

FOREIGN SERVICE JOURNAL

FEBRUARY 1992

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Post Cold War Intelligence

The State Department's Role

By Frank McNeil

Peter W. Rodman and David Callahan on the National Security Adviser • PLUS Journey from Moscow, Part II

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AFSA VIEWS

While State Slept

These days there seems to be a connection between paleontology and diplomacy. About 65 million years ago a meteor—some say a comet—struck the earth near the Caribbean basin. The catastrophe toppled into extinction many of the dominant vertebrate life forms of the time, including the tyrannosaurs and their cousins. In 1991, a similar extinction of dominant political forms occurred. Communism, which long had stalked the earth, is now as dead as the dinosaurs and the dodo.

Only by a surpassing effort of our imagination can we grasp at the magnitude of this change. History has nothing like it. In one year—two at the most—Marxism and the strongest of man's empires sank beneath the waves of time. History's *Titanic!* What remains? Here some flotsam, there an oil slick . . . Cuba, the Shining Path, North Korea . . . What would Gibbon have said? *His* version of decline and fall stretched out over a millennium!

The impact of great events is stressful to animal species and human institutions alike. Surviving are those that can best and most rapidly adapt, and exploit the opportunities of a new environment. This should be good news for the Foreign Service: the world before us seems expressly made for State, USAID, and USIA. As AFSA's "Mission Statement" (December 1991 *Journal*) says, we face "a world in which covert intelligence and military power will . . . be lesser instruments of U.S. foreign policy—whose principal instruments will again be the traditional practices of diplomacy, now enhanced by trade, development, and the propagation of technology, science, and ideas."

Some agencies have reacted fast to the demise of the Soviet Union. In December, the *Washington Post* described in a four-part series how the Defense Department was adapting its organization, equipment, and personnel to the missions of the next decade. Also in December, the *Times* published a long article on how Robert Gates was reshaping the CIA to keep it in America's first line of *offense* in the post-Cold War world.

AFSA, however, is not aware of any comprehensive, in-house plan to review the functions, resources, and personnel of the Foreign Service. To us this is astonishing—almost unbelievable—especially because the need is so obvious and since the way has been so clearly pointed out by other agencies. In the past year, moreover, many think tanks and universities have studied what the collapse of the USSR means for our foreign policy and diplomacy. Most recently, on December 17, Dean Peter Krogh and Dr. Hans Binnendijk of Georgetown University chaired an excellent conference on "The Foreign Service in 2001." It was an excellent topic, too, but, as one discussant wondered, "What is the *Department of State* doing about it?"

What the department is not doing for itself will now perhaps be done for it, or to it, by others. The Congress has established a commission to review "personnel questions affecting the effective conduct of foreign policy" (December 1991 *State*). A senior Hill staffer has said the result of the commission's work could be yet another new Foreign Service Act. Such an act might or might not be good for us. AFSA is trying to involve itself early on and in a constructive way. But we sincerely wish that our institution had shown more talent for adaptive self-renewal. At Peter Krogh's conference it was mentioned that other once-dominating American institutions had found it hard to adapt to new circumstances. The name most frequently mentioned was Pan Am.

— HUME A. HORAN



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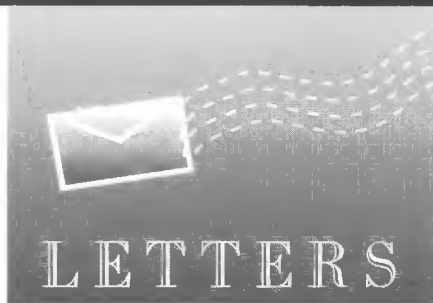
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AFFIRMATIVE STATISTICS

TO THE EDITOR:

Your Despatch, "Slapdash Statistics" (December *Journal*) criticized the *Foreign Service Review Inc.* for suggesting that Ambassador Gaspie may have been an affirmative action appointee. Here are the statistics.

Since July 1990 *State* magazine has listed 37 first-time ambassadors who were career Foreign Service, 30 men (81.1 percent) and seven women (18.9 percent). Most career ambassadorial appointees are minister counselors, a pool that is 5.4 percent female. A few (six of 102) are counselors (10.5 percent female). At best 8 percent of the prospective ambassador pool is female, yet 18.9 percent of the appointees are women. Women appointees are also younger and less seasoned. The average age for men was 51.3 years and for women, 45.9 years. Only one of the 30 men was younger than the average female appointee. Also, men averaged 26.3 years in the Foreign Service, women 22 years, a 4.3-year difference, not counting military service.

Experience counts. Twenty-four of the 37 first-time ambassadors had been DCMs (average tenure 4.6 years)... By contrast Ambassador Gaspie rose from director of a language school to political officer, acting DCM, director of the Office of Syria, Jordan, and Lebanon Affairs, and finally ambassador.

Rapid promotions have consequences, as anyone familiar with the performance of 26-year-old battalion commanders in World War II and 30-year-old investment bankers in the 1980s can attest. Was Ambassador Gaspie's rapid promotion affirmative action? I'll let you decide.

David B. Miller

*Executive Director, Foreign Service
Review Inc.
Arlington, Virginia*

JAPAN, 1941

TO THE EDITOR:

If indeed diplomacy is the first line of national defense, Robert A. Fearey's article, "Diplomacy's Final Round" (December *Journal*) deserves a wider circulation. His fascinating personal account of the events of 50 years ago illustrates two key variables: the role that personalities may play in crucial decisions, and the tragic consequences for all of missed opportunities. His speculation as to the reasons behind the apparent destruction of Ambassador Grew's personal report ring true. Finally, it is a timely reminder today of the continuing importance of a mutually satisfactory relationship between America and Japan.

*Roy A. Werner
Irvine, California*

NOT FADE AWAY

TO THE EDITOR:

Right on, David Jones. Although the article, "Just Fade Away" (December *Journal*), concentrates on the top of the hierarchy, the suggested recommendations should be applied to all Foreign Service and Civil Service employees, without whose invaluable services and support the "seniors" could not efficiently function.

Hopefully, everyone, regardless of rank or position, prior to his or her well-earned retirement will receive the suggested retirement counseling and guidance. As to recognition, a public acknowledgement of one's years of service several weeks before retirement would be laudable. The impersonal notice in *State* magazine under "Retirement" or the postman's delivery of a package containing a 30-year plaque and a signed certificate tends to turn one off against the

"system" and certainly is not conducive to retaining possible past happy memories of dedicated service to the department or its associated agencies.

*Lewright B. Munn
Asheville, North Carolina*

ONE VIEWPOINT ONLY

TO THE EDITOR:

While I certainly admire the *Foreign Service Journal's* willingness to broach the subject of fitness and meritocracy vis-a-vis race and gender in the Foreign Service (October 1991), I have to

*It is quite irresponsible for
the Journal to present itself
as open to discussion on
the issue of race and
gender diversity within the
Foreign Service without
presenting both sides of the
issue.*

wonder why the two articles dealing with affirmative action in hiring minorities and women were both written by (presumably) white males espousing the same viewpoint.

In "Defining Advantage: Fairness and the Meritocracy," retired Foreign Service officer John P. Owens decries the measures being taken to recruit more minorities into the Foreign Service (race norming, immediate placements, etc.). James Workman essentially says the same thing about recruiting and promoting women in the Foreign Service. Couldn't the

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magazine find even one writer who held a different viewpoint? Or one female or person of color within the Foreign Service (who may or may not have expressed a different perspective)?

It is quite irresponsible for the *Journal* to present itself as open to discussion on the issue of race and gender diversity within the Foreign Service without presenting both sides of the issue. Or perhaps the *Journal* is planning to publish a subsequent issue presenting only articles in favor of affirmative action policies?

*Janet Tu
American Consulate General
Shenyang*

THE THREE P'S

TO THE EDITOR:

Dale Herspring's "Behind the Ivy Curtain" is an able analysis of academia, at least with reference to the "better" U.S. schools. . . . However, retiring FSOs—with good Ph.D.s in the humanities/social sciences—

should familiarize themselves with the variety in the American higher educational scene. Especially in the Southeast and Southwest there is a cornucopia of small, accredited, frequently ethnic and church-related colleges interested primarily in properly accredited professors. There also exist a good number of state-licensed, non-accredited, proprietary colleges. At all these schools, one's theory of political science is less important than a solid Ph.D., ability to teach, accepting a somewhat modest salary, and showing up for classes. Publish or perish is unknown.

A personal example: 30 days after my 1986 FS retirement, I became a full professor at an accredited college. . . . Allowing for preparation and other academic duties, I have found time to involve myself in researching two books, tend my foreign trade and aviation consultancies, teach an occasional MBA course on the political environment of business at a large local university (both at its main campus and in the Bahamas), enjoy the

cultural life of a large metropolitan area, spearhead the creation of a new city, and catch up on neglected fiction. . . . A nine-month appointment—with good breaks—has given me plenty of time for personal and business travel.

Such opportunities can be found elsewhere with perseverance and luck. But one must be willing to get out of the Northeast and California. The American provinces can be exciting posts. Miami may be viewed as a composite of Beirut's anarchy, Vienna's music, Belfast's violence, Budapest's sophisticated cynicism, Rome's traffic chaos, Managua's haute cuisine, and Nairobi's venality. Other American outposts offer similar combinations of experience. One must be adventurous in seeking one's new career and one can satisfactorily become the oracle of the outback without the stylized rituals of the service.

*Edward R. O'Connor
Miami Lakes, Florida*

TO THE EDITOR:

As one who made the transition from the Foreign Service to academia ten years ago, I was interested to read the article by Dale E. Herspring in the November 1991 *Journal*.

Those who wish to make the same change should bear in mind the three "P's": Ph.D., publications, and pension. They should also be willing to leave Washington (and might even be enthusiastic about country living, lower living costs, and little traffic). There are smaller colleges, many reasonably close to Washington, that may find the experience of retired FSOs who have the qualifications a welcome addition to the faculty. For example, having a course in international politics taught by someone with practical experience can be seen as a benefit. Area specialists may also be needed; here the college has not yet caught up with the general uninterest of Washington in South Asia.

The selling job is not an easy one, but possession of the three P's will help.

*Craig Baxter
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BEHIND THE SCENES

THE WASHINGTON POST, DECEMBER 5, 1991
By DAVID HOFFMAN

[Edward P.] Djerejian, [Daniel C.] Kurtzer, [Aaron D.] Miller, and [William J.] Burns are the backbone of a small, trusted cadre of Middle East specialists who have worked closely with Secretary of State James A. Baker III. Along with Dennis B. Ross, the director of policy planning at the State Department, they have brainstormed and drafted and redrafted their way through the more than eight months of diplomacy. . . .

They are working behind the scenes on what they hope will become the first successful effort to finish what was begun at Camp David. With the launching of a new peace process in Madrid last month, their work already has borne fruit and now turns to the hard slogging of negotiations—the second phase of which is off to a rocky start here.

In private moments, according to insiders, Baker has dubbed them the “food processors.” During his shuttle trips to the Middle East this year, when the secretary of State was trying to jump-start the peace process, Baker often would emerge from a meeting with a head of state and hand this team the ideas, proposals and questions he had encountered, telling the “food processors” to churn through the material and come up with some answers about what to do next. Each member of the group has played an important but unseen role in the effort to bring Israel, the Palestinians, and Arab states to the negotiating table.

The main strategy devised by this group was to invite all the parties to a peace conference that they thought would become a diplomatic juggernaut—a “mind-altering event”—launching long-term negotiations. The

Madrid conference was the climax of these efforts, but now U.S. officials face the formidable task of keeping the process going. . . .

“These are people who for their entire adult life have cared about one thing: a search for an end to the Arab-Israeli conflict,” said an outside lobbyist. “Even when the peace process is at a standstill, they are thinking how to get out of it. You’ve heard of a military-industrial complex—well, this is a peace-industrial complex.”

MOSCOW IN WASHINGTON

THE WASHINGTON POST, DECEMBER 20, 1991
By GARY LEE

In Moscow, [Russian President Boris] Yeltsin signed a decree that effectively abolished the Soviet Foreign Ministry and put the Washington embassy and other Soviet missions abroad under Russia’s control. And according to nearly every indicator, the embassy is crumbling as quickly as the empire it represents.

It is strapped for cash. Funding from the Soviet government, reduced to a trickle in recent months, is expected to dry up altogether at the end of the year. In response, the embassy has launched an austerity plan. (Perquisites) have been cut across the board. Receptions, at first held without caviar, are being cut altogether. Embassy-paid home telephone service has been eliminated. . . . In the latest cost-cutting move, Soviet diplomats living in the pricey Maryland and Virginia suburbs have been ordered to move onto the embassy grounds. . . . The edict has created a housing crunch. . . . “We are looking for spaces that have been used for other things to see whether they can be converted into living spaces,” said spokesman Georgy Oganov.

The ethnic divisions surfacing across the Soviet Union are emerging among staff members at the embassy, too.

After residents of the Ukraine voted to declare their independence, for instance, Ihor Dynayski, an embassy officer and ethnic Ukrainian, received word from the [Ukrainian] foreign minister that . . . he would now report to the government in Kiev. Asked in an interview whether the Ukraine would open its own Washington embassy, Dynayski said, “Everything is in transition. We expect that there will be some changes.”

There are small cliques of other ethnic minorities among the embassy staff. . . . [Ambassador] Komplektov said there are plans for representatives from Byelorussia and Uzbekistan to join the staff.

There are more questions than answers about how the new independent countries of the commonwealth will be represented in Washington and

There are more questions than answers about how the new independent countries of the commonwealth will be represented in Washington and other foreign capitals.

other foreign capitals. Among them: Will there be one embassy for all the new countries or a joint center? Where and by whom will foreign policy be shaped? Who will fund the embassy’s operations? Will cash-hungry Russia sell some of the embassy’s properties?

As their client back in Moscow fades into oblivion, a pall has fallen over the embassy staff of more than 300. [At the time of the attempted coup], “They didn’t know whom to support at the crucial moment,” said Milar Sturua, an *Izvestia* commentator. Divisions among diplomats in the embassy toward changing events in

Moscow have lingered in some form ever since. When Yeltsin announced the dissolution of the Soviet Union and the formation of the commonwealth, for example, one faction began lobbying the Bush Administration to recognize the new entity while another lobbied against it.

The state of the embassy morale and finances are expected to reach crisis proportions January 1, when the Soviet government is scheduled to shut down. Though the Russian government has promised to fund the embassy, no one knows what changes it will bring.

DISABLED FS OFFICERS

MEXICO CITY NEWS, NOVEMBER 16, 1991
BY DAVID AMATO, COLUMNIST, COMMENTING ON A FOREIGN SERVICE JOURNAL ARTICLE ON BLIND FOREIGN SERVICE OFFICERS AVRAHAM RABBY AND MARY ANN MASTERTON:

Long before the 1973 law, the department employed scores of disabled persons who were not blind in Washington and also in overseas positions. As a disabled person, I was inducted into the Foreign Service in 1952 and

assigned to Mexico that year. It is only fair to say that the department's policy has always been flexible enough for the employment of qualified disabled persons who were not blind. . . . The department's current policy now makes it more feasible for blind employees to be successful in the Foreign Service. More jobs are computerized. The technologies for helping blind employees have improved greatly in recent years.

TALES FROM MOSCOW

THE WASHINGTON TIMES, DECEMBER 11, 1991

Robert Strauss . . . took the undiplomatic step yesterday of publicly criticizing his own embassy. "We have a terribly inefficient embassy operation over there. It's geared for the Cold War . . . We're short on economic talent and we're short on political talent, and we're long on security talent," Strauss told the American Committee on U.S.-Soviet Relations. . . . Not to worry, the ambassador said, "We're on top of it now, and we'll move that embassy into the 20th century."

THE WASHINGTON POST, DECEMBER 14, 1991

BY DAVID HOFFMAN

Ambassador Robert Strauss told the National Press Club that he had struck up a friendship with the new head of the KGB, Vadim Bakatin. "And a few days ago, Mr. Bakatin said to me . . . 'I don't know how long I'm going to be here, but there's something I want to deliver to you.'"

"And with that," Strauss continued, "he went over to his safe and pulled out a big file, six or eight inches thick, and with it a suitcase. . . . It was a kit. He opened the kit and it had mechanical devices in it, high-tech devices. And he flipped over the plans . . . it looked like plans for a high-tech plant of some kind."

"And he said, 'Mr. Ambassador, these are the plans that disclose how the bugging of your embassy took place, and these are the instruments that were used. And I want to give them to you and I want them turned over to your government, no strings attached, no *quid pro quo*, in the hope that maybe we can repay you, save you some money, maybe you can use that building again someday.'" ■



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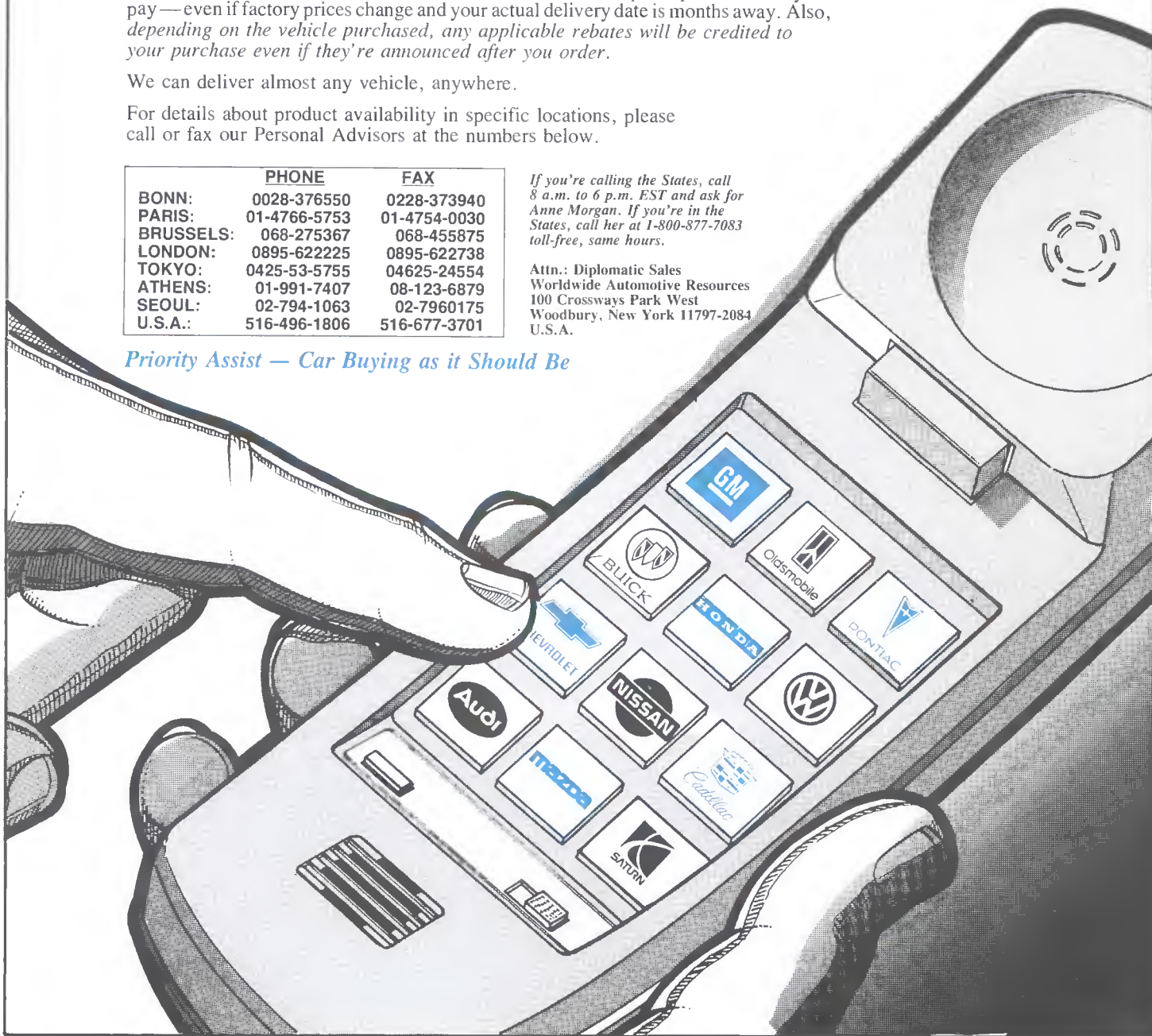
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By Edward L. Freers, Vice Consul, Port-of-Spain

Published in the *Journal*, February 1942

Trinidad, tempter of tourists, is gone! In its place, an island teeming with soldiers, sailors, engineers, and natives picking away at the gigantic task of building Uncle Sam's main bases in the southern Caribbean. Just close your eyes and Port of Spain becomes a typical American city, busy and noisy. . . . Boats arriving every two weeks bring in two or three hundred more Americans each trip.

While these mighty events were still mere straws in the wind, however, the consulate was shaking off the spell of the West Indies and beginning to lay the groundwork for the negotiations necessary to get the project under way. On Consul Claude Hall fell the task of widening the path to Government House, smoothing the way for Army and Navy

representatives, making sure that American needs were being met, and, at the completion of the general Base Agreement with the Trinidad government, making the formal commitment of the United States government. More and more, the consulate took on the functions of a diplomatic post--negotiations, agreements, leases, and supplementary leases.

It wasn't long, either, until the base pioneers began to arrive and such routine consular activities as shipping services, registrations, passport renewals and amendments, notarial services, and a million others experienced a rapid expansion. In no uncertain fashion, the defense whirlwind, born in the States and wandering now to outposts overseas, had swept into Port of Spain. ■

FOREIGN SERVICE QUIZ

Answers on page 4 of pull-out section

1. Who was the first female Foreign Service officer? The first female ambassador?
2. When was the Bureau of Human Rights and Humanitarian Affairs created?
3. When did the State Department install its first computer?
4. What year was the Foreign Commercial Service transferred to the Department of Commerce?
5. When was the Bureau of Diplomatic Security created?

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BY
GEORGE
GEDDA

Yankee *come home*

The isolationist movement and its consequences

The great national debate has begun. For the first time in two generations, the United States is fortunate enough not to face an obvious military threat. The United States will clearly relate differently to the world, but there is broad disagreement over how. The question is whether the interventionist tendency the United States has shown since the 1940s was prompted by the unique circumstances of the Cold War or whether international meddling is a

burden that America must continue to bear even in the post-Communist era.

The renewed debate over America's future role in the world has been rich and often entertaining. Now that the Soviet genie is back in his bottle, the question of purpose is being subjected to increasing scrutiny. Americans have tended to swing between poles of isolationism and interventionism. Generally, when the United States has begun military adventures, "bring the troops home" movements spring up almost overnight. Almost immediately after the final shots of the first and second world wars, the government was forced by public opinion to evacuate U.S. troops. More recently, public pressure dictated an early American withdrawal after the U.S. interventions in the Persian Gulf, Panama, and Grenada. Yet the White House has tended to be run either by interventionist *realpolitikers*, such as Richard Nixon and Teddy Roosevelt, or by equally interventionist crusading moralists, such as Jimmy Carter or Woodrow Wilson. John Sullivan of

National Review notes that the last time an isolationist candidate sought the White House was in 1972, when George McGovern lost by a landslide in the midst of an unpopular war. McGovern could identify with former Representative Abraham Lincoln (R-IL), who lost his House seat in 1848 because of his opposition to U.S. involvement in the Mexican War.

Home to roost

The argument over disengagement versus intervention could emerge as one of the major themes of the 1992 presidential campaign. President Bush already has staked out a position in support of continued U.S. global involvement, but some of his Democratic rivals are adopting an "America First" theme. When he announced his candidacy in September, Iowa Senator Tom Harkin pledged to "make America our most favored nation." He says America should stop spending \$160 billion for Europe's defense and use the money to improve the country's schools, highways, and health care. "We're not going to get there if we have a president who thinks the real threats to our national security are half way around the world, when they are really half way down the streets." Some of Harkin's Democratic competitors are also pushing the "America First" theme but seem less inclined radically to alter the country's foreign policy. "Given the problems we face at home, we do have to take care of our own people and their needs first," says Arkansas Governor Bill Clinton. But he says isolationism will hurt the country economically and set back the cause of global democracy. And Virginia Governor Doug Wilder says his "Put America First" slogan "in no way conflicts with our nation's international standing or obligation to help friends in need."

The post Cold War debate has highlighted a rift on the right over isolationism versus interventionism that makes some conservatives sound like Harkin. "Our war, the Cold War, is over," writes columnist-turned-presidential-candidate Patrick Buchanan. "Time for America to come

home." Fellow conservative Charles Krauthammer demurs: "Even after the defeat of the Soviet threat, we face a highly dangerous new world. . . . Our best hope for safety . . . is in American strength and will: the strength to recognize the unipolar world and the will to lead it."

Between Buchanan and Krauthammer is Zbigniew Brzezinski, perhaps the most conservative of the senior advisers to President Carter. He believes that neither isolationism nor a worldwide *pax Americana* is a practical option. He envisions a continuing U.S. role as the principal source of nuclear deterrence. At the same time, he says the nation will be able to concentrate additional resources on domestic renewal. Under the changed situation, America can be more selective about its global commitments, Brzezinski says.

Buchanan wants to dissolve the mutual security treaty with Japan, withdraw all ground forces from South Korea, and pull all troops and weapons out of Europe once Soviet troops are out of Eastern Europe, the Baltics, and the Ukraine. He recommends an end to U.S. bilateral aid and says the United States should pull out of international lending institutions. There are too many unmet needs at home, says Buchanan. He is unperturbed by the prospect of Germany and Japan's going nuclear. "We lived with nuclear weapons in the hands of Stalin and Mao. Why fear them in the hands of Kaifu or Kohl?" (Kaifu has since stepped down.)

