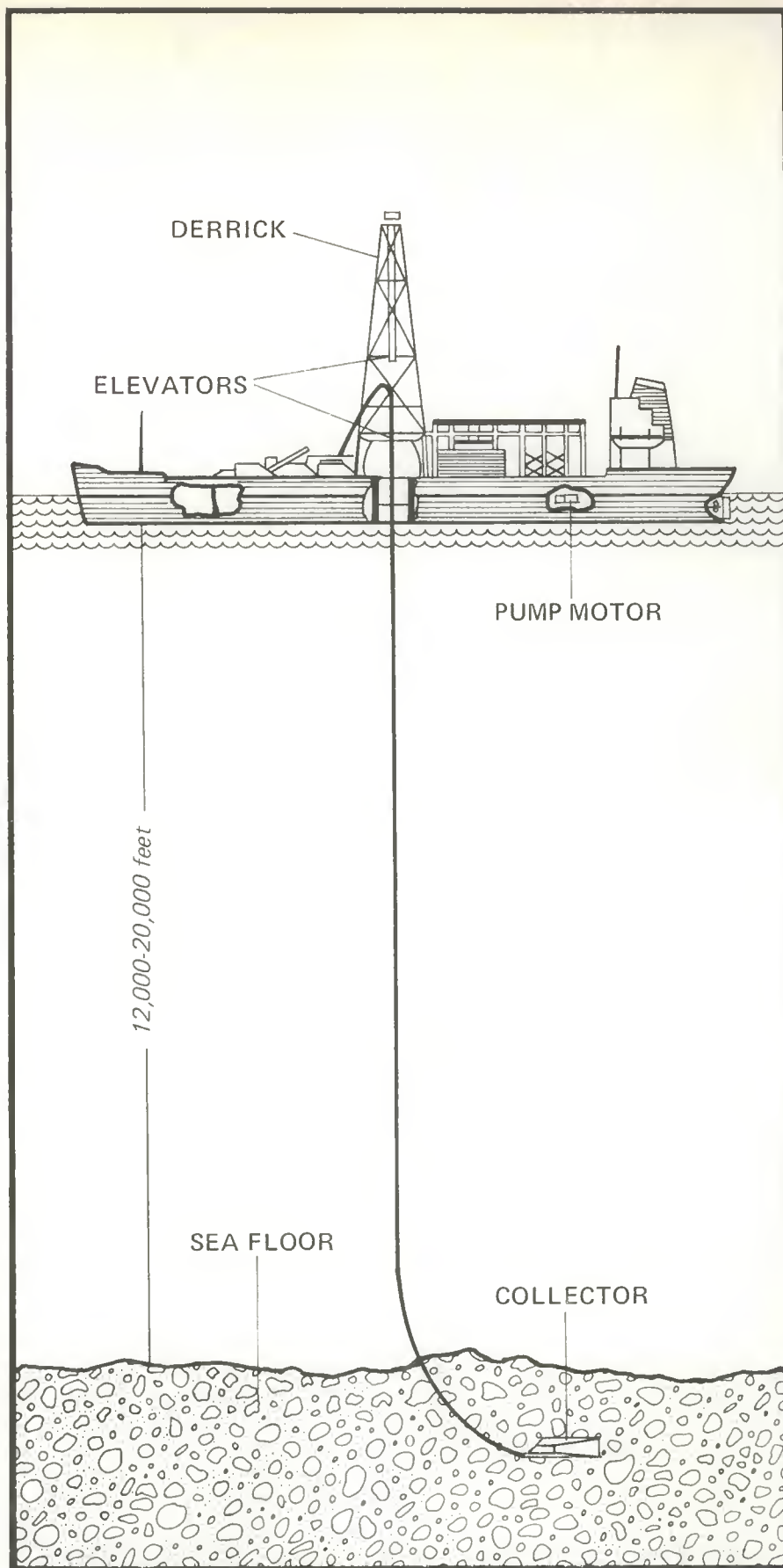


Diagram of proposed deep seabed mining rig. The industrialized world must share this newly developed technology under the proposed law of the sea treaty.

Association News



AFSA Honors Soldiers Who Died in Iran Raid, Couriers

With two squads of Marines standing at attention as an honor guard, outgoing AFSA President Kenneth Bleakley presented plaques honoring the five diplomatic couriers killed in the course of duty since World War II and the eight soldiers who died in the attempted rescue of the hostages in Iran at a brief ceremony before a packed gallery in the Diplomatic Lobby on Foreign Service Day, May 8.

Former Teheran chargé L. Bruce Laingen and Alfred Verrier, president of the U.S. Diplomatic Courier Association, accepted the plaques and turned them over to Deputy Secretary of State William Clark, who in turn accepted them on behalf of the department. Then Secretary Clark and Bleakley laid a wreath in front of the large memorial AFSA maintains in the lobby honoring members of the Foreign Service who died under heroic or tragic circumstances. For the first time in some years, no new names were added to the memorial.

Bleakley told the crowd of several hundred that the role of the courier is "one of the most dangerous professions in the world. AFSA is proud to add the names of the five who died since World War II to those of our own."

On behalf of the former hostages, Laingen personally thanked the eight soldiers for their sacrifice: "In a larger sense, they succeeded in their mission

Bleakley and Secretary Clark

by demonstrating to our countrymen and the people of the world our nation's commitment to freedom."

Laingen read from the plaque: "Dedicated by the American Foreign Service Association to the memory of those who died in a noble effort to free our beleaguered colleagues, Iran, April 1980. Greater love hath no man than this, that a man lay down his life for his friends."

Secretary Clark spoke for several minutes, calling those honored "hidden heroes." He noted an injunction from "our departed colleagues to preserve their qualities: courage, loyalty, integrity, patriotism. And the Foreign Service takes that to heart, as events in Iran over the past year have demonstrated."

Governing Board Announces Changes

Outgoing AFSA President Kenneth Bleakley turned over the gavel on May 9 to Anthea DeRouville, who was appointed president to serve out the remainder of his term. DeRouville had been AFSA's vice president until she was elevated by vote of the Governing Board. She is the first person to attain the presidency directly from the Staff Corps.

To fill her slot, the Governing Board appointed Ron Witherell, former association treasurer, as vice president. Michael Speers, of AID, was named treasurer.

Counsel Acts on Home Leave Taxes

Despite a history of court decisions defending the deductibility of home leave expenses for Foreign Service personnel, "some IRS offices have persisted in denying deductibility of home leave expenses," AFSA General Counsel Susan Holik wrote in a letter to the IRS deputy chief counsel of litigation.

Citing three different decisions in three circuit courts, Holik urged the IRS "to revise your ruling in light of the over-whelming precedent against the IRS interpretation. Otherwise, we will be compelled to keep litigating the issue in each circuit." She noted that Foreign Service employees are statutorily required to take home leave and that the courts have found this is "part of the business of a Foreign Service officer in representing the U.S. abroad."

IRS Tax Litigation Division Director John H. Menzel responded:

Re: Deductibility of home leave expenses.

This is to acknowledge receipt of your letter of April 14, 1981. Therein you requested, on behalf of the association, that the IRS review its position concerning deductibility of home leave expenses in light of losses in three courts of appeals.

We presently have this matter under active consideration. We are also aware of the extended-time limitations for filing returns. We will provide a response as soon as a final decision is made.

In view of the three appellate courts which have taken taxpayers' view on this issue, it is advisable for Foreign Service officers to protect themselves by deducting the home leave expenses on their returns or filing timely claims for refund. Again, this is not saying that the IRS has decided to follow these appellate courts—no decision has yet been made in that respect.

AFSA suggests that members obtain a copy of this letter to use for appeal if their returns are audited because of home leave expense deductions. Write: AFSA, Members' Interests.

Retirees Hear About COLAs at Brunch

As part of the Foreign Service Day activities, AFSA held a brunch meeting on Saturday, May 9, for its retired members, who heard several association officials speak on their concerns before participating in a wide-ranging hour-long question and answer session.

AFSA Executive Director Robert Beers, himself a retired member of the Foreign Service, held aloft a copy of the day's *Washington Post* noting proposed federal cuts in retirement benefits of \$7.2 billion. "What you saw this morning is indicative of the trend in this country. For instance, there is the possibility of raising the age for receiving benefits to 68 by 1990 and also eliminating the minimum benefit.

"It seems the semi-annual cost of living adjustment (COLA) is in trouble," Beers continued. "And new proposals on insurance coverage could double the retiree's contribution.

AFSA is affiliating with the Fund to Assure an Independent Retirement—FAIR—which has 25 organization members and 5 million individuals, to work on Congress at the grass-roots level. FAIR has used information provided by AFSA in its Congressional testimony."

Before the question and answer period, outgoing AFSA President Kenneth Bleakley introduced to the audience his successor as president, Anthea DeRouville (see related story). DeRouville promised the retirees to continue pressing for their concerns.



DeRouville addresses retirees

The End of the Long-Term, Fixed-Rate Mortgage

Because of the volatile fluctuations in interest rates, the 30-year, fixed-rate mortgage may soon disappear. A recent survey of experts in the field estimated it could be ended by the time you read this, or within five years. Gone will be three types of long-term, fixed-rate mortgages: Conventional, Veterans Administration, and Federal Housing Administration. At present the VA allows such loans up to \$110,000 with no money down, and the FHA as much as \$98,500 in the D.C. area, but with a small down payment.

The proposed federal budget cuts provide for reducing FHA-insured and VA-guaranteed loans. These have been the best fixed-rate mortgages available. For example, during the severest part of the mortgage crunch in the winter of 1980, some homes with existing VA loans were selling quickly and at a premium because of the assumability clause contained in VA (and FHA) loans.

Assumability means the home can be sold and the government-backed loan transferred to the buyer without lender approval—a big plus in selling. When assumed, the loans are still nonescalating. A home purchased with a VA or FHA loan assumption may allow a later second mortgage to generate funds for other investments or expenses. So they are good loans but they may disappear soon. Check with the VA especially before you act, since

it is reviewing eligibility requirements.

Home buyers may have noticed that many new-home subdivisions advertise the financing available, because good financing can enhance sales. Today's

PERSONAL FINANCIAL PLANNING

buyer must, of economic necessity, determine the loan he or she can get and then find a house to fit it.

Both savings and loans and Fannie Mae experienced significant drops in profits this spring. Rising interest rates have stalled home sales and, in turn, have limited loan applications. Therefore, lenders are going to get their profit by different means, which portends new methods in financing home purchases. The buyer will give up the attractive leverage features of fixed-rate mortgages. Instead, the new non-fixed mortgages place the market risk on the purchaser. This "creative financing" designed to protect the lending institutions does offer the home seller a chance to dispose of his or her house despite the depressed housing market. But let the buyer beware, because interest rates could stay high—or go higher.

—HOWARD GLICK, *financial planner*

AFSA Challenges AID Squeeze Play

Our story opens in the Near East Bureau where, in the spring of 1980, the chief of the Division of Rural Development and Special Projects, a Foreign Service officer in an "F" designated position, retired. Near East management unofficially appointed the GS chief of the Social Analysis Division to take over "temporarily." In reply to an AFSA inquiry, AID lamented that no qualified Foreign Service officers were available to fill the position; AFSA was assured that when one was found, an appointment would be made. This occurred despite the presence of two qualified officers within the division who were never officially told of the opening nor interviewed for the position. Needless to say, the opening was never advertised.

But Near East management was not idle. Plans went quietly ahead to merge the two divisions, SPRD and SA. Involved was the striking of two Foreign Service positions, the dubious merger of rural development with social research, and the appointment of the aforementioned GS employee as chief of the new division, a position still carried as "F" designated. Having tied up the ribbons of its merger package, Near East management began to move it through channels. Only after AFSA complained about AID management's obvious turnabout did the latter reluctantly pass on the information and, noblesse oblige, ask for AFSA's comments.

When AFSA protested the elimination of the positions, AID countered that this was necessary in the interests of efficiency and economy; when AFSA complained that AID management had come full circle from its expressed intent, AID smilingly said that it had changed its mind; when AFSA pointed out that the position of chief of the new division was, in fact, a new position and should, under the Obey Regulations, be filled by a Foreign Service officer, AID waltzed away singing the refrain of "What's good for AID management is good for the Foreign Service." In short, the AFSA discussion with AID was, in the words of W.C. Fields, like "tying a hair ribbon on a bolt of lightning."

But times are changing. Chapter Ten of the new Foreign Service Act spells out very clearly AID's responsibility to bargain in good faith, something it has yet to learn. In matters of personnel policies, practices, and working conditions, AID management must come to the table on the procedure. And AFSA intends to call AID's bluff before the corn is as high as an elephant's eye!

Pending Act Would Insure Reciprocity

If it passes Congress, a new bill now pending would affect reciprocity between diplomatic missions in the United States and American missions abroad.

Known as the Foreign Missions Act, the bill transfers to the State Department authority in all decisions involving foreign missions and international organizations in this country. The main reason for the act is to give the department more clout and credibility in threatening retaliation for harassment of U.S. officials at overseas posts.

AFSA is paying particular attention to the way the Foreign Missions Act would deal with reciprocity. Several posts—notably Mexico City, Ottawa, Damascus, and Canberra—have notified AFSA of treatment they have been receiving that is not equal to the privileges accorded diplomats in Washington. The new act would grant benefits to foreign missions in this country only after considering the benefits provided to American missions.

Senator Charles Percy, Republican of Illinois, introduced the bill on April 1, and it now awaits hearings by the Senate Foreign Relations Committee. The House version has been favorably voted out of the Committee on Foreign Affairs and is now before the House Committee on the District of Columbia.

