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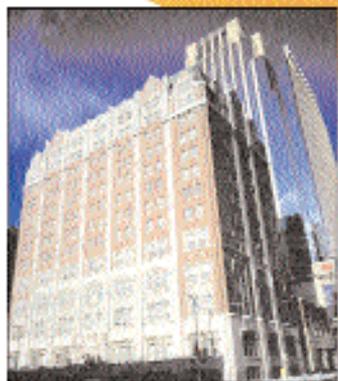
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PRESIDENT'S VIEWS

Plus Ça Change, Plus C'est La Même Chose

BY LOUISE K. CRANE

The June issue of the *Journal* was dedicated to recounting the successful struggle 30 years ago to transform the American Foreign Service Association into a union. (If any of you missed that coverage, I invite you to read it online at www.afsa.org.) While AFSA has remained the same strong professional association it has been for nearly 80 years, it has also become an organization that works tirelessly to improve the treatment of all Foreign Service employees, both individually and collectively.



Insightful as all the articles were, I want to highlight Ambassador Herman Cohen's reminiscences about joining the AFSA Governing Board in 1969 to deal with "members' interests" — a broad category covering requests for assistance with issues ranging from R&R and overseas allowances to shipment of household effects.

Amb. Cohen found that to do his job, he sometimes had to challenge the regulations themselves, not just their implementation. For example, in making the case that Foreign Service personnel should be reimbursed for their children's kindergarten costs as they were for other schooling, he discovered that the State Department's refusal to do so was based on an outdated 1955 survey. Once he found more recent statistics

Louise K. Crane is AFSA vice president for State.

AFSA has a proud history of working tirelessly to improve the treatment of all Foreign Service employees.

demonstrating that most states were providing free public school kindergarten, the department agreed a revision of the regs was appropriate.

What struck me was how many similar issues continue to arise in which AFSA has detailed evolving demographics, or offered a practical alternative, but the department has yet to respond positively. Take housing standards for specialists who have 20 or more years in the Service. In the early 1970s, Amb. Cohen fought successfully to increase weight allowances, then based on rank, for these employees. Fast forward to the early 21st century. Now AFSA is fighting for increased housing for these employees, which is also based on rank. However, certain categories of employees like OMS have little expectation of being promoted beyond FP-4. Thus, their square footage is stuck at that level without regard for their years of service, or — as Amb. Cohen noted some 30 years ago — the personal effects they have accumulated during those years of service. I have pointed this inequity out to the department on numerous occasions, only to get the brushoff each time.

Similarly, the demographics show that two-income families are becoming the U.S. norm. More than a thousand State employees are part of a tandem, and many others are single parents. AFSA has argued that since many posts lack adequate and affordable day care, forcing many parents to hire live-in help, they should receive more square footage to house this essential person. Yet thus far, management has turned a deaf ear.

Then there is that hardy perennial: paying per diem to new hires who come to Washington for three weeks of orientation and then take up their domestic assignments. State correctly points out that the rules say that anyone brought to Washington for assignment is not entitled to per diem. Fair enough. But sometimes new hires do not learn they are staying stateside until literally hours before they board the train or plane for Washington. (There are even cases of their not learning they were staying put until after orientation had begun.) One employee told of sleeping in his car out at Dulles Airport, others of eating bologna sandwiches for days. One told me that a year later he was still paying off the thousands he racked up in temporary lodging bills during orientation.

AFSA doesn't understand why the department can't just wait until the end of orientation to assign those employees stateside, thereby allowing them to collect per diem.

So thank you, Amb. Cohen, for stiffening our spine on these issues. We'll keep fighting. ■



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Fine Fiction

I finished reading the summer fiction issue (July-August) last night and want to congratulate you on your selections and the authors on the quality of their stories. I enjoyed and was impressed by all of them. This issue is a treat and inspiration to the many writers the Foreign Service experience produces and, I hope, to others as well.

*Mary Cameron Kilgour
USAID FSO, retired
Gainesville, Fla.*

Misrepresenting USIA Officer Corps

Wilson Dizard's article about the U.S. Information Agency ("Remembering USIA," July-August) has some interesting anecdotal material but suffers from an egregious error. He describes the USIA officer corps as "by and large, a pick-up crew that got its training as propagandists on the job. As such they were exceptions to the traditional Foreign Service officer pattern. Most came from media industries (and) several were Hollywood actors."

This superficial and uninformed description does a great injustice to the career officer planning in the USIA that began under the first USIA director, Theodore Streibert, and was carried on during the agency's history, especially while Lionel Mosley was head of personnel.

USIA had a commitment to career officers, including a junior officer program promoting diversity and talent. USIA officers were given career status by the president and the Congress in

the mid-1960s, thanks to the efforts of Director Leonard Marks.

I am disappointed that Wilson Dizard would treat career officers so superficially and saddened that the *Journal's* editors did not pick up on this destructive gaffe.

*R.T. (Ted) Curran
FSO, retired
Washington, D.C.*

USIA Standards

Wilson Dizard egregiously misrepresents USIA personnel in his article when he talks about "a pick-up crew ... trained on the job," characterizing them as an exception to the pattern of Foreign Service officers. This is patently false.

I joined USIA in 1960 via the exact same Foreign Service examination required of State FSOs. On joining, I went through a rigorous training process, some of it with State Department counterparts. The pedagogy could be challenged, but not the seriousness and professionalism of the training.

In 1969, I was asked by the director's office to undertake a study of attitudes of younger officers to determine if USIA had a "generation gap," and to make recommendations for revising the assignment and training process. Again, training was a subject taken seriously and USIA invested in innovative changes in both junior officer and mid-career training.

Over my 36 years of service, USIA maintained the highest standards in recruiting and put special emphasis on training. My final tour was on the faculty of the National War College,

where USIA training and experience were highly respected and where USIA students stood out in that exceptional crowd. I find it lamentable that you allowed your respected journal to be the vehicle for Mr. Dizard's insinuation to the contrary.

*Robert L. M. Nevitt
FSO, retired
Washington, D.C.*

Don't Trash Dissenters

I hope that David Jones just got up on the wrong side of the bed the day he wrote his attack on the three FSOs who resigned over current administration policies (June "Speaking Out"), and that it does not reflect a permanent attitude on his part. Although resignations rarely have much effect on policy, and the loss of talent and experience that they represent is regrettable, it is refreshing to find from time to time that there are officers out there who are prepared to sacrifice a rewarding career over matters of principle. Jones' "good riddance" attitude and his insinuation that these officers were drones and time-servers (which they clearly were not) are way off base.

Any knowledgeable person who is not a GOP party loyalist and who is not deeply concerned about where the neo-cons have led this administration in the Middle East and elsewhere — or who thinks the situation in Iraq is under control, as Jones seems to — must be asleep. Whether that concern is deep enough to warrant resignation is very much a personal decision. I would recommend against it, but then I no longer have the task of defending

LETTERS



U.S. Middle East policy to angry foreigners.

Richard B. Parker
FSO, retired
Washington, D.C.

Courage to Resign

The purpose of the Speaking Out forum is in no way reflected in the mean-spirited, ad hominem piece by David Jones in the June issue. Rather, that piece is a denigration of three FSOs who resigned because of moral and professional concerns over our Iraq policies.

Jones clearly supported those policies, and contemptuously dismisses the dissenters in a manner that reads as both petty and ill-informed. Their resignations required courage and strength of character — even if you disagree with

their opinions — representing the Foreign Service far better than “drones and time-servers.”

Jones trashes the dissenters because of their distance from the Middle East. He appears to equate this with a complete lack of understanding, knowledge and experience in foreign affairs in general and, apparently, awareness of administration messages on the subject.

There was, however, no reference to his own experience in — or even near — the region at any time, or any recent familiarity with it. Since he probably no longer has access to classified traffic, there are valid reasons to question the value of his personal views.

Edward L. Peck
FSO, retired
Chevy Chase, Md.

More on Vernon Walters

It was a delight to read Fletcher M. Burton's tribute to General Vernon A. Walters (*FSJ*, June). Gen. Walters was, indeed, a celebrated raconteur. Two amusing instances of his knowledge and humor come to mind.

I was in a position to brief Walters regularly in 1982, when he was an ambassador at large. On one occasion I mentioned that my wife, Marta, was from a German colony in the state of Rio Grande do Sul, Brazil. The general replied that he would like to meet her. When I brought her up to his office, he served her a guarana (a Brazilian soft drink). He then began speaking Portuguese with a German accent, sounding just like a native speaker from Marta's area.

While I was assigned to Kuala



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Lumpur in 1986, Walters paid an official visit to the post, and I was asked to accompany him on a Saturday to visit the old Malay entrepot of Malacca. When we returned to Kuala Lumpur that afternoon, I asked him if he minded our stopping to pick up that day's *International Herald Tribune* (then jointly owned by the *Washington Post* and *The New York Times*). Although the general was very conservative in his views, he assented to my request, adding that although it was a liberal paper, it was essential reading overseas. He then added that he considered the *International Herald Tribune* to be the illegitimate offspring of an incestuous marriage!

William H. Barkell
FSO, retired
Arlington, Va.

Thanks for the Memories

The June 2003 *Foreign Service Journal* articles (about AFSA's 30 years as a union) brought back warm and important memories of battles of long ago. They were not just welcome exercises in pleasant nostalgia for me, but are an important account of difficulties that were faced and surmounted long ago.

I thought the articles caught the difficulty of the times. Thank you for bringing me once again into the tumult of that goodly company.

William B. Macomber
Ambassador, retired
Nantucket, Mass.

An Opposing View

The June *FSJ* celebrated the memories of a cabal that seized control of AFSA in 1968 and transformed a pres-

tigious professional association headed by senior career diplomats into a company union led by junior FSOs. In his account, Tom Boyatt, a disciple of the original "Young Turks," alludes to "Rashomon," the Japanese film classic that presents four distinctly different recollections of an event. However, the June issue reflected only one point of view. The following is another.

The Young Turks and their successors failed to grasp the administrative nightmare that the Foreign Service had become by the 1960s. The problems began with the suspension of recruitment into the Foreign Service during World War II. As a consequence, Civil Service personnel increasingly filled positions held by FSOs before the war, until, by the mid-1950s, most Washington jobs previously held by FSOs were staffed by

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Civil Service personnel. The Foreign Service became a quasi-expatriate corps. My first boss entered the Foreign Service some 30 years before I met him, and all of his assignments were overseas: he inevitably had a limited understanding of the State Department and even the United States.

Soon after he became Secretary of State, John Foster Dulles appointed Henry M. Wriston to head a commission to assess this problem. Wriston concluded that all Civil Service personnel with substantive responsibilities in the department should be "integrated" into the Foreign Service, even though they outnumbered career FSOs. Dulles subsequently appointed Ambassador Loy Henderson, the most outspoken critic of "Wristonization," to implement it. Remarkably, as

Henderson waded into the swamp, he became genuinely convinced that two parallel personnel systems with incompatible recruitment, compensation, promotion, leave, and retirement policies — and disparate cultures — could not be managed equitably within the same structure.

"Integrating" Civil Service personnel into the Foreign Service brought instability to the department and dislocations to many dedicated employees in the 1960s. Former Civil Service officers were assigned to embassy slots they were ill prepared to fill: office directors became DCMs and experts on consular invoices headed large visa operations. Tensions were high.

Unfortunately, President Kennedy rebuffed Henderson's offer to continue for a brief transition period, and in

early 1961 Henderson was replaced by Roger Jones, who, as head of the Civil Service Commission, had battled Henderson on many occasions. Instead of "de-Wristonizing" the Foreign Service ("unscrambling the eggs"), Jones asked former Secretary of State Christian Herter to head a committee to review personnel matters. Before its excellent report was completed, Jones resigned. He was replaced after a hiatus by William Orrick, a protege of Robert Kennedy with no relevant experience. A year later Bill Crockett replaced Orrick; and in 1967 Idar Rimestad replaced Crockett.

In short, State management was a shambles throughout the 1960s. The Young Turks, ignoring this background, saw their careers as stymied by Wristonees. They thought large-

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LETTERS



scale selection-out would be the answer, and persuaded then-Undersecretary for Administration Idar Rimestad to require a large number of FSOs who had not been recently promoted to retire between 1968 and 1972. Their mentor was Ambassador Graham Martin, who chaired the committee that produced the 1968 "manifesto" described by Tex Harris. Martin was well known as a strong critic of both Wristonization and Henderson.

The Young Turks essentially mounted a revolution against the Loy Henderson concept of professional diplomacy. The key issue was whether FSOs with distinguished records of service should be routinely forced into premature retirement in their prime. As State's top management officer in the late 1950s, Amb. Henderson had

steadfastly refused, as a matter of principle, to terminate the careers of FSOs merely because they "failed" to reach promotion after a specified number of years. Henderson never countenanced substandard performance or disloyalty, but he believed so-called "efficiency reports," selection boards, and personnel operations were grievously flawed.