Heal thyself

When Buchanan announced his candidacy for president on December 10, some of his most biting rhetoric was directed at the foreign aid program, which he characterized as "routinized annual transfers of our national wealth to global bureaucrats who ship it off to regimes who pay us back with multiple ingratitude."

Beyond that, he said, "With a \$4 trillion debt, with a U.S. budget chronically out of balance, should the United States be required to carry indefinitely the burden of defending rich and prosperous allies who take



When he announced his candidacy in September, Iowa Senator Tom Harkin pledged to "make America our most favored nation." He says America should stop spending \$160 billion for Europe's defense and use the money to improve the country's schools, highways, and health care.

America's generosity for granted as they invade our markets?" Hours after Buchanan spoke, Bush countered by saying, "We must not pull back into some isolationist sphere listening to the siren's call of America First." It was a lesson Bush said he had learned as a "young kid" fighting World War II.

Krauthammer believes the end of the Cold War will offer the United States no respite from onerous international obligations. As he sees it, there will still be plenty of international wrongs that only America can right. He recalls that when the Cold War was won, the first response was a demand for unilateral disarmament, the folly of which, he says, was underscored in August 1990 when

Saddam Hussein invaded Kuwait. "It took Saddam to remind us that the world is a nasty place even without the Soviet threat," Krauthammer writes.

"To hell with the rules"

Asserting that there is no alternative to an aggressive U.S. international role, Krauthammer cites a Pentagon study contending there will be two dozen developing countries with ballistic missiles by the year 2000, 30 with chemical weapons, 10 with biological weapons and almost as many with nuclear weapons. He claims that because of the technological revolution, "small, peripheral and backward states will be able to emerge rapidly as threats not only to regional security but to world security." To deal with this situation, he says it may be necessary to disarm these nations even if that infringes on cherished ideas of sovereignty.

Yet another threat Krauthammer perceives relates to the rise of what he calls "aggressive nationalists": groups that command American sympathy when they are down but which may act in ways that "elicit horror" when they are up. To deal with this specter, Krauthammer recommends not U.S. retreat but a U.S. effort "to try to create new norms and rules." Under Krauthammer's New World Order, when "existing international rules conflict with basic American values, to hell with the rules."

Midge Decter, a bright light of neo-conservatism, agrees. "America is the world's policeman, whether you, I, or the American government likes it or not. Everything we do or fail to do has tremendous consequences for world order."

Buchanan sees such notions as "buncombe,"—theories that he says will bankrupt the country, leaving it "in the same nursing home as Britannia." He writes: "The incivility of our cities, the fading away of the Reagan boom, the rise of ethnic hatred, are concentrating the minds of Americans on their own society. What doth it profit a nation if it gain the whole world and lose its own soul?"

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Several of the Democratic presidential candidates share with Republican rivals an "America first" theme.

Good neighbor policies

President Bush obviously believes Buchanan and his isolationist allies are way off base. In an April speech on his vision for a New World Order, Bush spelled out the principal elements: "Peaceful settlement of disputes, solidarity against aggression, reduced and controlled arsenals, and just treatment of all peoples." He also spoke of the need "to keep the dangers of disorder at bay."

A far more comprehensive defense of the need for a continued U.S. role abroad was offered by Deputy Secretary of State Lawrence Eagleburger in a little-noticed speech in early October. He insists the United States is not overextended internationally and that its domestic problems do not result from engagements overseas or from the activist foreign policy of the past 45 years. On the contrary, he says, "It is my belief that our national well-being, including the health of our economy, is dependent upon a stable international order—an order which will not exist if we do not shape and lead it." Eagleburger believes American disengagement during much of the first half of this century helped contribute to the what was "perhaps the most tragic 50-year period in recorded history."

The end of the Cold War, Eagleburger said, signals the revival of a multipolar world in which nations will be increasingly tempted to

go their own way. "Saddam Hussein, with his unchecked ambitions and his weapons of mass destruction, has given us a glimpse of what that world will look like," A policy of disengagement, he said, cannot possibly shield the country from a host of international problems or their consequences, "from debt to overpopulation, pollution to drug trafficking, terrorism to weapons proliferation."

Beyond that, he said, America cannot isolate itself from the fast-integrating global market, upon which it depends increasingly for jobs technology, raw materials and capital. U.S. prosperity depends on maintenance of the world's free trading order; a slide into protectionism risks a rerun of the 1930s debacle.

Not surprisingly, libertarians don't buy Eagleburger's arguments. The Cato Institute's Earl C. Ravenel, has proposed an alternate defense budget that would save American taxpayers \$300 billion over the next five years. Calling for a policy of "general unalignment" in the face of the ebbing Soviet threat, Ravenel writes that "no power, or constellation of circumstances, will be able to impair the essential security of the United States."

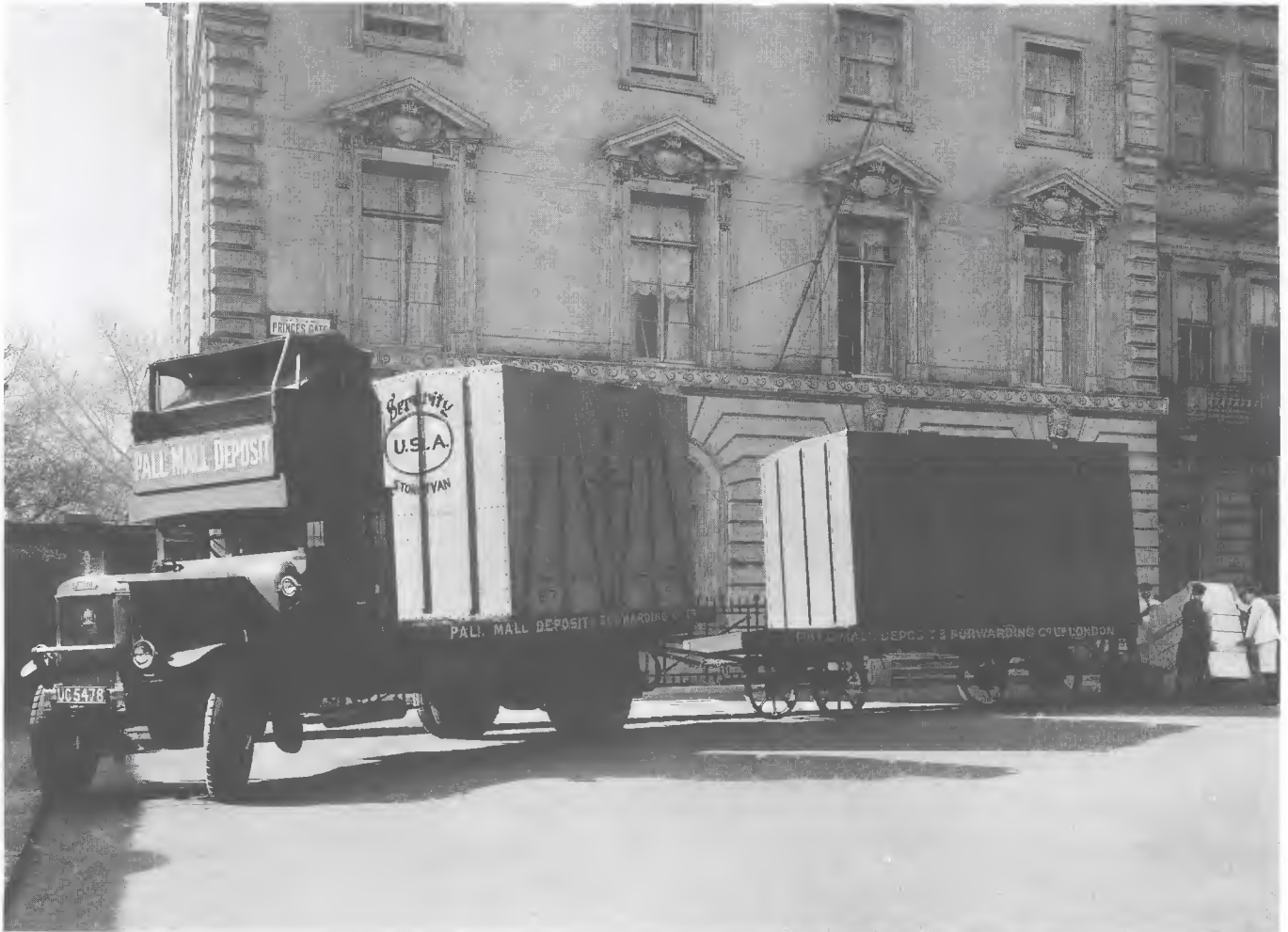
The long road home

The isolationists would appear to have an uphill struggle. As conservative thinker Irving Kristol has pointed out, "When a nation has played a

leading role in world affairs for more than half a century, doing nothing comes hard." In addition, Kristol notes isolationism also is associated with some of the most disreputable politics of the 1930s, a time when Nazism, Fascism, and anti-Semitism were on the rise and America looked the other way. In 1938, the American army was smaller than Portugal's; the United States was little more than a speck on Hitler's horizon. The job of the isolationists is to make their philosophy sound as benign as the British statesman Macaulay made it seem in 1845: "I do not say we ought to prefer the happiness of one particular society to the happiness of mankind; but I say that, by exerting ourselves to promote the happiness of the society with which we are most nearly connected, and with which we are best acquainted, we shall do more to promote the happiness of mankind than by busying ourselves about matters which we do not understand and cannot efficiently control." But Macaulay never met Saddam Hussein, and only the most fertile imagination of his day could have foreseen the advent of the automobile. He could not predict that the vast empty expanses of land stretching out from the Persian Gulf would one day become some of the world's most important real estate. He did not realize that the "happiness of mankind" of which he spoke so eloquently could be so dependent on oil and that the countries blessed with the largest reserves of this commodity also happen to boast military arsenals with firepower unheard of in Macaulay's time. There may have been a rationale for a stay-at-home posture in Macaulay's day, but not any more, certainly not in an age when weapons of mass destruction are within the reach of any despot who has the determination and the cash to acquire them. ■

George Gedda covers the State Department for the Associated Press. He is a frequent contributor to the Journal.

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DESPATCH

Ending the Cold War, Part I

The Cold War has finally been buried, the appointment of Cold Warrior Robert Gates as director of Central Intelligence notwithstanding. In the January issue of the *Journal* and now this issue, we take a look at the grandfather of Cold War institutions, the CIA, and at the changes it needs to make to fit better into a less polarized world.

In the January issue, former CIA Director William Colby argued that we

debate over intelligence by proposing a bill entitled "The End of the Cold War Act of 1991" that would abolish the CIA and hand over its functions to State. In the post-Cold War world, Moynihan has written, the State Department "should be the nation's eyes and ears, as well as its voice." His statement before the Senate Select Committee on Intelligence is cogent enough to quote at length:

"The Cold War is over . . . the question is what we do with the institutions of the Cold War. We can and probably will leave them in place, much as we left the U.S. army forts in place at the end of the Indian wars (although we are finally beginning to close down some, a century later). This is what will probably happen to the Central Intelligence Agency. It will drift into inconsequence, busy-

ing itself with narco-terrorism and economic espionage. This devolution is already firmly in place, as CIA teams visit economics professors around the nation looking for possible fields to be opened up. . . . I would like to think that the intelligence community deserves something better than this bureaucratic boneyard. These men and women have served us honorably for four decades. The clandestine motto of the agency for decades has been, 'Anything necessary.' Now is the time to put that to the test."

Moynihan goes on to catalogue some of the agency's failings—most importantly, its duplicity before Congress and its gargantuan failure to understand the problems of Commu-

In the post-Cold War world, Moynihan has written, the State Department "should be the nation's eyes and ears, as well as its voice."

need a CIA somewhat reduced in scope, more concentrated on analyzing rather than gathering information, and with new intelligence targets, such as human rights abuses, terrorism, nuclear proliferation, and counter espionage against those who would steal American technology. On page 20 of the current issue, former deputy assistant secretary of the State Department's Bureau of Intelligence and Research Frank McNeil defends the competitive model of intelligence and, as part of that, a scaled-down CIA. He also discusses what role State should play in the business of intelligence.

Playing the familiar role of inciter to constructive riot, Senator Daniel Patrick Moynihan has set the terms of the

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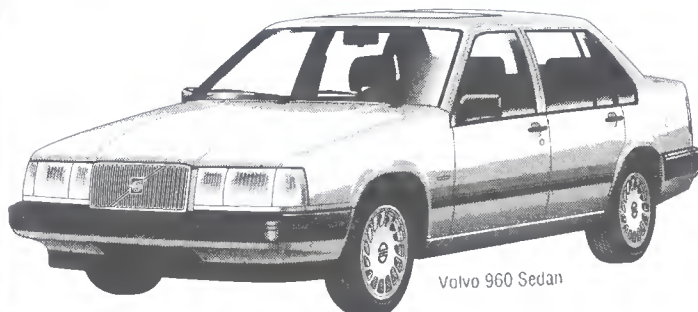


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nist economies. "Future presidents will ask," Moynihan continues. "Why should I believe, much less trust, an agency that wrote in 1986 that the GNP per capita in East Germany was \$220 higher than the GNP per capita in West Germany?"

Moynihan's bill is unlikely to get very far in Congress, and the senator has yet to elaborate on the intriguing idea that the State Department is so much better equipped for intelligence-gathering that it should take that function from the CIA. But Moynihan has opened a debate that is and should be radical—one that questions the roots and the structure of institutions built to wage cold war.

Notes

Where East Meets West: The implosion of the Soviet empire left the "West"—West being an ideological rather than geographical category—as a historical character in search of an identity. In a fascinating speech on October 25, former Italian Ambassador to the United States Rinaldo Petrignani cautioned that the new order requires the United States to reach out actively to Europe, redefining affinities and reestablishing links. Europe "yearns to integrate," he said, and to become a protagonist on the world scene. But "a politically unified Europe will tend to shift itself toward the East."

Petrignani, one of the most experienced and, surely, respected foreign diplomats in Washington, spoke at the Georgetown University Institute for the Study of Diplomacy, as the 13th recipient of the institute's Jit Trainor Award for Distinction in the Conduct of Diplomacy. The institute plans to publish his speech in the spring.

Battle Chest: To help their colleagues battle any charges that might be brought in the Iran-contra scandal by Independent Counsel Lawrence Walsh, several retired CIA officials have established a legal defense fund from

which an accused may draw to pay legal fees. According to former CIA official Richard F. Stolz, who is helping administer the fund, about \$170,000 has been collected and all but \$35,000 disbursed. "Our objective is not determining guilt or innocence. It's to establish a level playing field," he says. Those interested in contributing may write to: Legal Defense Fund, P.O. Box 309, Merrifield, VA 22116.

I Am Curious, Yellow: Need to find a meat wholesaler in Moscow? Want convenient lawn services? The Hanover, Germany-based Marvol Project Consulting company has just the guide for you: the Yellow Pages Moscow, the first comprehensive telephone directory for any city in the former Soviet Union. It may be indicative of the availability of products in Russia, however, that the following categories fit on one page of the directory: marriage bureaux, maternity goods, mattress makers, meat importers, meat product manufacturers and wholesalers, mechanical handling engineers, medals, medical equipment, medical equipment and machinery manufacturers, medical goods suppliers, and medical schools.

Alumni: **Walter R. Roberts**, a retired career Foreign Service officer of USIA and currently diplomat in residence at George Washington University, has been appointed to serve on the U.S. Advisory Commission on Public Diplomacy. The seven-member commission advises the president, secretary of State, and director of USIA on the government's information and educational exchange programs.

Boston University has acquired the personal papers of **Ambassador Clare Hayes Timberlake**. Timberlake was the first U.S. ambassador to what was then the Belgian Congo, and he served in Argentina, Uruguay, Switzerland, India, Peru, and Germany as well as at the Arms Control and Disarmament Agency.

— ANNE STEVENSON-YANG

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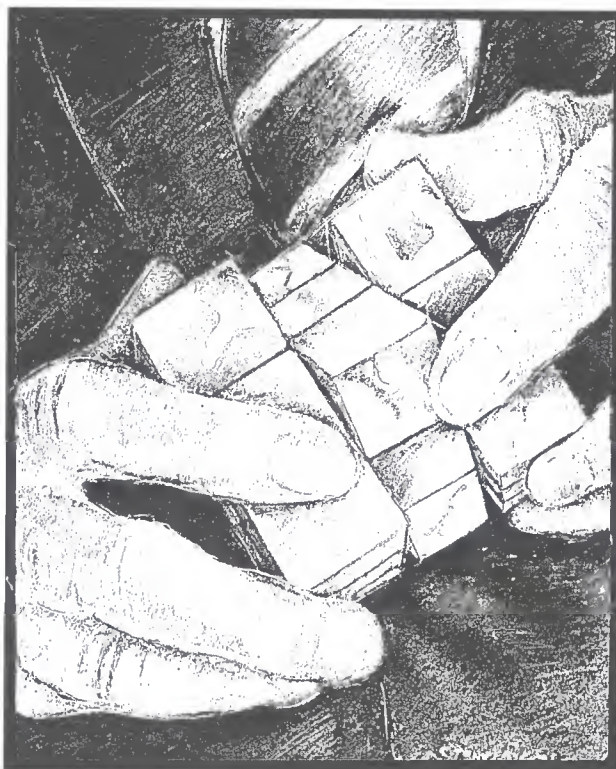


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Post Cold War Intelligence

Meeting the need for reform

Senator Moynihan, who proposes to end the CIA, is wrong for the right reasons. His dissection of what has gone awry in the CIA has led him to conclude that in the post Cold War era, the CIA's functions should be transferred to the State Department (see Despatch, page 17).

The senator, as he has done so often, set the terms for a national debate. But the nation should no more entrust the State Department with a monopoly of non-military intelligence than it should the CIA. To be sure, some functions and personnel should be transferred, not only to State and Defense but to other agencies involved in the new international agenda, ranging from the global economy through the environment and on to international drug dealing.

The nation must decide not only what is useful, but

what we can afford to deal with on an intelligence terrain which bears little resemblance to that traversed over the last 40 years. That involves decisions, which cannot be taken in the vacuum of secrecy, about State, Defense, the National Security Agency, and the CIA.

History will judge the Cold War to have been a just struggle, notwithstanding some awful excesses. But it is time to move on, in national security as well as domestic policy. Intelligence should no longer be exempt from public scrutiny of the sort routinely given the Defense and State Departments, where secrets are protected but policies are subject to national debate. Without a sense of what is necessary, and proper, the intelligence community is likely to run on automatic pilot, shaving budgets and trimming personnel while guarding turf. The new Director of Central Intelligence, Robert Gates,

BY FRANK MCNEIL

has moved quickly to undertake a systematic in-house examination of the future direction of intelligence. Still, it seems doubtful that the intelligence community can meet the need for reform on its own.

Intelligence will not be exempt from budget cuts, in the CIA itself or in the Defense Department-controlled agencies. Where is the enemy that requires us to spend all these monies, now that containment has triumphed? Much of what came under the rubric of covert action no longer makes sense. It is far better for gentlemen to read other people's mail than to shoot them, the often estimable Henry Stimson notwithstanding, but how much "mail" do we need to read?

The old boy notion that America now needs more spies to cover the soft, ill-defined target of Third World instability is particularly suspect: a high-cost recipe for meaningless engagements in the swamps. The notion also involves questionable assumptions, among them, that high-tech collection should be markedly reduced to generate savings. But technical collection will have a crucial mission for a long time to come: tracking strategic arms reductions and looking at missile and non-conventional capabilities of Third World despots. Photographic and infrared satellites can do double service, helping the world curb environmental degradation. Overt information collection is less costly and, in many Third World locales, is sufficient for obtaining the information necessary for post Cold War policy. Appropriate resources and people could be shifted from CIA to other agencies to beef up this sort of intelligence-gathering.

Demystifying intelligence

Intelligence is not something magical, as its purveyors sometimes pretend; it is simply information. A foreign newspaper article, a CNN report, or a technical publication is no less intelligence than a report from a spy. Even these unclassified sources may convey information that is more relevant to foreign policy than a clandestine report. The day is coming when information about the global environment will be recognized as information relevant to America's security in a larger compass. Controversy over Gates's confirmation focused on the CIA; not much was heard about military or technical intelligence. Even less was heard about the State Department, curiously silent about its role in post-Cold War intelligence. The fault lies with the hearings, but also with the media. The public heard about problems at the CIA, and that Bob Gates was not the most cuddly guy around, but it didn't learn much about intelligence. The argot was tossed around with little definition. HUMINT is not something you put on your garden but information people give you; covert action (e.g., supporting the contras) is not the same as old-fashioned spying, *aka* clandestine collection. One looked in vain for an explanation of the intelligence community and what the

players do; the hearings mostly left the impression that the CIA was the only game in town.

To do anything sensible about intelligence for the 21st century, the public and congressional perception that the CIA is all that matters in intelligence needs to be laid to rest. So long as the CIA's self-image is that of a high priest of intelligence, and it succeeds in persuading the nation to see it that way, then the CIA will get the blame when things go wrong.

The first thing to do is get the size of the intelligence budget out on the table, which apparently is going to happen. It is not true, as one ex-CIA officer reportedly said in a burst of misplaced elitism, that the American people don't want to know this stuff. The people deserve to know, not the technical specifications of satellites or the names of spies, but what purposes intelligence serves and how much it costs.

It would be helpful if the public and some members of Congress, too, learned what *Journal* readers know: that ambassadors and their staffs at our embassies abroad do most of the reporting on foreign affairs. The intelligence they collect may be secret, but it is collected in open, internationally sanctioned ways on the small State Department budget, with an assist from the departments of Commerce and Agriculture, and, in major embassies, Treasury. The only part of State which comes under the huge Intelligence Community budget is a tiny slice for State's Bureau of Intelligence and Research.

A Senate Intelligence Committee study in the late 1970s indicated that about 90 percent of foreign political and economic reporting came from State Department reports. In the 1980s CIA's clandestine work received handsome increases, but much of that money went to covert operations rather than to spying, so that the balance between low-cost embassy reporting (including commercial reports, now done under Department of Commerce auspices) and higher-cost CIA clandestine reporting is likely to be close to what it was a decade ago. It is also worth noting that ambassadors and the policy bureaus at State make many of the analytic judgments that underpin Washington's foreign policy decisions.

Anti-trust

The problems which have attended the intelligence process do not reside so much in doctrine but in its application. Dating from the immediate post-war period, doctrine wisely mandates competing channels of intelligence and competition among analytic organizations. The best analysis is that which sharply sets out differences, so that leaders can clearly understand the assumptions among which they must choose in making policy.

The former OSS cadres who constituted the core of the nascent CIA waged a successful fight for an independent agency, less out of love for doctrine than because they did not want to be subordinated to diplomats. It is not

surprising that doctrine has often been honored in the breach and that turf fights have attended the intelligence function from day one. The competitive ideal, however, remains entirely appropriate to the post Cold War era.

Intelligence agencies are supposed to stay out of making policy recommendations, and the last Secretary of State, George Shultz, enjoined INR to observe strictly this prohibition. As the Iran-contra fiasco made clear, then Director of Central Intelligence William J. Casey was not so scrupulous, and a few strong-willed CIA directors, from the days of Allen Dulles, have pushed policies, as in the Bay of Pigs.

The Iran-contra fiasco illustrates what happens when competitive analysis is frustrated. State, and, to a large extent, Defense, were frozen out of intelligence about arms for hostage dealings with the Iranians. In essence, only a few persons with a personal stake in this hare-brained project were privy to intelligence about the dealings. With hardly anyone in possession of the information to challenge their version of events, these people plunged ahead. The balance sheet: three hostages released, four new ones taken, and funds illegally diverted to the contras, who did not get much use from them.

The existence of several intelligence agencies provides a means for competitive channels of intelligence and analysis. The military services have intelligence components, and the Defense Intelligence Agency (DIA) is the senior analytic arm and overseer of defense attaches around the world. In State, the small Bureau of Intelligence and Research (INR), with no overseas staff,



The CIA also deserves credit for successes, however, and not just in its game of mirrors with the KGB. The importance of CIA support for the Afghan resistance in bringing the Cold War to an end cannot be overstated.

became State's "institutional second opinion."

In the service of competitive doctrine, the CIA divided itself between the clandestine service, known as the Directorate of Operations (DDO) and analysts in the DDI. From the beginning, the CIA's division of labor posed major theoretical and practical problems, principally because of DDO's covert operations and liaisons with foreign intelligence, which often tied the CIA to particular policies and failing foreign institutions and leaders, such as General Noriega, the shah, and certain unsavory intelligence services, such as that of South Africa.

In principle, this violated the tenets of competitive intelligence, since the conductors of these relationships were also the only ones who reported on them. In practice, this led to reporting that sometimes glossed over the unpleasant, making the CIA an advocate of status quo in Third World places where the status quo was intolerable. In one covert program where the CIA was indeed trying to overturn the status quo, emotional involvement led some CIA and NSC officials to predict contra victories that never came and Mr. Casey to tell President Reagan of foreign support for the contras that did not exist.

The CIA also deserves credit for successes, however, and not just in its game of mirrors with the KGB. The importance of CIA support for the Afghan resistance in bringing the Cold War to an end cannot be overstated. In Vietnam, the CIA warned of the impending collapse of the Thieu regime. In the 1980s, the DDI called attention to the growing danger of Third World debt when it was not a popular issue, especially at the Treasury Department.

Saving spies for the secrets

Spies are very costly and indispensable only in hostile environments, of which a goodly number remain. Otherwise, information can be more readily and cheaply obtained through overt means. The CIA will have to join with State in trying to keep abreast of what used to be the Soviet Union and of what may happen as generations change in China. For years to come, CIA clandestine collection and technical intelligence will also target, as they should, terrorists, narcotics traffickers, and non-conventional weapons proliferators. These efforts require great skill, and in some cases, better coordination with law enforcement than in the past, but not the resources used in tracking the Soviets and possible friends over the globe.