ICA Standing Seeks Journal Stories

The ICA Standing Committee observed at its regular monthly meeting in May that it would like to raise AFSA's profile in the agency. To this end, it studied various proposals. The committee decided to encourage members to write articles for the *Foreign Service Journal* on ICA's role in foreign affairs and the agency's contributions to diplomacy.

Committee members will be working with the Editorial Board and editor of the *Journal*, through whom all major articles should be cleared before they are written. Naturally, all articles should be of sufficient interest to the magazine's entire readership. Those who have ideas for stories should start by contacting the Standing Committee representative, Steve Chaplin, at 7018 Hector Rd., McLean, Va. 22101, or the committee's editorial chairman, Don Hauger, at 3521 39th St. NW, B-494, Washington, D.C. 20016. Either of these men will help prospective authors to get their articles published.

ICA Standing Plans Member Drive

At its two meetings in May, the ICA Standing Committee decided its most important and urgent need is to expand ICA membership in AFSA. The committee voted to prepare a profile of ICA Foreign Service personnel to determine how it can best focus recruiting efforts. Once this evaluation phase is completed, the committee plans to launch a world-wide membership drive. Committee members noted that participation from all AFSA members, both those in Washington and those stationed overseas, will greatly aid its recruitment efforts.

The committee members observed that another priority has to be identification of those Foreign Service is-

Field Action Sought on Representation Funds

AFSA is concerned about equitable distribution of representational funds at posts. While most management officials distribute funds equitably, some reserve an unreasonable portion for senior officials. Members in the field who know of such instances should provide information on why distribution at their post is unreasonable, for appeal to management.

AFSA also asks members to encourage management to consider representational needs of all personnel, including specialists and support staff, in recognition of the role they play in achieving mission objectives. Finally, AFSA asks all personnel to put in vouchers for all their representational activities at post, which allows us to document the full extent of expenditures and to insure adequate compensation in the future.

Association Presses On PAR Cards

As the *Journal* went to press, the dispute on the Personnel Audit Report cards used by this year's selection boards continued. Management feels that the boards, faced with a great number of files to evaluate and rank, need the cards as a "capsule" of each employee's assignment history, language competence, etc.

Since many cards contain errors, AFSA contends, all information with the exception of name, rank, and social security number should be deleted. Management had earlier agreed that the cards should be corrected prior to use by the boards; AFSA feels that the commitment should be met and will continue to press its demand.

sues that affect ICA personnel particularly. The committee invites all ICA members of AFSA to propose which ICA-related issues are of greatest concern.

Committee Hot About AID Mission Cooling

Moved from their old office when the roof collapsed, the members of the AID mission in Mogadishu have been laboring without air conditioning for the past several months at a time when temperatures range between 90 and 105 degrees.

"If the situation existed in the U.S., everyone would have been excused from work long ago," the AID Standing Committee declared. "AFSA has identified funding for air conditioning for Mogadishu and informed management. Still no action as of this writing. We wonder if this situation would obtain if the director of SER/MO were Foreign Service?"

AFSA Appoints New Law Clerk



In response to the increasing demands on AFSA's general counsel, Susan Holik, the association has hired a law clerk to assist her in preparing for grievance hearings, litigation, and doing legal research. Gordon Glaza joins the AFSA staff after two years at George Washington University Law Center, where he specialized in labor relations.

Originally from Detroit, Gordon was graduated in 1979 from the University of Michigan. Aside from his academic experience in labor law, he held a summer internship in 1980 with the Army, where he worked on labor-relations law. He maintains an interest in international affairs and has traveled widely in central and eastern Europe.

Association Opposes District Tax Bill

The association has advised all Foreign Service officers that the District of Columbia has included in a new bill a provision to remove the income tax exemption for presidential appointees and congressional staff members who reside in the district but are domiciled elsewhere. Elected officials and Cabinet officers are exempted.

At the City Council Committee on Finance and Revenue hearing May 21, Irving Williamson testified for AFSA. He reported that comments of the two council members present were not sympathetic to our position. Written statements protesting the bill were submitted by numerous Foreign Service officers in Washington and overseas, by AFSA, and by the department. The association wishes to thank those who responded to our call for action.

The bill could go forward for approval to the full council and the Mayor this summer. Final approval lies with Congress, which probably will not consider it until after the summer recess.

AID Reorganization May Challenge Obey

The anticipated shifts in AID's organization may pose challenges to the integrity of the Obey Amendment. AFSA believes that the Obey Amendment has and will continue to strengthen the agency by assuring that appropriate AID/W positions are filled by personnel who understand development administration as practiced overseas—the only place AID does business. Moreover, the morale boost to Foreign Service employees on rotation who now have the ability to seek AID/W positions commensurate with their abilities should be obvious.

Board Names Insurance Trustees

AFSA's Governing Board has named a Board of Trustees to review the insurance programs sponsored by the association and to recommend possible revisions in and expansion of the coverage now available.

The trustees would welcome suggestions from AFSA members as to how the association's insurance program might be made more responsive to their requirements. All such suggestions should be addressed to Hugh Wolff at the AFSA offices.

AFSA Meets PAFSO

The stress and strain of life in the Foreign Service is not unique to Americans. At one time or another we have all commiserated with friends from other countries' embassies about employee concerns that seem universal. On an institutional level, the American Foreign Service Association has been interested in how employee organizations from other Foreign Services operate. Recently, AFSA President Thea DeRouville and State Standing Committee member Dennis Hays visited the Canadian Embassy in Washington and interviewed George Leger (embassy legal adviser and past president of their Foreign Service association) and David Shaw (embassy director of personnel) to find out more. One of the first things we learned was that Canadian Foreign Service personnel have two employee organizations, one for officers—PAFSO, the Professional Association of Foreign Service Officers—and one for staff—PSAC, the Public Service Alliance of Canada. Leger and Shaw are members of PAFSO.

PAFSO received its authority for collective bargaining in the late '60s and is primarily concerned with terms and conditions of employment. Issues that cut across employee-group lines, such as post or travel allowances, are reviewed by a National Joint Council composed of management and representatives of all of the unions that represent Foreign Service personnel.

PAFSO does not have a formal key-person network, but at larger posts a member will generally be designated to be a contact point. Though issues affecting an individual are often handled informally, there is also a grievance procedure for serious cases.

What follows is a synopsis of the conversation we had. The exchange was very open and free flowing, and we are grateful to Messrs. Leger and Shaw for their time and their interest.

AFSA: Tell us how PAFSO became involved in collective bargaining.

PAFSO: PAFSO got the basic framework for collective bargaining on issues concerning terms and conditions of employment, such as salary, leave, hours of work, and union recognition. Neither retirement nor the actual work an individual does are included, as these are the prerogative of management under the Canadian system. Then for all FS employees, there is a National Joint Council, composed of management and representatives of the various unions. It deals not only with FS Directives but also with such

things as isolated post allowances, travel allowances, and other issues that tend to cut across any employee group.

AFSA: The standard method of entry into your service is by examination. What the average age of an incoming officer?

PAFSO: It varies, but lately it has been older, 26-27, with one or two post-graduate degrees. About ten years ago it was very young officers with one university degree who could be formed through a number of administrative and consular assignments, and older ones that they could use for more functional tasks, such as lawyers. Because we staff all department positions, we have to provide for the legal and economic jobs and yet we are not given a quota background—that is, we are not told you must take ten lawyers in the next batch of 30. You must take the top 30 out of about 5,000 applicants. It's the best 30, and if you don't get any lawyers that year, that's it, the legal department will have to make do.

AFSA: Has your attrition rate gone up in the last few years?

PAFSO: Unfortunately not. I say unfortunately, because the higher your attrition rate the more clout with the government, and every time we negotiate they wheel out our sad little attrition rate of 3½%, compared to 15% elsewhere.

AFSA: Do you have a problem with service discipline, for instance if you have a post which is considered unattractive or dangerous or just sleepy, what are the mechanisms with which you entice people to go?

PAFSO: It is all in the question of different indexes to create higher incentive—hardship, years of service in difficult posts, years abroad, these are all added up to make a composite sort of index.

AFSA: For retirement?

PAFSO: No, towards additions to your salary. Your basic FS premium goes through six steps, and that is adjusted according to the cost of living, hardship allowances, etc., so that an individual who has spent, in the course of his career, six to seven years abroad and then accepted a hardship post would end up getting probably \$10-\$15,000 a year more.

AFSA: Percentage of salary or lump sum?

PAFSO: Lump sum, and that is one of the hassles. It is tax free, and the idea was to give you this lump sum, which you would bank and then go abroad and serve your two dirty years



ASSOCIATIONS MEET: From left, State Standing Committee member Dennis Hayes, Canadian Embassy personnel director David Shaw, AFSA President Anthea DeRonville, PAFSO Past President George Leger.

and then, if you survive, you or your widow gets it. The problem, of course, is that the value of that incentive, particularly over the period of three years, becomes very much eroded and is subject to general government constraints, so as a percentage of salary it's diminished radically, and as a matter of fact I think there is some question as to whether it really is an incentive any longer. Because, of course, the amounts remain the same, they haven't changed much in ten years and inflation has changed a lot.

AFSA: If you have someone who's assigned to a post and they just say "forget it," can they do it?

PAFSO: They can do it a couple of times; it depends on how they say it. There are ways, and it is a difficult question as to whether the employer can actually force an employee to accept a given post abroad. If a person does not accept the rotational nature of the service and refuses assignments abroad, whether that person can eventually be released from his employment for incapacity has yet to be tested. There is a large body of opinion that says that were such a release ever contested in court, it would be immediately thrown out.

AFSA: But normally, if a person were due to transfer he would write back to headquarters and say, "I would like to go here, here, or here," and headquarters would say, "No, but you can go there, there, or there."

PAFSO: Yes, and eventually they come to an agreement. But to be fair, the service is broken down to such a degree now that here we are in the middle of April, and for all the people I know who are supposed to be going back, it is still way up in the air. They target that the minimum notice will be four months. The problem is that in the FS the officer's existence is predicated on a generalist approach, so an individual does an economic job in Washington, let us say, and it's logical that he will go to a political or an aid job or one of the other kinds of possibilities elsewhere, and that is a great incentive when an individual is moving. Washington is a great place to be. What are you going to offer somebody after that in Ouagadougou? One thing you can offer is some professional growth in a different area that he hasn't had before. So generally among the FS officers the problem of non-acceptance of posts has not been as acute as among the staff.

AFSA: So from what you are saying, offering someone something different is an incentive. In our service it is not. A political officer always wants to be a political officer.

PAFSO: I think you have to add, however, that it's an incentive because the officer knows that his promotability depends on his being able to show that he has acquired a broad range of experience rather than a specialty.

AFSA: Which is the opposite of what we have.

PAFSO: The guy who spends all of his time doing, say, energy work in Ottawa, is posted to Venezuela and does more energy work, and then comes back and still does energy work—he is going to be seen by the promotion board as too narrow, he will never make head of a post. We don't need an energy specialist as head of post. And since, contrary to you, we staff our heads of post as well from the Foreign Service, you have to think about forming the future managers of the posts abroad, and this is always the ultimate objective. It is breaking down to some degree because we now have this new concept of "streaming"—since we have to provide specialists in a number of missions, where do we get them? We don't recruit them. We may get to that some day but we don't do it now, so we have been trying to stream people, but these are conflicting objectives. How do you stream people and still maintain the broad generalist approach?

AFSA: It all sounds too depressingly familiar.

PAFSO: Up to now, most officers would appreciate that when they are put in a different category, they are enhancing their promotability. Also, going to a small, difficult post is good too. I guess what you have to do is convince officers that all of these things are good for them. A couple of years in Cote d'Ivoire is good, it helps

your French, it shows you are very rotational and flexible. . . .

AFSA: You mentioned all your heads of mission are career.

PAFSO: All but two.

AFSA: How many political positions are there at headquarters?

PAFSO: They are not identified as political positions. All of our head of post positions are staffed by Orders in Council, the equivalent of an Executive Order—Cabinet decisions. However, the individuals who are eventually chosen are about 98% from within the department. We put up a list, we suggest the names. It is very rare that the Cabinet will select names that are not on our list, and we don't put names on our list that aren't FS. In the department it is the same way. All the secretaries and deputy secretaries are career, as are ambassadors, with the possible exception of London, which for the past four or five appointments has been political.

AFSA: We would like to ask a couple of questions about particular problems that are cropping up for us. One concerns the increasing unwillingness of spouses to go overseas, and once overseas, a total unwillingness to play the old role of making the hors d'oeuvres. Are you finding that at all a problem?

PAFSO: It is really a horrible problem. You have done a lot of work on that and we have been following your work. There are many approaches to try to solve little parts of the problem. We try to find employment abroad by negotiating bilateral agreements with like-minded countries. But that can't go very far; perhaps a half dozen countries or so. Also, most of the countries who give this right do so with all kinds of conditions. You have given us this right here, but you named a number of professions that we couldn't enter because obviously they were professions where we would be taking jobs away from Americans. We have been seeing more and more cases of couples separated, the family staying in Ottawa, the husband doing his two or three years and coming back, that sort of thing. There has been no system developed to facilitate flying back and forth, etc. The government refuses to sanction that sort of thing, and it is the beginning of the end when that starts to happen; if they have fly-back authority or visiting authority or if we treat children as if they were in boarding schools, then I think we accept the fact that there is no possibility of having families abroad, and that is a dangerous route.

AFSA: We now have under the new Foreign Service Act a provision that says an employee may request separate maintenance allowance for his wife and family.