The AFSA elections in the ensuing years afforded no opportunity to debate or even discuss these matters, which have continued to cast a dark shadow over the Foreign Service. As one of the independent candidates seeking election in 1971 (see p. 31 of Boyatt's article), I was appalled to learn I had only one minute to present my views at the one and only campaign meeting authorized that year.

Over the years, the majority of AFSA members have known of the damage to U. S. foreign affairs and countless diplomats that resulted from the arbitrary dismissal of excellent FSOs. It's no coincidence that the credibility and luster of the Foreign Service became tarnished during that same period.

Some established reporters (Taylor Branch, William Greider, Clark Mollenhoff, Dan Thomasson, and Sarah McClendon, for example) captured bits and pieces of this saga in the early 1970s, but the real history of AFSA and the Foreign Service since World War II is yet to be told.

The June issue did not even reveal the tip of the iceberg!

John Harter

FSO, retired

Virginia Beach, Va. ■

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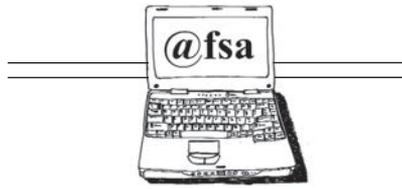
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CYBERNOTES

Special Court of Sierra Leone on Trial

Significant progress has been made by the Special Court for Sierra Leone set up to bring to justice to “those who bear the greatest responsibility for war crimes and crimes against humanity” in the decade-long civil war that tore apart this small diamond-rich nation, states a well-documented briefing issued by the International Crisis Group in August (<http://www.crisisweb.org/projects/showreport.cfm?reportid=1076>).

But the report, subtitled “Promises and Pitfalls of a ‘New Model,’” also warns that steps must be taken to ensure the court’s legitimacy — both domestic and international.

The Special Court (www.sc-sl.org) was established in January 2002 in an agreement between the United Nations and the government of Sierra Leone, following a June 2000 request for assistance to the U.N. Security Council by Sierra Leone President Kabbah. By contrast with U.N. tribunals for the former Yugoslavia and Rwanda, which have huge budgets, open-ended tenure and are located far from the scene of the crimes, the Special Court has set a three-year term for itself, is funded on a voluntary basis at a total of \$60 million, and is located in Freetown, Sierra Leone’s capital.

It is meant to be cheaper and faster, and more relevant to the process of rebuilding war-torn Sierra Leone, a possible “new template” for the prosecution of war crimes, according to a background study by the Crimes of War Project (<http://www.crimesofwar.org/onnews/news-sierra2>).

I think all foreigners should stop interfering in the internal affairs of Iraq.

— Deputy Defense Secretary Paul D. Wolfowitz, July 21, *washingtonpost.com*.

html). The U.S. played a leading role in establishing the court, which began operating in August 2002 and issued its first series of indictments in March 2003.

The court’s credibility hinges, in part, on its international authority. In the report, the ICG urges the U.N. Security Council to grant the court a mandate under Chapter VII of the U.N. Charter, which would require all member states to comply with its orders, including indictments and arrest orders. The court’s indictment against former President Charles Taylor of Liberia in early June put the issue on the table. The warrant for Taylor’s arrest, transmitted to Interpol, has yet to be honored by authorities in Nigeria, where Taylor has been granted asylum.

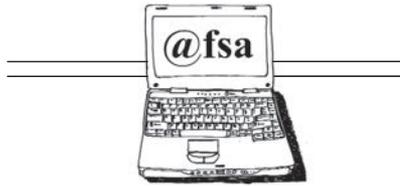
The court’s success also depends on domestic legitimacy. Here, according to the ICG, the perceived ‘Americanisation’ of the court, the likelihood that it will not try more than 15 to 30 individuals, and perceptions that it is distant from local media are potential problems. Special Prosecutor David Crane, appointed by the U.N. Secretary General, and Chief Investigator Alan White are both U.S. citizens and former senior officers in the

Department of Defense. Statements by the prosecutor insisting that the crimes under inspection were not about politics but about diamonds, and that “al Qaida is here,” are seen in Sierra Leone as an insinuation of U.S. issues into the court’s work.

Background on the crisis in Sierra Leone and the formation of the Special Court can be found at the ICG Web site, in particular, “Sierra Leone: Time for A New Military and Political Strategy” (<http://www.crisisweb.org/projects/reports.cfm?keyid=21>). Further discussion of the Special Court and the U.N. role in Sierra Leone can be found at the Global Policy Web site (www.globalpolicy.org/security/issues/sierra/court/2001/critique.htm) and (www.globalpolicy.org/security/issues/slindex.htm).

Too Little, Too Late for Afghanistan?

Reports are now circulating of a major new boost in U.S. aid to Afghanistan that would sharply increase the American role in securing and rebuilding the country. According to David Rohde’s Aug. 25 report (www.nytimes.com), U.S. reconstruction aid is expected to double to \$1.8 billion annually, some 70 new staff positions will be added at Embassy Kabul, a dozen senior American officials will work as advisers to Afghan government ministers, four new 120-soldier provincial reconstruction teams will be sent around the country, and police training centers will be built in eight cities with the aim of producing 19,000 newly trained officers by next spring.



CYBERNOTES

There is little doubt these plans are driven, among other things, by election concerns. Facing unexpected difficulty in Iraq, the Bush White House needs American voters to see Afghanistan as a success story heading into 2004. The Afghan government needs to show success for its own electoral exercise, scheduled for June 2004. On July 14, in an event co-sponsored by the Center for Strategic and International Studies and Radio Free Europe, Afghan Foreign Minister Abdullah Abdullah spoke at length about the coming elections and stated that additional international funding commitments were necessary to maintain stability within the country and give credibility to the Hamid Karzai government (www.csis.org). Without more assistance, he warned, Afghanistan could again become a breeding ground for terrorism.

Even assuming that bombardment by money and experts could solve the problem, a new Rand Corporation study underscores the difficulty (www.rand.org/publications/MRM/R1753). "America's Role in Nation

Site of the Month www.earthobservatory.nasa.gov

To maintain a healthy perspective on the urgent little affairs of everyday life, it is helpful to keep the bigger picture in focus. NASA's Earth Observatory Web site does this in a most engaging way. The site offers a bird's-eye view of Earth and fascinating insights into the natural processes at work here. The site's purpose is to make freely available the latest satellite imagery and scientific information about planet Earth — its atmosphere, oceans, land, energy and life. The site has news and features, as well as an "experiments" department where you will find interactive experiments to teach all ages how NASA uses remote sensing to study the "how and why" of Earth changes. Click on "Ask the Scientist" to pose your questions.

A special feature introduced in the past year is a Natural Hazards image service, updated daily. You can access Natural Hazards at the Web site, or sign up to receive free, daily notices by e-mail of significant Earth events replete with satellite images — from hurricanes to dust storms, wildfires and floods. The images are available up to the satellite sensors' highest spatial resolution, and are suitable for posters, print or TV publication. As with everything else at the site, users are free to use or publish these images (with credit given).

Building: From Germany to Iraq" documents the comparatively pitiful baseline effort in Afghanistan. While there were 18.6 peacekeepers per thousand people in Bosnia and 20 in Kosovo, the 4,800 international peacekeeping force

in Kabul amounts to 0.18 peacekeepers per thousand Afghans. When the 11,500 mostly American combat troops there are included, there is still well under one peacekeeper per thousand Afghans. In addition, while per capita external assistance for the first two years of conflict in Bosnia was \$1,390 and in Kosovo \$814, in Afghanistan it is \$52.

An urgent plea to the Bush administration for action to support the Karzai government was made in June by an independent task force of the Council on Foreign Relations, whose report, "Afghanistan: Are We Losing the Peace?," is available online (www.cfr.org/pdf/Afghanistan_TF.pdf). Among other measures, the task force called for making peacekeeping part of the U.S. forces' mandate and giving the International Security Assistance Force

50 Years Ago...

Mindful that at no time since the early days of the Republic have the American people faced a more serious and persistent challenge in foreign affairs, we believe the national interest requires that the Foreign Service be steadily strengthened to meet its responsibilities. Proud as we are of the record of the Service, we recognize that it must be alert to change and as responsive to emergencies as it is constant in the long trials.



— From the declaration of belief in the Foreign Service, published as the Editorial, *FSJ*, October, 1953



responsibility beyond Kabul.

The growing threat of a resurgent Taliban points to the complexity of the Afghan situation, where tribal identities and colonial history still play a compelling role. An August report from the International Crisis Group, "Afghanistan: The Problem of Pashtun Alienation," addresses one of the principal problems the Karzai government faces: the ethnic imbalance in its makeup (www.crisisweb.org/projects/show_report.cfm?reportid=1078). Though a Pashtun himself, Karzai's military, interior, foreign affairs and other major ministries are dominated by Tajiks. Yet the Pashtun — who number some 20 million, distributed about equally on both sides of the border with Pakistan — constitute the single largest among the country's four major ethnic groups. The Pashtun-based Taliban is taking full advantage of this.

The Fuss About China's Yuan

In the run-up to the 2004 election, Democrats and Republicans alike have been making noises about how the allegedly undervalued Chinese currency, the yuan, is undermining the U.S. economy. Both Treasury Secretary John Snow and Federal Reserve Board Chairman Alan Greenspan have publicly voiced misgivings about Chinese monetary policy. In late July, a bipartisan group of lawmakers wrote to President Bush calling for an investigation of whether China was responsible for the recent U.S. economic downturn and the highest unemployment rate in nine years.

China's relatively weak currency has been pegged to the U.S. dollar since 1994. Meanwhile, China has become the third largest supplier of

goods to the U.S. and the recipient of an enormous investment boom. China maintains that its underdeveloped financial institutions are not prepared for a free-floating yuan.

In the U.S., too, a yuan float could pose complications. Though domestic manufacturers threatened by Chinese imports have been complaining, many large American corporations are dependent on economical parts and components from China. Moreover, in efforts to maintain the fixed value of the yuan against the U.S. dollar, China has become the second-largest holder of U.S. dollars after Japan.

A comprehensive review of this important issue, including analysis and commentary, news, and background resources, is available at the Asia Society's Web site (www.asiasource.org/news/at_mp_oz.cfm?newsid=100110). ■

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SPEAKING OUT

Religion and Diplomacy

BY PHIL SKOTTE

Until pretty recently, religion didn't matter much to many Foreign Service employees. At my first post, Manila, one FSO told me that "religion is just the language people use to express economic frustration." I disagreed, citing the role of the Catholic Church in overthrowing President Ferdinand Marcos and the tensions between Muslims and Christians in the southern Philippines, but he held firm to his conviction that religion was relatively unimportant vis-a-vis diplomacy.

We had that exchange nearly a decade ago, but such views remained common in the Foreign Service until quite recently. Perhaps this was because America's greatest foreign policy challenges for the previous 50 years had not appeared to be religious in nature.

But communism, a non-religious ideology, is on the ropes and other forces with religious roots have begun to present the United States with new challenges. If we had not noticed this shift already, we assuredly should have on Sept. 11, 2001. The attacks we suffered that day had a strong religious component, a fact with profound implications for all of us, as diplomats and as Americans.

In fact, now that the blinders are off, it seems obvious that many current conflicts around the globe have a religious component, from the Middle East to the Balkans, Nigeria, Sudan, Northern Ireland and Sri Lanka. We now see religion as a key factor in con-

Involvement in the world of religion is essential to success in the world of diplomacy.



flict generation, conflict resolution and even in economic development. We recognize that it can be a powerful force for good or ill in the lives of communities and nations. And most Foreign Service personnel now recognize that involvement in the world of religion is essential to success in the world of diplomacy.

But how do we, as U.S. diplomats, get traction in the world of religion in order to further the foreign policy goals of the United States? As a Foreign Service officer with a background in religious studies, I'd like to suggest the following short list as a start:

Remember the U.S. Constitution. It may sound obvious, but we ought to support our constitutional principles regarding religion, and try to convince others of their value. These same principles, regarding the freedom of the human conscience, the right to assemble and the right to propagate one's faith are also embod-

ied in the U.N. Declaration on Human Rights, the Helsinki Accords and many other internationally recognized documents. True, these principles (which I believe are universal) will find different expression in different environments and cultures, but their full realization is a goal for all human societies.