The idea that agents should become industrial spies is ludicrous: to whom does the CIA give the magic formula—to GM, Ford or Chrysler? Gates has indicated that he will have no truck with this idea, but it keeps cropping up. In *Foreign Affairs*, former CIA Director Stansfield Turner saw the danger of loosing spies upon the industrial plant of friendly nations, but his solution, conduct industrial espionage through technical collection, was no better. Turner's proposal tries to get the CIA off the hook, by having the Department of Commerce make case-by-case decisions about which American company deserves a particular industrial secret, but the end result is the same—a lawyers' relief act.

What if Ford sues because Chrysler gets a widget from the CIA? What do our courts do when Nissan or Mercedes presents well substantiated charges of patent infringement? How do we pursue intellectual property protection—a prime interest of American private enterprise—in GATT and with individual nations, when the U.S. government is stealing such property? How does that help restore American competitiveness? What kind of new world order would such practices imply?

Intelligent competition

If the Executive and Congress are serious about focusing intelligence on new national priorities in a more cost effective way, it appears advisable to redirect some CIA resources to State, Treasury, and Commerce, and to others, such as the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the Drug Enforcement Agency, and the FBI. The CIA has a lot of good people. Some would find working at other foreign affairs agencies congenial.

Look at a recent innovation, just pushed through by the Senate Select Committee on Intelligence. Foreign language competence is critical, essential in a globalized economy, but in short supply in hard languages, like those of Asia and the Arab world. Recognizing this, the Congress, with administration agreement, has just transferred a modest sum from the intelligence budget to support publicly funded foreign language training programs.

In this new world, other innovations are necessary, such as shifting the CIA's research budget for foreign policy to the State Department under the guidance of a board of overseers from the Executive branch, the Congress, and the academic world. This would eliminate mishaps such as the CIA's selection of an obscure retiree at the Rochester Institute of Technology to write a bizarre report, with racist overtones, on Japan, a report which the CIA publicly disowned. In the search for world order, foreign policy research needs to enter the public domain.

The Department of State needs to be more assertive about its crucial role in foreign intelligence. The State Department did not share in the largesse extended to the CIA and the various military intelligence agencies during most of the Reagan years. (In the early 1980s, INR's budget was cut in committee even as CIA increases sailed through.) Improving and refocusing reporting from State, Commerce, Agriculture, and other "open" agencies, is as important as giving the CIA a proper post-Cold War mission. No less an authority than William J. Casey told me that he had allocated clandestine resources in a few places to do reporting normally done by embassy staffs, only because the State Department could not fund enough officers at post to do the work. (Characteristically, Casey attributed State's decline to too many congressional visitors.) To his credit, Casey agreed to support modest increases in State's reporting and analytic capability, in

the field and in INR. These increases, in the mid-1980s, were vitiated in some degree by OMB-dictated cuts toward the end of the Reagan Administration.

Today, State should devote more resources to the agenda of the future, such matters as environmental reporting and diplomacy, and the evolving economic and political institutions of the Pacific, which are more and more important to America's well-being. The only way to get such resources is through modest transfers from the defense or intelligence budget.

The use of intelligence resources to cooperate, in prescribed ways, with law enforcement to counter foreign industrial espionage, ought to become a real priority, as Gates and Stansfield Turner have advocated. I would also argue that intelligence resources, under a rule of law, should expose foreign efforts to influence American politics, such as occurred in the BCCI scandal. Not only the Federal Reserve but former President Carter deserved, but did not get, a heads up about the criminality under the philanthropic facade of the "Bank of Crooks and Criminals."

Doing the obvious

The principal challenge for the decade is not to find new jobs for intelligence agencies which come in from the Cold War, but to trim and reallocate resources to obvious tasks. The need for covert action, except against international thugs, is over. When all the changes are added up, there is no plausible case to maintain as is the far-flung CIA clandestine service which exists today. Nor is there reason to resurrect the idea of a U.S. military clandestine service, as some have advocated. The old argument was that our military needed to counter the GRU, the Soviet military's clandestine service. With the end of the Cold War, the argument for imitating, at considerable cost, a part of the Soviets' disintegrating *apparatus* is even more dubious.

Many questions need answers. The questions have to do with defining a new international agenda and allocating intelligence resources to support it in the least costly manner. They also have to do with ends and means, appropriate to a new international situation and to America's democratic institutions and the rule of law, which have not always fared well in clashes with the culture of secrecy. In the end, it is doubtful whether the intelligence profession can free itself sufficiently from the Cold War to reform without outside help. The president and the Congress will control such change as takes place. Perhaps they may find it useful to commission a blue-ribbon study of needs, missions, and cost effective approaches to 21st century intelligence. ■

From 1984 until he left the Foreign Service in 1987, Ambassador McNeil was senior deputy assistant secretary of State for Intelligence and Research.

The NSC System: Why It's Here to Stay

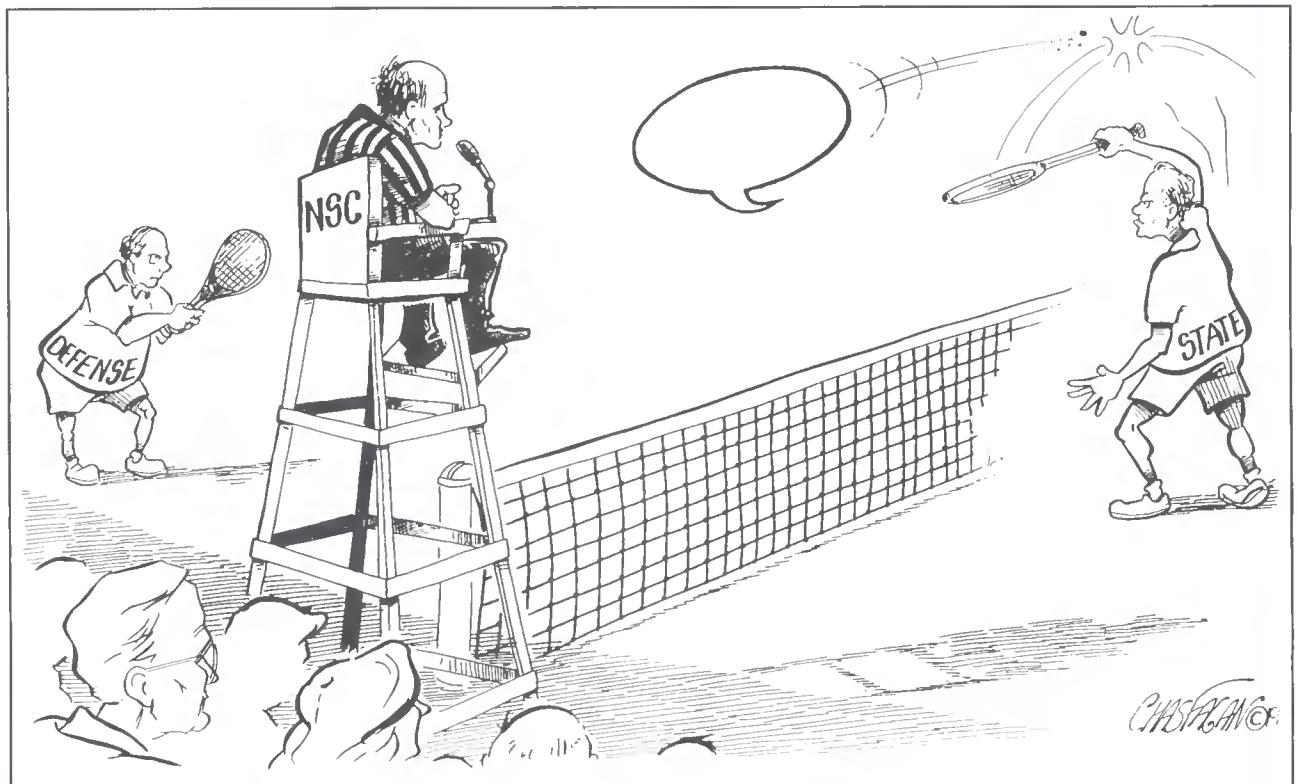
BY PETER W. RODMAN

Twenty-odd years ago, Dean Acheson commented in *Foreign Affairs* on the modern phenomenon of the in-house adviser who competes for the president's ear with the secretary of State—and often wins. Acheson was writing during Henry Kissinger's fabled White House tenure as assistant to the president for national security affairs. But he pointed out that the situation was hardly new. From Colonel Edward House and Harry Hopkins to McGeorge Bundy and Walt Rostow, presidents have often wanted a White House confidant not beholden to any other part of the government. It is an inevitable feature of a presidential system, Acheson concluded in his July 1971 article.

In the post-1945 era, of course, the White House

adviser has become institutionalized. The 1947 National Security Act set up the National Security Council and authorized a supporting system of interagency subcommittees along with a staff to help manage the process. While this system was created to ensure bureaucratic coordination and integration of policy, it evolved in unexpected directions:

- Truman ignored it. Indeed, legend has it that the Republican-controlled Congress enacted it partly as posthumous revenge against Franklin Roosevelt's free-wheeling solo diplomacy that had, allegedly, brought us such misfortunes as Yalta. It was an attempt to push the president into more collegial procedures. Therefore, Truman made it a point never to attend an



NSC meeting after the first one—until the Korean War, when the formal coordination and staff support proved useful.

- Eisenhower, being both a loyal Republican and a military man accustomed to formal staffing and coordination, made a point of using the council and its supporting machinery.
- Kennedy disparaged the Eisenhower system as too bureaucratic and his predecessor personally as too passive. He wanted to assert presidential leadership. To this end, he made minimal use of the council and subcommittees; he gave significant bureaucratic power to a White House adviser, Harvard Professor McGeorge Bundy, and turned the NSC staff *de facto* into a *presidential* staff under Bundy's direction. Lyndon Johnson, too, emphasized informal procedures outside the established structure (such as his "Tuesday lunches").
- Richard Nixon, amazingly enough, made the Kennedy/Johnson disuse of the NSC one of his campaign issues, implying that there was a connection between the sloppiness of procedure and the Vietnam morass. He pledged to revive Eisenhower's NSC system, and in office he did so with a vengeance: he rebuilt the committee system and put his own high-powered Harvard professor in charge of the key subcommittees; he maintained Kennedy's innovation of using the NSC staff as a presidential staff and used it to conduct confidential diplomacy behind the back of the rest of his government.

Thus, through this evolution, the original concept was turned on its head. What may have been intended as a limitation on presidential freedom of action was turned into an instrument of presidential dominance. And by a Republican president, to boot.

Built-in tension

Presidents since Nixon have operated somewhere in between the extremes, seeking a balance between collegiality and presidential control. This is for the best. Even Kissinger later came to the conclusion that the management style of Nixon's first term was anomalous. For the individual in the role of national security adviser, however, the result is a job with a built-in tension.

The complexity of modern government, on one hand, puts a premium on policy coordination. A president needs the advice of those he has placed in charge of departments and agencies in the national security com-

munity—not only the original statutory members or advisers of the National Security Council (State, Defense, CIA, the Joint Chiefs of Staff) but, increasingly, Treasury, Commerce, Agriculture, and even Justice, not to mention USAID, USIA, ACDA, and many others. A conscientious president, when faced with a decision, will value a coordinating process that organizes input from his key people and ensures also the informed participation of all the departments and agencies concerned with implementation: thus, the "honest broker" model of the national security adviser's job, as epitomized by Brent Scowcroft under two presidents and by others in the same mold. This sort of adviser manages a cooperative process of policy formulation and retains the trust of both bureaucratic colleagues and the president.

Yet, on the other hand, the same complexity of modern government also leads most presidents to struggle to gain mastery over the sprawling government. For that,

they will need and want staff support of their own to give them an *independent* basis for judging what their departments and agencies put before them. For example, if State and Defense present conflicting recommendations on arms control, a president is likely to value independent advice from his own staff to help him sort out the competing views and technical issues according to his own priorities and perspectives. The security adviser's role is inevitably pivotal. And, in truth, even

if all the president's cabinet secretaries agree on a recommendation, he ought to have someone who will tell him what his real choices are. Recall the story about Abraham Lincoln: Once he took a vote around the cabinet table; they all voted nay. Lincoln raised his right hand and concluded, "The ayes have it."

Our system is not cabinet government, as in most parliamentary systems. It is presidential government. It's the president who is elected—and accountable. He will usually not want to be the prisoner of any of his cabinet secretaries. His assistant for national security affairs, and staff, give him that independence.

Integrity test

The roles of honest broker and independent adviser are in tension, but that, too, is inevitable. No matter how scrupulously fairly and impartially the security adviser sums up the agency views for a president agonizing over a decision, at the end of the day the boss is likely to ask, "Brent, what do you think?" General Scowcroft, and most of those in that position, reached that position in the first

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place because they were people of experience and judgment; thus they will have views, probably views worth listening to.

To carry off both functions while retaining the trust of one's colleagues is truly a test of one's integrity and political skill. Some pass the test; some don't.

Even the interagency process—the coordinating function—is likely to involve frustration for individual departments. The State Department, in particular, may not like it when a president, or his staff, seeks to ensure that other concerned agencies have their say on important diplomatic issues. But the secretary of State is often the quickest to run to the White House to invoke the interagency process if it's a question of reining in DOD or CIA or Treasury or anyone else.

The end of the Cold War has not ended the complexity of our government or of its tasks abroad. On the contrary, the interweaving of foreign policy, defense, and economic and other domestic issues only magnifies the bureaucratic challenge of coordination and the intellectual challenge to a president of sorting out competing definitions of the national interest.

The risks

An adviser's job of this kind is hard enough. Therefore, a president would be well advised to keep his immediate staff out of the business of *implementing* policy. Coordinating the government's implementation, yes. Also, the national security adviser and staff can sometimes usefully participate in diplomatic activity in tandem with others. But this should not mean trying to substitute themselves for the departments and agencies statutorily responsible for carrying out decisions. Even if a policy is uncontroversial, the NSC staff is usually not well equipped to implement it independently. If a policy is controversial, the president takes an enormous political risk in relying only on his staff.

The Nixon/Kissinger breakthrough with China 20 years ago is a rare example of a significant success in this regard. Nixon came into office with a profound mistrust of State, and the early months and years of his term only seemed to confirm to him that the bureaucracy was both leaky and incapable of understanding the kind of nuanced policies he wanted to conduct. He and his White House adviser soaked up from the government all its best ideas and wisdom on China policy but then carried out their own back channel contacts at their own pace and with their own strategy. They managed to pull this off, and some other initiatives as well. Reagan's Iran policy in 1985 to 1986 provides a contrasting example of a bad policy badly implemented by an NSC staff. Selling arms to Iran in the expectation of forging a new strategic relationship may well have been legal—I leave it to others to debate—but it was a strategic blunder at a time when an Iranian military victory threatened to destabi-

lize the Gulf. I knew something about it at the time, and I said so.

Nevertheless, I firmly believe the president had the ultimate right to choose his own policy, even if his key cabinet secretaries were all against it. The problem was, this *was* a mistaken policy, and the NSC staff's eager-beaver bypassing of the recalcitrant cabinet departments to implement the policy only compounded the problem. When a president overrules his cabinet officers, he takes all the political risk on his own shoulders. (He can be pretty sure they will let it be known that they disagreed with him if he fails.) He had better know what he's doing.

Checks and balances

In the wake of Iran-contra, President Reagan ordered up some needed reforms in NSC staff procedure. A legal adviser was added to the senior staff, interagency review of covert action was tightened, and a host of new guidelines issued. The president appointed the Tower Board to investigate the debacle. Both staff and presidents have been sufficiently chastened ever since to avoid carrying out independent foreign policies.

This is part of the reason that Congress, in the wake of Iran-contra, did not even attempt to legislate on the NSC. Most of Congress' formal indignation was channeled into new legislation on oversight of CIA covert actions. Congress in the end followed the advice contained in the Tower Board's 1987 report and made no effort to instruct the president on how to organize or manage his own office. There would probably have been a constitutional problem in doing so. But, beyond this, the very flexibility of the NSC over the decades has been its supreme virtue. Presidents have adapted it to their own goals and management styles, for better or worse; no rigidly prescribed structure would fit every president, every constellation of senior personalities, every issue, every situation. This was the wisdom of one of the most distinguished congressional studies of the NSC system, done by Senator Henry M. Jackson's Government Operations Subcommittee as long ago as 1960.

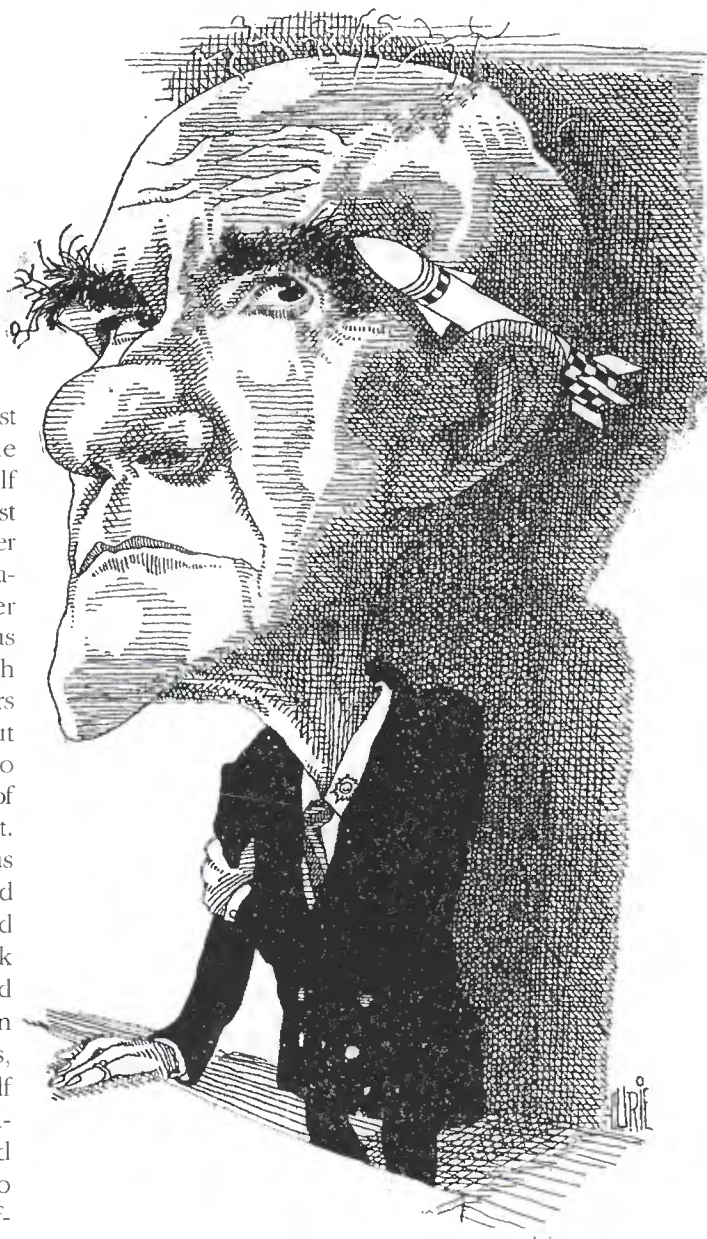
No procedure can guarantee sound policy, and there is no way to force modern presidents into any particular decision-making mold. If Congress tried to legislate on the NSC's structure or the security adviser's role, a president could ignore it (as Truman did)—perhaps to assign duties to other in-house confidants. Dean Acheson would have understood perfectly. ■

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The Honest Broker: Brent Scowcroft in the Bush White House

BY DAVID CALLAHAN

During the first days of the Persian Gulf crisis in August 1990, nobody was closer to President Bush than National Security Adviser Brent Scowcroft. It was Scowcroft who visited Bush in the residential quarters of the White House at dinnertime on August 1 to tell him that an invasion of Kuwait looked imminent. Later that evening it was Scowcroft who returned from his home in Maryland to tell Bush that the attack was under way. And throughout the uncertain first hours of the crisis, Scowcroft posted himself in the White House situation room and coordinated the initial U.S. response to Saddam's aggression. Af-



ter a nearly sleepless night, it was Scowcroft who presented Bush, at 5:00 a.m., with the first plan for U.S. action against Baghdad: an executive order freezing Iraqi assets.

Scowcroft's extraordinary closeness to Bush would continue through the remainder of the Gulf crisis and war. Early every morning, a good hour before most in Washington even left for work, Scowcroft would walk the short distance from his office in the West Wing to give Bush his daily national security briefing. Many days he would linger on, talking with Bush for hours about the crisis. When Bush went on vacation to Kennebunkport in August, Scowcroft followed him,

riding around with Bush in golf carts and bobbing on the Atlantic ocean in the president's blue and white speedboat, *Fidelity*. During important announcements by Bush to the press through the fall and winter, Scowcroft was nearly always present, standing in the background or off to the side, watching in silence.

Since taking office, Scowcroft has carved out an unusual place for himself in the president's inner circle. He is a close, even intimate adviser to Bush, but one whose influence on policy is often difficult to discern. Rather than pushing his own agenda, Scowcroft has concentrated on establishing an extremely close bond with Bush. Part of this bond's strength is due to chemistry: both in their mid-60s, the two men have a relationship marked by easy banter and collegiality. James Baker may be Bush's closest friend in the cabinet and his official point man on foreign affairs, but it is Scowcroft with whom Bush daily indulges his fascination with national security issues through long conversation.

Another reason for the relationship's success is the president's and Scowcroft's common world view. Both men are pragmatic, long-time Washington insiders who believe in the system. Both are political moderates, with an instinct for cautious policies but a willingness to gamble occasionally. And while neither could be considered an ideologue, both President Bush and Brent Scowcroft believe strongly in the need for American global leadership and share a willingness to use U.S. military force in the pursuit of policy objectives. Perhaps most importantly, the two men have a common vision of the National Security Council's role. Bush took office committed to ending the bureaucratic infighting that had marred the national security process for decades. One way he moved toward his goal was by appointing a like-minded group of top national security officials with longstanding affection for one another. Another way has been to reform the NSC, turning it into a successful arbiter



**Henry Kissinger said that
hiring Scowcroft was
“One of the best decisions
I ever made”**

of bureaucratic disputes and a well-oiled decision-making apparatus.

Brent Scowcroft has been the key player in tackling this latter goal. Serving previously as national security adviser in the Ford Administration, Scowcroft came to the Bush Administration with well-developed ideas about the national security process. He believes that national security policy should be made through consensus among the principle players in the executive branch and sees his job as helping to forge that consensus; he wants to be an “honest broker” among competing interests. Scowcroft does not view himself as an ideas man or a policy-maker. Rather, he is a sifter of ideas and an evaluator of policy. His office at the White House stands at the crossroads of U.S. national security policy. Scowcroft's job is not to

determine which direction policy should take, but he often sets the tone of the debate. And this can count for nearly as much.

West Point to the West Wing

Scowcroft's path to high appointive office began with a military career. Rather than going to the battlefields of World War II after graduating from high school in Utah, Scowcroft went to West Point. After receiving his degree and commission as a second lieutenant in the Air Force, Scowcroft planned a military career as a fighter pilot. At 23, Scowcroft saw his dream destroyed, however, when his P51 Mustang fighter malfunctioned on a training flight. Badly injured in the forced landing, Scowcroft was in and out of hospitals for two years, and doctors told him he would never be able to fly again.

With his body shattered, Scowcroft turned to training his mind. He got a master's degree in international relations from Columbia University and then taught Russian history for four years at West Point. His interest in the Communist world led him to take a job as a military attaché at the U.S. Embassy in Belgrade, Yugoslavia, where he became fluent in Serbo-Croatian. During the

1960s, when many military professionals found themselves in Vietnam, Scowcroft was acquiring further academic credentials. He chaired the political science department at the U.S. Air Force Academy and completed his education with a doctorate from Columbia.

Moving up

Scowcroft did not enter the Washington policy world until he was in his mid-40s, but, once inside, he rose quickly. He took his first important government job in 1970, going to work for the Joint Staff, the Pentagon group that did policy and planning work for the Joint Chiefs of Staff. There Scowcroft was exposed to the inner workings of the national security establishment, with its intense secrecy and esoteric language of acronyms. A year later Scowcroft entered an even more rarefied part of this realm when he moved to the White House to serve as a military aide to President Nixon in November 1971. In that post, Scowcroft observed Nixon's presidency up close, accompanying him to China and heading the advance team for the May 1972 summit in the Soviet Union.

Scowcroft soon attracted the attention of National Security Adviser Henry Kissinger. In late 1972 Kissinger was looking for a military officer to succeed his deputy, Alexander Haig Jr. He was impressed by Scowcroft because, among other things, he had once seen him stand up to White House Chief of Staff H.R. Haldeman. Kissinger hired Scowcroft in January 1973, reflecting later to a reporter that "It was one of the best decisions I have ever made." Scowcroft, in turn, was thoroughly impressed with the "strategic mind" of his boss. "There are not many like him in the country," he would say later, "with the ability to see events and patterns . . . in a comprehensive whole," and to plan policy with an eye to "where you wish to end up in a year, two years, three years down the line."

Kissinger's power was near its zenith when Scowcroft became his deputy. With President Nixon's backing, Kissinger conducted much of U.S. foreign policy on his own, cutting out other agencies in the process. Scowcroft's new position placed him near the center of Kissinger's controversial NSC operation, and he apparently did not like what he saw. While he would remain an avid admirer of Henry Kissinger, Scowcroft strongly rejected Kissinger's model for running the NSC. Kissinger may have achieved a great deal while in office, but in the process he subverted the NSC system, creating friction in the executive branch and committing some spectacular errors.