PAFSO: We have a similar one, but ours is a very special one where an employer forces you to transfer out during the school year or in a place where the employer determines the employee cannot bring his family.

AFSA: We have that too, but now in addition the employee can request separate maintenance. Do you have situations where both husband and wife are officers?

PAFSO: Working couples? That is the best solution of all, but our department hasn't hired couples. The couples that exist are ones that formed after they both joined.

AFSA: Do they receive preferential assignments?

PAFSO: There are very few, and the understanding is that there will be no preferential assignments other than

PAFSO: "All Canada's secretaries of state and deputy secretaries are career, as are ambassadors."

if it does come up.

AFSA: But in effect they manage somehow?

PAFSO: Usually after two or three posts a situation arises where one or the other is going to have to resign. That is what everyone says, but it hasn't happened yet. I guess it is going to eventually because there is no way the other employees are going to accept that the working couples serve only in London, Washington, and Paris. Most of these working couples are still in middle management—as they get more senior, it will be more difficult. It would be hard to have a head of mission whose wife or whose husband was a subordinate. I think you would have to say that this whole family situation has reached crisis proportions in our Foreign Service—as it has in yours, I guess. Well, there are a number of responses to it. One is for spouses who are public servants back in Ottawa: they are loosening up so that the individual can take leave of absence. In the Foreign Service, if the assignment doesn't jibe for both of

them, then one can take a leave of absence until an opening does arise. These reciprocal agreements are really opening doors in a lot of cases. A lot of spouses here work.

AFSA: Is your service giving any thought to paying "non-working"—they are hardly "non-working"—spouses?

PAFSO: That has been bandied about for a number of years. Just last week we had a Royal Commissioner here and one of the presentations that was made to her was precisely along those lines, that many of the distaff side of the organization are doing a lot of required unpaid work and yet there is no room for spouses in the organization.

AFSA: Are spouses paid for representational services?

PAFSO: There are two problems. One, we as a union couldn't support it. It's a zero-sum game. If they took it out of our representational money and gave it to the spouses, those who were not married would find themselves without funds. The government is not going to make up this cost—it is going to take it out of the existing envelope of Foreign Service costs. Second, even if you paid them, I don't think many of them would want to do the kind of work that people are saying they should be paid for.

We have removed all constraints on whether spouses are rated alone or their husbands rated through them, or whether the Ambassador's wife can ask them to go to a function, all that has been done away with. Which is not to say that it doesn't occur through various kinds of pressures and all that. So it is hard to remove all that and then institute a payment scheme for doing it. You can see that this raises all sorts of questions, and the union just didn't want to proceed down this path.

AFSA: We don't really either, but we are finding ourselves on that path whether we like it or not. People are resigning from the service—not a lot yet, but the number is growing—because they simply don't want to spend two or three years away from wives and families, and some other people are just not coming into the service. We are losing out on a lot of good people.

PAFSO: With us it is a middle-level problem. The junior officers go abroad with their wives and there isn't much of a problem. It's the first post, glamorous, exotic, and that sort of thing, and then there are young children and that is a help because there is all the domestic help abroad that is very cheap, provided a post is not too unhealthy, and then later in life when children are in school and it is pleasant to be abroad because you are well paid

at that level and there is a prestige element. The middle range is where people don't want to go any more, where the kids are in school and the wife has a job and the two jobs are absolutely necessary because the pay isn't that good at that level.

AFSA: That's interesting, because it seems to be exactly the opposite with us. The older wives are saying I wasn't trained for anything, the chance to "find my identity" is gone, and all those years I spent making hors d'oeuvres for ambassadors' wives when my husband was a junior officer, now nobody will make them for me. But I still have the same job as those past ambassadors' wives: I must help my husband, help represent my country, uphold this position—

PAFSO: And I am still making sandwiches. Is it a lack of representational money, because I think that that is one of the answers, if you can hire people to do this.

AFSA: There is never enough.

PAFSO: As a union, we have been trying to get people's representational allowances raised so that nobody will have to ask their spouse to host a party. If he and she want to, that's fine, but we can imagine a situation where the spouse says, "You are having 20 people to dinner tomorrow night and that's fine, I'm going out." That should be OK. We have gone that route because we feel that it at least offers each family a choice of life styles.

AFSA: What is your retirement age?

PAFSO: Sixty-five. That is being looked at a little now.

AFSA: Then you must have a problem with promotions—a surplus at the higher grades and the lower grade officers don't get promoted?

PAFSO: Yes, a square instead of a pyramid. It's the baby boom. I think all Foreign Services must face the same situation. We all joined thinking we would have careers like the guys ahead of us, zooming up—

AFSA: Reach ambassador in 15 years.

PAFSO: Right, and suddenly you find it's impossible to get promoted, you are in a class group that is so huge. So, there is a new awareness that you are going to have to go up in the Foreign Service as a group without too many distinctions between individuals, so you may find yourself 15 years from now doing the same work with a higher title, but it's the same job. We are not recruiting behind us because we have staffed the Foreign Service, we have a maximum number of people, the ideal-size Foreign Service for Canada right now.

AFSA: How big is your Foreign Service?

PAFSO: About 800 officers and

about 4,000 if we include all our locally engaged staff abroad. I don't think there will be much change. I think 10 years from now, it will be 800 officers and that's it.

AFSA: And that is 400 in Ottawa and 400 abroad?

PAFSO: Roughly. And all the rest of the 4,000 would be non-officers, the support staff.

AFSA: Do you have a secretary shortage at the moment? We have a tremendous one.

PAFSO: We recruit all across Canada. Our main problem is not really finding secretaries: the lure of the FS is sufficient to attract them. But the mechanics of recruiting a secretary are tremendous. Secretaries don't last very long. You get one tour out of them and then the allure dissipates.

PAFSO: "This whole family situation has reached crisis proportions in the Canadian Foreign Service."

AFSA: Is your system closer to the British, which is to hire young secretaries for a couple of tours and then encourage them to get out, or to ours, which is try to retain secretaries for a career?

PAFSO: I think our system is closer to the British. Most secretaries want to move around, want to see as much of the world as possible. And they get three foreign assignments in a row—they don't have to come back to Ottawa for six years.

AFSA: The allure of the Foreign Service fades when you start talking about El Salvador or Conakry.

PAFSO: This is a familiar problem. You get the officer out there by telling him it's good for his career. It's pretty hard to get the secretary to accept that rationale. There is no reason why it's good for her career.

AFSA: In fact, we have a union proposal now—and I am not sure how far it is going to go—of linking assignments, saying your dream is London, spend 18 months in Conakry and we will send you to London.

PAFSO: We do a lot of that too.

AFSA: But it's actually down on paper?

PAFSO: Secretaries learn very quickly that it's not worth much if it's not down on paper.

AFSA: We have some new allowances under the Foreign Service Act, specifically danger pay and incentive pay for hard to fill positions or posts. Do you have anything comparable?

PAFSO: We have a general overseas premium designed as an incentive, and the other thing is a hardship allowance in unhealthy or dangerous posts, behind the Iron Curtain. I'm not sure, but I think about \$1800 to \$2400 a year, which really isn't that much.

AFSA: It isn't a percentage of the salary?

PAFSO: No, it isn't. Ten years ago it was a reasonable proportion of salary, but lately it really isn't. They are going to have to look at that more carefully, and that is one reason why we have the Royal Commission, which is going to Foreign Service posts to take a look at a series of problems. One is lack of promotability. You are going to have to explain to people joining what their career is going to be like. It isn't going to be what they thought it would be like. We will have to look at groups other than officers and find motivations for them, too. It would be better to find career streams for everyone and then they all fit in. At one time we did have a lot of officer positions free, and they were known as administrative service, as opposed to foreign service, and they were people dealing with administration abroad and in Ottawa. And then, in 1970, there was some brilliant idea to staff all of these positions with Foreign Service officers. In other words, they abolished this group and most of these AS's were given the opportunity to become FS's and did, but I don't think some of them are any happier today because they have not moved up as fast as they would have in their own stream. Now, of course, they have taken another brilliant decision to go back to the old system of ten years ago, the new system was a mistake. So again, this may open-up upward mobility for some staff. It used to, it could again.

We would much rather work with people who are really motivated. It is really unpleasant working in a mission with a secretary who has a bleak view of how she or he is being treated, and they know full well that we are applying the so-called British system to them. It comes out when they try to negotiate their terms of service and people say well, if you aren't happy here, you can quit. They also know there are secretaries being recruited all the time. It may be the most eco-

monic way, it certainly isn't good for morale. But you rarely find secretaries with six or seven years' experience. They are mostly young, eager, with not much training abroad or even in Ottawa. They are bright and good because they are recruited well, but there is a lack of professionalism with a lot of them.

AFSA: But we are finding that we recruit good, bright, well-educated secretaries and then send them overseas to work in a typing pool for ten years. By the time they have gotten through that, they quit or are so embittered that it can become a problem. Do you have problems between officers and staff at posts over reciprocity? Differences in entry privileges? Being on the diplomatic list, etc.?

PAFSO: Yes, that question is a perennial one, perhaps having something to do with status, not being on the diplomatic list, etc. Generally, the approach our headquarters has adopted is that wherever the post is, the privileges of immunity should not be unreasonably withheld from the staff. For instance, here staff can draw a certain amount of liquor that is imported under the Ambassador's name, and it is the same at other posts. It is, however, the prerogative of the Ambassador to grant, and it is his responsibility to see that these privileges are not abused. But the staff does have rights that are recognized by our department management—they do have the right to certain imports.

AFSA: What about driver's licenses, gasoline taxes, etc.?

PAFSO: That kind of thing tends to be up to the host government, and if it can be negotiated, fine and dandy. For example, in the District of Columbia gasoline taxes do not have to be paid by the officers but do by the support staff. I doubt that we are going to have very much luck in going to the State Department and asking for 10 cents off for our support staff. If it's a small benefit involved, there isn't much problem, but if it's a large benefit, it's another story. Reciprocity is of course a question of dealing with the host government, but our support staff feels that where there is no reciprocity, there should be reimbursement.

We indeed do that. In London, for example, when the British government went to the Vienna Convention it was on the basis of reciprocity, and for some reason the message wasn't transmitted to Canada—our staff in London is still not accorded free entry privileges, for example. But the staff get an extra five points on the post index to offset that particular loss, and I think that is probably the reason why it has never been overturned—

they are being compensated in their allowance package.

We did a survey of our consular posts around the United States and found that our post in Buffalo had completely different privileges from our post in New York—the same with Los Angeles and San Francisco. We are still trying to figure that out. But all purchase taxes are state taxes, and we only get that in Virginia, Maryland, and D.C. Our colleagues in New York can't get out of the tax down here.

AFSA: Do you have a cost-of-living differential?

PAFSO: Yes, based on an index of Ottawa = 100. If a post index is 150, your take-home pay is increased by 50%.

AFSA: How does your educational allowance work? If the overseas schools

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are determined to be adequate, do you have to send your children there, unless you want to pay yourself for private schools? The question of adequacy is one many of our families are unhappy about.

PAFSO: We always have the choice of educating a child in Canada. Other than that, if you determine you want to educate your child at post then you are under the situation that pertains at that post. For instance, here the system is considered to be compatible with Canadian education, so if I have a child here, I have a choice of educating that child in Canada in a private school with room and board allowance, etc. But it will end up costing me out of my own pocket, for I have to pay part of my child's subsistence in Canada. If I choose to educate my child here, I don't have any automatic right to an education allowance here. However, if I am French speaking and there is no French language education here, I can send my child to the *lycée* or, if my child has special education problems here, then I put up a special case. By

and large when I was with PAFSO I found that most officers were pleased with the education allowances. That is about the best part of our package. It is one of the few areas where it presupposes that the parent has some knowledge of the child. That is one thing I was pleased to see.

AFSA: Is it a requirement for an FSO to be bilingual?

PAFSO: Not to be recruited, but to be promoted after a number of years, an officer should be operationally bilingual. The idea is that our two-languages, two-cultures should be reflected by our FSOs abroad. All of our positions overseas are designated as bilingual, and all FSOs must meet minimal language requirements before posting. This doesn't mean they must be fluent.

AFSA: Is there an incentive allowance for this?

PAFSO: Yes, \$800, but not across the board. For support staff, it depends on the particular job. FSOs meeting bilingual requirements automatically get \$800 a year. This is being phased out. It actually was phased out five years ago, but no government has had the nerve to go through with it.

AFSA: How about other languages; do you have facilities for teaching Swedish, for instance?

PAFSO: There is some unhappiness about this. There are bonuses for other languages; there are some facilities, but it is not a fully thought-out or effective program.

AFSA: Do you have language-designated positions in other countries?

PAFSO: No. Traditionally we have two Arabists in Cairo at the same place you train your Arab-language people, a couple learning Chinese, two or three at your Foreign Service institutes. The problem is with the philosophy of our Foreign Service. We don't have the people, money, etc. We put somebody in Yokohama to learn Japanese, for example. He's assigned to Tokyo for a tour and then the guy never sees Japan again. In fact, if a person speaks Chinese it is almost a certainty that that person will never see China. We have a woman now whose Chinese is so good she served as Trudeau's interpreter during his trip to China, and she can correct the Mandarin spoken in Chinese restaurants. She is now in Chile.

AFSA: Do your senior officers have a pay cap?

PAFSO: No. Not in the sense you do.

AFSA: Do you receive cost of living increases?

PAFSO: That is negotiated every year. We negotiate every decimal point. Last year it was about 15%.