Religious terrorists are religious totalitarians who want to impose their version of a given religion on others by force. We oppose this because it goes against our deeply held beliefs as Americans and also because we know that it won't work in a world of diverse religions. For example, when religious people are killed for peacefully propagating their faith, our comments as American diplomats should be firmly on the side of the religious person, even if we do not personally agree with their beliefs or methods. It is simply wrong to kill people for their religious beliefs or activities, and doing so is murder. This applies in Yemen and India just as it does in New York and Indiana.

Consistent and united American support for freedom of the human conscience gradually helped to erode the appeal of politically totalitarian ideologies during the Cold War, and we will eventually succeed against religious totalitarianism, as well — if we are unapologetic and firm over the long term. In this sense, the annual International Religious Freedom Report process, and our ongoing advocacy of religious freedom, are not tan-

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www.intelsat.com

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www.jannetteintl.com

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www.hirshorn.com

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www.lauder.wharton.upenn.edu

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www.simunek.com

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SPEAKING OUT



gential, but core tasks for the Department of State. We must drain the sewer of religious totalitarianism because that is where the bacilli of religious terrorism thrive.

Tell our American religious story. America itself, like our constitution, is friendly to faith. Buddhists, Hindus, Muslims, Jews, Christians and religious people of virtually every conviction are free to practice and propagate their religious faith in the United States. We are all the more proud of this accomplishment because we did not come by it cheaply. It may sound arrogant, but much of the world could profit from this example. So we diplomats should find culturally appropriate ways to tell the story. America is a place where both law and practice show a better way than religious totalitarianism.

Cultivate American missionaries. There are good diplomatic reasons to get to know American missionaries in our countries of assignment.

For starters, they can be invaluable windows for us into the places we serve. Missionaries in the Philippines took me to a drug treatment facility, a shantytown and a rural development project. In Hong Kong, a missionary took me into the rat's nest of buildings where SARS later got its local start.

As for the war on terror, cultivating local U.S. missionaries can help in three ways. First, we are always more effective as diplomats if we know what is going on around us — and “below” us (where missionaries frequently work). Second, missionaries are a part of our constituency, American citizens that we are bound to protect and serve (whatever their religion). At this time in history they are particularly vulnerable, and the nature of their work ensures that they will remain vulnerable. Thus, we need strong, two-way communication with missionaries so that we know what they are doing and they know our security concerns.

Third, if it is true (as I believe it is)

Religion and Diplomacy Resources

<http://www.nccbuscc.org/seia/>

US Conference of Catholic Bishops
Secretariat for Ecumenical and
Inter-religious Affairs

<http://www.icrd.org/>

International Center for Religion and
Diplomacy

<http://www.irla.org/>

International Religious Association

<http://www.reliefweb.int/w/rwb.nsf>
Relief Web

<http://www.einnews.com/>

Breaking news from around the world

<http://www.amnesty.org/index.html>

Amnesty International

<http://www.hrw.org/>

Human Rights Watch

<http://www.Appealofconscience.org>

Appeal of Conscience Foundation

<http://www.afpc.org/>

American Foreign Policy Council

<http://www.theirc.org/>

International Rescue Committee

<http://www.state.gov/g/drl/irf/>

State Department— International Religious
Freedom

<http://www.uscirf.gov/>

United States Commission on International
Religious Freedom

<http://www.wcrp.org/>

World Council on Religion and Peace

<http://www.cdsee.org/>

Center for Democracy and Reconciliation in
Southeast Europe

<http://www.iocc.org/>

International Orthodox Christian Charities

<http://www.compassdirect.org/>

Compass Direct — tracks religious
persecution issues

— Phil Skotte

SPEAKING OUT



that terror finds opportune conditions in chaos, poverty and misinformation, then missionary efforts to better the conditions of local populations are worthy of our attention and, when appropriate, our support. One missionary told me of an instance when an American missionary-run hospital in a given country felt threatened by a new local administrator. The new administrator stirred up demonstrations outside the hospital and threatened worse. The hospital contacted the embassy, which asked the central government to transfer the local administrator to another area. This kind of intervention is entirely appropriate.

Conversely, there are probably also instances when we should advise missionaries that their activities are inappropriate and possibly even dangerous

to them and their fellow Americans. If we have already built up some credibility in the missionary community, they might even listen to us in such cases.

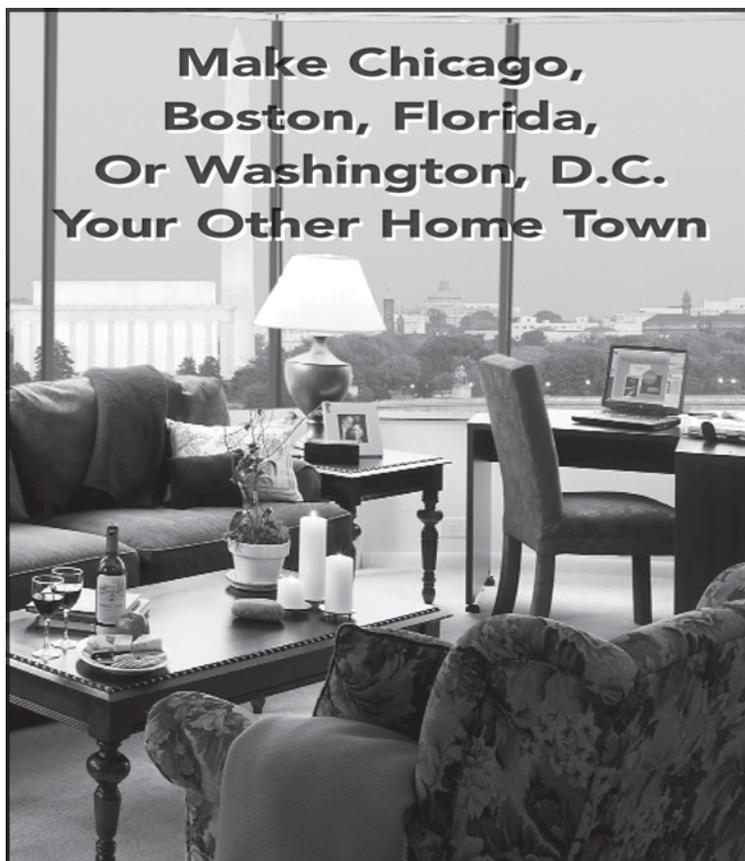
Get comfortable with religion and religious people. Before we can be effective as diplomats in the religious world, we have to understand that milieu. Books are a good start, but to really understand religion, we must experience it with religious people firsthand.

I remember visiting a mosque in San Diego as part of a university requirement. My professor knew that experiencing Islamic worship in a mosque with Muslims was different than just reading about Islam in a book. I had to take my shoes off at the door and sit separately from my girlfriend. This kind of experience is

important for all of us, but especially for those who have not had much personal religious experience.

In that connection, let me emphasize that it is not necessary for Foreign Service personnel to become religious in order to understand religion and appreciate its importance. Nor is it necessary for all of us to become religious experts. But there is currently a deficit in this area that we need to address. Toward that end, I have listed some resources which may be helpful (see p. 16).

There are also good diplomatic reasons to meet religious people from the local community. Religious leaders can give us feedback about how our image or policies are faring in their communities and help us to sharpen our message. Good relationships with local religious leaders also provide us



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Qualifications. The State Department has established eligibility criteria for FO-02s and FP-02s and for Civil Service officers at the GS-13 or GS-14 level. Details are available in a series of State Department notices or from HR/CDA/SL/CDT and HR/CSP.

SPEAKING OUT



an opportunity to influence a constituency that is vital to our interests but too often is not on our radar.

At three posts where I have served, chiefs of mission hosted events specifically for various religious leaders. The U.S. government provided a neutral venue for these various (and sometimes opposing) religious leaders to meet. We need not wait for a religious conflict to attempt reconciliation. To some extent our efforts, even in the absence of open conflict, further understanding between communities and help ensure that the leaders of these communities are talking to each other.

That said, as with other foreign contacts, there may be persons or groups we should not meet with, as well as organizations and individuals who would rather not meet with us. Decisions about whom to meet and under what circumstances must themselves be based on many factors, including religiously informed diplomacy.

To sum up: learning about religion, experiencing it firsthand, meeting religious leaders and American missionaries, supporting our constitutional values and telling our American story — these ideas are a small contribution to the emerging discussion regarding the interface between religion and diplomacy. The increasing acceptance and application of these policies demonstrates a growing, healthy recognition within the Foreign Service that a religiously informed and engaged diplomacy will be required in the coming decades. ■

Philip J. Skotte has been an FSO since 1993, serving in the Philippines, the Vatican and Hong Kong. Currently he is the deputy consul general in Budapest. He has a Master of Divinity degree from Princeton Theological Seminary.

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AMERICAN DIPLOMACY AND THE DEATH PENALTY



FOR A COUNTRY THAT ASPIRES TO BE A WORLD LEADER IN HUMAN RIGHTS, THE DEATH PENALTY HAS BECOME OUR ACHILLES' HEEL.

BY HAROLD HONGJU KOH AND THOMAS R. PICKERING

As patriotic Americans, most U.S. diplomats assume that the United States is the world's leader in human rights. But increasingly, one issue divides us from our allies and puts us in bad company: the death penalty.

Simply put, no other democratic country with our commitment to universal human rights resorts to the death penalty as frequently as we do. The statistics alone are startling. According to an Amnesty International Report issued in April 2003, 80 percent of all known executions worldwide in 2002 were carried out by just three coun-

tries: China, Iran and the United States. The United States has carried out more executions of juvenile offenders since 1989 than any country in the world. Only six countries have admitted to executing juveniles since 1990 — Iran, Nigeria, Pakistan, Saudi Arabia, Yemen, and the United States. In 1999, the only country, other than the United States, to execute a juvenile offender was Iran.

Most of us are accustomed to thinking that America's human rights practices set the standard for the world. In many respects this remains true. But in our time as State Department officials, we found that our administration of the death penalty increasingly presents a glaring exception to that rule. Many forget that the U.S. Supreme Court actually suspended the death penalty in 1972, on the grounds that its implementation was unconstitutional. But in 1976, the U.S. Supreme Court allowed the states to resume capital punishment, so long as they adopted and followed more rigorous judicial procedures. Since then, the

Harold Hongju Koh is Gerard C. and Bernice Latrobe Smith Professor of International Law at Yale University. From 1998 to 2001, he served as assistant secretary of State for Democracy, Human Rights and Labor. He served as counsel of record for nine former U.S. diplomats before the U.S. Supreme Court in Atkins v. Virginia and as counsel of record for former U.N. High Commissioner for Human Rights Mary Robinson and human rights organizations before the Court in Lawrence v. Texas. Prof. Koh recently received the 2003 Wolfgang Friedmann Award from Columbia Law School for outstanding contributions to international law.

Thomas R. Pickering, a career ambassador, served as under secretary of State for political affairs, assistant secretary of State for Oceans, Environment and Science, U.S. ambassador and permanent representative to the United Nations in New York, and as ambassador to the Russian Federation, India, Israel, El Salvador, Nigeria and Jordan. He retired in 2001. In 2002, Amb. Pickering received the American Foreign Service Association's Award for Lifetime Contributions to American Diplomacy.

***While American courts
have allowed state
executions to proliferate,
the rest of the world
has moved in the
opposite direction.***

Court has taken a largely hands-off approach to administration of the death penalty by the states, 38 of which currently have death penalty statutes. Far from upholding exacting standards, it has rejected challenges based on well-founded claims of racial and class bias, inadequate legal representation, lack of consular notification, and defendants' mental incapacity.

Yet even while American courts have allowed state executions to proliferate, the rest of the world has moved in the opposite direction. At last count, 111 countries have abolished the death penalty in law or in practice. European regional organizations have made abolition of the death penalty a prerequisite to joining the "new Europe," and a cornerstone of European human rights policy.

The Diplomatic Fallout

Increasingly, this issue has placed America and Europe on a collision course in global diplomacy. During our time in the State Department, both in bilateral meetings with scores of nations and at various multilateral fora, we became aware that the United States' continuing adherence to the death penalty was becoming a growing issue and source of direct approaches to the United States by other nations. For example, important bilateral meetings with our closest allies — particularly from the European Union, Central and Eastern Europe, and Latin America — were increasingly consumed with answering demarches challenging the death penalty.

The European Union now regularly criticizes U.S. death penalty practices in diplomatic demarches and sends pointed letters protesting specific executions. In many European capitals, outrage over American capital punishment has triggered street protests and angry public demonstrations. One distinguished former U.S. ambassador, Felix Rohatyn, reported in February 2001 that his consulates in France were frequently besieged by death penalty protesters, and that his embassy had received an anti-death penalty petition signed by 500,000 local citizens.