Kissinger tremendously liked Brent Scowcroft. A slight and quiet man, Scowcroft did not seek to draw attention to himself or awe others with his intellect. Instead he worked extremely hard, at times seeming to live in the White House, and took orders from superiors without

complaint. He was cool under pressure, and while unfailingly polite, he could be blunt and forceful. He was the ideal staff man.

Minding the doctor's office

Scowcroft served at the NSC during an unusual time. In 1973, Nixon promoted Kissinger to secretary of State, and, in an unprecedented step, Kissinger kept the NSC post. With Kissinger running the State Department and circling the globe on his frequent travels, Scowcroft found himself frequently in charge of the National Security staff during 1973 and 1974. Even though Watergate distracted President Nixon and Washington as a whole, there was a tremendous amount of action at the NSC. Detente with the Soviet Union was at its peak; the Vietnam War was ending; there was a major war in the Middle East; a coup toppled the elected government in Chile; the Arab oil embargo shook the world economy; and numerous smaller disturbances around the globe kept NSC staffers scrambling.

Scowcroft lacked Kissinger's instinctual feel for grand strategy, but, as Gerald Ford observed, "he and Henry thought alike." Scowcroft, for example, shared Kissinger's deep belief in using military force to send diplomatic signals and to make broader points about U.S. credibility. "Fundamentally, I do believe in power and the exercise of control," he said. More broadly, Scowcroft shared Kissinger's anxiety about maintaining the appearance of U.S. strength even as American influence was waning in the aftermath of the Vietnam war.

Fifteen months after Nixon's resignation, President Ford ended Kissinger's dual role and named Scowcroft national security adviser. In theory, Scowcroft occupied one of the most powerful positions in the government. In practice, he operated under the shadow of Kissinger, who continued to dominate national security policy from the State Department. This situation could have been tremendously awkward had it not been for Scowcroft's willingness to take a back seat to Kissinger. The extraordinary closeness of the two men was also key to avoiding power struggles. "We worked so well together because we had similar outlooks and because we in fact knew what the other would have thought, would have done, in a particular circumstance," Scowcroft recalled over a decade later. "So, while we had a few very sharp disagreements, there were rarely disagreements of philosophy."

Friends in high places

With Nixon and his long-time inner circle discredited by Watergate, the Ford years were a time in which new Republican talent began emerging, and Scowcroft left the administration knowing some of the brightest young stars of the party. Dick Cheney, a Donald Rumsfeld protege

still in his mid-30s, was Ford's White House chief of staff, and Scowcroft worked with him daily. George Bush was CIA director, and the two men had steady contact. (Cheney, Bush, and Scowcroft were all appointed to their high-level jobs on the same day—November 3, 1975.) Finally, during Ford's unsuccessful presidential campaign, Scowcroft spent many hours at the White House and on Air Force One getting acquainted with James Baker.

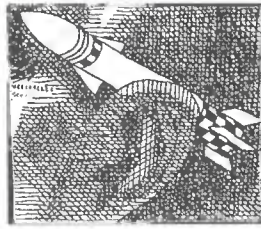
Scowcroft won high marks in Washington for his time as Ford's national security adviser. He kept a low public profile and smoothly managed the NSC system, making sure that all the major agency heads got their say on key policy issues. Although he was close to President Ford, briefing him daily, Scowcroft did not use his access to push his own agenda. He saw himself as an integrator and coordinator of policy, not as a grand architect of strategy in the Kissinger mode.

Scowcroft left the NSC post when Jimmy Carter took office in 1977. During the 1980s, while serving as vice chairman of Henry Kissinger's prestigious international consulting firm, Scowcroft spoke frequently about the NSC and the role of the national security adviser. A highly public rift during the Carter years between National Security Adviser Zbigniew Brzezinski and Secretary of State Cyrus Vance sparked a major debate over the proper role of the national security adviser. This debate continued into the mid-1980s, fueled by the bureaucratic chaos of the first Reagan Administration—a chaos caused in great part by ineffective leadership at the NSC.

Neutral role

Scowcroft's contribution to the debate was to advocate a restricted role for the national security adviser. When the national security adviser became an advocate of particular positions, or made a grab for bureaucratic power, he lost his ability to become a neutral broker of policy, Scowcroft believed. "I think it is important that the national security adviser should have the confidence of all agency heads involved in the process," Scowcroft said in April 1980, shortly after the Vance-Brzezinski feud had culminated in Vance's resignation. "Otherwise the process will be stifled and the agency heads will go around him to the president, making for poor policy."

The only way the national security adviser could build



**In short, said the commission,
the job of the national security adviser was to serve as a neutral facilitator and coordinator of policy, not as a partisan initiator of it.**

this confidence, Scowcroft believed, was if he were perceived as unbiased. To this end, the national security adviser should primarily be a "manager and coordinator" of policy, not an initiator or advocate of it, Scowcroft argued.

This neutral role need not preclude a close relationship with the president, however. On the contrary, as Scowcroft saw it, a key role of the national security adviser was to be "a confidant to the president," one who could look at issues "solely from the perspective of the president without having a separate constitu-

ency that he either must serve or must lead."

In late 1986, following the Iran-Contra revelations, Scowcroft was given a chance to further press these views as a member of the commission headed by former Senator John Tower that was set up to investigate the scandal. The assignment provided a deeply unsettling glimpse into the Reagan national security operation, which the panel found to be dangerously mismanaged. Reagan's leadership style was far too passive, and the NSC had entered into a shadowy underworld of ideological crusades, becoming a center for legally questionable operations.

The Tower Commission's plan for reforming the NSC closely reflected Scowcroft's long-held views and would serve as a blueprint for his White House service two years later. The commission report argued for restricting the role of the national security adviser: "He is an 'honest broker' for the NSC process. He assures that issues are clearly presented to the president; that all reasonable options, together with an analysis of their disadvantages and risks, are brought to his attention; and that the views of the president's other principal advisers are accurately conveyed." Once a decision was properly made, the job of the national security adviser was to see that it was implemented to do the follow-up work that was sometimes needed to nudge the bureaucracies into action.

In short, said the commission, the job of the national security adviser was to serve as a neutral facilitator and coordinator of policy, not as a partisan initiator of it. When that mandate was exceeded, the report warned, the system was at risk. "To the extent that the national security adviser becomes a strong advocate for a particular point of view, his role as an 'honest broker' may be compromised, and the president's access to the unfiltered

afsa news

A fair shake for security agents

by *Turna R. Lewis*
General Counsel

AFSA supported the Federal Law Enforcement Pay Reform Act of 1990 that was intended by Congress to apply to Diplomatic Security Service special agents. The act increases and improves benefits for law enforcement officers by providing special pay rates, locality pay in expensive metropolitan areas, higher relocation bonuses, foreign language bonuses and increased overtime rates. The locality increases, ranging from 4 percent to 16 percent, are effective in January 1992 in Los Angeles, New York, San Francisco, Boston, San Diego, Washington, Chicago, and Philadelphia.

A 44-member Advisory Committee on Law Enforcement and Protective Occupations continues to study the current pay system to determine if a separate pay and classification system for law enforcement officers should be established. The committee will also develop a definition of law enforcement officer for purposes of pay and classification.

The State Department has refused to apply the law to all special agents. Under the department's interpretation, the act would not apply to "special agent positions that primarily entail the performance of protective functions relating to the immediate family of U.S. government officials, foreign government officials and dignitaries and their family members, or the protection of foreign missions or international organizations." The effect of this interpretation is to exclude the majority of special agents from the

benefits required under the act.

When the department first made its position known, AFSA successfully lobbied for a technical and conforming amendment that clearly stated that law enforcement officer means "a special agent in the Diplomatic Security Service." Yet the department continues to maintain its position that the act does not apply to all Diplomatic Security special agents. AFSA continues its efforts to ensure that Diplomatic Security special agents receive the benefits of the act as intended by Congress.

USIA petitions for election

by *Lauren Hale*
USIA Representative

Petitions from USIA Foreign Service members requesting that an election be called to determine who will represent the USIA Foreign Service have been coming into AFSA at a good rate.

AFSA USIA Vice President Bud Hensgen and USIA Representative Lauren Hale sent a letter to all members of the bargaining unit asking them to sign the petition requesting an election. The USIA AFSA Standing Committee is considering a challenge to AFGE, the domestically oriented union that currently represents the USIA Foreign Service, in an election

that would be held some time after June 1992. AFSA already represents the State Department and USAID Foreign Services. The USIA Standing Committee believes it is time for all foreign affairs agencies to speak with one voice on labor-management and professional issues.

AFSA has enlisted the support of its overseas post representatives by asking them to encourage their USIA colleagues to sign the petition. A copy of Bud Hensgen's speech, "USIA and the Future of Public Diplomacy: AFSA's Agenda," has been sent to all post representatives.

AFSA hosted members of the new USIA Junior Officer class at a luncheon December 19. AFSA President Hume Horan welcomed the new officers to the Foreign Service and discussed how the issues facing us today differ from those of the "old" Foreign Service.

The USIA AFSA Standing Committee was pleased with the results of the report issued December 16 by the President's Task Force on U.S. Government International Broadcasting. The presidential study group said that the Voice of America should remain a part of USIA. The standing committee had sent the task force a letter stating that USIA should remain the focal point of all government international broadcasting.

did you know . . .

State currently has an open season for changes to Personnel Audit Report (PAR) cards. From January 15 through March 31 employees may address questions and submit changes to: PAR Program, PER/EX/IM, Room 1329, Main State.

EEO complaints simplified

by *Turna R. Lewis*
General Counsel

AFSA, as part of a coalition with AFGE and private attorneys, successfully lobbied Congress to amend the Foreign Service Act to allow employees to file grievances based on discrimination with the Foreign Service Grievance Board (FSGB). The amendment, part of the 1992 State Authorization Bill, was signed by President Bush on October 28, 1991 and provides increased options to employees. How does the amendment affect you? Employees who believe that they have been discriminated against on Title VII grounds, i.e. race, color, sex, age, religion, national origin, ethnicity, or disability are no longer restricted to filing a complaint with the EEO office. The amendment expands the jurisdiction of the Foreign Service Grievance Board to decide these issues. Previously, employees who claimed they

were discriminated against were required to file a complaint with the EEO office and a separate grievance which alleged violations of the Foreign Service Grievance Act and or departmental regulations with the FSGB.

Employees were often required to file bifurcated complaints with the FSGB and the EEO office to ensure a full remedy and had to draft skillfully their complaints to ensure that these did not seek the same remedy on the same issue. Failure to do so resulted in dismissal of their claims. The process was overly legalistic, time consuming, and costly. It is hoped that filing Title VII-based grievances with the FSGB will result in quicker resolution and more complete remedies.

A significant improvement provided by the amendment is increased time to file a Title VII-based grievance. The Civil Rights Act of 1991 now gives all federal employees 180 days to file a complaint with the agency EEO office. The amendment provides that for those at post when the alleged discriminatory act or acts occurred, the

180-day period begins once the employee is no longer assigned to the post or at "the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be." This change reflects widespread acknowledgement that 30 days is often an unrealistic time frame to determine if one is being discriminated against. It also acknowledges the difficulty of filing and maintaining a discrimination complaint while posted abroad. The amendment applies to grievances that arose after October 28, 1991.

The amendment represents a major victory for Foreign Service employees and provides another tool for resolving discriminatory acts. The option to file complaints of statutorily-prohibited discriminatory acts either as grievances or as EEO complaints in the agency EEO system has long been available to Civil Service and private sector employees who are represented by exclusive representatives.

from the State vice president

A constructive dialogue

by *William A. Kirby*

As this is being written 1992 is only a few days old, but there are already several matters on the agenda which have significant potential either for the Foreign Service or for AFSA as an institution.

Management has agreed to the concept of allowing AFSA to participate from the beginning in the consideration of new initiatives. If this becomes a permanent fixture, it will be a welcome change from the traditional practice where AFSA receives a full-blown management proposal to nip at around the edges. This new approach will not preclude normal labor-management negotiations at the end of the process, since AFSA's formal agreement to any new program will still be necessary prior to implementation.

The first subject to be addressed under this new form of "constructive dialogue" will be job-sharing—a practice in which two employees share a single position. Job-sharing has proven popular in other agencies, particularly among parents of young children, and the Office of Personnel Management endorses its adoption throughout the government. The obvious question is the degree to which this concept lends itself to implementation in the Foreign Service, and this is what we will be discussing with management. If you have had experience with job-sharing, we would welcome your views.

Of potentially greater significance for the Foreign Service as a whole is the imminent formation of a commission—mandated by Congress—to study personnel issues which affect both Foreign Service and Civil Service employees of the Department of State. Congress anticipates that the commis-

sion will primarily review the degree to which the department has implemented the recommendations put forward by the Thomas Commission two years ago. The commission is also encouraged to examine overseas allowances (including housing) and their impact on morale and efficiency.

Our hope is that, in looking at our personnel system, the commission will not get so bogged down in detail that it misses the big picture and, with it, the opportunity to help galvanize the department to organize itself to deal with the radically new world of the 21st century. AFSA expects that its views will be sought by the commission and we will not be bashful in presenting them. Let me therefore call your attention once again to the form on page 56 of your December *Journal* which solicits your views. We want to hear from you. The report of this commission could affect all of us in major ways.

Murphy: Mideast prospects encouraging

by *Richard S. Thompson*
Coordinator, Professional Issues

The administration has rightfully exploited the end of the Cold War and the Gulf War to bring the Middle East to where it is today, former Assistant Secretary of State Richard Murphy recently told a Foreign Service Club audience. He found "very promising" the establishment of three committees: Israel-Lebanon, Israel-Syria, and Israel-Jordan/Palestine.

Recognizing his was a minority view, Murphy said he saw the Syrian negotiations as the more promising, since the only issue is security. "The Lord didn't talk about the Golan—

mercifully." However, progress will be difficult because Israel still believes Damascus is bent on its destruction, and the Syrians believe they must block expansionist Israel. To get any dialogue going with Syria, Israel will have to suggest that eventually, under some circumstances, they would be prepared to return some land. Murphy said he thought Israel will eventually find a way to accommodate Syria on the Golan; Syria is the only remaining military threat to Israel, and negotiation is the only solution—absent a preemptive Israeli strike.

Murphy said progress on the Israel-Palestine question would be difficult unless there is a roadmap remaining from the talks on autonomy of 1981-82. Two questions need to be answered:

Can there be agreement without land for peace? And can the Shamir

government negotiate an agreement involving land for peace? The answer to both is no. Since Shamir wants to hand on the Israel he inherited from Begin, it will take a new leader to sign an agreement. Murphy speculated that Shamir may step down after the elections that must be held by November. A new leader may come to an agreement if, in the interim, the United States and others make clear the problems Israel will face unless it comes to terms with land for peace.

Murphy concluded that the road ahead will be painful for Israel, and could be a slippery slope ending in less security, so the Israelis will be very cautious. Washington must keep trying to persuade, and although the two sides must talk directly, the Washington input remains essential.

from the USAID vice president

AFSA meeting protests CNN report on USAID

Priscilla del Bosque, AFSA vice president for USAID, spoke at an extraordinary meeting of employees held on December 18 to protest the CNN report on USAID activities. An edited version of the speech follows:

I want to speak today about CNN's Mark Feldstein's Special Assignment report on USAID. That series set a new low for vicious, biased, and unscrupulous attacks on USAID and its employees. The portrayal of USAID as a corrupt agency has impugned the honesty, dedication, and professionalism of its employees. What's most disturbing is that the content and tenor of the series all point back to USAID inspector general's (IG) distorted picture of wrong-doing in the agency.

The series was full of errors and half-truths. Most of the grist for Mr. Feldstein's mill was supplied by IG staff, which figured prominently in the coverage. When we should be cele-

brating the 30th anniversary of outstanding service in development on behalf of the American public, we are instead having to defend ourselves against smears like this one.

All employees need to stand up and be counted. Many serious issues face the Agency for International Development today. The gravest issue is the future survival of U.S. foreign assistance and of USAID. We must act together to tell the truth. Only then will we be able to begin to repair the damage done to our work and our reputations both here and abroad. Only then will the agency's morale start to rebound. And only then can we re-establish the credibility and the strong leadership position our agency once had.

All of us working at USAID—whether Foreign Service or Civil Service; direct hires or contractors; careerists or political appointees—have much to be proud of. Our joint efforts have been vital these past 30 years both to United States foreign policy and to the poor people around the world we also serve.

Much remains to be done, but our

accomplishments and contributions to global prosperity, economic cooperation, and democracy—enhanced by trade and the propagation of technology, science and ideas—have been truly astounding. Many of us, and those before us, have worked with an uncommon commitment to getting the job done and done well, often at great risk and sacrifice for ourselves and our families. We who have served overseas have been supported by colleagues here in Washington who provided the lifeline of support to our field operations. Together, over the years, we have made USAID a leader in development, and we have influenced the thinking and policies of the development community.

Why, then, are we under attack? The answer is not clear. Whatever the motivation, the effects have been to damage this agency and its employees. Could there have been a CNN smear without the IG staff's scripting, acting, and direction? I don't know. But the IG's staff was right there on the screen for all to see, saying things that they, as professional investigators, should have known were untrue. This

makes me wonder what kind of management control system exists in the IG staff. . . . All government agencies need an IG who can serve as a watchdog of the public trust. We need an independent, responsible IG that can serve as a control point for helping us identify and correct management weaknesses. And yes, we need an IG to help prosecute the criminals.

IG investigation tactics of intimidation and harassment have taken their toll. We have acquiesced for too long to this dreadful situation. Because the IG has not been seriously challenged, our reputation here and abroad is being publicly besmirched.

We also need to give CNN a clear message. Its hatchet-job on USAID is irresponsible journalistic malpractice. The biased CNN portrayal of USAID did a great disservice to us, our contractors, our counterparts overseas, the recipients of U.S. foreign aid, and the American people. CNN needs to know this.

Let me summarize what we in AFSA intend to do:

- AFSA will send an open letter to General Beckington that we will share with the administrator, all USAID employees, members of the House and Senate, and the White House. In this letter, we will challenge statements made by IG staff on the CNN series.
- AFSA will send a letter to Ted Turner of CNN expressing our anger over its irresponsible, unprofessional reporting on USAID. The letter will be followed by a detailed point-by-point rebuttal. Copies will also be sent to members of Congress, the major television networks and news agencies.
- AFSA will send a letter to Secretary Baker, expressing concern about what is happening to USAID.
- AFSA will write an op-ed article for distribution to the print media, criticizing CNN's yellow journalism and the IG's role in the matter.
- AFSA will send a message to the field, asking USAID employees to write their congressmen and senators about the damage the IG-CNN report has done to our agency and its mission, and to send the same

letter to as many places as they can, including their home-town newspapers. I urge all of you here in Washington to do the same.

- AFSA will send another message to USAID employees, asking them to provide material on their experiences with the IG. This information will enable us to document better the extent of unprofessional conduct of IG staff and the degree to which IG tactics abuse the constitutionally protected due process rights of employees.

USAID's work is far from done. Only if we remain cohesive and contribute our individual efforts can we repair the damage unjustly inflicted upon us and get on with fulfilling our mission in this historical moment of change. We must reach out to the American people to transmit a greater understanding and appreciation of development work and the benefits that development brings to the United States.

Answers to the Foreign Service Quiz

(Questions appear on page 11.)

1. Lucille Atcherson became the first female Foreign Service officer after passing the exam in 1922. In 1953 when she was posted to Switzerland, Frances E. Willis became the first female ambassador.

2. Congress authorized a coordinator for Humanitarian Affairs on June 30, 1976. The position was later upgraded to an assistant secretaryship, leading to the creation of the Bureau of Human Rights and Humanitarian Affairs in October 1977.

3. The department installed "Maggie" in 1962.

4. 1980

5. August 27, 1986, by Act of Congress.

Source: Department of State Historian's Office

AFSA OUTREACH

Creating awareness of the Foreign Service

by Gil Kulick, Coordinator
International Associates

The State Department, unlike such bureaucratic giants as the Departments of Defense, Agriculture, and Commerce, lacks a natural domestic constituency. This deficiency puts the Foreign Service at a chronic disadvantage in the competition on Capitol Hill and in U.S. public opinion for scarce federal resources and professional "turf." AFSA concluded several years ago that a special outreach effort was necessary to close that gap.

In its first phase, the outreach effort has focused on strengthening dialogue and cooperation between the Foreign Service and the business community through two vehicles: the International Associates program and a series of public conferences on Business and Foreign Affairs.

International Associates

To date, about 50 American corporations, ranging from major law and accounting firms to oil companies and automobile manufacturers, have chosen to lend their moral and material support to AFSA by becoming International Associates (IA's). The IA's are invited to meet quarterly with State Department and other foreign affairs officials for lunch and frank, off-the-record discussions of issues of concern to the business community. IA's are also entitled to send two participants, free of charge, to each of our business/foreign affairs conferences.

Conferences

Since the series was kicked off by Vice President Dan Quayle and Deputy Secretary Lawrence Eagleburger in November 1989, about a dozen conferences have been held on such business-related subjects as strategic export controls, East European business prospects, the GATT Uruguay Round, and oil and foreign affairs. Speakers have included Richard Gephardt, Carla Hills, Lee Hamilton, Malcolm Wallop, and Jeffrey Sachs.

These conferences have been well-attended and well-received by the business community, but attendance by Foreign Service personnel has been uneven. To encourage interaction between the Foreign Service and our business-community peers, the registration fee of \$250 is waived for regular AFSA members, except for catered events, which may be attended by special arrangement. Call AFSA for details.

The next conference, to be held February 6 in the Loy Henderson Conference Room, is titled "Export Promo-

tion: Can the United States Do It Better?" It will feature presentations by Senator Jay Rockefeller and Export-Import Bank Chairman John Macomber, and will be hosted by Deputy Secretary of State Lawrence Eagleburger. In the increasingly geoeconomic context of our post-Cold War diplomacy, this issue cuts across the concerns of most Foreign Service disciplines, and the conference is expected to have wide appeal within the government and the private sector. A second conference, "Exploiting American Research and Development in a

Competitive World," is being planned for June, 1992. Watch for announcements in future issues of "AFSA News."

Speakers Bureau

The outreach program also would like to reach out to other domestic constituencies. AFSA is seeking funding for a speakers bureau, which will provide both active-duty and retired FSO's as speakers to civic groups, World Affairs Councils, university communities, religious and other non-profit organizations. The speakers bureau's activities will be complementary to the public-affairs efforts of the State Department and other foreign-affairs agencies, but its speakers will not be restricted to official policy guidelines. We have been offered for this purpose a grant of \$25,000 from the Una Chapman Cox Foundation, on condition that we match this amount with grants from other sources.

legislativenews

State, Defense, Intelligence: Comparing personnel measures

by Rick Weiss

Congressional Liaison

In the second session of Congress, convening January 21, the House will attempt to pass the foreign aid authorization conference report once again, and the Senate Appropriations Committee will mark up its version of the USAID money bill. Both of these legislative proposals failed to receive passage during the first session. Both State and USIA have new authorization and appropriation measures passed in the first session of the 102nd Congress and signed by the president. Congress also passed both the Department of Defense and Intelligence authorization bills. It is interesting to compare how State Foreign Service personnel fare with the personnel of the armed forces and intelligence community.

In the DOD legislation, Congress cited certain concerns in the personnel area by authorizing:

- A permanent extension to reimburse military families up to \$2,000 for adoption expenses of a child.
- Temporary authority to provide involuntary separation pay and transition benefits to active duty personnel electing voluntary separation.
- A requirement for the integrity of the Promotion Selection Board Process.
- A provision for whistleblower protection for members of the armed services.
- Waivers for the recoupment from overpayments of salaries, allowances, and/or expenses from a \$500 limit to \$1,500.
- The establishment of a Foreign National Employee Separation Pay Account.

In the Intelligence Authorization Act for FY92, Congress provided for:

- A reduction of the Intelligence Community staff to 218 positions.
- A review of the CIA Retirement Act to "bring greater clarity and consistency to the act."
- A sense of Congress provision "in favor of the public disclosure of the intelligence budget total" in 1993.
- National Security scholarships, fellowships, and grants in Title VIII to fund undergraduate and graduate education in the areas of international studies, area studies and foreign languages. The legislation authorizes up to \$35 million to be obligated from the fund in fiscal year 1992.

Unusual donations add to scholarship fund

After being a member of AFSA for 50 years, a retiree achieves Jubilee status and no longer needs to pay dues. One member used what was previously budgeted for dues to donate to the AFSA Scholarship Fund.

Another retiree concludes that he has little need for his formalwear anymore and decides to sell it and donate the proceeds to the AFSA Scholarship Fund. When he receives more than the asking price, the buyer is credited with the excess as a separate contribution.

Not only are these donors providing innovative ways to keep the AFSA scholarship programs thriving, but since the fund is a 501 (c) (3), their deductions are completely tax-deductible.

AFSA'S FOREIGN SERVICE TAX GUIDE FOR 1991

Deborah M. Leahy
Member Services Representative

I. Federal tax provisions

The following is a summary of 1991 federal tax provisions as they apply to Foreign Service employees and their families. Foreign Service employees most frequently ask AFSA about home ownership, tax liability upon sale of a residence, and domicile. Therefore, as in past years, we have devoted special sections to these issues.

AFSA's Tax Guide is designed as an informational and reference tool. *It does not presume to be any more than that.* Although we try to be accurate, many of the new provisions of the tax code and implementing IRS regulations have not been fully tested. Therefore, *use caution and consult with a tax adviser if you have specific questions or an unusual or complex situation.* Furthermore, do not wait until the last minute. The Tax Reform Act of 1986 is complicated and continues to go through revisions and "corrections."

For 1991, there are basically three tax rates for individuals, 15, 28, and 31 percent. The rate is 15 percent for taxable income up to \$34,000 for married couples; \$20,350 for singles. The 28 percent is for income up to \$82,150 for couples, \$49,050 for singles. The new 31 percent rate is for income **over** \$82,150 for married couples and income **over** \$49,300 for singles. Capital gains are taxed at 28 percent and are reported on the reverse side of Schedule D.