AFSA: We would be happy if we did half as well. □

During this period an important, albeit unpredictable, force in U.S. policy was the secretary of state himself. Henry Kissinger's interest in law of the sea in 1976 arose out of a broader concern to intervene visibly in the North-South debate. Thus the policy concessions he would offer the Group of 77 in 1976 were not evolved within the U.S. delegation. Rather, they came out of the secretary's office with the support of a few members of the United States delegation. In such a situation, it was not possible to coordinate policy with U.S. allies or to use concessions to maximum effect in return for compromises on the other side.

Kissinger's policy changes represented an effort to compromise with the Group of 77 position and be responsive to its concerns. In 1976, the United States was still struggling to gain acceptance of the concept that states and private parties had the right to mine the seabed. By then the international authority had taken on a much more complex institutional structure than a mere licensing body and the United States' development approach of 1974 was replaced by a willingness to consider limits on production. In the spring and summer of 1976, Kissinger outlined the latest U.S. views. Kissinger said that the United States was willing to make a number of concessions in exchange for assurances of guaranteed access. The first was that an international Enterprise would be given the right to mine the seabed under equal conditions. The second was that each prospective miner was to propose two sites to the authority, one of which could be reserved for mining by the Enterprise or by developing countries. In addition, revenues would be generated for the poorest countries based either on royalties or on a system of profit sharing. As a third concession, Kissinger proposed that incentives should be established for private companies to share technology with and train personnel from developing countries that wanted to mine the seabed.

By the summer of 1976, Kissinger went even further in his concessions to gain assured access. He indicated U.S. willingness to agree to a means of financing the Enterprise so that it could begin mining concurrently with states. To this end he reiterated U.S. willingness to transfer mining technology. And, as a further

inducement, he proposed periodic review conferences where the mining system might be reexamined. A final area in which Kissinger made new proposals was on limiting production of seabed minerals. To get the land-based producers behind a parallel system, Kissinger indicated that the United States was prepared to accept a temporary limitation, for a period fixed in the treaty, on production of seabed minerals tied to the projected growth in nickel.

What emerges from Kissinger's proposals in 1976 is that the United States was determined to conclude an international treaty. To this end, the government was unilaterally making, rather than negotiating, compromises—most of them to coastal-state interests. Unfortunately, the practice of bestowing concessions on the opposing side simply increased the appetite for more without evoking a corresponding response from the coastal states or the Group of 77.

New Faces

The advent of the Carter administration brought new faces to the U.S. policy process in law of the sea. The new president signalled the importance he attached to this negotiation by appointing Elliot L. Richardson to serve as ambassador at large and special representative of the president for the law of the sea conference. Richardson brought his own team, Richard G. Darman and John T. Smith, to serve as vice-chairmen of the delegation.

In the U.N. forum, the new negotiating team confronted a politically charged situation complicated by Group of 77 expectations that the new administration would make major concessions on mining. While the broad outlines of a settlement on offshore jurisdiction had been agreed upon, important details remained for resolution. And in the case of seabed mining, the Kissinger concessions needed to be translated into a concrete U.S. policy. Domestically, the new administration found diminished interest in a sea treaty.

Going into the 1977 session, the U.S. delegation was limited by the three concessions that had been made by Kissinger. Contrary to the expectations of the developing countries, the United States did not offer any new compromise proposals. Instead, Darman and Smith attempted to give effect to the Kissinger

compromises through detailed proposals on promoting the Enterprise and general financial arrangements. Richardson outlined a scheme to finance the first operation of the Enterprise through the use of loan guarantees by member states. On financial arrangements, the United States proposed that a mining operator could either pay the authority royalties or share profits according to specified rates. The United States sought to explain in detail the basis for its proposals and to engage the Group of 77 in serious technical discussions. By no longer offering concessions in the hope of evoking a positive response, the delegation significantly changed the style and substance of the U.S. approach to seabed mining.

But Darman and Smith left before the 1978 session, and by the end of the 1978 session, the new U.S. approach combined firm commitment to international negotiation with a willingness to resort to national mining legislation as an interim or a fallback measure. To this end, Richardson orchestrated a delicate strategy of balancing domestic legislation and international negotiations. Under his direction, several agencies contributed to shaping a mining bill that was acceptable to the administration and was pushed through the House and almost through the Senate. In the last-minute crush of business of the 95th Congress, the mining legislation became snagged in Senate committee by a single lame-duck opponent. While the authority of the secretary of state would have been sufficient to pry it loose, Secretary of State Cyrus Vance's attention was diverted by more pressing problems in South Africa and the Mideast.

The UNCLOS negotiations in 1978 did not prove as successful as the United States had initially hoped. However, the creation of negotiating groups and the establishment of a collegial process for revision of the text did serve to reduce the ability of individual committee chairmen to arbitrarily alter negotiated texts. On this basis, Richardson showed a willingness to negotiate new and far reaching concessions. At the spring session, the United States negotiated compromises on the mandatory transfer of technology to the Enterprise and on a formula limiting seabed production to 60 percent of the growth rate in nickel. At the

summer session, the United States submitted figures on financing the Enterprise.

In offering these concessions, the delegation was going well beyond the Kissinger production control formula of 1976 and was reinterpreting the promise he had made then to ensure that the Enterprise operations would in fact be parallel. As Richardson saw it in 1978, there had to be a mandatory transfer of technology from private companies to the Enterprise to ensure that it could begin mining the seabed at an early date. Generous financial arrangements, rather than the guarantees offered in 1977, were also proposed to the same end. The production control formula negotiated with Canada represented a U.S. effort to get the assistance of the Peruvian and Chilean delegates in moving the Group of 77 toward negotiations as well as to mollify Canada's nickel concerns.

The strategy of pressing the negotiations as far and as fast as possible evoked a predictable backlash in the mining industry and the economic agencies, where the compromises made were deemed to be contrary to U.S. interests and to overall policies in other areas. When U.S. compromises at the first part of the seventh session produced rumblings of agency discontent, Richardson reiterated his view that at least the production control formula was negotiated ad referendum and he promised to remind the continued session that the United States had not definitively accepted any of the spring compromises.

During the course of 1979, the Congress became increasingly concerned with the direction of the seabed negotiations and with the concessions made by the U.S. delegation. The 96th Congress legislated a national approach to seabed mining with the Deep Seabed Hard Mineral Resources Act, passed in June 1980. Congressional concern was precipitated by executive branch support for a draft treaty on the moon and other celestial bodies negotiated by the U.N. Committee on the Peaceful Uses of Outer Space [see related story]. The implications of the law of the sea treaty for future negotiations on outer space resources led many to take a critical look at the emerging seabed regime. After initially delaying the seabed bill in 1979 to avoid disrupting the



Workmen prepare to lower dredging scoop into the ocean. Perhaps as much as 1.5 trillion tons of nodules containing strategic minerals lie on the deep seabed. Photo by New York Times.

U.N. negotiations, Richardson worked closely with congressional leaders in 1980 to craft legislation that would secure continued investment by the mining companies while not disrupting the Geneva session of the conference. The Deep Seabed Hard Mineral Resources Act that finally emerged was designed to satisfy congressional and executive branch concerns and to be consistent with a future international mining regime.

While the Congress concentrated on national approaches to ocean problems, the executive branch continued to seek an internationally accepted law of the sea treaty. In 1979 and 1980, Richardson's goal of a comprehensive treaty moved closer to fruition. He timed the movement of seabed mining legislation through the Congress to stimulate further progress in the law of the sea negotiations. Delaying seabed mining legislation proved to be controversial, the protests coming from the Congress, executive branch agencies, and the mining industry. Richardson, however, had the support of Secretary Vance, National Security Advisor Zbigniew Brzezinski, and the leaders of a few key congressional committees when he halted the progress of legislation. He argued that if the bill passed the Congress before substantive negotiations were completed, the delicate negotiating balance would be upset and the power of the Group of 77 moderates would be undermined. The concern was to establish an interim legal regime that would satisfy domestic and international concerns pending the entry into force of an acceptable law of the sea treaty. The United States, therefore, sought to encourage and protect seabed investment and exploration during the years between completion and signature of the treaty and its adoption by the requisite number of states. At the same time, the United States supported approaches that would allow the seabed authority and the Enterprise to begin operation immediately when the treaty came into force. One advantage of national legislation with a built-in deadline was that it provided a new impetus for an early completion of the negotiations. After an initial outburst by the Group of 77, the negotiations moved ahead to address unresolved problems, until the new administration began its review of earlier concessions.

Lessons & Prognosis

UNCLOS III has been expensive and unnecessarily long on the one hand while on the other it offered a forum for communication and served as an educational vehicle for smaller states. Where the developed countries sent delegations staffed with technical as well as legal experts, the developing countries fielded a few overworked individuals who shared responsibility for several other North-South negotiations. As such, although they were short on technical mastery of ocean issues, they were strong on bloc tactics and rhetorical skills and were well grounded in the goals of the New International Economic Order (NIEO). Since they were active in a number of negotiating fora—including the U.N. Committee on the Peaceful Uses of Outer Space—they were also better equipped than developed-country negotiators to relate developments in one negotiation to those in another.

Perhaps the clearest lesson of UNCLOS III is that the draft treaty on seabed issues was determined more by the structure and norms of the conference than by the underlying capabilities of the participating states. A treaty negotiation among 150 nations, each commanding an equal vote, puts a premium on the ability to build and maintain coalitions rather than on the power of the negotiating countries. As a result, the Group of 77, when it maintains group solidarity, can determine the outcome through the tactical and strategic skills of its principal negotiators rather than through the influence of their governments. Without the United Nations context and the Group of 77 coalition, the role of developing countries compared to that of seabed mining states would have been negligible.

In addition to the impact of structure, the underlying norms of UNCLOS III have worked against the developed countries. Though its interpretation is under dispute, the concept that the seabed beyond national jurisdiction is the common heritage of mankind was an important premise established by the Group of 77. They used the concept as a basic tool in negotiating management of a common property resource. In addition, the developing countries transferred many of the norms of the NIEO from other negotiations, such as mandatory trans-

fer of technology, production controls, and limitations on access for developed states. Applying NIEO concepts to the allocation of a common property resource eliminates the advantage of states technically able to recover a resource. In UNCLOS III, the technical capability to recover nodules has not been decisive, particularly because the mining negotiations had been linked to other important issues. U.S. willingness to compromise its mining interest clearly stemmed from U.S. concern to secure consensus on a treaty that protected military navigation and overflight rights. In effect, the direction of the seabed negotiations was determined in the early 1970s, when the jurisdictional issues such as shipping rights were grouped with seabed mining in a single conference.

The commercial recovery of deep seabed manganese nodules will not be underway until the 1990s. It will be an expensive undertaking, and this expense plus the technological uncertainties and political controversies that may attend deep-sea mining will pose problems for the first generation of mining operations. Even if technical and political difficulties are ironed out, the availability of comparatively low-cost, land-based supplies of cobalt, manganese, nickel, and copper will slow the rate of growth of seabed mining during the rest of the century. The legal arrangements that will govern deep-sea mining are difficult to predict at this time, but there are several possibilities. At least in the early 1980s, seabed exploration will proceed under the auspices of national legislation harmonized among the developed states. If U.N. negotiations continue, this multilateral regime may be linked to the work of a preparatory commission established to draft rules and regulations for the international seabed authority. If a treaty does not come into force by the late 1980s, the multilateral regime will proceed from exploration to commercial exploitation. However, if the law of the sea treaty does come into effect, all seabed miners may become parties to a single international mining regime, or some may choose to stay out and create a dual mining system. The future course of seabed mining may depend to a large extent on the outcome of the current U.S. review. □

Who Owns

By GEORGE S. ROBINSON

Over the past 25 years or so a body of treaty law has been developing, for the most part quietly, to govern activities of mankind in near and deep space. The purpose of the lengthy and often painfully negotiated accords was to give international order to the movement of humans into space.

The most important agreement governing conduct among nations in space is the United Nations "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies," the so-called "Outer Space Treaty of 1967." This pact was spurred in part by the United States' earlier National Aeronautics and Space Act of 1958, which created NASA and set the policy tone for civilian activities in space. The 1967 treaty provides, generally, that space exploration be conducted for the benefit of all countries, that it be the province of all mankind, and that space and planets cannot be claimed by any country. Further, outer space may not be used for the placing of nuclear weapons or other weapons of mass destruction, nor can there be any military bases, installations, fortifications, maneuvers, or weapons testing. Several provisions address the special status of astronauts as "envoys of mankind" and dwell on



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The views in this article are the author's and do not necessarily represent those of the Institution or the U.S. government.

The Moon?

the theme of peaceful cooperation in space research.

Certainly, there is nobility in these peaceful, hard-won sentiments. Unfortunately, since the Outer Space Treaty was signed, lawyers, politicians, statesmen, entrepreneurs, and developers of natural resources in space—and perhaps most important of all, military tacticians—have pressed consistently to reinterpret and distort the frequently clear meanings of the language and the underlying spirit and intent.

These reinterpretations are appearing more frequently. Distressingly, the development of an international social order for space exploration and exploitation is looking more and more like the evolving law for the orderly exploitation of the high seas, which is being trampled beneath the mad scramble for ocean resources.

Discouraging as implementation of the Outer Space Treaty has been to date, it certainly has not been a useless, or altogether deceptive, document. It has provided the framework for numerous limited accords between individual countries, as well as what is hoped to be a series of very practical international conventions and treaties designed to implement the basic principles of the Outer Space Treaty in greater detail.