Recently, the British government — our closest ally

— protested to bar the possible use of capital punishment against British detainees being held at Guantanamo Bay. For several decades, the European Union countries have refused to extradite criminal defendants to stand trial here — even suspected terrorists — without commitments by state prosecutors to forego the death penalty.

The practice has caused allies and adversaries alike to challenge our claim of moral leadership in international human rights, and probably helped contribute to the embarrassing (if temporary) loss in 2001 of America's seat on the U.N. Human Rights Commission. Even more troubling, the practice has provided heavy diplomatic ammunition to countries with far worse human rights records. China, for example, invariably raises America's death penalty when criticized for widespread human rights violations.

During the last administration, several state governors proceeded with executions despite letters from then-Secretary of State Madeleine Albright attesting that proceeding with the execution would do damage to the ongoing conduct of U.S. foreign policy and international relations. After those executions took place, U.S. diplomats and our foreign policy absorbed the fallout in countless ways visible and invisible to the American public. Most recently, President Vicente Fox of Mexico refused to visit President Bush at his Texas ranch, in part, reportedly, because of bilateral friction over Mexican nationals held on U.S. death rows who were not accorded consular notification rights, as specified under the Vienna Convention.

In any number of countries and regions, the death penalty issue is often raised when questions are asked about why foreign governments and publics are increasingly negative about the United States.

Questions at Home

The growing liabilities of the death penalty abroad have been matched by mounting evidence at home that has re-opened the domestic debate on capital punishment. New documentation suggests that, contrary to the Supreme Court's directive, the death penalty is not in fact

***Important bilateral meetings
with our closest allies were
increasingly consumed
with answering demarches
challenging the
death penalty.***

being administered fairly in the United States. Since 1976, and the advent of DNA testing, at least 100 people who were put on death row have been exonerated. In late 1999, the Center on Wrongful Convictions, a project developed by faculty and students of Northwestern University's law and journalism schools, showed that 13 of the 25 inmates on Illinois' death row were, in fact, innocent. In response to these revelations,

then-Governor George Ryan, a Republican, declared a statewide moratorium on executions.

In February 2002, a compelling statistical study titled "A Broken System" was completed by professors at Columbia University (see <http://www2.law.columbia.edu/brokensystem2>). In examining more than 4,500 American capital appeals between 1973 and 1995, Prof. James Liebman and his colleagues discovered that "courts found serious, reversible error in nearly seven of every 10 of the thousands of capital sentences that were fully reviewed during the period."

One of the most common problems, now acknowledged in speeches even by justices of our Supreme Court, is egregiously incompetent defense lawyers who fail to find — or do not even look for — important evidence that the defendant was innocent. The administration of the federal death penalty, resumed in this administration after a hiatus of nearly 40 years, has been equally troubling. Of the 183 defendants for whom U.S. attorneys recommended seeking the death penalty between 1995 and 2000, a startling 74 percent were members of minority groups.

This troubling evidence has led political leaders and commentators across the political spectrum — including such conservative voices as the Rev. Jerry Falwell and George Will — to question whether the death penalty continues to serve any purpose. An increasingly active movement has arisen in opposition to the death penalty, even among families of murder victims. State legislators in many areas of the country are backing moratoria on the use of the death penalty. More than 300 municipalities have passed resolutions calling for a moratorium on capital punishment. Sen. Russell

Continued on page 24

**No. 00-8727
IN THE
Supreme Court of the United States
OCTOBER TERM, 2000**

**BRIEF OF AMICI CURIAE DIPLOMATS MORTON
ABRAMOWITZ, STEPHEN W. BOSWORTH, STUART E.
EIZENSTAT, JOHN C. KORNBLUM, PHYLLIS E.
OAKLEY, THOMAS R. PICKERING, FELIX G. ROHATYN,
J. STAPLETON ROY, AND FRANK G. WISNER IN SUP-
PORT OF PETITIONER**

June 8, 2001

*The following is excerpted from the friend of the Court brief submitted by nine U.S. diplomats in the U.S. Supreme Court's consideration of *Atkins v. State of Virginia*. All footnotes, sources and endnotes have been deleted. The complete brief can be found at <http://www.deathpenaltyinfo.org/article.php?did=538&scid=28>.*

Interest of Amici Curiae

Amici curiae have served as diplomats representing the government of the United States at home and abroad in both Republican and Democratic administrations. ...

Some of the signatories to this brief oppose the administration of the death penalty principally with respect to the execution of people with mental retardation; others oppose its application in all circumstances.

But all amici agree upon three basic principles: first, that the current United States practice of executing people suffering from mental retardation is inconsistent with evolving international standards of decency; second, that Virginia's continuation of the practice in this case would strain diplomatic relations with close American allies, increasing America's diplomatic isolation and impairing other United States foreign policy interests; and third, that these considerations (along with other arguments presented by petitioner ... and other amici supporting petitioner) should lead this Court to conclude that the practice of executing people with mental retardation offends our "evolving standards of decency" and hence, the Eighth and Fourteenth Amendments of the United States Constitution. ...

Argument

The United States of America is the only established democ-

ocracy in the world that is known regularly to execute people with mental retardation. At least 108 of the world's nations have now abolished capital punishment by law or by practice. Of the minority of nations that still retain the practice of capital punishment, only two — the United States and Kyrgyzstan — are reported regularly to execute people with mental retardation. In diplomatic settings, the United States faces daily and growing criticism from the international community for maintaining a cruel and uncivilized practice. As former diplomats, amici curiae make three submissions, based upon their first-hand observation.

I. The execution of people with mental retardation is inconsistent with evolving global standards of decency.

The current United States practice of executing people with mental retardation has become manifestly inconsistent with evolving international standards of decency. Numerous international and regional intergovernmental bodies have passed resolutions, statements and judgments expressing opposition to capital punishment for people with mental retardation. As far back as 1989, the United Nations Economic and Social Council (ECOSOC) passed by consensus a resolution that recommended "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence." ...

In 1999, 2000, and 2001, the U.N. Commission on Human Rights adopted resolutions urging those states that retain capital punishment "not to impose the death penalty on persons suffering from any form of mental disorder," a term understood by the Commission to include both mental illness and mental retardation. ...

The U.N. Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions have also repeatedly criticized the U.S. for the practice of executing people with mental retardation. ...

II. The growing international consensus against the execution of people with mental retardation has increasingly isolated the United States diplomatically.

Amici submit that permitting Virginia to execute petitioner ... will create friction with and alienate countries who have been American allies of long standing. Nations that are otherwise our allies, with strong rule-of-law traditions and histories, legal systems and political cultures similar to ours, have most consistently protested our practice of executing people with mental retardation. The European Union — which now makes abolition of the death penalty a prerequisite for membership — has strongly criticized the U.S. execution of people with mental retardation both in formal diplomatic demarches to the United States and in letters

expressing distress at specific executions. In numerous foreign nations — including many to which amici have been accredited — the media and the general public have expressed growing outrage at the continued existence and frequency of capital punishment in our country, with particular emphasis on the U.S. practice of executing people with mental retardation.

Amici believe that persisting in this aberrant practice will further the United States' diplomatic isolation and inevitably harm other United States foreign policy interests. The degree to which this issue has strained our diplomatic relations can be measured by the extent to which important bilateral meetings with our closest allies are now consumed with answering diplomatic demarches challenging these practices. The persistence of this practice has caused our allies and adversaries alike to challenge our claim of moral leadership in international human rights. If this Court were again to sustain the practice of executing people with mental retardation, it would provide fresh anti-American diplomatic ammunition to countries who have exhibited far worse human rights records.

In *Crosby v. National Foreign Trade Council*, 530 U.S. 363, 385 (2000), this Court recently found that “statements of foreign powers necessarily involved in the President's [foreign policy] efforts . . . indications of concrete disputes with those powers, and opinions of senior National Government officials are competent and direct evidence of the frustration” of Congress' foreign policy objectives by state law. In this case, this Court should similarly find that analogous statements, indications and opinions of former officials constitute relevant evidence that sustaining Virginia's law and practice of executing people with mental retardation would act to frustrate our broader national foreign policy goals.

III. In evaluating “evolving standards of decency” under the Eighth and Fourteenth Amendments, this Court should weigh international as well as domestic opinion.

Third and finally, amici believe that sustaining the practice of executing people with mental retardation would offend our “evolving standards of decency” and violate the Eighth and Fourteenth Amendments of the United States Constitution. . . . The Eighth Amendment's bar against Cruel and Unusual Punishments embodies broad “concepts of dignity, civilized standards, humanity and decency.” *Estelle v. Gamble*, 429 U.S. 97, 102 (1976). These concepts are not static; rather, they change with the “evolving standards of decency that mark the progress of a maturing society.” *Trop v. Dulles*, 356 U.S. 86, 101 (1958). While this Court has primarily discerned these standards by ref-

erence to the actions of state legislatures and juries, it has regularly looked to international practices as well. Indeed, in assessing the contemporary standards of “humanity,” this Court has consistently recognized the obvious fact that “humanity” encompasses citizens of nations other than our own. . . .

Our earliest understandings of the Eighth Amendment reflected the opinions and practices of other civilized nations. Indeed, the phrase “cruel and unusual” originated in the English Bill of Rights of 1689. The framers of the Constitution understood that the customs of nations and the global “opinions of mankind” would play an important role in the new nation. . . .

Such respect for world opinion proved particularly important in the drafting of the Eighth Amendment to the Constitution. As Justice Blackmun noted, “[T]he drafters of the [Eighth] Amendment were concerned, at root, with ‘the dignity of man,’ and understood that ‘evolving standards of decency’ should be measured, in part, against international norms.” . . .

When this Court last considered this question, in the 1989 case of *Penry v. Lynaugh*, 492 U.S. 302 (1989), only two states (Maryland and Georgia) and the federal government statutorily prohibited executing people with mental retardation. Today, 14 states and the federal government prohibit the practice by statute. Taken in conjunction with the 12 states and the District of Columbia which prohibit all capital punishment, 26 states, the federal government and the District of Columbia now prohibit execution of people with mental retardation. In four other states — Connecticut, Florida, Missouri, and Texas — similar bills have passed the legislature and are currently awaiting gubernatorial signature. Several additional states are in various stages of legislative action concerning a ban on the execution of people with mental retardation. . . .

International condemnation of the United States practice of executing people with mental retardation has been a significant factor in state legislative moves to eliminate the practice. The last time this issue was considered, 12 years ago in *Penry*, this Court acknowledged that executing people with mental retardation might be cruel and unusual punishment, . . . but held that there was “insufficient evidence of a national consensus against [the practice].” . . .

Amici respectfully submit that abundant evidence now exists of both an international and a national consensus against executing persons with mental retardation. For that reason, this Court should now take the step postponed in *Penry* and bring this country's practices with regard to execution of people with mental retardation into line with that of all other civilized nations. . . . ■

Feingold, D-Wis., has introduced bills that would halt executions by the federal government and in all 38 states that have death penalty laws on their books pending review of the death penalty system by an independent, blue ribbon commission.

Ending the Isolation

Last year, for the first time in years, the U.S. Supreme Court signaled its willingness to take decisions to help reduce America's international isolation on this issue. In *Atkins v. Virginia*, the Court considered whether execution of persons with mental retardation violated the U.S. Constitution's Eighth Amendment prohibition against "cruel and unusual" punishments, interpreted according to the "evolving standards of decency that mark the progress of a maturing society."

Tom Pickering and eight other distinguished former American diplomats whose combined service under Republican and Democratic presidents totaled nearly 200 years — Morton Abramowitz, Stephen W. Bosworth, Stuart E. Eizenstat, John C. Kornblum, Phyllis E. Oakley, Felix G. Rohatyn, J. Stapleton Roy and Frank G. Wisner — decided that it was time to speak out. Some of them opposed the death penalty in all cases; some opposed it only in certain circumstances. But represented by Harold Hongju Koh, they submitted a "Friend of the Court" brief in the *Atkins* case, arguing that executions of mentally retarded inmates create diplomatic friction, pit America against its allies, tarnish America's image as a human rights leader, and harm broader U.S. foreign policy interests (see 22 for excerpts). We were surprised to learn while preparing the brief that the U.S. was quite literally the only country in the world that regularly executed people with mental retardation as a matter of state policy.

In *Atkins*, the Court struck down the practice of executing persons with mental retardation, noting that, "within the world community, the imposition of the death penalty for crimes committed by mentally retarded offenders is overwhelmingly disapproved." Yet even this simple statement of fact provoked strong

Nine former American diplomats whose combined service under Republican and Democratic presidents totaled nearly 200 years decided that it was time to speak out.

dissents from Chief Justice Rehnquist and Justice Scalia, who insisted that "the viewpoints of other countries simply are not relevant" to an assessment of United States constitutional standards.