Personal Exemption

For each taxpayer, spouse, and dependent the personal exemption has been increased to \$2,150. New this year, however, is a personal exemption phaseout of 2 percent for each \$2,500 of adjusted gross income (AGI) over \$100,000 (singles), \$125,000 (head of household), \$150,000 (joint) and \$75,000 (married, filing separately). For those taxpayers in the last category, the 2 percent is taken from each \$1,250 exemption.

Standard deduction

The standard deduction is given to non-itemizers and alleviates the loss of many deductions. It has been steadily increasing since 1987. For couples it is \$5,700; for singles the deduction is \$3,400. Married couples filing separately get a standard deduction of \$2,850 and head-of-household filers receive a \$5,000 deduction.

Most unreimbursed employee business expenses must now be reported as miscellaneous expenses and are subject to a 2 percent floor of adjusted gross income (AGI). This includes professional dues and publications, employment and educational expenses, home office, legal, accounting, custodial and tax preparation fees, home leave and representational expenses, and contributions to AFSA's Legislative Action Fund. Unreimbursed moving expenses are the exception; they may be fully deducted without the 2 percent floor.

Medical expenses are subject to a floor equaling 7.5 percent of AGI. This means that any deductible medical cost would have to exceed \$2,250 for a taxpayer with a \$30,000 AGI. There is also an additional 3 percent reduction of itemized deductions (excluding medical, casualty, theft, and investment interest) if the AGI exceeds \$100,000. This 3 percent is applied to the AGI over \$100,000 and not to the total of itemized deductions on Schedule 1040 A. The maximum loss of deductions is capped at 80 percent.

State and local income taxes and real estate and personal property taxes remain fully deductible for itemizers, as are charitable contributions for most taxpayers. Donations to the AFSA scholarship fund are fully deductible as charitable contributions. Donations to AFSA via the Combined Federal Campaign are also fully deductible. Individuals may also dispose of any profit from the sale of personal property abroad in this manner.

For 1991 tax returns, any interest

paid on auto or personal loans, credit cards, department stores, educational loans and other personal interest will not be allowed as an itemized deduction. If the above charges are consolidated, however, and paid with a home equity loan, any interest on the home equity loan is allowable. Mortgage interest is, for the most part, still fully deductible and is discussed in more detail in the home ownership section of this article. Interest on loans intended to finance investments is deductible up to the amount of net income from investments, plus \$1,000. Interest for loans intended to finance a business is 100 percent deductible. "Passive-investment" interest on loans in which the taxpayer is an inactive participant, i.e. a limited partnership, can be deducted only from the income produced by the investment. Interest on loans that do not fall into the above categories, such as borrowing money to buy tax-exempt securities, is not deductible.

Home leave expenses

Employee business expenses, such as home leave and representation, have to be deducted as a miscellaneous expense, thereby severely limiting any refunds. In addition to the 2 percent floor, only 80 percent for meals and entertainment may be claimed (100 percent for unreimbursed travel and lodging). Only the employee's (not family members') home leave expenses are deductible. Maintaining a travel log and holding on to a copy of home leave orders will be helpful, should the IRS ever question claimed expenses. It is important to save receipts: without receipts for food, a taxpayer may deduct only \$26 to \$34 a day (depending upon the per diem rate at the home leave address), no matter how large the grocery or restaurant bill. Lodging is deductible, as long as it is not with friends, relatives, or in one's own home. The IRS will disallow use of per diem rates and any expenses claimed for family members. If a hotel bill indicates double rates, the single room rate should be claimed, and, if

possible, the hotel's rate sheet should be saved for IRS scrutiny. Car rental, mileage, and other unreimbursed travel expenses, including parking fees and tolls, may be deducted. The new rate for business miles driven is 27.5 cents on the first 15,000 miles and 11 cents per mile afterward. Those who use this optional mileage method need not keep detailed records of actual vehicle expenses. The only thing necessary will be a detailed odometer log to justify the business use of the vehicle and percentage of business use. This optional mileage method does not apply to leased vehicles.

Official Residence Expenses (ORE)

Employees who receive ORE are no longer allowed to reduce their reportable income by 5 percent. The IRS ruling regarding ORE states that "usual expenses" are not deductible. Section 440 of the Standardized Regulations defines "usual expenses" as 5 percent of salary. The only expenses that are deductible after October 1, 1990 will be expenses above the 5 percent that are paid out of pocket. Employees should save receipts for any out-of-pocket expenses associated with their representational duties. These expenses can be deducted as miscellaneous business expenses.

Home ownership

For 1991, employees may deduct interest up to \$1 million on acquisition debt for loans secured by a first and/or second home. This also includes loans taken out for major home improvements. On home equity loans, interest is deductible up to \$100,000, no matter how much the home cost or what the loan is used for. The \$100,000 ceiling applies to the total of all home equity loans you may have.

The same generally applies to refinancing a mortgage. Points paid to obtain a refinanced loan cannot fully be deducted the same year, however. The U.S. Tax Court held in November 1988 that in a refinancing transaction, points must be deducted over the life of the loan. A good idea would be

to pay the points with a separate check instead of having the mortgage company deduct it from the proceeds; this way, you will have records of actual points paid which should make it easier to prove if any questions arise in the future.

Qualified homes are defined as the taxpayer's principal home and one other home. The second home can be a house, condo, co-op, mobile home, or boat, as long as the structure includes basic living accommodations, including sleeping, bathroom, and cooking facilities. If the second home is vacation property rented for fewer than 15 days during the year, the income need not be reported. Rental expenses cannot be claimed either, but all property taxes and mortgage interest may be deducted.

Rental of home

Taxpayers who are overseas and rented their homes in 1991 can continue to deduct mortgage interest as a rental expense under the passive-loss rules, as long as the AGI does not exceed \$100,000 and the taxpayer is actively managing the property. Retaining a property manager does not mean losing this benefit. Also deductible are property management fees, depreciation costs, taxes, losses (such as cost of improvements) up to \$25,000, after offsetting the rental income.

Sale of residence

If there is a profit on sale of a principal residence, taxes at the rate of 28 percent are owed on the profit or capital gains, unless one qualifies for one of the tax benefits discussed below. Efforts by Congress to reduce the rate of taxation on capital gains were defeated. Although legislation aimed at reducing capital gains taxation will likely be reintroduced, capital gains are currently fully taxable. In many instances, total taxable income from wages and profits move an employee into a higher tax bracket. It is, therefore, extremely important to take every legitimate deduction and to be aware of the various tax benefits that may be available.

A taxpayer 55 years or older who sells his or her home can take a cap-

ital gains exclusion up to \$125,000 without having to reinvest in another home. This once-in-a-lifetime exemption rule applies to singles and couples and may not be used again even when the other spouse reaches age 55. In order to qualify, the taxpayer must have lived in the home for three out of the last five years (up to two years spent in a nursing home can count as time spent in the home) prior to sale. Many Foreign Service employees are hurt by the three out of five year residency provision. Despite repeated attempts, AFSA has been unsuccessful in persuading Congress to grant an exemption for Foreign Service personnel, who cannot meet this requirement due to prolonged overseas service.

Under section 1034 of the tax code, frequently referred to as the rollover residence replacement rule, taxes may be deferred on profit from the sale of the principal residence when buying a replacement principal residence within two years before or after the sale. Americans working abroad, including Foreign Service employees on overseas assignment, are permitted up to an additional two-year period to replace their former residence. The deferral rule may be applied repeatedly, and there is no limit on the amount eligible for deferral of taxation.

Temporary rental of the home does not necessarily disqualify one from claiming the deferral. The IRS has never defined what time period constitutes temporary but will probably challenge a claim that the home was a principal residence if it had been rented for many years and had clearly become an investment property. Foreign Service employees who are overseas for prolonged periods during which they rent their homes are increasingly subject to IRS scrutiny when they sell their houses and claim deferral of capital gains.

Under a 1957 U.S. Tax Court decision, *Trisko v. Commissioner*, a Foreign Service officer was granted the deferral while he was living abroad even though he had rented his home for a 44-month period prior to sale

and abroad. The court determined that his house remained a principal residence even though it was converted to investment property. In reaching this decision, the court applied the following tests: Was the property the taxpayer's only home? Did he reside in it prior to going overseas? Did he intend to return to the residence upon completion of overseas duty? And what were the reasons for selling it? In the Trisko case, the taxpayer was able to satisfy all of the court's concerns. Please note, however, that all courts do not recognize this case as a precedent and that the facts of each individual case are very important.

On the basis of this decision and conversations with tax experts, AFSA suggests claiming the deferral only if the circumstances are similar to those of this case and if the home is rented only during assignments overseas and not longer than 44 months. A copy of the Trisko decision may be requested from AFSA.

A considerable number of Foreign Service employees do not qualify under the deferral rule because of extended absences from the house. If at all possible, Foreign Service officers should move back into the house for at least six months before selling it, thereby reestablishing principal residence. If this is not possible, they might look into a tax-deferred property exchange, which is essentially a real estate investor's version of the residence replacement rule.

Property exchanges

Under Internal Revenue Code 1031, a Foreign Service employee whose U.S. home may no longer qualify for the customary residence replacement rule may be eligible to replace the property through an "exchange." In essence, one property being rented out may be exchanged for another, as long as that also is rented. In exchanging the properties, capital gains tax may be deferred. Technically, a simultaneous trade of investments occurs. Actually, owners first sell their property, place the equity proceeds in escrow, identify in writing within 45 days the property

they intend to acquire, and settle on the new property within 180 days, using the money held in escrow as part of the payment.

It is important to emphasize that the exchange is from one *investment* property to another *investment* property. It is possible to convert an investment property to a residence at some point in the indefinite future, but the key factor in the IRS evaluation of an exchange transaction is the intent of the investor at the time the exchange was consummated.

The IRS rules for the exchanges are complex and specific, with a number of pitfalls that can nullify the transaction. Consequently, the exchange should *never be attempted without assistance from real estate, tax, and legal professionals specializing in this field.*

Foreign Service employees who are contemplating the sale of a rental property that had previously been a residence and are expecting to roll the proceeds of the sale into a new home without tax consequences are urged to check their status under IRS rules with tax experts *before* taking any definitive action. If the property is considered an investment by the IRS, a straight sale will trigger capital gains tax obligations. In this circumstance, the Section 1031 exchange provision, as an alternative method of disposing of property, may offer very significant tax relief.

Temporary Rental

What happens if one purchases and moves to a new residence then decides to get some rental income from the old home before selling it a couple of years later? The IRS may determine that the taxpayer no longer meets the "principal residence" test for the old home, since he or she moved out of it and converted it to investment property. Again, intent is key. The IRS allows temporary rental prior to sale as a "matter of convenience," such as a poor resale market at the time the new home was purchased. If the IRS determines that rental income was the prime motive for not selling the house, taxes must be paid on the gain of rental property,

even though it was once used as a principal residence.

Many Foreign Service employees ask what items can be added to the cost basis of their homes when they are ready to sell. Money spent on "fixing up" the home for sale to reach what is called adjusted sales price may be deducted from the sales price. To qualify as legitimate "fixing-up costs," the following conditions must be met: 1) the expenses must be for work performed during the 90-day period ending on the day on which the contract to sell the old residence was made; 2) the expenses must be paid on or before the 30th day after sale of the house, and 3) the expenses must not be capital expenditures for permanent improvements or replacements (these can be added to the basis of the property, original purchase price, thereby reducing the amount of profit). A new roof and kitchen counters are not "fix-up" items. But painting the house, cleaning up the garden, and making minor repairs qualify as "fixing-up costs."

Lump-sum credit option

For those who retired under the Alternative Form of Annuity (AFA), thus electing the lump-sum withdrawal of contributions to the retirement trust fund, the lump sum is taxable in the year in which it is received. Note that as of December 1, 1991, the lump-sum credit is no longer an option.

Those retiring before reaching age 55 will have an extra 10 percent tax applied to that part of the lump sum included in gross income. In general, 85-95 percent of the lump sum is taxable. For those who prepare their own tax returns, IRS publication No. 721 contains instructions, actuarial tables, and worksheets for calculating the "exclusion percentage" applicable to lump sum and monthly annuity payments.

The Senior Executive Service filed suit in the U.S. Court of Claims for the refund of lump-sum tax payments on the grounds of double taxation, since these funds had already been taxed before being deposited into the retirement trust fund. The Court of Claims ruled against SES, however, and the

case is now being appealed to the U.S. Court of Appeals. Regardless of the decision, the case will surely be appealed to the Supreme Court so a final decision cannot be expected for some time.

II. State tax provisions

This guide will help to answer some of the questions regarding one of the most perplexing problems facing Foreign Service employees and retirees: the filing of state income tax. Every member serving abroad must maintain a state of domicile in the United States, and the tax liability that the employee faces varies greatly from state to state. In addition, there are myriad regulations pertaining to the taxability of Foreign Service pensions and annuities, as each state has different rules about the conditions under which individuals are liable for taxes on such income.

This guide, which supercedes last year's article on the subject (see the *Journal*, February 1991), will review the laws regarding income tax and tax on annuities and pensions as they pertain to Foreign Service personnel. The provisions will be reviewed on a state-by-state basis to make it easy for members to concentrate on laws that are applicable to their situation. Please note that while AFSA makes every attempt to provide the most up-to-date information, readers with specific questions should still speak with a tax expert in the state in question.

The first section of the guide will summarize individual state income tax provisions, and the second section will examine each state's laws on exemptions of annuities and pensions.

Many Foreign Service employees have questions about their liability to pay state income taxes during periods posted overseas or assigned to Washington. It is a fundamental rule of law that all U.S. citizens, because they have the right to vote, retain a state of domicile even if residing abroad. There are many criteria used in determining which state is a citizen's do-

micile. One of the strongest determinants is prolonged physical presence, a standard that Foreign Service personnel frequently cannot meet, due to overseas service.

In such cases, the states will make a determination of the individual's income tax status based on other factors, including where the individual has family ties, where he or she is registered to vote or has a driver's license, where he or she owns property, or where the person has bank accounts or other financial holdings. In the case of Foreign Service employees, the domicile might be the state from which the person joined the service or where he or she intends to return upon separation. For purposes of this article, the term domicile refers to legal residence; some states also define it as permanent residence. Residence refers to physical presence in the state.

Foreign Service personnel must continue to pay taxes to the state of domicile (or to the District of Columbia) while residing outside of the state, including during assignments abroad. Thus, it is advantageous if the state of domicile has little or no tax on income earned outside the state.

A non-resident, according to most states' definitions, is an individual who earns income or interest in the specific state but does not live there or is living there for only part of the year (usually, less than six months). Individuals are generally considered residents and are thus full liable for taxes, if they are domiciled in the state or if they are living in the state (usually at least six months of the year) but are not domiciled there.

Foreign Service employees residing in metropolitan Washington, are also required to pay income tax to either the District, Maryland, or Virginia in addition to paying tax to the state of their domicile. However, most states allow a credit, so that the taxpayer pays the higher tax rate of the two states, with each state receiving a share. California specifically exempts career appointees in the Foreign Service who are domiciled in California but reside outside the state

and do not earn income in California (as published in FTB Publication No. 1031) AFSA would like to continue hearing from employees who have a problem over this exemption.

There are currently seven states with no state income tax: Alaska, Florida, Nevada, South Dakota, Texas, Washington, and Wyoming. In addition, New Hampshire and Tennessee have no tax on personal income but do tax profits from the sale of bonds and property:

There are also six states which, under certain conditions, do not tax income earned outside of the state: Missouri, New Jersey, New York, Oregon, Pennsylvania, and West Virginia. The requirements are that the individual have a permanent "place of abode" in the state, and not spend more than 30 (31 in the case of Oregon) days in the state during the tax year. Also, please note that these six states require the filing of non-resident returns for all income earned from in-state sources.

AFSA is aware of a case in which a Foreign Service employee domiciled in Pennsylvania was forced to continue paying state income tax even though the employee was assigned overseas and occupied government housing. The state of Pennsylvania held that "quarters provided by the government at no cost to Petitioner cannot be considered as maintaining a permanent place of abode." Members of the Foreign Service who are quartered in government housing will have to pay income tax to Pennsylvania. If they rent their own home overseas, however, they will be exempt from these taxes. AFSA is not aware of a similar ruling in any of the other five states but Foreign Service employees should be aware that states could challenge the status of government housing in the future.

The following list gives a state-by-state overview of the latest information available on tax liability. Tax rates are provided where possible. For further information please contact AFSA's Member Services Department.

Alabama: Individuals who are

domiciled in Alabama are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Alabama's tax rate ranges from 2 percent to 5 percent of taxable income. Forms can be requested by writing to: Alabama Department of Revenue, Income Tax Forms, P.O. Box 327470, Montgomery, Alabama 36132-7470.

Alaska: No state income tax.

Arizona: Individuals who are domiciled in Arizona are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Arizona's tax rate ranges from 3.8 percent to 7 percent of taxable income. Forms can be requested by writing to: Arizona Department of Revenue, Attention: Forms, 1600 West Monroe, Phoenix, Arizona 85007.

Arkansas: Individuals who are domiciled in Arkansas are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Arkansas's tax rate ranges from 1 percent to 7 percent of taxable income. Forms can be requested by writing to: Department of Finance and Administration, Income Tax Forms Division, P.O. Box 3628, Little Rock, AR 72203.

California: Exempts career Foreign Service employees living outside California from taxes on out-of-state income. Personnel must file form 540NR. Forms can be requested by writing to: State of California, Franchise Tax Board, Taxpayer Services, P.O. Box 942840, Sacramento, CA 94280-0040.

Colorado: Individuals who are domiciled in Colorado are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Colorado's tax rate is 5 percent of taxable income. Forms can be requested by writing to: Department of Revenue, Taxpayer Service Division, State Capitol Annex, 1375 Sherman St., Denver, Colorado 80261.

Connecticut: Individuals who are domiciled in Connecticut are considered to be residents and are subject to tax on their entire income regard-

less of their physical presence in the state. In 1991, Connecticut's tax rate is 1.5 percent. This rate will increase to 4.5 percent in 1992. Forms can be requested by writing to: Department of Revenue Services, Taxpayer Services Division, 92 Farmington, Ave., Hartford CT 06105.

Delaware: Individuals who are domiciled in Delaware are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Delaware's tax rate ranges from 6.6 percent to 7.7 percent of taxable income. Forms can be requested by writing to: Division of Revenue, Taxpayers Assistance Section, State Office Building, 9th & French Streets, Wilmington, Delaware 19801.

District of Columbia: Individuals who are domiciled in the District of Columbia are considered to be residents and are subject to tax on their entire income regardless of their physical presence there. The District of Columbia's tax rate ranges from 6 percent to 9.5 percent of taxable income. Forms can be requested by writing to: Taxpayer Assistance Services, 300 Indiana Ave. N.W., Rm. 1046, Washington, D.C. 20001. Effective 1988, the D.C. tax exclusion no longer applies to Foreign Service officers. AFSA's appeal of the D.C. tax ruling has been denied, thus employees must pay D.C. income tax while residing in the District.

Florida: No state income tax.

Georgia: Individuals who are domiciled in Georgia are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Georgia's tax rate ranges from 1 percent to 6 percent of taxable income. Forms can be requested by writing to: Georgia Department of Revenue, Forms Division, 305 Trinity-Washington Building, Atlanta, Georgia 30334.

Hawaii: Individuals who are domiciled in Hawaii are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Hawaii's tax rate ranges from 2 percent to 10 percent of taxable income.

Forms can be requested by writing to: Oahu District Office, Taxpayer Services Branch, P.O. Box 3559, Honolulu, HI, 967811-3559.

Idaho: Individuals who are domiciled in Idaho are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Idaho's tax rate ranges from 6.8 percent to 8.2 percent. Forms can be requested by writing to: Idaho State Tax Commission, Forms Division, 700 West State Street, P.O. Box 36, Boise, ID 83722.

Illinois: Individuals who are domiciled in Illinois are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Illinois's tax rate is 3 percent of taxable income, but is scheduled to decrease to 2.75 percent on July 1, 1993. Forms can be requested by writing to: Illinois Department of Revenue, Forms Division, 101 West Jefferson St., Springfield, Illinois 62794.

Indiana: Individuals who are domiciled in Indiana are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Indiana's tax rate is 3.4 percent of taxable income. Forms can be requested by writing to: Department of Revenue, Taxpayer Services Division, State Office Building, Room 208, 100 N. Senate Ave., Indianapolis, IN 46204.

Iowa: Individuals who are domiciled in Iowa are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Iowa's tax rate ranges from .40 percent to 9.98 percent of taxable income. Forms can be requested by writing to: Department of Revenue and Finance, Forms Division, Hoover State Office Building, Des Moines, Iowa 50319.

Kansas: Individuals who are domiciled in Kansas are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Kansas's tax rate ranges from 3.65 percent to 8.75 percent. Forms can be requested by writing to: Kansas Income and Inheritance Tax Bureau,

Box 12001, Topeka, KS 66612-2001.

Kentucky: Individuals who are domiciled in Kentucky are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Kentucky's tax rate ranges from 2 percent to 6 percent of all taxable income over \$8,000. Forms can be requested by writing: Property and Mail Services Section, 859 East Main Street, Revenue Cabinet, Frankfort, KY 40620.

Louisiana: Individuals who are domiciled in Louisiana are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Louisiana's tax rate ranges from 2 percent to 6 percent of taxable income. Forms can be requested by writing to: Department of Revenue and Taxation, Forms Division, P.O. Box 201, Baton Rouge, LA 70821-0201.

Maine: Individuals who are domiciled in Maine are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Maine's tax rate ranges from 2.1 percent to 9.89 percent of taxable income. Forms can be requested by calling 1-800-338-5811 or writing to: Bureau of Taxation, Forms Division, State Office Building, Augusta, ME 04333.

Maryland: Individuals who are domiciled in Maryland are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Maryland's tax rate ranges from 2 percent to 5 percent. An individual is also subject to a county income tax rate which is a percentage of the State income tax liability. For the 1991 tax year, all counties, except Worcester County, charge a 50 percent rate. Worcester County is 20 percent. Forms can be requested by writing to: Income Tax Division, State Office Building, 301 West Preston St., Room 903, Baltimore, MD 21201-2384.

Massachusetts: Individuals who are domiciled in Massachusetts are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Massachusetts's tax rate ranges

from 5.95 percent to 12 percent. Forms can be requested by writing to: Massachusetts Department of Revenue, Service and Supply Section, 100 Cambridge Street, Boston, MA 02204.

Michigan: Individuals who are domiciled in Michigan are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Michigan's tax rate is 4.6 percent. Forms can be requested by writing to: Department of Treasury, Forms Division, Treasury Building, Lansing, Michigan 48922.

Minnesota: Individuals who are domiciled in Minnesota are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Minnesota's tax rate ranges from 6 percent to 8.5 percent. Forms can be requested by writing to: Department of Revenue, Forms Division, Mail Station 4453, Saint Paul, MN 55146.

Mississippi: Individuals who are domiciled in Mississippi are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Mississippi's tax rate ranges from 3 percent to 5 percent. Forms can be requested by writing to: State Tax Commission, Forms Division, P.O. Box 1033, Jackson, MS 39215.

Missouri: No tax liability for out-of-state income if the individual has no permanent residence in Missouri, has a permanent residence elsewhere, and is not physically present in the state for more than 30 days during the tax year. A return must be filed yearly with an attached affidavit of non-residency. Filing is also required on Form 40, Schedule NRI, for income of more than \$600 from Missouri sources.

Forms can be requested by writing to: Tax Administration Bureau, Forms Division, PO Box 220, Jefferson City, MO 6105-2200.

Montana: Individuals who are domiciled in Montana are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Montana's tax rate ranges from 2 per-

cent to 11 percent. To request forms: Montana Department of Revenue, Income Tax Division, PO Box 5805, Helena, MT 59604.

Nebraska: Individuals who are domiciled in Nebraska are considered to be residents and are subject to tax on their entire income regardless of their physical presence in the state. Nebraska's tax rate ranges from 2.37 percent to 6.92 percent. Forms can be requested by writing to: Department of Revenue, Forms Division, 301 Centennial Mall South, P.O. Box 94818, Lincoln, Nebraska 68509-4818.

Nevada: No state income tax.

New Hampshire: No personal income tax, but tax liability on profits from in-state sources, including the sale of property and bonds.

New Jersey: No tax liability for out-of-state income if the individual has no permanent residence in New Jersey, has a permanent residence elsewhere, and is not physically in the state for more than 30 days during the tax year. Filing a return is not required, but is recommended in order to preserve domicile status. Filing is required on Form 1040 NR for revenue derived from in-state sources. Forms may be requested by writing to: Department of the Treasury, Division of Taxation, CN 269, Trenton, NJ 08625-0269.

New Mexico: Individuals who are domiciled in New Mexico are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. New Mexico's tax rate is based upon income and filing status. Please contact the New Mexico Taxation and Revenue Department for further information. Forms can be requested by writing to: State of New Mexico, Taxation and Revenue Department, Taxpayer Services, P.O. Box 630, Santa Fe, New Mexico 87509-0630.

New York: No tax liability for out-of-state income if the individual has no permanent residence in New York, has a permanent residence elsewhere, and is not present in the state more than 30 days during the tax year. Filing a return is not required, but it is recommended to preserve domicile

status. Filing is required on Form IT-203-I or IT-203-P for revenue derived from New York sources. Forms can be requested by writing to: Department of Taxation and Finance, Technical Services, W.A. Harriman Campus, Albany, NY 12227.