For example, the "International Convention on Registration of Objects Launched into Outer Space" mandates the registration and reporting of launchings, including orbital data and the general function of the object. Then there is the 1971 "Convention on International Liability for Damage Caused by Space Objects." As launched objects become more elaborate and sophisticated, and as their size and re-entry survivability increase, they have the capability of causing significant damage to other equipment in space and to the Earth. Another basic agreement is the 1968 "Treaty on the Return of Astronauts and the Return of Objects Launched into

Outer Space." In large part, this pact was designed to be truly humanitarian, but one can sense the space powers' fears that astronauts and equipment possessing valuable economic, technological, and military secrets could otherwise be lost, with no formal legal recourse for retrieving them.

Several other treaties relating in part to the rules of the road for space have been negotiated, such as the non-proliferation and nuclear testing treaties, and the various disarmament accords. All of these bilateral agreements, multinational accords, formal treaties, and the never-ending, conflicting domestic laws of countries participating in various space activities form the body that has come to be known as "space law." But no matter how noble-sounding in form, much of this law has dubious origins, and the future of international cooperation and brotherhood in space is also highly questionable.

The Moon Treaty

Lost in the roar of the space shuttle *Columbia's* engines as it lifted away on its maiden flight from Earth earlier this year, and muted by the chorus of national pride, was the fact that the Pentagon financed about 10 percent of the shuttle's development and has reserved 13 of the first 44 flights. Private industry has the shuttle's cargo bay so booked up almost no room is available until 1986. There are national interests in using space for military and commercial purposes, but both are limited, at least *pro forma*, by the current body of space law being developed in the United Nations.

The most recent attempt to further peaceful cooperation in space, enlarging on the dictates of the Outer Space Treaty of 1967, is the U.N. "Agreement Governing the Activities of States on the Moon and other Celestial Bodies," the "Moon Treaty," which passed the General Assembly for signature by member nations in 1979. No treaty related

to space activities has caused greater philosophic consternation and political resentment in the United States than has this pact. Although as a legal document the Moon Treaty is very poorly drafted, the principal source of concern in the United States seems to be the manner in which the U.S. delegation, and those officials involved in seeking its acceptance by the Senate and executive branch, accomplished their tasks in blessed quietude, public indifference, and relative anonymity.

The United States has problems with the Moon Treaty as a result of the changing character of the international-relations arena. Over the past decade or so we have seen some changes in this arena and in the negotiation of treaties formally characterizing relations among nations and blocs of nations. Today, approximately 90 more sovereign countries exist than in the 1950s. Many are worse off economically now than they were before their independence. To consolidate their individually weak influences in world affairs, they began to act collectively to strengthen their bargaining position with the industrialized countries.

As observed by Washington attorney Leigh S. Ratiner, long involved in identifying the private sector's interests in ocean and space resources, perhaps the underlying sense of fundamental justice demands

... that those who receive the raw materials and natural resources which fuel and feed industrialized economies must be required to pay a significant share of their economic wealth in exchange for access to those resources. The so-called North-South dialogue is a direct outgrowth of that declaration. Third World enthusiasm for this new movement caused the spread of this new ideology to every available forum in the United Nations. These concepts have now been deployed in the U.N. Conference on Science and Technology, at the Law of the Sea Conference, in the North-South dialogue, in the outer space negotiations, and are even under discussion

with respect to the use of natural resources of Antarctica.

In the context of Mr. Ratiner's remarks, it is possible to see a pattern in the various space conventions, treaties, and draft proposals of a shorter legal leash on American and Western European exploitation of near and deep space, and a near, if not total, gagging noose on private enterprise off the Earth. The pattern is in both the substantive provisions of the various space treaties and the realities of how the space powers, as well as lesser developed countries, are in fact using space or intend to use it.

The Moon Treaty is strongly weighted toward the benefit of the Third World and socialist countries according to their view that natural resources in space are the "Common Heritage of Mankind," a term used in the Moon Treaty and the sea treaty draft. This resulted from a resounding failure of the United States negotiating team to endorse the basic tenets of free enterprise.

Amidst all the semantics, complicated thought structures, and diplomatic innuendos, the Moon Treaty is designed to control activities of governments, public organizations, and citizens, both private and corporate, regarding the *use* and then *exploitation* (a fine distinction of great significance since a country or perhaps corporation could use, say, asteroidal metals or even "sunbeams" for scientific analysis, but could not sell them if found to be commercially feasible) of natural resources on or beneath the lunar surface and on every other celestial body other than Earth, and in space around and between those bodies.

The Moon Treaty specifically prohibits the presence of private free enterprise, regulated or not by a government. For the Soviet Union and certain other socialist countries, the initial effort to exclude private enterprise in space in the Outer Space Treaty of 1967 was compromised. Sovereign governments were to be the only entities operating in space, on the Moon, and other bodies. The establishment of the Communications Satellite Corporation put a chink in this concept, and the wholesale militarization of space has made a mockery of the principles of international cooperation and understanding in order to maintain peaceful and harmonious relations



"The Moon Treaty proclaims all celestial bodies in our solar system, except the Earth, and everything in between as the 'Common Heritage of Mankind'"

on Earth—which was the purpose of the Outer Space Treaty, in the view of both the United States and the Soviet Union.

In 1970, Argentina submitted a draft Moon Treaty for consideration by the U.N. Legal Subcommittee of the Committee on Peaceful Uses of Outer Space (COPUOS). The United States, with other countries, supported this draft. But in 1971 the Soviet Union submitted its own version and the General Assembly subsequently recommended that COPUOS only consider the Soviet draft.

The result of ten years of haggling, the final treaty, based on the Soviet draft, proclaims all celestial bodies in our solar system (except Earth) and everything in between

as the "Common Heritage of Mankind." Certain legal experts and internationalists already seem to be espousing the view that all technology developed in pursuing the exploitation and commercialization of space resources also falls within the Common Heritage and must be made fully available to all nations—free!

The Moon Treaty is vague, lengthy, and complex, with many of its critical terms undefined. Nowhere are the pitfalls of this confusion and lack of clarity more obvious than in the undefined terms "celestial bodies" (whether limited to natural entities or including man-fabricated platforms and vehicles), "natural resources," and "Common Heritage of Mankind," although an attempt is made to define the latter in Article XI, quite unsuccessfully from a conceptual point of view.

The treaty provides that no act or assertion can result in appropriation of a celestial body or its resources by a sovereign nation. Further, neither the surface nor subsurface of any celestial body, or any part of it, can become the property of a state, corporation, or private person. This is certainly an effective way to limit competition in space exploitation from countries embracing free enterprise. Finally, Article XI, paragraph 5, of the treaty provides that "states parties to this agreement hereby undertake to establish an international regime, including appropriate procedures to govern the exploitation of the natural resources of the Moon, as such exploitation is about to become feasible. . . ."

Again, no definition or determination as to whether the "international regime" is to be public or private, solely intergovernmental, whether "govern" means self-governing by a private consortium or public international organization, or even whether "regime" means a functioning administrative body or a specific body of law to be applied by a private consortium or public organization.

The ultimate result—limiting space access to non-commercial exploitation and permitting only scientific research with respect to, say, lunar resources—is to discourage investment by private enterprise. Businesses undertake research with the object of making a profit, and any provision of law so clearly forbidding ownership rights over the

fruits of that research is no inducement for investment. Interestingly, and critically, no provision appears in the treaty requiring the Third World to make available the raw materials and natural resources necessary for industrialized nations to move forward with the great expense required for space industrialization and commercialization. The Moon Treaty only calls for the one-way flow of the so-called "fundamental justice" philosophy of the Third World.

A number of proponents and supporters of the Moon Treaty have said it is not the best but it is "something the United States can live with." On the other hand, can this country and the other non-socialist nations of the West live with and sign an agreement that specifically prohibits the basic principles of their economic systems? Certainly, the requirement to negotiate a new international regime to cover ownership rights and procedures for exploiting natural resources under the Moon Treaty would deter any significant research and development efforts by industrialists and non-socialist countries.

As late as 1974, a leading Soviet expert on space law, A.S. Piradov, used fear of free enterprise and "the intentions of big businessmen" to justify the Soviet-sponsored provisions forbidding the establishment of property rights in space:

Such detailed enumeration of the legal and physical persons which could potentially claim establishment of a property right over the moon is, in our opinion, completely justified. The problem could be especially acute when the exploitation of natural resources has begun on the moon or in its depths. *The intention of big businessmen in relation to the future use of the Earth's natural satellite is too well known not to take it into consideration.* [Italics added.]

It has been taken into consideration: the most effective force for competing with the Soviet Union in industrializing and commercially exploiting space—i.e., private enterprise—will be stripped from the capitalist countries if the Moon Treaty is ratified by the United States and its allies. The only real incentive, then, for the United States to explore and exploit space beyond the relatively limited civilian interests of NASA and those agen-



"Can this country and the other non-socialist nations of the West live with an agreement that prohibits the basic principles of their economic systems?"

cies engaged in remote sensing, weather service, and the like would be for military purposes. Space is already assuming a military complexion at a frightening pace, with the United States and Soviet Union launching hundreds of military satellites. Just until 1975, the United States had launched 374 military satellites and the Soviet Union more than twice that.

Our country has a very reasonable alternative to all this: the United States should not sign the treaty! If the Moon Treaty is ratified by the United States, it could well serve as a public announcement that the Federal government does not support free enterprise in space, and by logical extension, on Earth—you either believe in the basic tenets of

the system or you do not. It would be the means whereby NASA and the Department of Defense will become the lead U.S. entrepreneurs in space industrialization, exploitation, and commercialization. Finally, the aerospace industry will be stifled in such a way that it never again will be able to create, stabilize, and exploit a market.

To the extent both of those treaties constrain and prohibit free enterprise, they become part of a body of law of wishful thinking that does not give credible consideration to the economic systems of several space powers of the Western hemisphere, and of certain countries in other parts of the world which are rapidly advancing in space capabilities, such as Japan.

At the moment, the Moon Treaty is in a holding pattern in both the executive and legislative branches. President Reagan wishes to re-evaluate the philosophic wisdom and practical effects of both the sea treaty and the Moon Treaty. Much of the reason behind this pause to reflect is found in the unexpected and rather unique outcry of grassroots interests around the country. Much of the reason also can be found in the Department of Defense's disapproval of the treaty for tactical planning purposes.

In the evolution of space law, too many nations and people believed in an effective and successful ambience of cooperation for peaceful purposes in near- and deep-space activities. It distracted some of the decision-makers from proper considerations of the true military, economic, political, and ideological motivations of the primary space-law negotiators. The failure of the United States to face the reality of an emerging Soviet military space doctrine, and a failure to recognize, accept, and deal with the post-colonial attitude of economic retributive vengeance espoused by many of the lesser developed countries, has brought the industrialized Western nations to the critical determination of whether there is any role at all for civilian and private free enterprise initiatives in space, or whether Star Wars is so close and clear of image that space law is really a continuation of the ritualistic jurisprudence relating to the conduct of warfare and conflicts in a compassionate and humanitarian fashion—the ultimate downfall of wishful thinking. □

The Indochina Tragedy

How the 1950 U.S. Decision to Oppose Ho Led to a Catastrophic Game of Dominoes

By JAMES C. THOMSON JR.

In February 1950, four months after the victorious Mao Tse-tung decreed the founding of the People's Republic of China and four months prior to the Korean War, the United States government granted diplomatic recognition to a regime far to the south of Peking, to the French puppet ruler of Vietnam, Bao Dai, the former Emperor of Annam, and proceeded to provide political, economic, and military support to his Saigon-based anti-Communist government and its French sponsors. In so doing, the United States became the enemy of Bao Dai's Vietnamese opponents, the Democratic Republic of Viet-

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Thomson has written a book on China for Harvard University Press and edited a survey of East Asian-American relations. He won an Emmy in 1972 for his ABC-TV coverage of Nixon's China trip.

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nam, led by the longtime nationalist and Communist anti-French rebel, Ho Chi Minh, who had established a regime in northern Vietnam in September 1945, right after the Japanese surrender.

A few weeks later, a veteran journalist and observer of Asian affairs, Harold Isaacs of *Newsweek*, wrote some extraordinarily far-sighted words in *The Reporter* magazine—words that should have haunted American policymakers over the next 25 years, had they read or remembered them.

Ill-Conceived Adventure

With "this act of policy," Isaacs wrote, "the United States embarked upon another ill-conceived adventure doomed to end in another self-inflicted defeat. It will not help the United States in its struggle against Communism. It will help the Communists in their struggle against the United States. It has already driven a new wedge between the United States and the other countries of South Asia. If the United States now involves itself in the Vietnamese civil war, that gulf will widen. The real problem is not how to implement this policy but how to extricate ourselves from it."

"One may well ask," Isaacs added, "how the United States could let itself in for this disastrous prospect. The answers are bleak. The policy is the result of simple anti-Communist panic."

In retrospect, it seems that no journalist, scholar, or statesman was ever more prescient, or more entirely on the mark. The cause was, in fact, anti-Communist panic; the problem was, too, not implementation but extrication; and the process

of extrication involved not only 25 years but also a massive waste of Asian and American lives and treasure, the devastation of much of Indochina, and the traumatizing of American society and its values.

Indochina's searing role in American-East Asian relations was one for which preceding decades offered minimal forewarning. For, with the notable exception of the Philippine Islands, Southeast Asia itself had long been peripheral to America's Pacific outreach.