Several months later, a minority of the justices argued, based on the reasoning in *Atkins*, that, given the "apparent consensus ... in the international community against the execution of a capital sentence imposed on a juvenile offender," the death penalty should also be constitutionally barred for juvenile offenders. Without opinion, a bare majority of the Court continued, however, to reject that claim.

"A Wider Civilization..."

But a harbinger of change may have come this past Supreme Court term. In *Lawrence v. Texas*, six justices of the Court struck down a Texas law banning consensual sodomy between adults of the same sex, declaring that the Court's infamous 17-year-old decision to the contrary in *Bowers v. Hardwick* was wrongly decided.

Justice Anthony Kennedy, writing for the Court, declared: "To the extent *Bowers* relied on values we share with a wider civilization, it should be noted that the reasoning and holding in *Bowers* have been rejected [by the European Court of Human Rights] and elsewhere. Other nations, too, have taken action consistent with an affirmation of the protected right [claimed here] ... The right the petitioners seek in this case has been accepted as an integral part of human freedom in many other countries. There has been no showing that in this country the governmental interest in circumscribing personal choice is somehow more legitimate or urgent."

In *Lawrence*, the Supreme Court simply acknowledged that we are part of a wider world. Concepts like liberty, equality, privacy, and freedom from torture and cruel and unusual treatment are not American property, but universal concepts. Applied to the death penalty, the Court's reasoning in *Lawrence* suggests that our courts should also look now to the practices of other nations in

determining whether our continuing administration of the death penalty can be reconciled with our constitutional human rights guarantees. To look outside our borders would hardly be novel. After all, international opinion has informed the Court's understandings of the social values of the United States from the first days of its independence. Indeed, our nation's founding document, the Declaration of Independence, specifically directed us all to pay "a decent respect to the opinions of mankind."

Shortly before he retired, the late Justice Harry Blackmun argued that the death penalty should be abolished for the simple reason that the practice of capital punishment "lessens us." By so saying, he meant that

As the U.S. Supreme Court has begun to acknowledge, in an increasingly globalized society, the opinions of other nations, and the world community as a whole, are more relevant than ever.

capital punishment diminishes America's reputation as a human rights leader and its ability to lead internationally on the basis of moral principle. For a country that aspires to be a world leader on human rights, the death penalty has become our Achilles' heel. As the U.S. Supreme Court has begun to acknowledge, in an increasingly globalized society, the opinions of other nations, and of the world community as a whole, are more relevant than ever.

And now, more than ever, we believe, it is time for those who have served this country as diplomats to be heard speaking out about how the rest of the world sees the aberrant practice of governments putting their own citizens to death. ■

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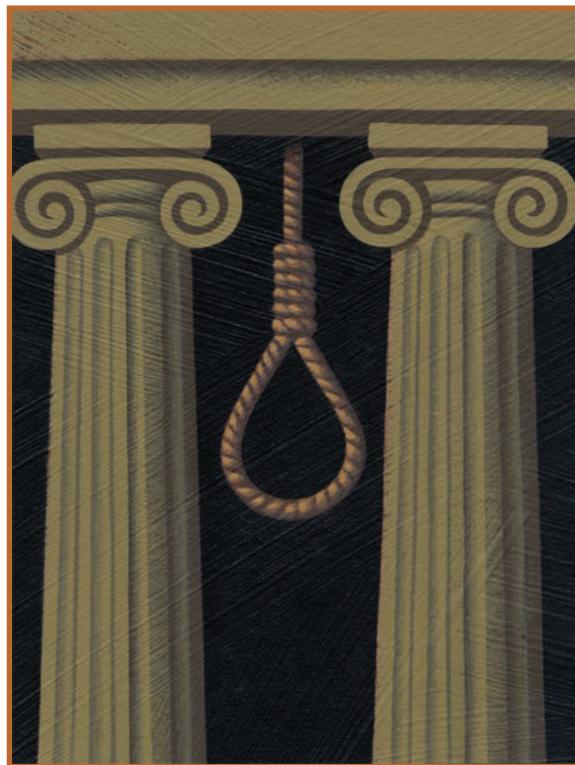
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THE DEATH PENALTY, AMERICA, AND THE WORLD



Adam Niklewicz

I MANY COUNTRIES HAVE ABOLISHED THE DEATH PENALTY AND ARE TURNING UP THE PRESSURE ON THE U.S. TO DO LIKEWISE. BUT FOREIGN VIEWS SHOULDN'T CONTROL AMERICAN LAW.

BY PAUL ROSENZWEIG

In October 2002, hundreds of thousands of Washington, D.C.-area residents lived in constant fear of being murdered by mysterious snipers. Eventually, John Allen Muhammad and Lee Malvo were arrested and charged with 21 cold-blooded, premeditated attacks that killed 14 people across the country — 10 of them in the D.C. area alone — and seriously wounded several others. Among the victims:

- Lori Ann Lewis-Rivera, 25, mother of a three-year-old. A nanny. Shot while vacuuming her employer's van at a car wash.

• Conrad E. Johnson, 35, bus driver and family man. Father to two sons who cannot understand where their “best friend” went. Killed as he stood on the steps of his bus waiting to begin his first route of the day.

• Premkumar A. Walekar, 54, father of two, an immigrant from India who came to America in search of an education and a better life. Gunned down as he was filling his taxi with gas.

• Linda Franklin, 47, FBI analyst. Picked off as she loaded bags into her car in a Home Depot parking lot with her husband. She died in his arms.

Malvo and Muhammad allegedly hunted humans like deer, using a high-powered rifle, tripod and scope to drop their prey by shooting through a hole they had drilled in the trunk of their car. Their trials are set to begin this fall. In jail, young Malvo reportedly has boasted of his feat and laughed about the people he’d executed in cold blood.

The question is, do he and Muhammad deserve a similar fate if convicted?

Some opponents of the death penalty, including many Europeans and other critics of the U.S., say no. They insist that in this day and age, the death penalty is a relic of the past, a barbaric instinct for vengeance no better than the crime it purports to punish.

But such sentiments, however heartfelt, ignore the horrific nature of some criminal deeds. And to do that is, in many senses, to devalue human life itself, for it denies the value of the life of the innocent victim and exalts that of the murderer.

We can see this tendency every time death-penalty opponents object to anyone highlighting the victims. According to opponents, the guilt of their murderers, not the fact that the victims were ‘good’ people, is the central legal issue. But that is precisely backwards. The “legal issues” are not an end in themselves; they are not

what moral philosophers would call an “inherent good.” Rather, the legal system is a means to an end — namely, discovering the truth and doing justice. Death-penalty opponents can argue for abolition only by elevating the “system” and devaluing the victim — and calls to ignore the victims show this unfortunate moral calculus at work.

Simply put, there is a class of people whose crimes are so heinous, like Malvo and Muhammad, that the death penalty should apply. For those who oppose the death penalty the ultimate thought experiment is: “What would you do with Adolf Hitler?” Anyone who can answer that the principle of non-retribution requires society to permit Hitler to live demonstrates remarkably little

regard for any moral calculus that reflects a serious consideration of what it means to be just.

***Yielding to international
criticism of the death
penalty would require
disavowal of the
traditional American
belief in the concept of
“just deserts.”***

Safeguarding the Innocent

The death penalty is tough on criminals, yes. But any lesser punishment is tougher on innocent people. And as a matter of moral justice, do Muhammad and Malvo deserve anything less than execution? Killing should in aggravated cases carry consequences equal to the gravity of the harm caused. People may be free to choose their actions, but in a civilized society, they certainly ought not to be free to choose the consequences of those actions. On the contrary, only a barbaric society would permit such behavior to be weakly punished.

Do innocent people ever get caught in the crosshairs of justice? Not as often as death-penalty opponents would have us believe. According to Dudley Sharp, from Justice For All, a nonprofit organization that works on criminal justice reform, “somewhere between 15 and 30 death row inmates have been released from death row with credible evidence of actual innocence. That represents about a 0.3 percent error rate of the 7,300 sentenced to death since 1973.” None of these people were executed before their names were cleared. Those who say otherwise — who think that the error rate is higher — often confuse two types of error. Some cases are reversed because of a legal error about, for example,

Paul Rosenzweig is a senior legal research fellow in the Center for Legal and Judicial Studies at The Heritage Foundation and an adjunct professor of law at George Mason University.

the admissibility of certain evidence. But reversals of this sort are not indicative of the execution of innocents. With respect to that issue — factual errors resulting in the execution of an actually innocent defendant — no case has been identified since the U.S. re-instituted the death penalty in 1973.

Thus, though the risk of error is certainly real, the likelihood of it happening is sufficiently small that we ought not let that small risk that innocents might die prevent us from taking action that would save other innocents.

For that, precisely, is what the death penalty does. It is a deterrent that dissuades people from killing. Indeed, it would be illogical to assume that, as a group, murderers are ignorant of the negative consequences their act could bring. And so it would be equally illogical to assume that some potential murderers are not deterred by the threat of a more severe punishment — namely, execution. Evidence substantiating the deterrent effect of the death penalty is stronger than that against it and supports this intuition. As long ago as 1975, economist Isaac Ehrlich published a study concluding that each additional execution deters seven or eight murders. More recently, three economists from Emory University conducted a study using multiple regression analysis to isolate the deterrent effects of a death penalty from other factors affecting murder rates. They calculated a deterrence rate of between eight and 28 murders for each execution. Given the overwhelming evidence that criminals do respond to the potential of negative consequences, reason supports the conclusion that executions do deter and that they deter more than lesser punishments do. And what that means is simple — without a death penalty you condemn innocents to death at the hands of murderers.

Opponents of the death penalty claim a life sentence is just as harsh a punishment and effective a deterrent as a death sentence for murderers. Not so. Some life sentences come with the possibility of parole. And all sentences short of capital punishment involve the risk that a convicted murderer will escape and prey upon other victims. Furthermore, those who are locked up for life without any possibility of parole have no incentive to

*Those outside America
who oppose capital
punishment urge, in effect,
moral equivalency
between murderer
and victim.*

refrain from killing fellow inmates and guards. (If they can't possibly be punished any more severely than they already have been, nothing deters them from turning their aggression on others confined with them.) Other convicts sent to prison to serve out sentences, and not to die, should not be subject to the "death penalty" at the hands of fellow inmates who have no reason to behave.

International Criticism

Besides complaining about the unfair nature of the death penalty, American critics also say it isolates us from other countries who oppose it. Despite the overwhelming support for the death penalty among the American public, our continued insistence on it has become a bone of contention with many of our allies, particularly those from Europe, who see it as an antiquated, inhumane policy.

It is true that virtually all European nations have abolished the death penalty. The United Nations Commission on Human Rights has drafted resolutions several times over the last few years, asking nations to impose a moratorium on the death penalty. Many nations around the world already refuse to extradite any criminals to the U.S. who might face the death penalty. Some international organizations are even getting involved in U.S. capital punishment cases by filing legal arguments in support of the defendants.

But should we care that some countries object to the death penalty and thus are turning up the pressure on the U.S. to abandon the practice? No. European views shouldn't control American law.

To begin with, yielding to such criticism would require a significant reversal in the course of American history. From the time of our nation's founding, Americans have recognized that the concept of "just deserts" allows for the ultimate punishment of those whose malevolence demands it.

More fundamentally, we long ago rejected the premise that American thought should be bound by European, or international, convention. (After all, that is why we had a revolution.) Rather, the European view should control only to the extent it has the power to persuade.

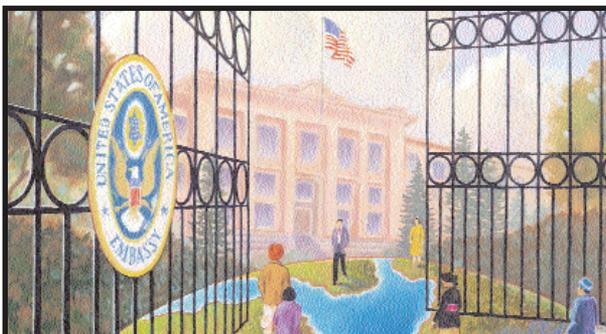
And on that score, the abolitionist view fails. Consistent with our expectations and our conceptions of deterrence, the rates of violent crime in the United Kingdom and on the Continent are rising — up 20 percent in England; 37 percent in Italy and 31 percent in France in the second half of the 1990s. Homicides in England, for example, rose from 725 in 1991 to 1,048 in 2002. At precisely the same time, according to the Bureau of Justice Statistics, the rates of violent crime fell 36 percent in America, while homicide rates dropped by more than half. Can the divergence be wholly attributed to respective attitudes toward the death penalty? Probably not. But we are entitled to ask Europeans who oppose capital punishment to offer an alternative explanation.