North Carolina: Individuals who are domiciled in North Carolina are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. North Carolina's tax rate ranges from 6 percent to 7.75 percent of taxable income. Forms can be requested by writing: Department of Revenue, Taxpayer Services Department, Revenue Building, Raleigh, NC 27640.

North Dakota: Individuals who are domiciled in North Dakota are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. North Dakota's tax rate is 14 percent of taxable income. Forms can be requested by writing to: Office of State Tax Commissioner, State Capitol, Bismarck, North Dakota 58505.

Ohio: Individuals who are domiciled in Ohio are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Ohio's tax rate ranges from .743 percent to 6.9 percent. For forms, write: Ohio Department of Taxation, P.O. Box 2476, Columbus OH 43266-0076.

Oklahoma: Individuals who are domiciled in Oklahoma are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Oklahoma's tax rate is based upon income and various exemptions. Please contact the Oklahoma Tax Commission for further information. Forms can be requested by writing to: Oklahoma Tax Commission, Taxpayer Services Division, 2501 Lincoln Blvd., Oklahoma City, OK 73194-0009.

Oregon: Individuals who are domiciled in Oregon are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Oregon's tax rate ranges from 5 percent to 9 percent. Forms can be re-

quested by writing to Department of Revenue, Forms Division, 955 Center Street N.E., Salem, Oregon 97310.

Pennsylvania: No tax liability for out-of-state income if the individual has no permanent residence in the state, has a permanent residence elsewhere, and spends no more than 30 days in the state during the tax year. Filing a return is not required, but it is recommended to preserve domicile status. Filing is required on form PA40-NR for all income derived from Pennsylvania sources. Members of the Foreign Service living abroad in government quarters must continue to pay income tax. Forms can be requested by writing to: Commonwealth of Pennsylvania, Department of Revenue, Taxpayer Services Department, Harrisburg, PA 17128-1061.

Rhode Island: Individuals who are domiciled in Rhode Island are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Rhode Island's tax rate is 27.5 percent of federal income tax liability. Forms can be requested by writing to: Rhode Island Division of Taxation, Taxpayer Services Division, 289 Promenade St., Providence, RI 02908-5801.

South Carolina: Individuals who are domiciled in South Carolina are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. South Carolina's tax rate ranges from 3 percent to 7 percent. Forms can be requested by writing to: South Carolina Tax Commission, Forms Division, 301 Gervais Street, P.O. Box 125, Columbia, SC 29214.

South Dakota: No state income tax.

Tennessee: No personal income tax, but tax liability on profits from in-state sources, including the sale of property and bonds. Tennessee's tax rate is 6 percent.

Texas: No state income tax.

Utah: Individuals who are domiciled in Utah are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Utah's tax rate

is 7.2 percent of taxable income. Forms can be requested by writing to: Utah State Tax Commission, Taxpayer Services Division, Heber M. Wells Building, 160 East Third Street, Salt Lake City, Utah 84134-0200.

Vermont: Individuals who are domiciled in Vermont are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Vermont's tax rate ranges from 28 percent to 34 percent of federal income tax liability. Forms can be requested by writing to: State of Vermont, Department of Taxes, Taxpayer Services Division, Pavilion Office Building, Montpelier, VT 05602.

Virginia: Individuals who are domiciled in Virginia are considered residents and are subject to tax on their entire income regardless of their physical presence in the state.

Virginia's tax rate range from 2 percent to 5.75 percent of taxable income. Forms can be requested by writing to: Virginia Department of Taxation, Taxpayer Services Division, P.O. Box 1115, Richmond, VA 23208.

Washington: No state income tax.

West Virginia: No tax liability for out-of-state income if the individual has no permanent residence elsewhere, and spends no more than 30 days of the tax year in West Virginia. Filing a return is not required, but it is recommended to preserve domicile status. Filing is required on form IT-140-NR for all income derived from West Virginia sources. Forms can be requested by writing to: The Department of Tax and Revenue, Taxpayer Services Division, P.O. Box 3784, Charleston, WV 25337.

Wisconsin: Individuals domiciled in Wisconsin are considered residents and are subject to tax on their entire income regardless of their physical presence in the state. Wisconsin's tax rate ranges from 4.9 percent to 6.93 percent. Forms can be requested by writing to: Department of Revenue, Taxpayer Services Division, 125 South Webster Street, P.O. Box 8933, Madison, Wisconsin 53708.

Wyoming: No state income tax.

State pension & annuity tax

The laws regarding the taxation of Foreign Service annuities vary greatly from state to state. In addition to the 10 states that have no income tax or no tax on personal income, there are several states that do not tax income derived from pensions and annuities. There are three states—Iowa, Kansas and North Dakota—that tax Foreign Service annuities while exempting those of the Civil Service. In addition, there are three states—Arizona, Idaho, and Oklahoma—that have provisions exempting certain amounts of Civil Service annuities. It is unclear from the information available to AFSA whether the exemption pertains to Foreign Service annuities as well.

In response to the U.S. Supreme Court's decision in *Davis v. Michigan Department of the Treasury*, annuitants in a number of states are challenging unequal taxation of state versus federal annuities. In this precedent-setting decision, the court ruled that the policy of the state of Michigan to exempt from taxation the annuities of retired state of Michigan and local government employees while taxing the annuities of retired federal employees residing in Michigan discriminates against federal annuitants and is therefore unconstitutional. Because many states have similar practices regarding the treatment of annuitant income, individuals and groups are currently involved in litigation in order to compel their states of residence to comply with *Davis v. Michigan*. See the list of states for updates on litigation.

In particular, retired AFSA members in Arizona have banded together with other federal annuitants to pursue a class action suit against the Arizona Department of Revenue. Interested parties are encouraged to contact: Brian Luscher, Bonn & Jensen, 805 North Second Street, Phoenix, AZ 85004, (602) 254-5557.

All other states tax Foreign and Civil Service annuities and pensions to varying degrees. The following information is current but does not reflect changes that may result from

current legal action in various states in response to *Davis v. Michigan*.

Alabama: As of January 1, 1990, the United States Foreign Service Retirement and Disability Fund Annuities are not taxable.

Alaska: No personal income tax.

Arizona: All annuity pensions are taxable. Federal, State and local Arizona localities receive a \$2,500 exemption. REFUND UPDATE: The case has been appealed to the Arizona Court of Appeals.

Arkansas: Up to \$6,000 exempt. REFUND UPDATE: In June 1991, the State Supreme Court ruled in favor of federal retirees.

The case was appealed by the state to the U.S. Supreme Court in late October 1991.

California: Fully taxable.

Colorado: Up to \$20,000 exempt, only if 55 or older.

Connecticut: Fully taxable.

Delaware: Two exclusions: (1) Up to \$2,000 exempt if earned income is less than \$2,500 and Adjusted Gross Income is less than \$10,000; if married and filing jointly, up to \$4,000 exempt if earned income is less than \$5,000 and AGI is under \$20,000. This is applicable if 60 years or older or totally disabled. (2) Amounts received as pension exempted up to \$2,000 if under 60 and up to \$3,000 if over 60.

District of Columbia: \$3,000 exempt only if the taxpayer is 62 years or older.

Florida: No personal income tax.

Georgia: \$10,000 exempt for those 62 years or older and permanently or totally disabled. REFUND UPDATE: Federal retirees in Georgia are urged to file a refund claim for the 1988 taxes with the Revenue Commissioner on form 500X by April 15, 1992. Anyone who filed a refund claim shortly after the *Davis* decision was handed down in March of 1989 must do one of the following:

- file their own lawsuit or
- participate in the Tax Refund Project of the Georgia Federal/Military Retiree Coalition.

Georgia law requires that all people seeking refunds must be named in a suit. Current suits are pending.

Hawaii: Full exemption.

Idaho: Up to \$11,700 exempt for a single return; up to \$17,544 if filing jointly. Up to \$9394 exempt for unmarried survivor of annuitant. Must be 65 years or older, or 63 years or older and disabled. Amount reduced dollar for dollar by social security benefits. However, it is not clear whether this exclusion pertains to Foreign Service annuities. See above paragraphs for further information.

Illinois: Full exemption.

Indiana: \$2,000 exemption for most 62 or older, reduced dollar for dollar by social security benefits.

Iowa: Fully taxable. REFUND UPDATE: Retirees began litigation in September 1991 after a final denial of refunds from the state tax department. Oral arguments were scheduled to be presented December 16.

Kansas: Specifically exempts Civil Service, but not Foreign Service, annuities. Therefore, Foreign Service annuities are fully taxable.

Kentucky: Fully taxable. REFUND UPDATE: In January 1991, the Circuit Court ruled in favor of federal retirees.

Louisiana: May exclude up to \$6,000 for single, \$12,000 for married filing jointly, only if 65 years or older. REFUND UPDATE: In September 1991, the District Court ruled in favor of making refunds to federal and military retirees affected by Louisiana's taxing scheme for the years not limited by the statute of limitation. In addition, the ruling stated that the Louisiana Board of Tax Appeals must decide to abide by this decision or appeal.

Maine: Fully taxable.

Maryland: For individuals 65 years or older or permanently disabled, pensions and annuities are excluded up to \$11,800 using the following formula: The total amount social security benefits received is subtracted from \$11,800. The remaining amount is exempted.

Massachusetts: Full exemption.

Michigan: Full exemption for Civil Service annuities. See above for discussion of U.S. Supreme Court decision in *Davis v. Michigan*. Foreign

Service annuities may exclude \$7,500 when filing single and \$10,000 when filing jointly. REFUND UPDATE: In 1990 the state legislature awarded refunds to federal retirees for a period of four years.

Minnesota: Individuals 65 and older or permanently disabled may obtain an exclusion of certain income by filling out a Subtraction for the Elderly form. Whether an individual qualifies for an exclusion depends on several criteria, including amount of income, amount of social security benefits received, and the amount of the pension. An individual must fill out this form to determine if he or she qualifies.

Mississippi: Up to \$6,000 of annuity may be excluded. REFUND UPDATE: Federal retirees filed their case with the state supreme court in 1991. The case is still pending.

Missouri: Fully taxable. REFUND UPDATE: In May 1991, the state supreme court ruled in favor of federal retirees.

Montana: Fully taxable. REFUND UPDATE: The case is still pending before the State Supreme Court.

Nebraska: Fully taxable.

Nevada: No personal income tax.

New Hampshire: No personal income tax.

New Jersey: In general, pensions and annuities are subject to the New Jersey income tax to the extent that the amount received exceeds the employee's investment in the plan.

New Mexico: Up to \$3,000 is exempt.

New York: Full exemption for individuals over 59 1/2 years. REFUND UPDATE: No action regarding refunds will be taken until all court cases have been decided. As of January 1, 1992, there is a \$75 fee for individuals filing an appeal on the denial of refunds.

North Carolina: Up to \$4,000 may be excluded. REFUND UPDATE: The state supreme court overturned the favorable decision by the Superior Court. The case is being appealed to the U.S. Supreme Court. At issue is the amount of refunds retirees seek.

North Dakota: Specifically exempts Civil Service, but not Foreign

Service annuities. Foreign Service annuities are fully taxable.

Ohio: Gives a tax credit based on the amount of the retirement annuity. If the annuity is below \$500 then there is no credit. Annuity of \$500-1,499 merits a \$25 credit; \$1,500-2,999 merits \$50 credit; \$3,000-\$4,999 merits \$80 credit; \$5000-\$7,999 merits \$130 credit; and any annuity over \$8,000 merits a credit of \$200. The maximum credit per return is \$200.

Oklahoma: \$5,500 excluded. However, it is not clear whether this exemption pertains to Foreign Service annuities. See above paragraph for further discussion. REFUND UPDATE: Federal retirees are still awaiting a decision by the State Supreme Court.

Oregon: \$5,000 exemption for those who are 62 years or older. It is phased out for annuities over \$30,000. REFUND UPDATE: Federal retirees have filed a petition to the U.S. Supreme Court. The state is claiming federal retirees have not exhausted administrative remedies.

Pennsylvania: Full exemption.

Rhode Island: Fully taxable.

South Carolina: Up to \$3,000 may be excluded. REFUND UPDATE: The *Bass* case which was vacated and remanded by the U.S. Supreme Court back to the state supreme court, was heard on October 30, 1991. A decision is expected to be handed down any time now. The state's argument is based on the rationale that 3.5 million residents should not have to pay \$200 million dollars in refunds to 60,000 retirees. The case could eventually be appealed back to the U.S. Supreme Court.

South Dakota: No personal income tax.

Tennessee: Full exemption.

Texas: No personal income tax.

Utah: \$7,500 exemption. REFUND UPDATE: The District Court ruled in March 1991, that the state must pay back federal retirees. The state appealed that decision in May. Retirees in Utah should file a protective claim form for their refunds which can be obtained from the tax department. The Utah case is a class action case

which means that any decision rendered will apply to all those who are similarly situated.

Vermont: Fully taxable

Virginia: \$12,000 plus \$800 personal exemption is exempted (excluding social security) for individuals over 65. \$6,000 is exempted (excluding social security) for people 62-65. There is no exemption for annuities for taxpayers under 62 years of age. REFUND UPDATE: The *Lewy* and *Harper* cases, which were appealed to the U.S. Supreme Court then vacated and remanded back to the State Supreme court, were re-heard in September 1991. On November 8, 1991, the State Supreme Court once again denied state tax refunds to federal retirees. The case is likely to be appealed to the U.S. Supreme Court.

Washington: No personal income tax.

West Virginia: \$2,000 excluded.

There is also an \$8,000 exclusion for income from any source for those 65 years or older. REFUND UPDATE: In a September 1991 administrative decision, the state tax department decided to award refunds to those who filed timely claims.

Wisconsin: All amounts received from a U.S. Government retirement system which are paid on the account of a person who was a member of, or who was retired from, the system as of December 31, 1963 are exempt from Wisconsin income tax. All other pensions and annuities are fully taxable. REFUND UPDATE: the federal retiree case has been appealed to the U.S. Supreme Court after the State Supreme Court threw out the case in August of 1991. The state contended that the retirees did not exhaust all administrative remedies.

Wyoming: No personal income tax.

The author would like to express thanks for their help in preparing this article to AFSA's tax consultant, Bob Dussell, who continues to advise countless Foreign Service employees, Marjorie and Karl Ackerman, and AFSA's Executive Director Sabine Sisk.

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views of the NSC principals may be impaired." Certainly the national security adviser should never become a policy "operator" of any kind.

The thrust of the commission's advice, a point which Scowcroft had advocated for years, was that the national security adviser had to accept the limits of his position. This was true not only in the realm of internal policy, but also in the public sphere. The secretary of State should be the president's chief spokesman on matters of national security and foreign affairs, the commission argued. When the national security adviser spoke in public or with representatives of foreign governments, confusion could result. Instead, the adviser should "generally operate offstage," Scowcroft concluded.

Decisively neutral

Scowcroft was a natural choice to run the NSC staff under Bush. He didn't project the charisma or toughness a president might want in a top cabinet head, but his graying, sage-like demeanor was perfect for the role of a wise and even-handed counselor. Scowcroft's work as a chairman of President Reagan's 1983 commission on strategic forces and as a member of the Tower Commission had won him wide praise in GOP circles. Scowcroft was a rare and highly prized type of Washington official: one of tremendous competence but not of overarching ambition.

President Bush wanted to be personally active in foreign affairs, and consequently a major role for Scowcroft was inevitable. Unlike Baker, presiding over a large bureaucracy across town, Scowcroft and his organization are flexible and close at hand. Decades earlier a president had to go through the State Department just to communicate with U.S. diplomats and foreign leaders overseas. Now the NSC has its own phalanx of high-tech communications links and data acquisitions and processing equipment. With Scowcroft and a team of NSC experts at his constant disposal, Bush can conduct his own highly personalized diplomacy.

The NSC's self-contained power is particularly valuable in a crisis. Late-breaking intelligence information is often immediately available to Bush in the operations room of the NSC. And with a strong NSC staff, Bush can get quick analysis of that information without going to experts from outside agencies.

In relying heavily on Scowcroft, Bush had no intention of cutting principal officials out of the decision-making process; he believes in making the system work properly. But by the nature of his presidency and personality, Bush was bound to increase Scowcroft's power beyond what might originally have been envisioned.

Once appointed, Scowcroft moved quickly to bolster his position. An honest broker must be neutral, Scowcroft believed, but he needn't be weak. In fact, the more he controlled the national security process, the better he

could tame power-hungry cabinet secretaries.

The linchpin of Scowcroft's agenda was an overhaul of the NSC. During the Reagan Administration the NSC had grown into an unwieldy bureaucracy. The size of its staff had increased tremendously, producing a proliferation of NSC policy committees and task forces of all kinds. "The result," wrote Zbigniew Brzezinski, "was a loss of control and increasing absorption in bureaucratic minutiae, at the cost of providing strategic direction and imposing policy coordination." In the wilderness of Reagan's NSC it was easy to see how renegades like Oliver North could flourish and how crucial policy initiatives could be delayed or derailed.

Scowcroft moved rapidly to reduce the size of the NSC staff and revive the NSC coordinating process, continuing work begun by National Security Advisers Frank Carlucci and Colin Powell in the twilight of the Reagan era. If the NSC was to succeed in brokering policy, Scowcroft believed, all decisions had to be made through the channels it controlled.

The go-betweens

The solution Scowcroft settled on was to create a powerful committee of deputies. This committee would be headed by the Deputy National Security Adviser, Robert Gates, and include the key undersecretaries from State and Defense, the vice chairman of the Joint Chiefs of Staff, and the deputy director of the Central Intelligence Agency. It would meet as often as every day, and its principal task would be to debate and reach agreement on narrowed policy options that could be brought to Bush and his top national security aides for final decision. A chief goal of this set-up was to reduce the gap that too often existed between the middle level of government, where detailed policy was developed, and the top level, where decisions are made. A committee of deputies bridged this gap because its members would be trusted by the top level yet be in a position to communicate easily with the lower level.

Within 10 days of taking office, President Bush officially approved Scowcroft's overhaul of the NSC. The move was perceived in Washington as strengthening Scowcroft's hand, and there was the usual speculation about a State-NSC battle for power. Yet James Baker, who had seen first-hand the results of a weak NSC, approved of the changes. In past administrations, flow charts anguished over at inauguration time had a way of becoming irrelevant. Scowcroft's system was an exception to that rule. During the Administration's wide-ranging review of national security policy in early 1989, the committee of deputies played a central role. When the Gulf crisis broke in the second year of Bush's tenure, the committee was still intact and functioning effectively. Meeting almost daily through a video hookup to closed-circuit television, the committee became a key forum for

coordinating U.S. strategy in the crisis.

Scowcroft's power has been boosted by the success of his new system. By effectively channeling all decisions through the NSC, Scowcroft has influence over everything that goes on in national security affairs. It is not the kind of naked policy power that might accrue to a powerful cabinet chief, but the subtler kind of control that comes when one can set the agenda. As well as his system works, however, Scowcroft is not shackled to it. Instead he has turned over much of the NSC's managerial work to his deputy and has concentrated on counseling the president.

This division of labor stems naturally from Bush's personal style. Bush takes a free-wheeling approach to the presidency. He likes to reach out to many people and prefers to receive information orally. During difficult times he does not retreat into privacy but gathers aides around him for endless hours of conversation. Scowcroft's natural role in this context is to be a confidant and sounding board, not an organization man busy arranging meetings and churning out memorandums.

First companion

Even before the Gulf crisis, Bush often spent more time with Scowcroft than any other administration official. During the Gulf crisis the relationship between the president and his national security adviser became even closer. Scowcroft is not hesitant to state his own opinions on matters—Bush wants to hear them—but he does not exploit his access to consistently push his own agenda, as Kissinger and other national security advisers have done. Instead, Scowcroft serves as an evaluator of the president's ideas and as a repository of knowledge and insight on which Bush can draw. As a confidential adviser without a bureaucratic stake, Scowcroft has proved himself invaluable to the president.

Less evident is the quality of Scowcroft's policy planning. As the Tower Commission Report stated, the security adviser should reach "out for new ideas and initiatives that will give substance to the broad presidential objectives for national security." Under Bush, with the Cold War ending, the need for someone to prod the bureaucracy to think creatively has been more important than ever. Scowcroft acknowledged the need for grand strategizing early on, saying in November 1989 that his job was to integrate the advice Bush received from other officials—"to fill in where there are holes, and, hopefully, to help provide a strategic concept that covers the whole field of national security." Unfortunately, this mission does not play to Scowcroft's intellectual strengths or to his style of running the NSC. His reputation before entering the Bush Administration was for arms control expertise, not broad conceptual thinking. Under Ford, Scowcroft had failed by his own admission to give much attention to long-range strategy. He later said this was one of his

"greatest regrets" about his first stint as national security adviser. Scowcroft also observed before taking the job under Bush that if the NSC staff were kept small and lean, it tended to be overwhelmed by daily events. This meant it could not do "the kind of things which ideally the NSC should spend most of its time on, and that is on the broader issues and not on detailed policymaking."

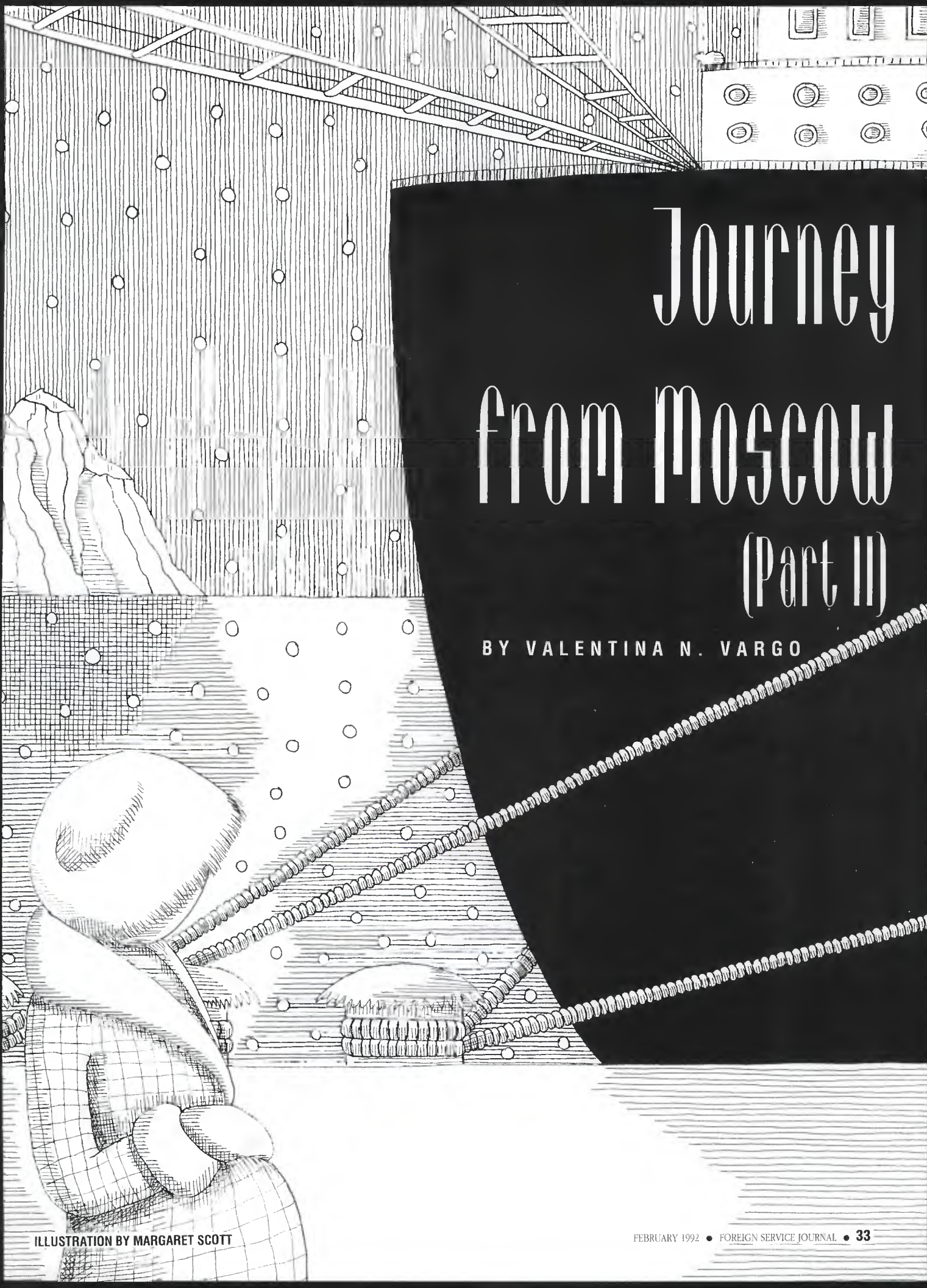
By his own criteria Scowcroft's organization of the NSC was bound to reduce its ability to shape long-range strategy. Not only did Scowcroft reduce the size of the staff, he also focused his energies on serving as a personal counselor to Bush rather than as a policy integrator. It comes as no surprise that the Bush Administration has been widely criticized for lacking a foreign policy vision.

With the exception of his high visibility during the Gulf crisis and war, Scowcroft's profile in Washington has generally remained low. He has clung to his belief that the national security adviser should operate offstage, and makes a conscious effort to remain in Baker's shadow. As he Gates put it to a reporter, "there is a very strong deference to [Baker] as the principal foreign policy spokesman of the administration." The usual news stories about clashes between the NSC and State were absent from the press, and the operations of NSC—the most notorious agency in government only two years before—were virtually invisible to the public. "This is the fourth president I've served under on the NSC staff," said Gates in May 1990, "and I would say that the NSC gets less attention than under any of those."