The region was peripheral in a geographic sense in that it lay at the southern tip of the Asian land mass. It was also politically hard to reach—a region which had undergone various forms of colonization and absorption by other powers prior to America's arrival on the scene. Traditionally the repository of a mix of Chinese and Indian cultures, Southeast Asia had become the focus of successive European rivalries—first the Portuguese, then the Dutch, the British, and the French. By the late nineteenth century, the Dutch had consolidated their gradual control of what is now Indonesia; the British in Burma, the Malay States, Singapore, and the Borneo territories; and the French in the Indochina states—Tonkin, Annam, Cochin China, Laos, and Cambodia. Only Siam (Thailand) preserved a fragile independence, situated as a buffer between British and French spheres.

So, in most of Southeast Asia, access for Americans was subject to the whims of the European powers. Trade was possible, and, in fact, rose substantially between the two world wars; but investment, missionaries, and the interventionist urge remained largely focused else-

where, especially on East and Northeast Asia.

There is no equivalent, then, to the China "Open Door" stake in America's relations with Southeast Asia prior to 1945. And yet there were at least two glimpses of what would later become a central theme: the theme of *denial* to others of control of portions of the region. In 1898, for instance, one factor in the decision to annex the Philippines had been Washington's fear that some other power might seize them—a desire to deny them to others. And in the summer of 1941, Japan's move into southern Indochina aroused fear that Tokyo might acquire the resources of Southeast Asia—and again, a desire to deny those resources to Japan. It was, of course, Washington's retaliatory freezing of Japanese assets that summer that helped trigger Tokyo's decision to go to war.

The theme of denial inevitably raises an ancillary question: Denial to what end, for what purpose, where stakes did not previously exist? And that question dominates the history of America's Indochina involvement from 1950 onward.

There was a further important, but seldom recognized, context for American intervention in the Indochina peninsula from World War II onward: the historical dynamics of conflicts within the peninsula. Long before the arrival of the French colonialists in the late nineteenth century, a pattern of struggle had been played and replayed involving Thais on the west, Vietnamese on the east, and Cambodians—once the great Khmer empire—caught in the middle. And to the north, throughout, sat the Confucian giant, China—sometimes expansionist, usually not.

So the region which the foreigners sought to tame in modern times—first the French, then the Japanese, then the French again, and finally the Americans (with China often an anxiously brooding onlooker)—was one whose dynamics of strife antedated both colonialism and communism, and would assuredly outlast both. Indeed, the hundred years of external intervention, however tragic, from the 1870s through the 1970s can be seen as merely an interlude in an ancient and ongoing struggle, one to which the peninsula apparently reverted after the American defeat and withdrawal in 1975.

In March 1943, President Roosevelt suggested to the British Foreign Minister, Anthony Eden, that postwar Indochina should be placed under international trusteeship as a way station to independence instead of returning the territories to French colonial rule. "France," he wrote, "has had the country—thirty million inhabitants—for nearly one hundred years, and the people are worse off than they were at the beginning. . . . France has milked it for one hundred years. The people of Indochina are entitled to something better than that."

Despite Roosevelt's rather amorphous hopes, his trusteeship scheme did not survive his death in April 1945. Instead, in the immediate postwar scramble by the colonial powers to regain their territories, France and Britain won support from a divided American government for assistance in French reoccupation of portions of Indochina. Meanwhile, however, an anti-Japanese fusion of Vietnamese nationalists and Communists, under the leadership of Ho Chi Minh, had created a strong Vietminh party structure and an effective guerrilla army (under General Vo Nguyen Giap), and on September 2, 1945, Ho proclaimed the establishment of the Democratic Republic of Vietnam in words borrowed wholesale from the American Declaration of Independence.

Doomed Effort

What ensued was, in brief, a doomed but highly destructive nine-year effort by the French to retake all of Indochina, with heavy logistical and financial assistance from the United States—despite previously good cooperation between the American Office of Strategic Services and Ho's guerrillas in the war against the Japanese. That assistance was much increased in early 1950, when Washington recognized the Bao Dai regime in Saigon. But by 1954, the forces of Ho and Giap had brought the French to their knees at Dien Bien Phu. And the outcome that summer of a Geneva multinational peace conference, already in progress, was international accords that accepted the reality of French defeat in a war that had grown acutely unpopular at home. Beyond a cease-fire, the central stipulation of those accords was that Vietnam would be temporarily divided, at the

17th parallel, between Ho's regime in the North and Bao Dai's regime in the South, pending elections by 1956 to achieve unification of the nation.

Although the other major relevant powers, both Communist and non-Communist, signed the Geneva Accords, the United States refused to do so, signing instead a statement of intent not to violate the accords. One must recall that the painful "loss" of China and the bitter Korean War stalemate were still fresh in the minds of Washington policymakers. Secretary of State John Foster Dulles had found the Geneva Conference and its outcome deeply distasteful. It had apparently angered him even to be in the same room with Communist China's foreign minister, Chou En-Lai. And in a moment Chou was never to forget, Dulles refused to shake the Chinese's outstretched hand.

The die, then, was cast. The French had had enough in Vietnam and would let the Vietminh take it over, slow-motion, through elections by 1956. But not the Americans, who bridled at such a prospect and waited for better fortunes in the battle to "contain" Communism worldwide but especially in Asia.

One seemingly promising prospect was soon on the scene: Bao Dai's anti-Communist prime minister, Ngo Dinh Diem, an aristocrat and a Roman Catholic, already well connected in American religious and political circles. Before long, Diem had achieved full power in Saigon, and Bao Dai had retired to the south of France. American assistance was flowing to the South, on the basis of an Eisenhower-Diem letter, and, with strong American concurrence, the 1956 elections were cancelled by Diem. Meanwhile, a flood of refugees from Ho's revolutionized society had poured southward, intensifying Vietnam's polarities. Out of a civil war, two mutually irreconcilable states were emerging, firmly tied to the two chief Cold War antagonists.

In the history of America's involvement in Indochina, people look for turning points. Certainly 1954 was one such point—the United States refused to participate in the Geneva Accords, and the virtually inevitable consequence, occurring finally in 1975, was North Vietnam's victory. That victory, long delayed by French and American interven-

tion, as a result happened more inhumanely, through so many years of foreign destructive power, with so many lost American lives and the alienation of a generation.

In any event, the American commitment was to South Vietnam and, in particular, to Diem and his extensive and often Western-trained entourage, bureaucracy, and military establishment. And this commitment, still writ small, was what President Kennedy inherited in January 1961. Kennedy somewhat increased that commitment while he was alive. It was a commitment that President Johnson felt he had inherited once both Kennedy and Diem had been assassinated in the autumn of 1963. In 1965 Johnson vastly escalated America's response. It was also a commitment that Presidents Nixon and Ford felt some compulsion to keep—or at least to terminate on comfortable, slow-motion terms, thanks to the influence of Secretary of State Henry Kissinger.

But before one attempts to analyze and explain America's Indochina involvement since 1961 more closely, one should note a further theme out of history that is more recent than "denial" but equally potent: Southeast Asia as a *given* in terms of its allegedly vital significance to American national security.

Consider, for instance, a paragraph from an early 1952 National Security Council statement on "U.S. Objectives and Courses of Action with Respect to Southeast Asia":

Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests.

The reader might pause there to ask, "What *are* those security interests?" But no answer is offered. Instead, the supporting paragraphs careen onward to declare that "the loss of any single country" in Southeast Asia would lead to communism in all Southeast Asia, then in India, then the Mideast, and finally, of course, "would endanger the stability and security of Europe." Here, well before President Eisenhower strongly publicized the concept, was an early statement of the famous "domino theory"—a most enthralling fallacy.

The domino idea was that all

Asian states would act alike: if one fell down, all the rest would tumble. The concept required a combination of maps and rhetoric and ignorance. It was useful to all who needed to avoid complexity. But its gross oversimplification of history, politics, and geography was misleading to a generation of Americans.

Such "givens," and the accompanying official explications, helped shape American policies toward Indochina, and especially Vietnam, under six presidents of both political parties between 1945 and 1975.

Historians, students, and inquiring citizens in future decades will nonetheless be baffled by a central question that might be phrased, "How could the Vietnam War have happened?" To expand on the question: How did people of superior ability, sound training, and high ideals—American policymakers of the 1960s and early 1970s—create such costly and hugely unsuccessful policy?

Why It Happened

In recent years, former officials and outside observers have offered a number of theories in striving to answer such questions. They range from assertions of presidential "inadvertence" (the "quagmire" concept), to its antithesis, presidential advertence; from a conclusion that the decision-making apparatus failed, to its antithesis, that "the system worked"; from a rigidly leftist explanation (based on economic imperialism), to a rigidly rightist explanation that America's military leaders were wrongly prevented from using the full arsenal at their disposal (bombing North Vietnam "back to the Stone Age").

How could Vietnam have happened? Answers must take into account a number of factors that shaped American decision-making in the critical decade of the 1960s. But first some chronology:

After the Eisenhower-Diem arrangement and the cancellation of the 1956 elections, American aid helped build and defend a South Vietnamese state. By the time John Kennedy became president and settled for a neutralized Laos, his advisers urged an increase in the American presence in Vietnam. By the time of his assassination, some 15,000 American military personnel were assisting the South Vietnamese regime, whose chief—Diem—

was killed the same month, with American acquiescence. Although Kennedy and Diem were at loggerheads over Diem's autocratic rule, it is difficult to predict what Kennedy would have done about the Vietnam commitment. Those closest to him say that he would have terminated it.

Lyndon Johnson inherited a South Vietnam that was soon plagued by military coups. During 1964, as he adjusted to the presidency and sought election, Vietnam was relegated to the post-election planners. In the summer of 1964, the Congress reacted to alleged North Vietnamese provocations by passing the Tonkin Gulf Resolution, giving the President a relatively free hand. And in early 1965, Johnson, elected by the largest majority in history, decided not to use that mandate to withdraw or negotiate, but rather to escalate: first, through systematic aerial bombing of North Vietnam (both to strengthen South Vietnam's wobbly spine and to punish Hanoi), and second, by the late spring and early summer, through the dispatch of American ground forces, to keep South Vietnam alive and well. The war, thereby, was soon an American war.

America's Vietnam War, once fully launched, had many aspects: extraordinary amounts of bombs dropped not only on North Vietnam but also on suspected Communist sectors of the South (and secretly in Laos and Cambodia); heavy military engagements on the ground, many of them very costly and unsuccessful; chemical warfare—"defoliants"—that made territories uninhabitable; and efforts to use counter-terror tactics that matched the cruelty of the terrorists on "the other side." This war brought up to half a million American troops to Indochina between 1965 and 1968. It brought many advertisements in the United States of impending victory. It produced a major Vietnamese Communist counteroffensive in early 1968—the Tet offensive—during which the American Embassy in Saigon was captured. And once that Tet event had happened, America's already volatile politics back home had been transformed. Democrat Johnson, abdicating under pressures from the peace movement, gave way to Republican Nixon, and a slow but ultimately successful negotiating process was at long last underway.

That process would take a long time—from Johnson to Nixon to Ford. And the names of America's South Vietnamese clients—some of them more notable than others for their obstructiveness of the peace-making process—would include Nguyen Cao Ky and Nguyen Van Thieu. In the meantime, the real father of Vietnamese independence, Ho Chi Minh, died in 1969. And Saigon—now renamed for him—finally fell to his followers in April 1975.

But back to the question: How could the American involvement in Vietnam have come about?

A first and central ingredient was the legacy of the 1950s—the so-called loss of China, the Korean War, and the East Asian policy of Secretary of State Dulles.

This legacy had an institutional result for the Kennedy and Johnson administrations: In 1961, the American government's East Asian establishment was undoubtedly the most rigid and doctrinaire of Washington's regional divisions in foreign affairs. This was especially true at the Department of State, whose Bureau of Far Eastern Affairs had been purged of its best senior China expertise and of farsighted, dispassionate men as a result of McCarthyism.

Another aspect of the legacy was the special vulnerability and sensitivity of Democratic administrations on East Asian policy issues. In 1961, the memory of the McCarthy era was still very sharp, and Kennedy's margin of victory was very thin. The 1960 "offshore islands" TV debate between Kennedy and Nixon (the issue was whether the United States should defend Nationalist China's last toehold) had shown the President-elect the perils of "fresh thinking." The administration was inherently leery of moving too fast on Asia, and there was virtually no effort to bring back the purged or exiled East Asia experts.

There were other important by-products of this "legacy of the 1950s."

The Kennedy and Johnson administrations inherited—and somewhat shared—a general perception of China on-the-march—a sense of China's vastness, its numbers, its belligerence; a revived sense, perhaps, of the Golden Horde. These administrations inherited, and for too long accepted, a monolithic conception of the Communist bloc. Despite

much earlier predictions and reports by outside analysts, policymakers did not begin to accept the reality and possible finality of the Sino-Soviet split until the first weeks of 1962. Even thereafter, the inevitably corrosive impact on Communism of competing nationalisms was largely ignored.

Further, these administrations inherited and to some extent shared the domino theory. This theory resulted from profound ignorance of Asian history and hence ignorance of the radical differences among Asian nations and societies. It resulted from a blindness to the power and resilience of Asian nationalisms. (It may also have resulted from a subconscious sense that, since "all Asians look alike," all Asian nations would act alike.) As a theory, the domino fallacy was not merely inaccurate but also insulting to Asian nations, yet it has continued to this day to beguile people who should know better.