Why does the European Union reject the notion of

***Evidence substantiating
the deterrent effect of
the death penalty is
stronger than that
against it.***

requiring a murderer to give his life as penance for his crime? At the heart of their outrage are, they claim, civil rights concerns. They say that every human being has a fundamental right to life. True. But the European Union and its abolitionist allies never turn the challenge around and ask: What of the right to life of the murdered? The rights of the victims and their families? If we refuse to punish those who kill, then where do those pained by their crimes turn for justice? More prosaically, though execution is physically identical to murder, it is both morally and legally distinct — a distinction that the abolitionist view simply ignores.

Finally, there lies behind this question a buried issue of national sovereignty. Simply stated, it has never been a tradition within the U.S. to submit to the whims of international bodies that, for the most part, are not



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bound to respect American sovereign concerns. Though their views may, at times, be persuasive, we cannot be bound by them, lest, for example, we find ourselves responding to criticisms of our policies from a U.N. Human Rights Commission whose current chair is a Libyan dictator.

Rather, we must agree to respectfully disagree with other countries on the death penalty. We can discuss the issues with them, but when they seek to thwart the laws that govern our people, they engage in the very sort of cultural imperialism they normally accuse us of. They don't want us to tell them what to do in their countries to their criminals, yet they feel comfortable (with an air of supercilious moral superiority) advising us what to do with ours.

Death is different — it requires different legal

***The death penalty is
tough on criminals, yes.***

***But any lesser
punishment is tougher
on innocent people.***

mechanisms and a different moral calculus. For this reason we must be cautious in imposing it and America has developed a complex (some would say too complex) series of mechanisms to insure accuracy. But caution does not require inaction. Those outside America who oppose capital punishment urge, in effect, moral equivalency between murderer and victim. Worse yet, if our concept of deterrence is anywhere close to accurate, they condemn countless unnamed and never-to-be-identified victims to acts of violence that might have been deterred.

Or, to return to where we began: the argument for the death penalty can be restated in two words: Lee Malvo.

And if you need two more, think of victim Linda Franklin. ■

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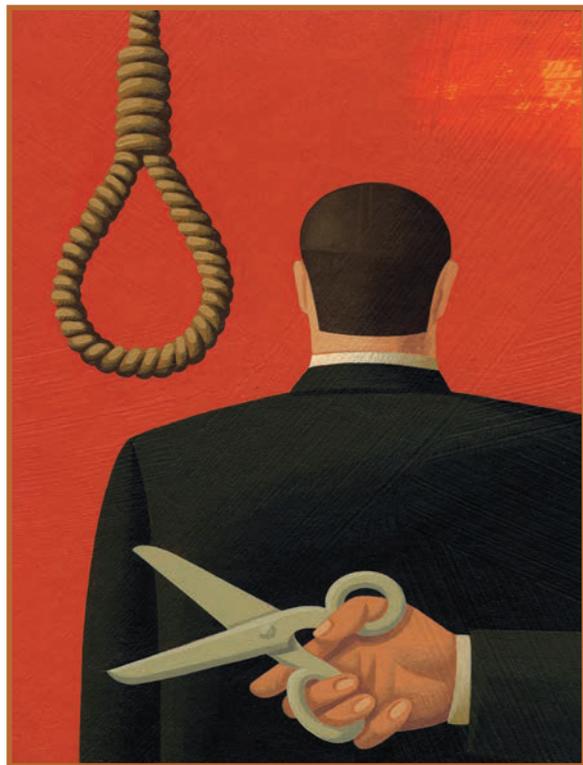
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INTERNATIONAL INFLUENCE ON THE DEATH PENALTY IN THE U.S.



Adam Niklewicz

THERE ARE PROSPECTS FOR PROFOUND CHANGE IN THE DEATH PENALTY IN THE U.S. A NEW CONCERN FOR WORLD OPINION IS PART OF THE REASON.

By RICHARD C. DIETER

Slowly, but impressively, international law and opinion are beginning to have an impact on law in the United States, and particularly on the death penalty. While the law and practices of other countries may not have played a significant role in the past in the evaluation of our society's standards of decency, recent Supreme Court opinions indicate that that influence may be growing. And while the American public strongly supported the death penalty during periods when many of this country's closest allies were renouncing capital punishment, public opinion in the U.S. is now shifting. The prospects for profound change in the death penalty in the U.S. are stronger

today than at any other time in the long and controversial history of this important issue.

There are at least three reasons for this development. First, there is a greater recognition of the need for international cooperation and respect for the laws of other democracies, and this recognition is finding its way into decisions by the highest courts in the U.S. Second, today there is a broader intersection between U.S. capital punishment law and the interests of other countries. Issues of extradition, the execution of foreign nationals, and the prospects of military tribunals to deal with suspected foreign terrorists often put the death penalty and international human rights concerns in direct conflict. Third, while in the past the U.S. faced a diversity of views on capital punishment among its allies, today we are confronted with a near unanimity on certain aspects of the death penalty and a growing consensus condemning its use in general.

International Influence in the Past

The death penalty in the earliest days of the United States was a continuation of the practice brought over from England, but less harsh. The number of crimes punishable by death was curtailed in the early colonies compared to the long list of capital offenses in England, and was gradually limited to the most violent crimes such as first-degree murder and rape. Some jurisdictions in the U.S. abolished the death penalty in their state systems long before that became the norm in Western Europe. The state of Michigan abolished the death penalty in 1846 and Wisconsin took a similar step in 1853. Neither state has carried out an execution since then.

But the death penalty was not seriously challenged as a constitutional issue in the U.S. until the late 1960s — a time of considerable turmoil on civil rights issues here, and a time of movement toward abolition of the death

Richard Dieter is executive director of the Death Penalty Information Center. A graduate of Georgetown University Law Center, he also teaches capital punishment law at Catholic University Law School.

***In the late 1980s,
international opinion was
considered but largely
rejected in the discussion
of the death penalty for
juvenile offenders.***

penalty in Europe. This challenge resulted in the somewhat surprising decision of the U.S. Supreme Court in *Furman v. Georgia* in 1972 finding the death penalty to be unconstitutional as it was being applied everywhere in the U.S. The five opinions of the concurring justices made scant mention of any trend away from the death penalty outside the U.S., though they recognized the debt that the ban on cruel and unusual punishments

owed to English law and the Magna Carta. Some of the justices measured the meaning of this clause by the “evolving standards of decency” in society, but did not look to other countries for these standards.

The decisive rationale for holding the death penalty unconstitutional in *Furman* rested on its arbitrary and capricious use within the United States, rather than on any declining use or condemnation from abroad. In fact, a number of the justices pointed to the increasing rarity of the use of the death penalty in the U.S. as a reason for stopping it all together. Justice Stewart, one of the two key justices in the decision, compared the death penalty to the random act of being “struck by lightning.” Justice White, the other centrist, said that it was impossible to distinguish the many cases eligible for the death penalty from the few that received it.

In the late 1980s, international opinion was considered but largely rejected in the discussion of the death penalty for juvenile offenders. The Supreme Court banned the execution of those who were under 16 years of age at the time of their offense in *Thompson v. Oklahoma* in 1988, relying almost exclusively on U.S. practice at the time. When the Court was faced with the companion question regarding the execution of those who were 16 or 17 years old at the time of their crime, it not only allowed the practice, but Justice Scalia, writing for the Court, strongly objected to the use of international opinion in evaluating the evolving standards of decency to apply in the U.S., a point raised by the dissent. This sharp difference of opinion on the use of international standards set the stage for future battles on the death penalty in the Court.

International influence on the U.S. death penalty perhaps reached its nadir in the dispute over the execu-

tion of foreign nationals in this country. When it was gradually discovered that the U.S. had been systematically ignoring the provisions of the Vienna Convention on Consular Relations by failing to inform defendants of their right to confer with their respective consulates, and that some of these defendants had been sentenced to death, numerous objections were raised. The issue reached a crisis with the scheduled execution of Angel Breard in Virginia in 1998. Breard's home country, Paraguay, tried to intervene on his behalf in Virginia courts, in federal court and with the governor — all to no avail. Finally, Paraguay appealed to the International Court of

Although there have been foreign nationals on death rows in the U.S. in the past, the issue received scant attention until executions of such persons began occurring regularly in the 1990s.

Justice at The Hague and received an order for a stay of execution. They brought this order to the U.S. Supreme Court, but the case was dismissed, largely on procedural grounds, and the execution went forward on schedule.

Germany pursued a similar route to stop the execution of two of its citizens, Karl and Walter LaGrand, who were also not informed of their consular rights. Again the ICJ unanimously called for a stay of execution, but the order was rejected. This time, Germany continued pursuing the matter in the ICJ after the executions and eventually prevailed in a ruling holding the U.S. in violation of the Vienna Convention.

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All of this caused little ripple in the U.S. media or in public opinion. For example, a poll conducted in 2000 by *Newsweek* found that, even among opponents of the death penalty, only 2 percent gave as the main reason for opposition that the death penalty “hurts America’s image.” But now there are signs of change.

New Weight to World Opinion

In 2001, the Supreme Court surprised many in the U.S. by agreeing to hear the appeal of Earnest McCarver from North Carolina, whose attorneys had raised the issue of his mental retardation. At the time of this grant of certiorari, only 13 of 38 death penalty states had passed laws forbidding the execution of the mentally retarded. When the Supreme Court had first addressed this issue in 1989 in *Penry v. Lynaugh*, it found insufficient evidence of a national consensus rejecting such executions. It was not clear that the standards of decency had now evolved to the extent that these executions should be declared unconstitutional. McCarver’s appeal was eventually ruled moot when the state of North Carolina joined a growing list of states banning the execution of the mentally retarded. But the Court quickly took up a new case, *Atkins v. Virginia*, and in 2002, with 18 states outlawing such executions and a clear trend toward more such bans, it ruled that this practice had become a cruel and unusual punishment.

From an international perspective, this case was significant for two reasons. First, it marked the first major removal of a whole class of inmates from death row in many years. The international community, through resolutions at the United Nations Commission on Human Rights, and in other forums, had called for just such reform on many occasions. Second, the Court’s opinion in *Atkins v. Virginia* made specific reference to the amicus curiae brief filed by the European Union supporting such a ban. The clear inference of this reference was that international opinion played a role in determining the standards of decency as they evolved in a

A poll conducted in 2000 by Newsweek found that, even among opponents of the death penalty, only 2 percent gave as the main reason for opposition that the death penalty “hurts America’s image.”

maturing society. The 18 states banning such executions did not constitute a majority of the death penalty states, yet the Court found evidence of a consensus when these states were joined with many other factors, including world opinion. It should be added that among other amicus briefs supporting the exemption was one submitted by former members of the U.S. diplomatic corps (see excerpts, p. 22).

International opinion has gained even greater stature in U.S. court decisions in recent

months. Perhaps the two most important Supreme Court opinions from the 2002-2003 term were *Lawrence v. Texas* and *Grutter v. Bollinger*. Neither of these involved the death penalty, but instead dealt with the right to privacy for consenting adults in sexual relations (*Lawrence*) and affirmative action programs at universities (*Grutter*).

In *Lawrence*, the Court overturned a prior ruling in which reference had been made to an asserted uniformity of laws forbidding homosexual relations. In rebuttal of this notion, Justice Kennedy pointed to the contrary opinion of an advisory committee to the British Parliament and to a decision of the European Court of Human Rights as examples of authority upholding privacy rights. Such a reference in a sensitive matter involving states’ rights, morality, and the law sent a powerful new message about the weight to be given international law.

In *Grutter*, the Supreme Court upheld a limited use of affirmative action programs such as the one employed at the University of Michigan Law School. Justice Ginsburg concurred in the result, and specifically cited international law on the same matter: “The Court’s observation that race-conscious programs ‘must have a logical end point’ accords with the international understanding of the office of affirmative action. The International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the United States in 1994, endorses ‘special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them,

for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.”

**Progress on
Death Penalty Issues**

The right to effective representation at trial. In capital punishment matters, the Court signaled a greater openness than in the past to the informed opinions of bodies that have explored this

issue in depth. In a key decision on the right to effective representation at trial, *Wiggins v. Smith*, the Court pointed favorably to the guidelines for defense attorneys established by the American Bar Association. Though not strictly an international organization, the ABA has members around the world and is deeply involved in the subject of international law. Moreover, in a previous decision, the Court had bypassed the ABA's guidelines as worthy ideals, but not required for minimal constitutional representation.