Despite Scowcroft's intimate relationship with Bush, the NSC's influence in policy has been limited. For the most part, Baker has run U.S. foreign policy in practice as well as appearance. Scowcroft's staff may have more foreign policy expertise than Baker's inner circle, but State officials such as Counselor Robert Zoellick and Policy Planning Director Dennis Ross have more energy and initiative. Scowcroft and his aides Robert Gates and Richard Haas were highly influential during the Gulf crisis, but this was more a reflection of the acute need for political-military integration than of a changing balance of bureaucratic power. In the areas of U.S.-Soviet relations, the Middle East, Central America, and German unification, the State Department has been the preeminent policymaker.

This arrangement is as it should be. After he has for years advocated the reform of the NSC and suggested that the national security adviser serve as an "honest broker," a bid for bureaucratic preeminence by Brent Scowcroft would be unthinkable. Instead, his mission at the White House is to turn theory into practice. ■

David Callaban is author of *Dangerous Capabilities: Paul Nitze and the Cold War*. He is currently completing a book on the Persian Gulf war and American grand strategy.



Journey from Moscow (Part II)

BY VALENTINA N. VARGO

ILLUSTRATION BY MARGARET SCOTT

In part I of "Journey from Moscow," published in the January *Foreign Service Journal*, Valentina fled Moscow with her American fiancé, a Navy officer attached to Embassy Moscow, as war raged between Germany and the Soviet Union in 1941. The two were traveling by train across Russia to the port of Vladivostok when, seven days into the journey, Valentina was pulled off the train and thrown in prison by the KGB. After four days and nights of interrogation and threats, she was suddenly handed a telegram. . .

I was in such a state of shock, walking through that corridor and waiting to be shot, that I couldn't even read. I was almost paralyzed. But when I looked at the telegram in my hands, I saw Joseph's name at the bottom. I couldn't believe it. I became hysterical and almost fainted.

Somebody gave me a glass of water, and the general told me that instructions had been received from Moscow to release me. Joseph had been working frantically to free me, and the American Embassy in Moscow had convinced the Soviet government to let me go. The general said that I could not go directly to Vladivostok, however, even though I was already halfway there. I would first have to return to Moscow to obtain proper authorization to travel. It sounded stupid to me, but, of course, I did not dare argue.

I told the general that if I were free to go, I wanted to get out at once. It was 4 a.m., but I didn't care. He consented, and somebody brought my suitcase and a train ticket to Moscow. I just couldn't believe it—I was free to go. I stepped out of that horrible place; it was so wonderful to breathe fresh air and to be alive. I wasn't going to be shot. I was going to see Joseph. It was so hard to believe.

I had about six hours

before my train would leave for Moscow. I started to walk toward the train station, and then I realized I had no money. What was I going to do? The trip to Moscow would take seven or eight days, and I had to eat. I certainly would not go back to the jail and ask them for money. I knew they would make me sign something, which they could then use against me in some way. Then it dawned on me. I was sure that Novosibirsk, like other Soviet cities, had an open market where people could buy and sell things. I had two pairs of foreign-made shoes in my suitcase, and I was certain I could sell them at a good price. I asked a passerby where the market was, and, fortunately, it was very close.

It was still very early, so I sat on my suitcase and waited until the market opened. As soon as people started arriving, I took a pair of shoes from my suitcase. Almost before I knew it, dozens of hands stretched out to buy my shoes. I sold them at a very good price, and received more than enough rubles to keep me fed until I reached Moscow.

Finally, I got on the train. The trip was a difficult one. I had no privacy. I shared the compartment with two women and a man. But far worse was what I saw when



we stopped at a station along the way. On the other track was a freight train of cattle cars, each with hundreds of people packed in like animals. They were prisoners on their way to Siberia. Somebody told me they were from the Baltic countries and were supposed to be spies for the Germans. Most of them were women and children, half starved, and looking wretched and pitiful. I felt so sorry for them. I knew what it was to be innocent and to be imprisoned by the government. But for the grace of God, my fate would have been the same.

When I got to Moscow, I found that my family was still in the country and I joined them there. Moscow was being bombarded daily by German artillery and warplanes; the countryside was a much safer place to be. Nevertheless, every day I would go on the train to Moscow to see if the American Embassy had obtained permission for me to travel to Vladivostok. But every day the answer was no, nothing yet. Everyone at the embassy was working very hard to help me. They would let me talk to Joseph on the embassy's direct telephone line to Vladivostok. He was wonderful. He was writing to everyone, from Joseph Stalin to the Supreme Soviet.

Dubious honor

By that time I had discovered I was pregnant. I didn't know what to do. I was afraid to tell Joseph. I didn't want him to think I was faking pregnancy to make him marry me. But I had to tell him. When I finally did, he was elated. He said he would try even harder than before to get permission for me to join him. I didn't know what more he could do, but I think that was when he wrote to President Franklin D. Roosevelt, asking for his help. I was distressed to learn that he had received orders from the Navy to go to the Philippines. However, the embassy was doing everything possible to keep him in Vladivostok until I could join him.

Then one day there was wonderful news! The presidium of the Supreme Soviet of the Soviet Union had decided to take away my citizenship. I would be allowed to go to Vladivostok, marry Joseph and become an American citizen. The staff at the embassy

The day finally came when
Joseph had to leave, but I still did
not have the exit visa. To my
great sorrow,
Joseph had to leave without me.
He was leaving
Vladivostok on a Swedish ship.

told me they had never before encountered anything like that. They informed me I was the very first Soviet citizen to have her Soviet citizenship removed. Always before, the Soviet government had refused to allow its citizens to take citizenship elsewhere.

The embassy wasted no time. They got my ticket immediately, and I was off to Vladivostok. The trip took 15 days, and I spent each of those days hoping and praying that Joseph would still be there, waiting for me and had not been sent off to the

Philippines. If he were not there, what would I do, especially without Soviet citizenship?

It was nighttime when the train finally arrived in Vladivostok. The station—the whole city, in fact—was dark because of a wartime blackout. I couldn't see a thing. But then I heard English being spoken, and then I heard Joseph's voice. And soon I was in the arms of my darling Joseph. The very next day we went to the marriage bureau, and, to our pleasant surprise, we did not encounter any problems. We were married immediately. That evening, the American Consulate in Vladivostok held a very nice reception for us.

Consul General Angus Ward and his wife could not have been any nicer or more considerate. What wonderful people they were! It was Mr. Ward who had been able to extend Joseph's stay in Vladivostok and who had also worked ceaselessly to help obtain permission for me to leave Moscow.

No exit

For a while everything was wonderful, and Joseph and I were very happy with our time together in Vladivostok. But time was getting shorter. Joseph had received firm orders to leave Vladivostok. In order for me to leave with him, however, I had to have an exit visa from the Soviet government, and there was no word about when I would receive that precious piece of paper.

The day finally came when Joseph had to leave, but I still did not have the exit visa. To my great sorrow, Joseph had to leave without me. He was leaving Vladivostok on a Swedish ship. Some of our friends

suggested that they could help sneak me on board the ship with Joseph. Unfortunately, there was no real chance of my being able to do that, because I was followed constantly. Day or night, as soon as I stepped out of our hotel, an agent would be right behind me.



Joseph and Valentina, 1941

I just could not dare to try getting on that ship. I knew that if I made just one step toward the ship, KGB agents would grab me, and that would be it. There would be nothing the American Embassy could do to save me. So, very sadly and tearfully, I watched that Swedish ship leave Vladivostok with my husband. I didn't know when I would see him again.

Everyone in the American consulate was wonderful to me, especially Mr. and Mrs. Ward. But even so, my life started to drag from day to day. The first thing I did every morning was to call the consulate to ask about my exit visa. The answer was always the same—no news yet. Weeks passed, but I still had not received that all-important permission to leave the country. I began to fear that I would never get an exit visa. What would become of me? What would become of my child?

One morning, about six weeks later, I woke up with a clear recollection of a dream that I had given birth to a girl. I was very happy, because there is an old Russian belief that when you have such a dream, something nice will happen to you. And sure enough, about two hours later I got a message from the

consulate that they had received my exit visa. I was beside myself.

But this happened after December 7, 1941, and America was at war with Japan. That meant I would have to take a Soviet ship to the United States, since the Soviet Union and Japan were not at war. Fortunately, I learned that a Soviet freighter called the *Chiluskin* was leaving for the United States in a few days, bound for Port Angeles, Washington, near Seattle. The ship wasn't really equipped to carry passengers, but it was my only chance to get to America, so I took it. I was leaving Vladivostok without any knowledge of where Joseph was, or what I would do when I got to Seattle.

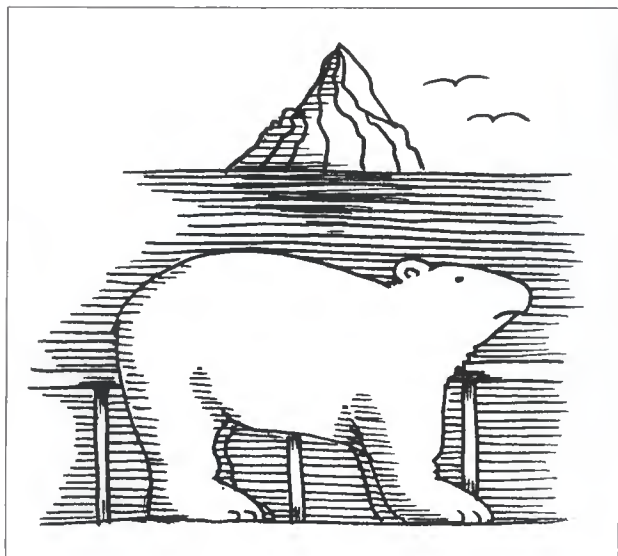
I think it was on January 4 or 5, 1942, that, my heart filled with happiness and my bags with all my exit papers and American identification papers, I stepped on the ship. I thought the ship was a giant, for I had never been on anything bigger than a rowboat. But, as I later found out, the ship was actually very small for an ocean-going freighter. By coincidence, as Consul General Ward was about to be reassigned back to Washington, the ship was carrying his personal possessions in wooden boxes marked with his U.S. address. At the time,

nobody dreamed this would cause any problems.

The voyage started very nicely. The crew was very good to me. I was the only passenger on the ship, and was one of only two women — the other being the ship's nurse. Even the food was good — which I later discovered was due to the fact that the ship carried live animals for slaughter, which bothered me — but there was nothing I could do about it.

All the crew members were very concerned about my health and safety, since I was six and a half months into my pregnancy. They kept insisting that I take walks on the deck for exercise. There was not much room for walking — especially for a pregnant woman — but I managed. One day I was walking on a particularly narrow deck, and all of a sudden I saw a giant white polar bear walking toward me. I couldn't believe my eyes! I thought I was dreaming or hallucinating. But there he was, walking toward me. I was petrified.

I could see that there wasn't room for two to pass on that narrow deck, so one of us would have to back up — and I knew who that would be. So I started to back away from him, while still not being quite sure that I was really seeing a polar bear. But, dreaming or



not, that bear was still coming toward me. I turned and started to run away from him, trying every door in the passageway. The first two were locked, but fortunately the third one was open. I quickly went in the room and shut the door behind me, looking through the glass window of the door to see if there really was a bear.

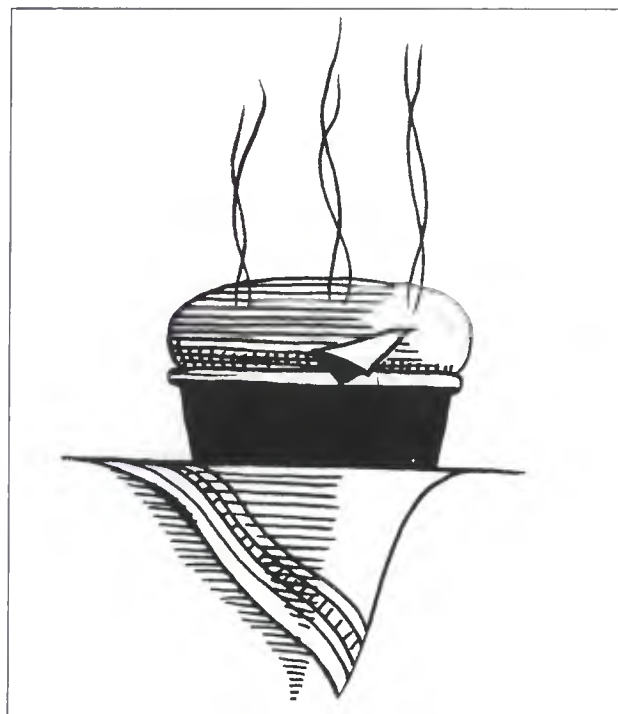
Sure enough, very nonchalantly, the huge polar bear sauntered slowly past my door. As soon as he was gone, I ran to the captain's cabin and told him what I had seen—not knowing if he would believe me. He laughed, and apologized for forgetting to tell me about the bear—which was being carried as a present for the Seattle zoo. He had been in a cage but had worked himself loose. "Don't worry", the captain told me, "he's very friendly—but stay out of his way anyway." I soon became accustomed to the bear. He liked to go up to the highest part of the ship, and would stay there for hours, looking sadly at the ocean in front of us. I knew how he felt. Like me, he didn't know where he was going or what was waiting ahead for him. The bear had no trouble climbing the ship's stairs to get to the top, but when it was time for him to come down to be fed, it was a different story. He would put one foot down on the top step, but couldn't figure out how to put the other foot down. He would try, and try, but he just couldn't do it. It was very funny to watch that giant trying so hard to climb down the stairs. After many attempts, he would just give up and slide down on his stomach.

Our voyage progressed slowly. We had orders from the Japanese that we had to follow a particular course through some Japanese straits. We were passing slowly through them, when to everyone's shock a Japanese destroyer suddenly appeared and ordered us to stop. Over the destroyer's loudspeaker, in

very poor Russian, I heard them say that they were going to send a boarding party to search our ship.

Our captain was in a total panic. What were we going to do? It was pretty obvious that we were bound for America. I had all my American papers, and all of Mr. Ward's boxes with American addresses were in the ship's hold. The captain knew that the Japanese might decide to sink his ship. Even if they didn't sink us, he told me that the Japanese would take me off the ship if they found out I was the wife of an American. "God knows what would happen to you," he said. Good Lord!

Had I really gone through so much to get out of the Soviet Union only to be taken prisoner—or worse—by the Japanese? Our captain, however, was a very clever man. First of all he told me to get all my American papers together and give them to him. Second, he told me I was to pretend I was a stewardess. He ordered someone on the crew to give me a uniform, and told me to stand in the back row when he lined up his whole crew for inspection by the Japanese. I was seven months pregnant, and he did not want the Japanese getting suspicious about why it was that a pregnant woman had ended up as a crew member on a Soviet freighter. The whole crew was busy preparing for the Japanese inspection. After a while, I heard the destroyer's loudspeaker again, with that same bad Russian accent. They said a boat was approaching our ship and we





The Vargos at home in Arlington in 1945

should prepare to be boarded.

The captain told the whole crew, including me, to gather together on the second deck for inspection. The crew formed two lines. As the captain had instructed me, I stood in back of all of them — scared to death and praying. Soon after that, on the deck above us we heard Japanese being spoken, with many footsteps and the clicking of spurs. Every minute seemed to me like an hour. We heard our captain and a couple of his officers talking to the Japanese through an interpreter. I kept waiting for the Japanese to come down the stairs, but nobody came down to talk to us. It was quite a while before we finally heard them leaving our ship. Everybody took a deep breath—especially me. Finally the captain came down to talk to us. We could see how frightened and nervous he was.

He told us to relax; the Japanese were not coming back to the ship. But then he said there was no way we could continue heading for the United States. When the Japanese had demanded to know where the ship was going, the captain told them we were headed for Kamchatka—a Soviet port far to the north. But the Japanese were suspicious, and informed the captain that their military planes would watch us continuously. If we changed course toward America instead of going north to Kamchatka, they would sink us immediately. So, the captain said, we had to go to Kamchatka—and that is what we did. As they had threatened, Japanese planes stayed with us for several days, almost all the way to the port of Kamchatka.

The weather was very rough. Everyone on the ship was nervous and very tired. When we reached Kamchatka, all members of the crew were totally exhausted. Only then was the captain able to tell all

Then one day there was wonderful news! The presidium of the Supreme Soviet of the Soviet Union had decided to take away my citizenship. I would be allowed to go to Vladivostok, marry Joseph, and become an American citizen.

of us what he had done with my papers and Mr. Ward's boxes. He had taken my papers to the ship's galley, where he had them placed in a plastic bag and inserted into the middle of a roll of dough fashioned to look like a loaf of bread. The loaf was then put in the oven and baked—along with my papers. But my documents had not been ruined at all.

Mr. Ward's boxes had been turned over so that his addresses were on the bottom. The captain had scribbled some fake Soviet addresses on the top of the boxes. Fortunately, the Japanese had not looked too carefully.

When we got to Kamchatka, for some reason we were anchored a couple of miles from the docks. It was a blessing to be in quiet waters and to have the ship rolling gently. The weather on the trip up had been so rough that the ship had been rolling continuously from one side to another. The ship had been pitching so much that the crew hadn't been able to bring coal from the storage bins to the boiler room, so the crew spent their first day at anchor moving coal. By nightfall, the crew was exhausted. Everybody was so tired, relieved, and secure, that everybody went right to bed, including myself.

When I awakened at daylight, I felt a strange sensation—as though I were back on land. Our ship was absolutely still. Soon after that, I heard a lot of commotion. Somebody came to my cabin and told me to look out the porthole. I couldn't believe my eyes. As far as the eye could see, there was ice. Ice was everywhere. We were frozen solid. I asked the captain what had happened. He explained that unfortunately everyone had gone to sleep. There was no one on lookout, and during the night the wind shifted and pushed all the ice toward the shore.

I asked the captain what we were going to do. "Not much", he said. He explained that all we could do was to wait for the wind to shift direction again and push all that ice back out to sea. I asked him how long that would take. "Nobody knows," he said. That was just great: I was eight months pregnant. What was I going to do? "Don't worry," the captain assured me, "Our nurse will take care of you." That's all I needed to have a baby on a Soviet freighter. The days started to drag very slowly. Everybody was bored. There was nothing to do. To relieve his boredom, our captain would go across the ice to hunt in the woods. All he seemed to catch were small fur-bearing animals — I'm not sure what kind. After being icebound 18 days, we heard cracking noises. To my delight we saw that the wind had shifted and the ice had started to crack. Everybody was very excited. It was extremely important to begin preparing to move our ship out to sea before the wind changed again. But to everyone's shock, we realized that the captain and the first mate had left the ship only about two hours earlier to go hunting.

My God! What were we going to do? The ice was cracking more and more. The cracks were getting large enough that we could see water between the pieces of ice. The most frightening thought came to my mind. With the ice breaking up, how would the captain be able to get back to the ship? He could be drowned! The ship couldn't leave without a captain, and that would mean I would really be stuck in Kamchatka. I was getting terribly upset about the thought of losing the captain, as the captain was also a very nice man. The whole crew was in a terrible disarray. All of a sudden, somebody shouted, "The captain is coming!" We all rushed to the side of the ship, and we saw the captain and his mate hopping from one piece of ice to another. But instead of two men, there were three. Who was the third one?

Thanks to the good Lord

they did reach the ship, but by that time the ice was really breaking up. The captain was very nervous. He told us he knew how important it was to get the ship out of its anchorage as soon as possible. He explained, however, that while in the forest he had found a hunter who had an injured eye, and had brought him back to the ship so the nurse could help him. He hadn't expected, of course, that the ice would break up on this particular day and break up so quickly. Naturally, we couldn't leave with the hunter, so we had no choice but to take up precious time returning him to the port. Fortunately the ice was still floating out when we were finally able to leave the port.

At last we were on our way to the United States. The captain, however, told us that we had to take the northernmost route possible, in order to avoid detection by the Japanese. Our route took us close to the Aleutian Islands, and the trip was a most difficult one. We had stormy weather every day. It was so rough! Many times I had to be tied to the frame of my bed in order to keep from falling out as the ship rolled from

side to side. Everything on the ship got loose. All the furniture and everything else that wasn't tied down was rolling from one side of the ship to the other — including the poor bear. He rolled and tumbled around the ship so much that I don't know how he survived. But he did. We all did.

Finally, after 62 days on the ship, on March 7, 1942, we reached America. We docked at Port Angeles, Washington. I was so happy to see land, and I knew how fortunate I had been that my baby had not been born on that rough ocean. When the American authorities came on board the ship, however, they told the captain that we could not dock at Port Angeles and that we had to go to San Francisco instead. With what little English I knew, I told them that my baby was due any time; and I was not going back on that

MY God! What were we going to do? The ice was cracking more and more. The cracks were getting large enough that we could see water between the pieces of ice. The most frightening thought came to my mind. With the ice breaking up, how would the captain be able to get back to the ship? He could be drowned! The ship couldn't leave without a captain, and that would mean I would really be stuck in Kamchatka.

ship. They told me that if I stayed, they would put me in quarantine. I told them they could put me anywhere on land, but I was not going back on that ship.

They eventually decided I could disembark there, rather than having to go to San Francisco. So finally, I was off the ship. But then panic started to take over. I had no idea of what I should do to find Joseph. All I had was his address in Pennsylvania. But how would I get there? I had no idea. Nor did I know if Joseph would be there. I had not had any contact with him over the preceding three months. Being very pregnant, and with very little knowledge of English, my future looked bleak. What was I going to do?

The officials at the docks were very kind, and helped me get started on my trip. One of them told me that I had to take a bus to Seattle, and from there a train to Pittsburgh. They showed me where to find the bus, and I got on it with my suitcases. The bus ended up on a ferryboat to go across the bay to Seattle. Once on the ferry, everyone got off the bus, leaving their suitcases behind. I got off also.

All busses look alike to me, so in order to be able

to find my bus again I decided to attach myself to one couple from our bus and follow them everywhere on the ferry boat. After a while they became very suspicious, wondering why this pregnant foreign woman was following them. But I did not care. My plan worked. Eventually they led me back to the right bus. When I was back on the bus, a young sailor sat next to me and tried to start up a conversation. I think he asked me where I was going. I answered with one of my few phrases in English, saying, "I don't know." When I said that, his eyes widened. Looking at my big tummy, he disappeared very quickly after my answer.

Before long, we came to Seattle, and I found myself in the bus station. While I was trying to figure out how to ask for directions to the train station, to my great astonishment I heard the loudspeaker announce, "Would Mrs. Vargo come to the information desk." I couldn't believe my ears. How could this be? Then it hit me, and my heart jumped. Who else could it have been but Joseph? I didn't know how he could have known where and when I had arrived, but who else but Joseph could be calling for me? I ran as fast as I could toward the information desk, but as soon as I

came close to it, my heart sank. It wasn't Joseph, but a young naval officer who was coming towards me. He introduced himself, speaking a mixture of Polish and Russian adequate for me to understand. He told me that Joseph was waiting for me in Pittsburgh. Because of the war nobody knew when or where the Soviet ship would dock. My husband had asked the Navy to alert all California and West Coast ports to be on the lookout for me. That was the first time in three months that I knew that Joseph was all right. I was so happy! I was delighted that I was not forgotten or abandoned—that my dear Joseph was still waiting for me. I tried to tell that naval officer I didn't know how to get to Pittsburgh. Despite the language dif-



Joseph and Valentina in 1985.

ficulty, however, I understood him very well, when he told me that from now on I would not have to worry about a thing. The U.S. Navy would take care of me. And they did.

The good, wonderful U.S. Navy! I am still very grateful for everything the Navy did for me. They got me tickets and put me on the train to Pittsburgh. When I had to change trains in Chicago, somebody from the Navy was there also to help me get on the right train to Pittsburgh. It was the ninth of March when finally I arrived in Pittsburgh. Joseph was waiting for me at the station. I don't have words to describe my feelings and my joy at being together again. I just couldn't believe that after all I had gone through, I was really there with my darling Joseph; that everything was going to be all right from then on.

We talked and talked. Then we realized we were getting hungry, so we went to a restaurant. About 9:30 in the evening, all of a sudden I got a sharp pain in my back. At first I did not say anything, hoping that the pain would go away. And it did—for a while.

But then it came back, and it was more severe than the first time. At that point, I had to tell Joseph about it. He said it sounded like a labor pain, but to be sure, he called his sister, who was a nurse. She told him to take me to the nearest hospital immediately. I protested that there was no way it could be labor pain, after all I went through—rough ocean, trains, and now when I am on solid ground, it could not be. But the pains got worse and worse, so Joseph took me to a hospital. When we got there they said I indeed had labor pains.

After being immobile for 62 days on a ship, my labor was very difficult. I got to the hospital on the ninth of March. On March 11, our son was born—a 7½-pound, beautiful, healthy baby boy. Finally, my suffering was over. As soon as I was eligible, I became an American citizen, and I have been proud of

We sent a telegram to Consul-General Ward in Vladivostok telling him of the birth of our son, whom we had named Franklin Joseph. Soon we got his humorous reply. "Assume son named Franklin after President Roosevelt but uncertain whether middle name Joseph after Stalin or you." We sent a reply, "Do you have any doubts?"

that ever since.

Later, Joseph told me how many people had worked on my case to get me out of the Soviet Union. The Navy, the State Department, the embassy, and even the White House. At that time the Soviets had a desperate need for American food, equipment, and weapons in the form of lend-lease. They were also trying to convince the Americans to open a second front against Germany, to divert German troops away from the Eastern Front. This forced the Soviets to pay attention to some of the things the Americans wanted in return.