Communist Challenge

Finally, the legacy of the 1950s was apparently compounded by an uneasy sense of a worldwide Communist challenge to the Kennedy administration after the Bay of Pigs in April 1961. A first manifestation was the President's traumatic Vienna meeting with Khrushchev in June 1961; then came the Berlin crisis of the summer. All this created an atmosphere in which Kennedy undoubtedly felt under special pressure to show his nation's mettle in Vietnam—if the Vietnamese, unlike the people of Laos, were willing to fight. It should be added that the increased commitment to Vietnam was also fueled by a new breed of military strategists and academic social scientists—both in Washington and in Saigon—who had developed theories of counter-guerrilla warfare and were eager to see them put to the test. To some, "counter-insurgency" seemed a new panacea for coping with the world's instability.

So much for the legacy and the history. Any new administration inherits both complicated problems and simplistic views of the world. But surely among the policymakers of the Kennedy and Johnson administrations there were men who would warn of the dangers of an open-ended commitment to the Vietnam quagmire.

This raises a central question at the heart of the policy process: Where were the experts, the doubters, and the dissenters? Were they there at all, and if so, what happened to them?

The answer is complex but instructive.

In the first place, the American government was sorely lacking real Vietnam or Indochina expertise. Originally treated as an adjunct of the Paris Embassy, the Saigon Embassy and the Vietnam Desk at State were largely staffed from 1954 onward by French-speaking Foreign Service personnel of narrowly European experience. Such diplomats were even more closely restricted than the normal embassy officer—by cast of mind as well as language—to contacts with Vietnam's French-speaking urban elites.

In addition, the shadow of the "loss of China" distorted Vietnam reporting. Career officers in the department, and especially those in the field, had not forgotten the fate of their World War II colleagues who wrote in frankness from China and were later pilloried by Congressional committees for critical comments on the Chinese Nationalists. Candid reporting on the strengths of the Viet Cong and the weaknesses of the Diem government was inhibited by the memory. It was also inhibited by some higher officials who refused to endorse and approve such cables.

In due course, to be sure, some Vietnam talent was discovered or developed. But a recurrent and increasingly important factor in decision-making was the banishment of real expertise. Here the underlying cause was the closed politics of policymaking as issues became hot. The more sensitive the issue, and the higher it rose in the bureaucracy, the more completely the experts were excluded while the harassed senior generalists took over (that is, the secretaries, under-secretaries, and presidential assistants). Another underlying cause of this banishment, as Vietnam became more critical, was the replacement of the experts, who were generally and increasingly pessimistic, by men described as "can-do guys," loyal and energetic fixers unsoured by expertise.

Despite the banishment of the experts, internal doubters and dissenters did indeed appear and per-

sist. Yet such men were effectively neutralized by a subtle dynamic—the domestication of dissenters. Such “domestication” arose out of a two-fold, clubbish need: on the one hand, the dissenter’s desire to stay aboard, and on the other hand, the nondissenter’s conscience. Simply stated, dissent, when recognized, was made to feel at home.

A related point—and crucial, undoubtedly, to government at all times—was the “effectiveness” trap, the trap that kept men from speaking out as clearly or as often as they might have within the government. And it was the trap that kept men from resigning in protest and airing their dissent outside the government. The most important asset that a man brings to bureaucratic life is his “effectiveness,” a mysterious combination of training, style, and connections. The most ominous complaint that can be whispered of a bureaucrat is, “I’m afraid Charlie’s beginning to lose his effectiveness.” The inclination to remain silent or to acquiesce in the presence of the great men—to live to fight another day, to give on this issue so that you can be “effective” on later issues—is

overwhelming. As for the disinclination to resign in protest, while not necessarily a Washington or even American specialty, it seems more true of a government in which ministers have no parliamentary back bench to which to retreat. In the absence of such a refuge, it is easy to rationalize the decision to stay aboard. By doing so, one may be able to prevent a few bad things from happening and perhaps even make a few good things happen. To exit is to lose even those marginal chances for “effectiveness.”

Through a variety of procedures, both institutional and personal, doubt, dissent, and expertise were effectively neutralized in the making of policy. But what can be said of the men “in charge”? It is patently absurd to suggest that they produced such tragedy by intention and calculation. But it is neither absurd nor difficult to discern certain forces at work that caused decent and honorable men to do great harm.

Here one must stress the paramount problem of executive fatigue. What was most seriously eroded in the deadening process of Vietnam policymaking was freshness of

thought, imagination, a sense of possibility, a sense of priorities and perspective—those rare assets of a new administration in its first year or two in office. The tired policymaker becomes a prisoner of his own narrowed view of the world and his own clichéd rhetoric. He becomes irritable and defensive—short on sleep, short on family ties, short on patience. Such men make bad policy and then compound it. They have neither the time nor the temperament for new ideas or preventive diplomacy.

Below the level of the fatigued executive in the making of Vietnam policy was a widespread phenomenon: the curator mentality in the post-World War II bureaucracy. By this one means the collective inertia produced by the bureaucrat’s view of his or her job. At State, the average “desk officer” inherits from his predecessor the policy toward Country X; he regards it as his function to keep that policy intact—under glass, untampered with, and dusted—so that he may pass it on in two to four years to his successor. And such curatorial service generally merits promotion within the sys-



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tem. (Maintain the status quo, and you will stay out of trouble.) In some circumstances, the inertia bred by such an outlook can act as a brake against rash innovation. But on many issues, this inertia sustains the momentum of bad policy and unwise commitments, momentum that might otherwise have been resisted within the ranks. Clearly, Vietnam was such an issue.

To fatigue and inertia must be added the factor of internal confusion. Even among the "architects" of America's Vietnam commitment, there was persistent confusion as to what type of war the nation was fighting and, as a direct consequence, confusion as to how to end that war. Was it, for instance, a civil war, in which case counterinsurgency might suffice? Or was it a war of international aggression, which might invoke SEATO or U.N. commitment. Who was the aggressor—and the "real enemy"? The Viet Cong? Hanoi? Peking? Moscow? International Communism? Or maybe "Asian Communism"? Different enemies dictated different strategies and tactics. And confused throughout, in like fashion, was the question

of American objectives. Objectives depend on whom you are fighting and why.

Similar confusion beset the concept of "negotiations" regarding Vietnam—anathema to much of official Washington and Saigon from 1954 to 1965. Not until April 1965 did "unconditional discussions" become respectable, via a presidential speech. Even then, the Secretary of State stressed privately to journalists that nothing had changed, since "discussions" were by no means the same as "negotiations." Months later, that issue was resolved. But it took even longer to obtain a fragile internal agreement that negotiations might include the Viet Cong as something other than an appendage to Hanoi's delegation. And it took years, of course, to arrive at real negotiations.

As a further influence on policymakers, one must cite the factor of bureaucratic detachment: what at best might be termed the professional callousness of the surgeon (and indeed, medical lingo—the "surgical strike" for instance—seemed to crop up in the euphemisms of the times). In Washington, and also

Saigon, the semantics of the military muted the reality of war for the civilian policymakers. In quiet, air-conditioned, thick-carpeted rooms, such terms as "systematic pressure," "armed reconnaissance," "targets of opportunity," and even "body count" seemed to breed a sort of game-theory detachment.

There is an unprovable factor that relates to bureaucratic detachment: the ingredient of cryptoracism. Detachment seems to have been compounded by a traditional Western sense that there are so many Asians, after all; that Asians have a fatalism about life and a disregard for its loss; that they are cruel and barbaric to their own people; and that they are very different from "us." The upshot of such unconscious views is a subliminal question whether Asians, and particularly Asian peasants, and most particularly Asian Communists, are really people "like you and me." To put the matter another way: Would America have pursued such policies—and such military tactics—if the Vietnamese were white?

It is impossible to write of Vietnam decision-making without writ-

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ing about language. Throughout the conflict, words were of paramount importance. Words had impact through rhetorical escalation, and they created the problem of "oversell." In an important sense, Vietnam became of crucial significance to the United States because American leaders so often *said* that it was of crucial significance.

The key here is domestic politics: the need to sell the American people, press, and Congress on support for an unpopular and costly war in which the objectives themselves were in flux. To sell means to persuade, and to persuade means rhetoric. As the difficulties and costs mounted, so did the definitions of the stakes. This is not to say that rhetorical escalation is an orderly process. Executive prose is the product of many writers. And some concepts—North Vietnamese infiltration, America's "national honor," Red China as the chief enemy—entered the rhetoric only gradually and even sporadically. But there was an upward spiral nonetheless. And once leaders had *said* that the American Experiment itself stood or fell on the Vietnam outcome, they had

thereby created a national stake far beyond any earlier stakes.

Crucial throughout the process of Vietnam decision-making was a conviction among many policymakers that Vietnam posed a fundamental test of America's national will. Time and again critics were told by men reared in the tradition of those who had ruled the Philippines, defeated Japan, and at least preserved South Korea that all the United States needed was the will, and the nation would then prevail. Implicit in such a view was a curious assumption that Asians lacked will, or at least that in a contest between Asian and Anglo-Saxon wills the non-Asian must prevail. A corollary to the persistent belief in will was a fascination with power and a sense of special proprietary rights about the power America possessed as no nation before. Those who doubted the American role in Vietnam were said to shrink from the burdens of power, the obligations of power, the uses of power, the responsibility of power. By implication, such men were softened and effete.

Finally, no discussion of the factors and forces at work on Vietnam

policymakers can ignore the central fact of human ego investment. Men who have participated in a decision develop a stake in that decision. As they participate in further, related decisions, their personal stake increases. It might have been possible to dissuade a man of strong self-confidence at an early stage on the ladder of decision, but it became infinitely harder at later stages, since a change of mind there usually involved implicit or explicit repudiation of a chain of previous decisions.

The various ingredients cited in the making of Vietnam policy created a variety of results, most of them fairly obvious. Throughout the conflict for instance, there was persistent and repeated miscalculation by virtually all actors in high echelons and low, whether dove, hawk, or something else. In addition, there was a steady yielding to pressures for a military solution and only minimal and sporadic efforts at a diplomatic and political solution—until Hanoi's Tet Offensive in early 1968 forced the Johnson administration to change course.

Throughout the conflict, there were also many missed opportuni-

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ties, large and small, for American disengagement from Vietnam on increasingly unpleasant but still acceptable terms. Most notably, after November 1964, President Johnson could have used the largest electoral mandate in history to de-escalate in Vietnam, in the clear expectation that at the worst a neutralist government would come to power in Saigon and politely invite the United States out. Instead, many years, lives, and dollars later, such an alternative became elusive, infinitely more costly, and ultimately unattainable.

America's process of extrication from the Vietnamese civil war took even longer than Harold Isaacs would probably have dared to predict in early 1950 when he wrote that "the real problem is not how to implement this policy but how to extricate ourselves from it."

That process, begun with the preliminary Paris peace talks of 1968 (and Lyndon Johnson's virtual abdication), continued under Richard Nixon and his chief foreign affairs adviser, Henry Kissinger. But the process took five years, and meanwhile, American might and technol-

ogy were put to use as never before in efforts to "persuade the other side." One after another—while negotiations were opened, stalemated, or recessed—a long-available but previously rejected list of military options was used, each action to little avail except for the future devastation of Indochina. Technically neutral Cambodia was invaded (and later systematically destroyed); Laos was invaded; North Vietnam's harbors were mined and its urban areas carpet-bombed.

What the American negotiators apparently sought was some sort of "decent interval"—at least of several years—between American withdrawal from South Vietnam ("Vietnamization" of the war it was called for a while) and Hanoi's probable reunification of the entire nation—its unchanged objective since 1945. In the minds of many Americans, however, that "decent interval" was actually forever: time for South Vietnam to become self-reliant, and a perpetuation of two separate Vietnams. Hanoi's negotiators, armies, and guerrillas sensed that hope and firmly rejected it, for Ho's Vietnam revolutionaries had been too long

frustrated and too often deceived by the outside powers.

In the end, peace agreements were signed in 1973—and soon, of course, violated by both sides. But President Nixon was not only hamstrung in his response by a deep-rooted American peace movement and the congressional constraints that this movement had helped create; he was also distracted by the Watergate scandal that soon caused his resignation. As for Nixon's successor, Gerald Ford, he and Secretary Kissinger were similarly constrained and—as Americans had been so often over the years—taken totally by surprise by the worst outcome that Ford's predecessors had so much feared: the sudden and rapid collapse of South Vietnam's armed forces and government, and the fall of Saigon itself in April 1975, with the residual American presence put to flight in disarray and the dangerous last-minute evacuation of the Saigon Embassy.

So did it finally end, a tragic, prolonged, devastating, and—most important—entirely avoidable chapter in the history of America's relations with the people of Asia. □

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Reluctant

Thomas Jefferson wanted to retire to Monticello, but instead he answered Washington's call to head the new Department of State.

By FRANK LANCETTI

Thomas Jefferson and his two daughters landed at Norfolk on a windy and misty day of November 1789. After five years as minister plenipotentiary to the Court of Versailles, Jefferson was anticipating a peaceful stay at his beloved Monticello. There he planned to straighten out his affairs, which had been long neglected, and to supervise the planting of the hundreds of trees that he had brought from France and Italy.

In Paris, the intellectual and political horizons of the Virginia squire had greatly expanded. His close association with many cultivated men and women, his appreciation of "the ease and vivacity of their conversation" had added charm and polished wit to his natural grace and the many gifts fate had showered on him.

Frank Lancetti is international relations officer in the State Department's Bureau of International Organization Affairs, specializing in science and technology issues in the United Nations and some of its agencies. He is an active member of the U.S. Capitol Historical Society and of the Columbia Historical Society.

"The Journal" is a new section for historical articles and personal accounts by our readers relating to life in the Foreign Service.

Jefferson's professional accomplishments in France had been such as could be expected of the representative of a nation with great potential but only just emerging from a disruptive revolutionary war. He had found the Paris assignment highly rewarding and suitable, and entertained the possibility, indeed the hope, of returning for a second tour as minister plenipotentiary.