Juvenile offenders. It is widely anticipated that the Supreme Court will eventually review another issue that has strong international law overtones: the execution of juvenile offenders. Just as the Court reviewed the execution of the mentally retarded in *Atkins*, so, too, are they likely to reconsider whether those who were under 18 years of age when they committed their crimes should be eligible for the death penalty. Four justices, ordinarily enough for the Court to grant certiorari in a case, have already expressed their view. In dissenting from denial of the writ of habeas corpus in a 2002 death penalty case, they stated that it has come time to end this “shameful practice” that they regarded as a “relic of the past.” Since international opinion, as expressed through the International Covenant on Civil and Political Rights and in the Convention on the Rights of the Child, is nearly unanimous on this point, it seems likely that international opinion will contribute to the ultimate decision in this case.

Consular relations and the Vienna Convention. Despite the Supreme Court's dismissal of international challenges based on the Vienna Convention on Consular Relations mentioned above, the issue has gained attention both at the U.S. State Department and

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among countries with citizens on death rows in the U.S. In an effort to inform and assist law enforcement agencies with regard to this binding treaty, the State Department has distributed summaries of the information that police should give to foreign nationals in a variety of languages.

The president of Mexico, Vicente Fox, emphasized the critical importance of this issue for his country when he cancelled a

scheduled visit with President Bush in Texas after a Mexican national was executed, despite the failure of law enforcement to provide him with his rights under the treaty. Recently, Mexico obtained a ruling from the International Court of Justice calling for stays of execution for three Mexican citizens facing possible execution dates in the U.S., and calling for more time to study the cases of 48 other such Mexicans on death rows around the country. Countries such as Mexico and El Salvador, which have a number of their citizens on state death rows, have begun providing assistance to the lawyers defending their citizens accused of capital crimes, sometimes even before trial in order to avoid the death penalty in the first place.

In U.S. courts, the Vienna Convention issue is being raised earlier in the judicial process and in some cases courts have recognized the establishment of individual defendant rights connected to this treaty. U.S. District Judge David H. Coar ruled that a decision by the International Court of Justice “conclusively determines that Article 36 of the Vienna Convention creates individual enforceable rights, resolving the question most American courts have left open.” In his ruling in the case of Gregory Madej, a Polish foreign national who claims that Chicago police and Cook County prosecutors violated his right to secure consular assistance, Judge Coar noted that Madej's rights under both the Vienna Convention and the Consular Convention of 1972 between Poland and the United States “were clearly violated.” The judge rejected arguments that an individual alleging violations of Article 36 may be denied relief if he misses the deadline imposed by the state for initiating such a challenge to his conviction or sentence.

Broader Intersection of Foreign and U.S. Interests

Although there have been foreign nationals on death rows in the U.S. in the past, the issue received scant attention until executions of such persons began occurring regularly in the 1990s. Even then, the raising of the Vienna Convention as a legal challenge to the death penalty was rare. There was little knowledge of how many foreign nationals were present on death rows, and from what countries. Today, all that has changed. Both defense attorneys in the U.S. and officials from other countries are aware of this issue and the fact that there are at least 118 foreign nationals from 30 different countries on death rows across the U.S.

In addition to the execution of foreign nationals, there are numerous instances where people wanted for crime in the U.S. are arrested in other countries. The question of extradition and the possible use of the death penalty has raised major concerns throughout Europe, Canada, Mexico, and parts of Africa. The urgency of

this issue has been heightened by the events of Sept. 11 and the war on terrorism. Suspected terrorists not only may face the death penalty in the U.S. if extradited, but they may also be tried in a military tribunal that lacks the normal due process afforded defendants in the civilian courts. While the U.S. sorely wants to bring such suspects to justice, many countries just as strongly believe that the death penalty is a human rights issue and extradition in such circumstances would be a violation of deeply held principles.

In a measure of the direct influence that countries can have when they hold something the U.S. wants, states and the federal government have agreed to drop the prospect of capital punishment in numerous cases in exchange for extradition from other countries. Similarly, following a visit by British Prime Minister Tony Blair to Washington recently, the U.S. announced that the death penalty would not be sought against two British citizens who were among the first six to be tried under the new military tribunals. It appears that a sim-



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ilar rule will apply against two Australian citizens who have also been held at Guantanamo Bay, Cuba, awaiting military tribunals.

A More Cohesive Opposition

Clearly, the world is more interconnected than ever before. Interests of trade, the promotion of human rights, fighting terrorism, and international development, all require greater cooperation among countries. The U.S. is keenly aware of these new realities and has sought allies for its military interventions in Kuwait, Afghanistan and Iraq. The U.S. concern was also demonstrated by its angry reaction to being excluded from the U.N. Commission on Human Rights in 2001 (though it has now regained its seat). The U.S. is facing a further embarrassment if it loses its observer status in the Council of Europe, which has been directly tied to movement on the death penalty issue.

In the long run, the reason why international opposition to the death penalty may finally be having a signif-

icant impact on the U.S. is that this opposition is more cohesive than ever before. The United States' closest allies in Europe and North America are unanimous in rejecting the death penalty and they do not hesitate to let their views be known. New countries can only be admitted to the growing European Union, a body whose size and economy may soon equal or surpass the U.S., if they renounce the death penalty. Courts in countries such as Canada and Mexico, and throughout Europe, have begun to consistently refuse extradition as long as the death penalty is a possibility in the U.S. And, on the issue of the execution of juvenile offenders, every country of the world, with the possible exception of Somalia, has ratified the Convention on the Rights of the Child forbidding such executions. In the face of such consistent and adamant challenges to the death penalty, the U.S. risks becoming isolated at a time when it can least afford it.

There are increasing signs that giving way on the death penalty would not be the major concession it would have been in the past. Doubts about the accuracy and fairness of the death penalty have increased dramatically in the U.S. as scores of inmates have been freed from death row. Support for life-without-parole sentences has increased, and the number of death sentences in the U.S. has plummeted by 50 percent in recent years. The only contrary trend is a more aggressive use of the federal death penalty by the present administration. But even there, the results reflect a growing ambivalence about this ultimate sentence: 20 of the last 21 federal capital prosecutions have resulted in sentences of less than death.

International concerns about the death penalty would probably never be enough alone to make the U.S. abandon this practice. But capital punishment is unlikely to be undone for any one reason. Like snow on a branch, it is not any single flake that makes the branch break, but rather the collective weight of many flakes accumulating over time. Because international concerns are generally being given more recognition in the U.S., because various aspects of the U.S. death penalty are forcibly intersecting with the citizens and principles of other countries, and because the opinion of those other countries is more unified than ever before, it is likely that the death penalty will come under increasing criticism both here and abroad, and its use will continue to decline. ■

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THE MYTH OF THE COWBOY



Adam Niklewicz

I THE PICTURE MANY FOREIGNERS HAVE OF AMERICA AS A RECKLESS, GUN-TOTIN', COWBOY NATION THAT HANDS OUT THE DEATH PENALTY WILLY-NILLY IS A FALSE ONE.

BY GREG KANE

assign the topic of capital punishment in almost every opinion-writing class I teach at The Johns Hopkins University. Most of my students, being incurably liberal, toe the anti-death penalty line: capital punishment is racist and cruel (as if a death sentence was meant to be benign).

As so many American college students feel that way, perhaps it was inevitable that bashing the U.S. on the death penalty issue would eventually become a cottage industry in other parts of the world. So I can't say I was surprised when one of my students told of his experiences in Spain during a recent visit. It seems the Spaniards

gave him grief for coming from that horrible United States of America, where those barbarians still practice the death penalty.

As his experience suggests, the usual tack of America's anti-death penalty advocates and their foreign allies is to play the "shame on you" game. Consider this blurb taken from the Web site www.derechos.org:

"At the dawn of the 21st century, the death penalty is considered by most *civilized* nations as a cruel and inhuman punishment. It has been abolished *de jure* or *de facto* by 106 nations (and) 30 countries have abolished it since 1990. However, the death penalty continues to be commonly applied in other nations. China, the Democratic Republic of (the) Congo, the United States and Iran are the most prolific executioners in the world. Indeed, the U.S. is one of six countries (including also Iran, Nigeria, Pakistan, Saudi Arabia and Yemen) which execute people who were under 18 years old at the time they committed their crimes" [my italics].

Two things stand out from that piece of propaganda. The first is the not-so-subtle implication that some Third World countries are still not civilized, and that Americans are on the level of those barbarians in places like China, the Congo, Iran, Saudi Arabia, etc. who still practice capital punishment. It's a veiled form of racism that the folks who claim America's death penalty is so racist haven't noticed yet, probably because of the laughable belief that all racism in the United States comes from the right side of the political spectrum.

The second observation is that the claim that the

Greg Kane teaches journalism at The Johns Hopkins University and is a columnist for the Baltimore Sun. He's a two-time winner of the Headliner's Award and, along with Sun reporter Gilbert Lewthwaite, was a finalist for the 1997 Pulitzer Prize for a series of articles about slavery in the Sudan. Kane and Lewthwaite also won the Overseas Press Club Award and the Times Mirror Journalist of the Year Award for the same series.

***The usual tack of America's
anti-death penalty
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United States executes people who were juveniles when they committed cold-blooded murder is just plain wrong. Some states in America do. Some don't.

A Matter for the States

According to the Web site www.deathpenaltyinfo.org, some 38 states in America have death penalty statutes (as of April 1, 2001), though the categories of criminals who are eligible for the death penalty vary from state to state. Of those 38 death penalty states, six — Connecticut, Kansas, New Hampshire, New Jersey, New York and South Dakota — haven't executed anyone since 1976. Maryland, my home state, bans executing those under 18 no matter how heinous their crimes. Just south of here, in Virginia, juveniles as young as 16 can be executed.

That's why some conservatives (though not nearly enough for my liking) were appalled when U.S. Attorney General John Ashcroft, who claims to support states' rights, arranged for Lee Boyd Malvo — the sniper suspect alleged to have murdered and terrified Maryland, Virginia and Washington, D.C. residents in late 2002 — to be whisked from custody in Maryland (where he was captured) and handed over to Virginia authorities, where he could be executed despite his age.

Mind you, if Malvo is found guilty, I'd have no problem seeing him executed. Yes, he was 17 when the crimes were committed. But that's an age at which you clearly know right from wrong and, if you're in a courtroom before a judge, you should have a reasonable understanding of your rights. The notion that being 17 or 16 or 15 somehow, in and of itself, makes you incompetent to stand trial is a fantasy our foreign friends, and their American sympathizers, should abandon.

My gripe with Ashcroft is that he clearly violated Maryland's right to try and convict Malvo. True, Malvo can't be executed here, but I'd rather live with a Malvo locked up for the rest of his life than with a federal government clearly overstepping its boundaries to bum-rush a defendant to the execution chamber.

Yet that distinction is precisely what foreigners don't get about the death penalty in America: in the overwhelming majority of cases, it's a state matter. Our Constitution clearly provides that the states have the final say in establishing penalties for crimes committed within their jurisdictions.

Some 38 states have opted for a death penalty with various restrictions. Twelve others have rejected it as vehemently as have those "civilized" nations preaching to us about it. That spectrum of differing approaches is in keeping with the way our political system is designed to work.

But perhaps our foreign friends can be forgiven for not knowing that. For the truth is, many Americans don't know how the system is supposed to work, either.

Ashcroft is one of them, if his jackbooted, strong-armed mishandling of the Malvo case is any indication. Or he may have simply forgotten the federalism he claimed to champion when he was a United States senator from Missouri. The principle of federalism simply means that those powers not explicitly given to the federal government are — per the 10th Amendment to the Constitution — delegated to the 50 individual states.

Granted, this has caused a few problems in America's past (to put it mildly). The states' rights vs. federal government struggle started in the early years of the republic, and slavery was usually the catalyst. Throughout the antebellum period, Southerners insisted that the issue of slavery — whether to continue or abolish it — was strictly a state matter. (In fact, many Northern states had slavery at one time and did, indeed, abolish it.) But when Americans spread westward and formed new states, the issue of whether they would be slave or free increased the tension over slavery.

The debate became rancorous with the passage of the Fugitive Slave Law in 1850, arguably the most abominable piece of legislation ever passed in this country. That law called for federal marshals to retrieve slaves who had run away to the north to secure

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their freedom, and made those who aided and abetted escaping slaves subject to prosecution.

In response, Wisconsin state authorities openly defied federal authorities who wanted to try a group of people who had helped free a captured fugitive slave. Officials in other Northern states put the federal government on notice that they would resist by force any attempts to enforce the Fugitive Slave Act and claimed states' rights as their justification.

The resulting tension was one of the main factors leading to the Civil War — or the War Between the States, as Southerners like to call it. After the North's victory in 1865, two amendments were added to the Constitution to define more explicitly the boundaries of "states' rights." The 13th Amendment, ratified in 1865, abolished slavery, while the 14th Amendment, ratified three years later, established the principle of due process.