Joseph told me that he understood that I had figured into those events,

and that even President Roosevelt had something to say to the Soviet government on my behalf. That's why we named our son Franklin—in the honor of President Franklin Delano Roosevelt. We sent a telegram to Consul General Ward in Vladivostok telling him of the birth of our son, whom we had named Franklin Joseph. Soon we got his humorous reply. "Assume son named Franklin after President Roosevelt but uncertain whether middle name Joseph after Stalin or you." We sent a reply, "Do you have any doubts?" And that, my dear granddaughters, is how I got here. ■

Valentina Vargo lives in Rockville, Maryland. She taped this story for the four daughters of her son, Franklin, and daughter-in-law, Regina. Joseph E. Vargo was a chief petty officer in the U.S. Navy, assigned to the naval attaché's office in the American Embassy. After World War II he joined the Foreign Service as a specialist and served at several posts, including Havana, until 1953, when he left to go into private business. He died in 1988. Valentina returned to the Soviet Union once, in 1965, to visit her mother, but, frightened by the armed guards, she vowed not to return again.

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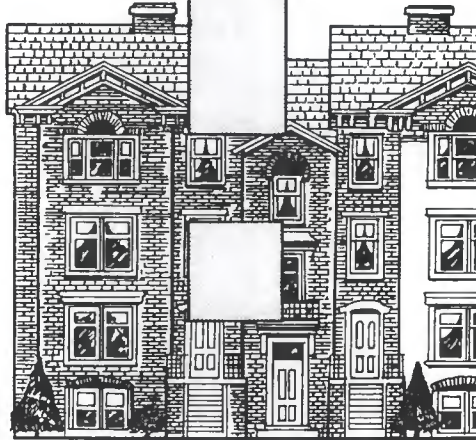
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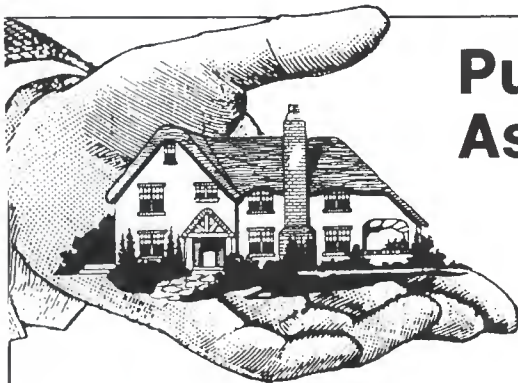
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BOOKS

The Fiction of Pearl Harbor

VISIONS OF INFAMY

By William H. Honan, *St. Martin's Press, 1991, \$22.95 hardcover*

Reviewed by Charles Maechling Jr.

December 7, 1991 marked the 50th anniversary of the Japanese attack on Pearl Harbor, the "day of infamy" that plunged the United States into World War II. *Visions of Infamy*, by William H. Honan, is designed to capitalize on this fateful event by resurrecting the forgotten writings of Hector C. Bywater, a British journalist of the era between the two world wars who wrote two books predicting a power struggle between the United States and Japan for control of the Pacific.

Bywater was a reporter for British and American newspapers—among them, the London *Daily Telegraph*, the *Observer*, and the *Baltimore Sun*—who possessed an encyclopedic knowledge of the world's navies and wrote books and articles about naval policy and related subjects. His reputation today rests on two works, a non-fiction strategic study entitled *Sea Power in the Pacific: A Study of the American-Japanese Naval Problem*, published in 1921, and an imaginary narrative of a future war between the United States and Japan, entitled *The Great Pacific War*, published in 1925. *Sea Power in the Pacific* analyzed the problems confronting the naval staffs of the United States and Japan in the event of war between the two countries in terms of the relative strengths of the two navies. *The Great Pacific War*, set in the early thirties, envisioned a new and more dramatic scenario. The book begins with a growing crisis in U.S.-Japan relations over a collision of national interests in China. This erupts into a surprise

attack by Japan on the U.S. Asiatic Squadron in East Asian waters. This mirrors Japan's earlier attack on the Russian Asiatic Fleet in Port Arthur at the outbreak of the Russo-Japanese War of 1904-05. Next, Japanese forces successfully invade the Philippine Islands, Guam, and other U.S. island possessions and thereby consolidate their hold on the Central and Western Pacific. Thereafter, the U.S. Navy makes a slow recovery from its initial defeats and develops an island-hopping campaign to wrest back the lost territory and reclaim hegemony over this sea route to Asia. The book's climax revolves around a U.S. plan to lure the Japanese fleet into a decisive battle by threatening the latter's forward base at Yap. It culminates in a great U.S. naval victory fought in classic World War I style between battleships pounding each other with gigantic salvos of high-

and Japanese commentators found the book intellectually provocative despite an outcome unfavorable to Japan. When republished in the United States in 1942, with an introduction by *New York Times* military commentator Hanson W. Baldwin, it seemed like an uncanny forecast of the war then raging. But did the book actually determine, or even have an influence on, Japanese and American strategic planning before war broke out, which is a very different matter? Honan insists that it did.

The theme of *Visions of Infamy* is that Bywater's writings virtually dictated the thinking of the Japanese navy before World War II and that the principal channel of these writings was no less than Admiral Isoroku Yamamoto, commander of the Japanese Combined Fleet from before Pearl Harbor until deliberately shot down on an inspection flight in 1943. According to Honan, Yamamoto

The theme of Visions of Infamy is that Bywater's writings virtually dictated the thinking of the Japanese navy before World War II and that the principal channel of these writings was no less than Admiral Isoroku Yamamoto, commander of the Japanese Combined Fleet from before Pearl Harbor until deliberately shot down on an inspection flight in 1943.

explosive shells. Although a work of fiction, the naval panorama was meticulously realistic in its portrayal of steaming distances, speed and armament of different classes of warships, gun ranges, ship construction and repair time, base facilities, and other technical details of the period.

The Great Pacific War sold well and aroused considerable interest in Japanese and American naval and foreign affairs quarters, given the fact that it was a work of fiction. There was nothing inherently anti-Japanese in Bywater's writings—rather the opposite, in fact,

made *The Great Pacific War* the blueprint for Japan's invasion of Malaya, the Dutch East Indies, and the Philippines, as well as the pre-emptive strike on the U.S. Pacific Fleet in Hawaii. In support of this thesis, Honan has done an immense amount of research trying to establish a chain of linkage between Bywater's fictional narrative, Admiral Yamamoto's naval career, and the pre-war naval planning not only of Japan but the United States. Unfortunately, the links are too fragile to stand up.

Admiral Yamamoto was the outstanding Japanese naval personality of

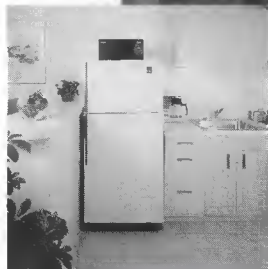
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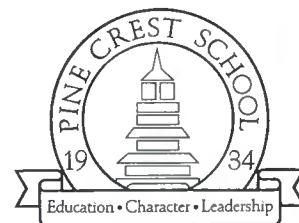
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World War II and in his early career had been an exchange student at Harvard, naval attaché in the embassy in Washington, and a delegate to conferences on naval arms limitation. But there is no evidence linking him to assignments in naval war planning, which in Japan, as in the United States, was a collective staff effort. Administrative direction of the Japanese Navy was the responsibility of the Navy minister, before Pearl Harbor successively Admirals Yonai, Oikawa, and Shimada. Naval planning and deployment was the responsibility of the chief of the Naval Staff, Admiral Nagano. Japanese war plans against the United States, which went through many changes, dated back to 1907; the plan to attack Pearl Harbor, which was not yet a naval base when Bywater wrote his

out blow to the U.S. fleet before it could hope to negotiate a favorable peace. The rest, including the supposition that U.S. naval planners also drew their inspiration from Bywater for the pre-war Plan Orange and the wartime island-hopping strategy westward across the Pacific, is rank speculation. The fact that *The Great Pacific War* was of interest to naval officers on both sides of the Pacific, probably including the younger Yamamoto, and predicted the broad outlines of the coming war, does not mean that it served as a blueprint for strategy. Military staffs do not take their inspiration from fiction.

Honan lays great stress on the similarity between Bywater's plan for an invasion of the Philippines and the actual Japanese landings in 1942; the maps of both are displayed on the book jacket. But landing sites are dictated by the location of beaches, enemy deployments, and roads leading to the interior, and in the Philippines these were ob-

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vious to any student of the problem. Moreover, the invasion of the Philippines was an army responsibility, with General Homma as joint commander and a navy task force in a supporting role. There is no evidence to link Admiral Yamamoto to the planning of this essentially ground force operation. *Visions of Infamy* is in large degree one-dimensional. Except for cursory treatment of the two naval arms limitation conferences of 1921 and 1934, Honan provides only sketchy political and foreign policy background against which to develop his case. He does little to relate Bywater's writings to Japanese commercial and military penetration of Manchuria and the Chinese mainland, nor to the fluctuation of U.S. East Asian policy, ranging from the activism of the

books, dated back to 1936. In any event, the drive to dominate China and establish hegemony over the Western Pacific came from the Japanese army. Evidence for Bywater's direct impact on Admiral Yamamoto is flimsy—a single news interview in 1934 when Yamamoto was in London for a naval conference; a lecture that Yamamoto gave while still a captain, for which no record exists, that allegedly mentioned the strategic importance of Hawaii; an intelligence report commenting on Bywater's writings, written by the Japanese military attaché in Washington while Yamamoto was naval attaché; and the fact that Yamamoto was known to hold the view, later expressed in various versions, that if Japan went to war with the United States, it would have to deliver a knock-

out blow to the U.S. fleet before it could hope to negotiate a favorable peace. The rest, including the supposition that U.S. naval planners also drew their inspiration from Bywater for the pre-war Plan Orange and the wartime island-hopping strategy westward across the Pacific, is rank speculation. The fact that *The Great Pacific War* was of interest to naval officers on both sides of the Pacific, probably including the younger Yamamoto, and predicted the broad outlines of the coming war, does not mean that it served as a blueprint for strategy. Military staffs do not take their inspiration from fiction.

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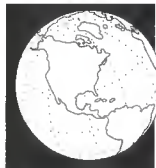


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Hoover Administration to the relative isolationism of the first Roosevelt Administrations caused by neutrality legislation and the Great Depression. Whether out of ignorance or because it would undermine his Navy-centered case, Honan says virtually nothing about internal Japanese politics, especially the rise to dominance of the army general staff and the elimination, sometimes by assassination, of conservative admirals from all important cabinet posts.

Honan also provides little hard information on Bywater's schooling, position in English society, friends, and connections other than naval journalists

Honan tries to inflate his hero by resorting to glamorization and hype. He invests a brief exchange of letters-to-the-editor between Bywater and Franklin D. Roosevelt in the 1920s with major policy significance; thenceforward the two men, who never met, are described as "debating partners."

on both sides of the Atlantic, and the reasons for seemingly inexplicable job changes. Nor does he set Bywater's career in an appropriate British press context—essential in an era when the London *Times* under Geoffrey Dawson dominated press debate over foreign and defense policy and journalists as a class had little access to government officials and none to the Royal Navy, the "Silent Service."

Instead, Honan tries to inflate his hero by resorting to glamorization and hype. He invests a brief exchange of letters-to-the-editor between Bywater and Franklin D. Roosevelt in the 1920s with major policy significance; thenceforward the two men, who never met, are described as "debating partners." Colleagues or passing acquaintances of

both Bywater and Yamamoto are habitually described, without substantiation, as their "close friends." According to Honan, Bywater spent the years 1901-1918 as a British secret agent in Germany and the United States; if he really was, in Admiral Sir John Fisher's words, "our splendid spy in Germany" and later penetrated a ring of German saboteurs in the New York port area, why is he not mentioned in histories of the British intelligence services by Christopher Andrew, Richard Deacon, and Rupert Allason, or in recent American works about the Black Tom explosion and the von Rintelen sabotage ring?

Given the amount of research that went into *Visions of Infamy*, it may be churlish to dwell on factual errors and loose statements of history, but they again illustrate its one-dimensional quality. The battle of Lissa that led to modernization of the Italian navy took place in 1866 between Austrian and Italian ironclads, not in 1804 between British and French sailing frigates. The French revolutionary generals Moreau and Jourdan were never

among Napoleon's "ablest commanders;" they held entirely separate commands before breaking with him. The word "Ersatz" before the name of a German warship is not part of the name but an adjective denoting a new vessel, a replacement of a former vessel of the same name. Regensburg in Bavaria has always been Regensburg; Ratisbon is a Latin equivalent, much used by the French, like Vienna for Wien. There are many more such slips.

Visions of History is pop history without the redeeming quality of truth. It selectively stitches historical personalities and events into an untenable chain of causation. The claim, blatantly displayed on the book jacket, that Hector C. Bywater "devised the plan that led to Pearl Harbor," does not have a shred of tangible evidence to substantiate it. Bywater was a meticulous craftsman who always drew a sharp line between fact and fiction and made no claims to have ever influenced naval planning. He deserves the same treatment from a biographer.

Charles Maebling Jr., an international

lawyer and World War II naval officer, spent a year as junior secretary of the Joint Staff Planners, one level below the wartime Joint Chiefs of Staff.

The Old Soviets

THE SERPENT AND THE BEES: A KGB CHRONICLE

By Edward Alexander, University Press of America, 1991, \$21.95

Reviewed by Sol Schindler

This is a Foreign Service memoir with a different theme. Born in the United States of Armenian parents, Edward Alexander learned Armenian as a child and maintained an active interest in Armenian culture and history. When he served overseas as a Foreign Service officer, his Armenian background was of great interest to the Soviets. They had Armenian-speaking KGB officers seek him out—thus the subtitle of the book. The title, however, comes from an Armenian proverb: "The serpent draws poison and the bee, honey from the same flower." The flower, of



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BOOKS

course, is Armenia, and the serpent, the KGB.

Ed Alexander's first Foreign Service assignment was in West Berlin. Here the KGB first made contact through the person of Rafael Aghayan, an Armenian from Karabagh, a disputed portion of Azerbaijan. This relationship lasted, though it did not flourish, through the five years of the author's tour. It is interesting to compare the attitudes of the U.S. and Soviet establishments to this relationship. Contact was initiated by the Soviets and maintained through continued social invitation. Aghayan always asked for some kind of information during their get-togethers but finally overreached himself by offering both a written list of questions and a sum of money. This gratuitous act ended all social contact.

The author, on his part, reported all contacts, as he was obliged to do. He was told to continue the relationship as long as he desired, but to proceed with caution. At no time was he asked to serve as a double

agent or to participate in a counter-espionage operation. He freely offered Aghayan all information that was in the public domain but refused to talk about classified matters. In the end, the Americans probably learned more from the kinds of questions asked than the Soviets did from the answers they received.

Alexander moved on, of course, to other assignments: Budapest; Washington, where he was deputy assistant director for Eastern Europe at USIA; and finally, East Berlin. In both Budapest and East Berlin the pattern of approaches by Soviet Armenians continued. Whether Alexander was considered forever a possible source, or whether the contacts simply wanted to talk to an American Armenian is difficult to determine. However, the author comes to the conclusion that all were in one way or another connected to the KGB.

This type of KGB failure has been chronicled in other places. What other intelligence service would continue plowing a sterile field for so long? Did the KGB, like other large bureaucracies, have a need for self-justification and employment for its excess staff?

In his summing up, the author expresses

an optimism for the future of Soviet Armenia and predicts a free and democratic Armenia will reemerge—a prediction confirmed by recent events. Although the serpent receives sustenance from the flower, he is growing old, and the bees outnumber him.

Sol Schindler is a retired Foreign Service information officer.

The Japanese Stepchild

THE PRICE OF A CONSTITUTION:
THE ORIGIN OF JAPAN'S POSTWAR
POLITICS

By *Tetsuya Kataoka, Taylor and Francis, New York, 1991, \$42.50 hardcover, \$19.50 softcover*

Reviewed by Jack Shellenberger

For the historian of early postwar Japan, *The Price of a Constitution* is likely to be a welcome addition to works on this subject. For the generalist with more than a passing interest in Japan, this volume offers fresh perspectives on the thesis that Japan in the late

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1940s and early 1950s was consciously treated by its American guardians as a child who needed to be tutored about and sheltered from the hard facts of international discourse. What angers the author of what he calls the "first uninhibited" account of this tutelage is that Japan's own establishment at the time succumbed to such a dependence.

Whether "uninhibited" is the right adjective or not, Kataoka certainly has gleaned an array of facts from the writings and statements of the key players of that era, most notably General Douglas MacArthur and Japan's best known postwar prime minister, Yoshido Shigeru. These quotes support the author's contention that when Japan's leadership tried to chart an independent course in international fora, deference to Washington's wishes held sway. He attributes this not only to a sense of obligation to America for sparing the emperor from war crimes prosecution, but, of greater consequence, to the imposed constitution, which renounced war and was ultimately endorsed by the emperor himself.

Japan's gallery of strong-willed political personalities is sketched concisely, if not warmly. Kataoka describes Yoshida, the quintessential operator, who relentlessly *quid pro quo*-ed Secretary of State John Foster Dulles when it came to economic aid versus U.S. base rights and Japanese rearmament issues; Hatoyama Ichiro, the true, in the author's view, founder of the Liberal Democratic Party, who became the victim of an intricate cabal; Suzuki Mosaburo and Asanuma Inejiro, who together forged the first Japan Socialist Party merger in 1955; and, of course, Prime Minister Kishi Nobosuke, perceived, mistakenly, as it turned out, to be Japan's equivalent of the resilient West German Chancellor Konrad Adenauer. Kishi, who became the "lightning rod for anti-Americanism," is the most full-blown figure in Kataoka's account, understandably, given the storms associated with his premiership, 1957 to 1960. Revision of the U.S.-Japan Mutual Security Treaty to further legitimize U.S. base rights and Japan's self-defense force was both the making and unmaking of Kishi. Kataoka captures it all, in-

cluding Kishi's wonderment at his triumphal reception in the United States. The aborted Eisenhower visit to Japan is discussed matter-of-factly, in contrast to the nephew of General MacArthur, who was U.S. envoy at that time. Douglas MacArthur II is described as "quite possibly the greatest U.S. ambassador ever to be posted to Tokyo and also the least appreciated by the Japanese." Does this not seem contradictory?

The Price of a Constitution includes pages of source notes, which, for the research-minded, may be worth the price of the book itself. Another bonus is Kataoka's inclusion of expressions and references in romanized Japanese to further authenticate the passages. On the other hand, there is more skipping back and forth, repetition, and use of acronyms than is warranted, and a closer editing job would have corrected a number of typos. ■

Jack Shellenberger's first tour in Japan coincided with the premierships of Hatoyama and Kishi.

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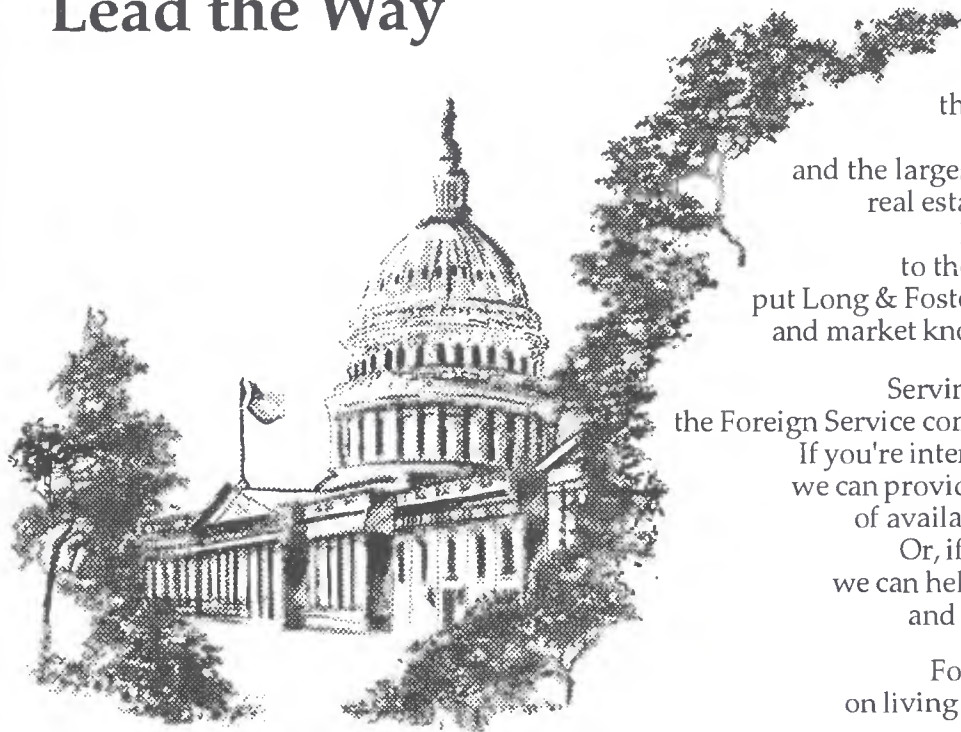
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IN MEMORY

Kenneth B. Atkinson, 84, a retired Foreign Service officer, died November 10, 1991 at his home in McLean, Virginia.

Atkinson graduated from Princeton University in 1928. He subsequently worked for the Panama Canal Commission and the War Department. He also taught at American University.

After joining the service in 1950, Atkinson served as administrative officer in Rio de Janeiro, 1950 to 1953, then as political officer in Rangoon, 1953 to 1955. He also worked in Brazil, Burma, and Birmingham, England, where he was consul general, as well as in Washington. After leaving the Foreign Service, he conducted training courses for the Foreign Commercial Service in Washington and at overseas posts.

He is survived by his wife, Eileen; two sons, David and Richard; a daughter, Lynn Smolen; seven grandchildren, and one great-grandchild.

Nona L. Gardiner, 95, a former consular officer, died October 22, 1991 at Sibley Memorial Hospital in Maryland.

Gardiner, a native of Sunset, Louisiana, entered the Foreign Service at Guatemala City in 1929 and subsequently was assigned to Barranquilla, Colombia; Oslo, Norway; Tegucigalpa, where she served as chief of the embassy's Consular Section; and Mexico City, where she served as chief of the Citizenship, Passport, and Notarial Sections.

In 1959, Gardiner was named "Woman of the Year" by American Ambassador to Mexico Robert C. Hill.

Gardiner is survived by her niece, Harriet Estrada, as well as other nieces and nephews.

Joseph D. McLaughlin, 54, died of cancer November 23 at Alexandria

Hospital in Virginia. McLaughlin was a native of Leavenworth, Kansas. He graduated from Immaculate Conception Seminary and the University of Louvain in Belgium.

McLaughlin began his Foreign Service career in 1963. After having served as consular officer in Naples, in 1966 he became economic and political officer in Enuga. From 1968 to 1972, he was trade promotion and economic and commercial officer in Milan. In 1973, McLaughlin was posted to the Bureau of Economic and Business Affairs, and from 1974 to 1976 he was assigned to the Office of the Secretary. He was economic and political officer in Bridgetown, 1970 to 1982.

McLaughlin became deputy chief of mission in Mogadishu in 1982 and, from 1984 to 1988, in Santo Domingo. Before starting his final assignment in the executive office of the finance bureau in July of 1991, McLaughlin had served as director of the State Department Bureau of Personnel's Office of Recruitment, Examination, and Employment.

Survivors include his wife, Anita McLaughlin of Arlington, Virginia; two sons, Robert, of Arlington, and Stephen, of Herndon, Virginia; and a half-brother, William, of St. Louis, Missouri.

Robert Newbegin, 86, a retired State Department Foreign Service officer who had served as ambassador to Honduras and Haiti, died November 15 at his home in Jaffrey, New Hampshire.

In 1930, Newbegin was commissioned in the Foreign Service. His posts abroad included Germany, Uruguay, Mexico, Turkey, the Dominican Republic, Colombia, and France. He was named an inspector of the Foreign Service in 1952, director of the

Office of Middle American Affairs in 1954, and deputy assistant secretary of State for personnel in 1956.

In 1958, Newbegin became ambassador to Honduras. Two years later, he was named ambassador to Haiti, a post he retained until his retirement. He later served as a consultant to the State Department during negotiation for a new treaty on the Panama Canal.

Newbegin was born in Bangor, Maine and grew up in Cambridge, Massachusetts. After graduating from Yale University, he studied at the University of Grenoble and at Harvard Law School. In 1951, he attended the Air War College.

Newbegin is survived by his wife of 58 years, Katharine Slade Newbegin of Jaffrey and Washington; two daughters, Dorothy N. Davis of Groton, Massachusetts and the Reverend Anne S.N. Webb, of Wayland, Massachusetts; four grandchildren, and two great-grandchildren.

Sandra E. Siverson, 55, who retired from the Foreign Service in 1988, died November 20, 1991 of cancer in Arlington, Virginia.

Siverson began her Foreign Service career as a secretary in Lagos in 1963. She served in Kampala, 1965 to 1967, and Amman, 1967 to 1969. She became a communications and records officer in Accra in 1969. Siverson also served in Kuala Lumpur, Jeddah, Muscat, Washington, and Tokyo before completing her last assignment in Pretoria, from 1985 to 1988.

Following retirement, Siverson worked on contract in the executive office of the Bureau of African Affairs until 1990. She was born in Minneapolis, Minnesota on February 13, 1936, and attended the University of Minnesota. She is survived by two brothers, John and Roger, both of Minneapolis.



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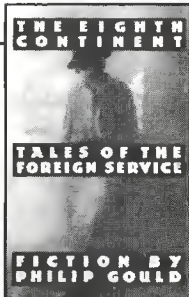
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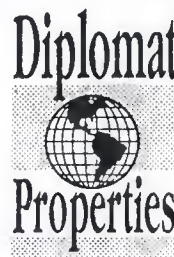
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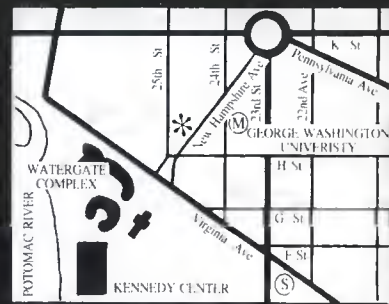
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