No prospect was further from his mind or his desire, however, than that of becoming the first Secretary of State. The impending marriage of his elder daughter, Martha, now 17 years old and impeccably educated by French nuns, was more likely among his more immediate concerns. Nonetheless, Jefferson's longing for "philosophic evenings and rural days" on his hilltop, removed from the political controversy he had found so distasteful, was again to be subordinated, as it had been when he had reluctantly accepted the governorship of Virginia in 1780, to a deep sense of duty to his country.

Washington's Proposal

Even before Jefferson's arrival, a letter from George Washington, dated October 13, 1789, had been on its way. It contained the President's offer that he serve as head of the newly established Department of State. Although Washington regretted that he had been unable to "consult your inclination, or to derive any knowledge of your intentions from your letters," the President assumed that Jefferson would promptly accept the high responsibility. The offer was undoubtedly motivated by Washington's "private regard" for his fellow Virginian, as well as by "the talents and disposition which I knew you to possess and entertain for the service of your country." Other important considerations certainly contributed to Washington's expectation of an early and affirmative response.

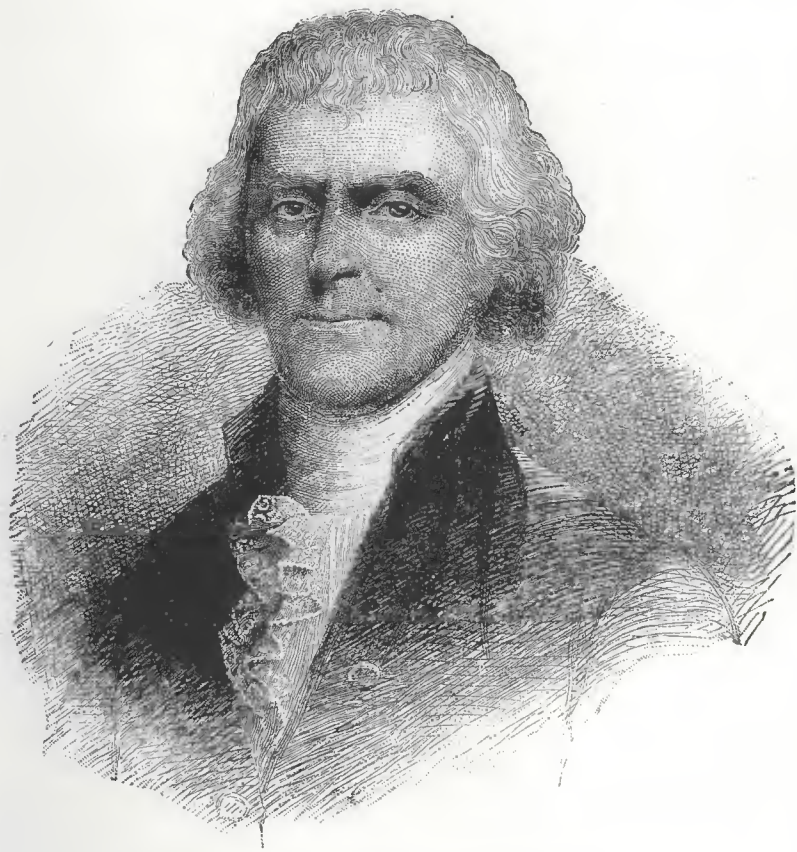
The Executive Branch under the first President consisted of a very simple administrative structure

that included only three departments: State, Treasury, and War. For all intents and purposes, however, at the end of 1789, Washington himself was the United States government. The Chief Executive was endowed with unusual abilities beyond those required on the battlefield. He possessed natural authority and commanded universal respect. Still, he must have become increasingly anxious to share the burden of responsibility, particularly during "a series of indisposition" from which he was just beginning to recover when he wrote to Jefferson.

Although Jefferson had already "answered negatively to the question whether I would accept any post in the domestic administration," eventually the call to serve his country would be almost impossible to resist. He debated the agonizing choice of whether politely but deliberately to insist on his right to private life, or to accept Washington's offer. His dilemma and the almost inevitable outcome could have been expressed with the same words he had used in a letter to Washington dated Paris, May 10, 1789: "Nobody who has tried both public and private life can doubt but that you were much happier on the banks of the Potomac than you will be at New York [as President]. I am sensible to the immensity of the sacrifice on your part. We may presume, too, according to every rule of probability, that after doing a great deal of good you will be found to have lost nothing but private repose."

Jefferson's reluctance to accept the offer derived not only from his profound sense of privacy and yearning for a life devoted to study and family at Monticello, but also by the nature of the job itself. The functions of the Secretary of the State, assisted by a staff of six, were not yet limited to the conduct of foreign affairs. The "dignified office of Secretary of State" entailed a multitude of additional domestic responsibilities that in subsequent decades would be carried out by several

First Secretary



When Jefferson became Secretary, he had a staff of six.

other departments not then established. It was the business of the office, as defined under the new Constitution, to deal with commissions of all sorts; to communicate with the states on innumerable issues; to establish uniformity of national standards in weights, measures, and the currency; and to grant patents. All these activities, essential to the development of the new nation, were, of course, very congenial to Jefferson's bent of mind, as Washington was well aware.

Although Jefferson had perhaps unconsciously already accepted the burdensome responsibility as an inescapable duty, his formal response to Washington's letter reveals in deferential but explicit terms his preference for returning to Paris, at the time in the first phase of the French Revolution, with a view "of procuring from the new rulers some

new advantage in commerce which may be agreeable to our countrymen." He went on to say that "when I contemplate the extent of the office, embracing as it does the principal mass of domestic administration, together with the foreign, I cannot be insensitive to my inequality to it." As he wrote these words, Jefferson must have known quite well that no one was better qualified.

A more genuine concern was his presentiment that the job would involve him in the political squabbles which he so intensely disliked. As he said to Washington, he would enter the new responsibilities "with gloomy forebodings from the criticisms and censures of the public, just indeed in their intentions, but sometimes misinformed and misled."

Strangely enough, Washington's offer, formulated in such discreet and tentative terms, had "leaked" to

the press even before Jefferson had the letter in his hands. Writing to his Florentine friend and confidant, Philip Mazzei, on April 5, 1790, Jefferson put it this way: "On my arrival in Virginia, after a short and pleasant passage, I found my name announced in the newspapers as Secretary of State. I was surprised because I had answered negatively to the question whether I would accept any post in the domestic administration. I did not yet know that that answer had been so long on its way that the nomination had taken place. Still I thought I should easily decline it. But in the correspondence which took place between the President and myself, I found that while he left me constantly at perfect liberty to return to France, he wished me to undertake the new office, and indeed that the public, or so many of them as think of these things, wished I should do it. So I agreed after three months' suspense, to take the place which had been assigned to me and am now here in its exercise. The short stay I made at home has doubled my propensity to return."

These words sum up the situation and Jefferson's feelings, with a simple directness somewhat unusual for the intensely private and formal person he was. They show how an extraordinary statesman like Jefferson has no free choice in the decisive moments of his country's life.

The crucial role that Jefferson played as Secretary of State is not within the scope of this article, nor is the indelible mark he left on the new republic when he again felt it was his duty to return to public life as the third President of the United States. In 1809, at the end of his second term as chief executive, at age 66, Jefferson finally fulfilled the yearning he had expressed more than 20 years before, when he was still in Paris:

"I am as happy nowhere else, and in no other society, and all my wishes end where I hope my days will end, at Monticello." □

Foreign Service People

Deaths

AVIS THAYER BOHLEN, widow of Ambassador Charles E. Bohlen, died April 22 in Washington, D.C. of cancer. She was 68. According to the *Washington Post*, she "met the difficult challenges of being a Foreign Service wife with unusual grace and sympathy." Added Joseph Alsop: "this is a loss to the coun-

try, for she was an invaluable though unpaid public servant."

Avis Thayer met Charles Bohlen at the U.S. embassy in Moscow in 1934. They were married the next year. The couple twice returned for duty at the embassy, the second time with Charles Bohlen as ambassador. Other ambassadorial assignments included the Philippines and France. His career ended in 1969 as deputy undersecretary of state and he died in 1979.

The couple was separated after Pearl Harbor because Charles Bohlen was then attached to the embassy in Tokyo, but they were reunited when he was repatriated in 1942. He then served as an important adviser to President Truman on Soviet affairs. When President Kennedy appointed her husband ambas-

sador to France in 1961, he said of Mrs. Bohlen: "She led each embassy she served in, just as her husband led his political staff. She made her own the concerns of all on the staff from doorman to the minister and his wife. Men and women, high and low, all came to her with their worries, their uncertainties and puzzlements, and went away better for seeking her out."

Survivors include three children and one sister, now Mrs. Howard Long, of Villanova, Pa.

CHARLES W. YOST, former U.S. ambassador to the United Nations and a career diplomat who served in the Middle East, Europe, and Southeast Asia, died of cancer May 21 at Georgetown University Hospital, Washington, D.C. He was 73.

After joining the Foreign Service in 1930, Yost went to Alexandria, Egypt, as a consular officer and later to Warsaw. He attended the Dumbarton Oaks Conference in 1944, the San Francisco Conference where the United Nations was organized in 1945, and the Potsdam Conference after the war in Europe ended.

Yost then served in several European posts, including Czechoslovakia, Austria, and Greece, before being named the first U.S. ambassador to Laos. In 1957 he was the second-ranking official in the Paris embassy. Later, he served as ambassador to Syria and to Morocco. He started at the U.N. in 1961 as deputy to Adlai Stevenson and later to Arthur Goldberg. He resigned from the Foreign Service in 1966 to teach and write on foreign affairs. He interrupted his new career in 1969-71 to accept President Nixon's nomination as permanent representative to the U.N. On retiring, he held the rank of career ambassador.

A graduate of Princeton University in 1928, Yost wrote a syndicated column and several books on foreign policy. He is survived by his wife, the former Irena Oldakawska, three children and three grandchildren. The family suggests that expressions of sympathy be in the form of contributions to the DACOR Education and Welfare Foundation.

Births

BRIAN DAWES LANGE, to Howard and Bach Ha Lange, on April 19 in Arlington, Va. Their first child, Brian returned at the age of one month with his parents to their post in Peking, China.

MICHAEL ZACHARY GEANEAS, to Paul and Cindy Geaneas, former members of the State Department, now of Boonton, N.J., on February 18. Michael is the grandson of Zachary Paul Geaneas, a retired Foreign Service officer who lives in Boonton.

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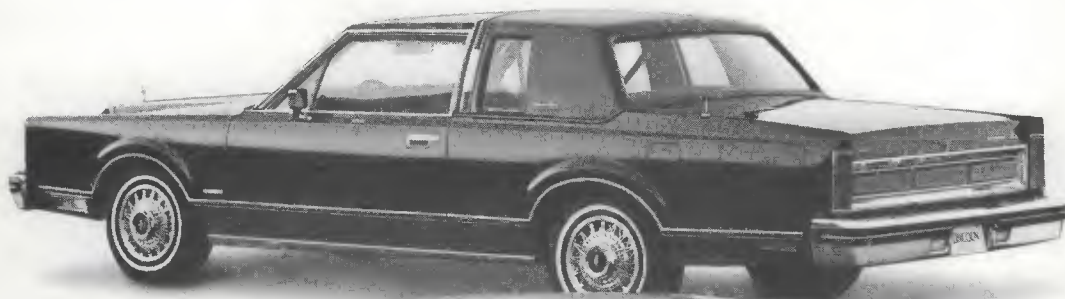
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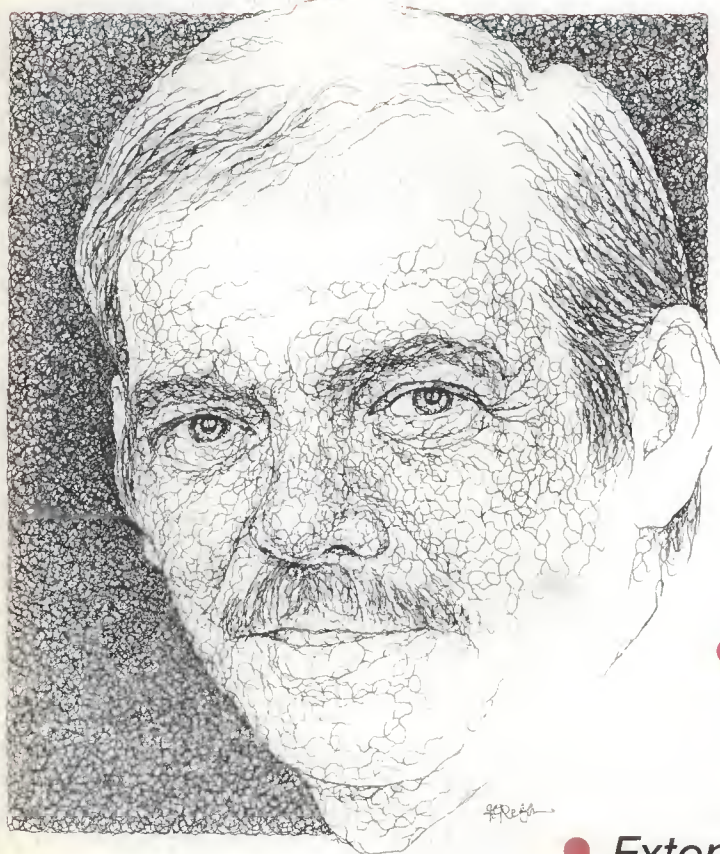
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