Missing the Point

The argument over how much power should be shared between state governments and the federal government continues today, some 214 years after the Constitution was ratified. But foreign critics of "America's" death penalty — and their American friends as well — should pay special attention to the wording of the 14th Amendment. It says that "(a)ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of *life*, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" [my italics].

In other words, even under the 14th Amendment — perhaps the most comprehensive and revolutionary of all the additions to the Constitution since 1789 — the death penalty is explicitly allowed so long as due process is followed. And in the overwhelming majority

of cases, defendants do indeed receive due process, thanks to a judicial system that Americans can confidently challenge their foreign critics to match in their own countries. (Whether a defendant has a good lawyer is another matter, unfortunately.)

When a defendant goes into an American court for a capital crime, he's guaranteed a lawyer. He can choose to be tried by either a jury or a judge. His or her defense attorney can challenge 20 of those jurors without giving a reason why, while prosecutors can only strike 10 jurors. And most important of all, defendants are presumed innocent, so during the trial the state has to prove the defendant's guilt beyond a reasonable doubt.

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***Many Americans don't
know that, either.***

Here in Maryland, we've made the process of getting a defendant on death row even more difficult. The state must prove beyond a reasonable doubt that the defendant is indeed the person who committed the murder, as opposed to being an accomplice. The state must then show there were aggravating circumstances: the murder was committed during a rape, robbery or other felony, or the victim

was a police officer, for example.

Nor is that all. Once those two things have been proven, jurors or the judge have to weigh any mitigating factors in the defendant's favor: his age, an abusive childhood, mental deficiencies (though this is usually done at the front end of the process when it's determined if the suspect is mentally competent to stand trial) and anything else a defense attorney may dredge up.

Once all that's done, the defendant still has the right to appeal when a death sentence is imposed. The convicted has a right to apply for a post-conviction modification of sentence, at which time he can ask the judge to reduce his punishment. (All prisoners, whether on death row or not, have this right.) The prisoners on America's death rows, no matter what may have gone wrong at their trials, did, indeed, get plenty of due process.

The system is designed to make as certain as is humanly possible that innocent individuals aren't executed. Anti-death penalty advocates in America and abroad who cite instances of innocents being released from death row say those cases are an indication that something is wrong with the system. But such instances are actually an example of what's *right* with the system. That's what the appeals process and post-conviction relief are for: to catch mistakes.

In short, the picture many foreigners have of America as a reckless, gun-totin', cowboy nation that hands out the death penalty willy-nilly is a false one. Yet they can't be blamed for that. For it's their allies here in America — the anti-death penalty crowd — who are all too happy to promote such nonsense. ■

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A DECENT RESPECT TO THE OPINIONS OF MANKIND



“ I

AMERICA’S CONTINUING ATTACHMENT TO CAPITAL PUNISHMENT PUTS US FAR OUT OF STEP WITH MOST OF “THE CIVILIZED WORLD.”

BY PAUL P. BLACKBURN

don’t know and I don’t care,” Richard Gladden, the Commonwealth’s Attorney for Arlington, Va., replied, in essence, when asked his opinion on why so many other countries have given up the death penalty and are so critical of America for not doing the same.

Mr. Gladden and I were among the speakers at a February 2003 debate on capital punishment sponsored by The Committee of 100, an Arlington citizens group. I, a retired FSO, was the out-and-out opponent of the death penalty, while Assistant Commonwealth’s Attorney for Prince William County Richard Conway presented the pro-death

penalty position.

Sadly, Gladden, billed as the “moderate” on the panel, appears to represent the vast majority of Virginians, whatever their attitudes toward capital punishment. As Tip O’Neill might have put it, in America all death penalty issues are local.

That evening I presented six major arguments. In addition to the death penalty’s immorality, susceptibility to bias and error, removal of possibilities for redemption or forgiveness, promotion of a culture of violence, and the better alternative of life imprisonment without parole, I contended, America’s continuing attachment to capital punishment puts us far out of step with most of “the civilized world.” Well over a hundred countries — including all the E.U. members as well as both our NAFTA partners — have given it up in law or practice. Even if those examples do not sway us, we should at least be concerned that it undermines core foreign policy objectives such as promoting human rights and securing the extradition of terrorist suspects and other criminals.

After the session, even my supporters in the audience said they considered the foreign attitudes argument the least potent of my six points. Though I couldn’t disagree with them, I found the conclusion disturbing. After all, capital cases with profound international implications are all around us in northern Virginia: the current trial in Alexandria of “20th hijacker” Moroccan-French Zakarias Moussaoui for his alleged complicity in the 9/11 attack; the trial of Jamaican Lee Boyd Malvo, one of the two alleged “snipers”; and the November 2000 execution of Pakistani Aimal Khan Kasi (aka Mir Aimal Kasi) for his 1993 murder of two CIA employees outside that agency’s Langley headquarters.

It seems that Virginians, like most other Americans,

Paul Blackburn, an FSO for 40 years with USIA and State, served as public affairs officer in Kuala Lumpur, Bangkok, Tokyo and Beijing. He currently chairs the Task Force to Abolish the Death Penalty at the Unitarian Universalist Church of Arlington and is a member of Virginians for Alternatives to the Death Penalty.

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have little patience for the back and forth of true international dialogue. I didn’t previously feel we were that kind of a country. Throughout my 40-year career “telling America’s story” as an FSO with USIA and then State — despite the ups and downs of our national experience during those decades — I proudly represented and portrayed a great nation striving to set a standard worthy of emulation by others.

In explaining our unabashed promotion of democracy and human rights, I stressed that as we seek to improve our own often imperfect performance, we honor the sentiment laid out in our Declaration of Independence that Americans pay “decent respect to the opinions of mankind.”

When the Supreme Court ruled the death penalty unconstitutional in 1972, I naively considered the decision a natural, almost inevitable, benchmark in our nation’s forward progress. Disheartened when it was reinstated only four years later, I resolved that once I was permanently back in the U.S., I would try to help get our country back on the right track.

The Asian Perspective

Working overseas, however, I found that my concerns about capital punishment were rarely shared by even the most well-educated of my contacts in the four Asian countries where I served as public affairs officer. Seldom did I meet a Thai, a Malaysian, a Japanese, or a Chinese with any serious qualms about it. Unlike their counterparts in Europe and elsewhere, most Asians consider the death penalty a necessary deterrent and an appropriate retribution for heinous crimes by undesirable individuals who simply “deserve to die” (a view of course widely held in our own country). Nor do their governments feel pressure from us to re-examine their policies; the U.S. dwells on capital punishment in human rights reports only when there are perceived deficiencies in legal processes.

In Thailand, capital punishment has been applied throughout the country’s long history, though its frequency has waxed and waned. In 2002, 17 people were sentenced to death, and five were executed (by

machine-gun fire): three for murder and two for drug crimes. Amnesty International reports that more than 600 people are on death row there, some 70 percent of them on narcotics charges. In February 2003, Prime Minister Thaksin Shinawatra began an aggressive campaign against drug dealers that by mid-year had resulted in more than 2,000 deaths and is being expanded to include a broader range of "dark influences." The government claims that only 51 of the deaths were the result of police action while the rest were internecine killings among drug dealers, but most outside observers consider the bulk of them to be extrajudicial executions. Whatever the numbers and means of execution of those killed, Thai public opinion has strongly supported Thaksin's campaign.

The U.S. dwells on capital punishment in human rights reports only when there are perceived deficiencies in legal processes.

Malaysia is equally unsentimental about administering its death penalty. Visitors to the country are greeted at points of entry with anti-trafficking signs that read "POSSESSION OF DADAH (drugs) IS DEATH," and some foreigners have in fact been executed for dealing in narcotics. Though capital punishment is most frequently applied for drug infractions, the only executions reported in 2002 were those of three men hanged, on the same day, for the murder of a state assemblyman. As in Thailand, I encountered no appreciable opposition to the death penalty among Malaysians. Much more deeply concerned about the country's draconian Internal Security Act, they see capital punishment as necessary in the fight against crime, particularly when confronting the scourge of narcotics.

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F O C U S

Although an anti-death penalty movement is slowly growing in Japan, the Japanese rarely talk about capital punishment and apply it sparingly. Amnesty International reports that more than 100 inmates are on Japan's death rows, while only two people were executed in 2002, both by hanging. Yet the government has steadfastly resisted European and other entreaties to abandon the practice, even at the cost of losing observer status at the Council of Europe (a penalty the U.S. also faces). The Japanese court system is ponderous but thorough. So far the alleged mastermind of the 1995 murderous sarin gas attack in the Tokyo subways, Shoko Asahara, is far from having his case reach the sentencing phase. Outsiders often criticize as cruel the Japanese practice of not giving advance notice before the day of a prisoner's execution: he never

***Several capital cases
with profound
international
implications are going
forward right now in
northern Virginia.***

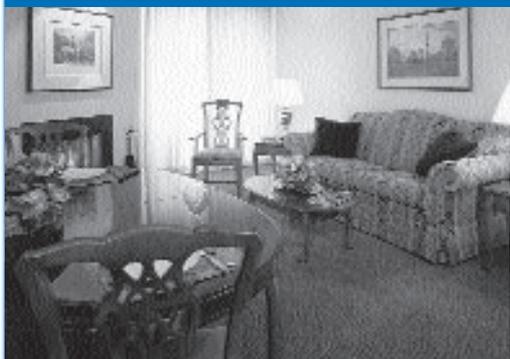
knows when his last hours may be at hand. Japanese friends told me that the practice meets a cultural desire to minimize anguish and expense for the family members of the executed.

The Chinese carry out more than half of the world's executions. In 2002, according to Amnesty International, China reported 1,060 executions, and sentenced 1,921 others to death. Most outside observers believe the actual figures to be much higher. China's methods of execu-

tion are firing squad and lethal injection. Those subject to capital punishment include not only drug dealers and perpetrators of violent crimes but also corrupt officials and even pimps. In June 2002, at least 150 people were executed across China as part of China's "strike hard" campaign to mark the U.N.-designated International Anti-Drugs Day.

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The Chinese make no apology for their widespread use of the death penalty. In answer to criticism from abroad, they say it is a necessary tool for maintaining social stability during a time when their immense and diverse population is undergoing fundamental change. In addition, the officials I dealt with were fond of reminding their American interlocutors that at least they do not follow our “inhumane” practice of executing juveniles and those with serious mental impairments.

Local Death Penalty Cases

After returning to Washington in 2000 for my last assignment before retirement, I joined a small group of death penalty activists at my church and in the Northern Virginia chapter of Virginians for Alternatives to the Death Penalty. Drawing on my Foreign Service experience of observing how U.S. domestic issues play out under international scrutiny, I often stress the downside of our executing foreigners, even when done after an assiduously fair judicial process.

Aimal Khan Kasi was a vivid example. After being caught in a sting operation in his native Pakistan, to which he fled after killing the two CIA employees in 1993, Kasi was returned to the U.S. and sentenced to death in 1997. He essentially dropped from public attention during the next five years, but as his November 2002 execution date approached, he returned to the spotlight, giving interviews defending the murders he committed. (He also told reporters that although he disapproved of the 9/11 attacks on civilians in New York, he fully supported the attack on the Pentagon, a military target.) By executing Kasi, we satisfied his desire for martyrdom and gave him a platform to try to inspire others to emulate him. Was that in the interest of our nation?

Unlike Kasi, Zakarias Moussaoui did not directly murder anyone. Even so, he is on trial for his life, essentially for harboring a hatred of America so intense that it allegedly led him to take part in planning the 9/11 attacks. As a foreigner with a belligerent courtroom demeanor, Moussaoui does not elicit the empathy we often feel for Americans on trial for their lives — even those accused of the most heinous crimes — who can cite closer-to-home drug abuse, parental abuse, and

***As Tip O’Neill might
have put it, in America
all death penalty
issues are local.***

other mitigating factors. However his complicated case ultimately turns out, sentencing him to death risks creating yet another U.S.-executed martyr.

Sniper suspect Lee Boyd Malvo, a Jamaican, arouses even stronger local passions, as the murder spree in which he allegedly took part truly terrified the Washington metropolitan

region. Though it is understandable that he has received scant public sympathy, the fact that Malvo was only 17 at the time of the crimes (unlike co-defendant John Allen Muhammad) has brought to the fore the arguments for and against applying the death penalty to juveniles. While many argue that the flagrant malevolence represented by the Malvo case demonstrates the desirability of capital punishment for juveniles, others contend that his dependency on the much older Muhammad, his deeply troubled childhood in Jamaica, and his apparent lack of mature empathy for others all suggest that he should not be made to pay the ultimate price for his actions.

Despite the fact that several of the murders they are charged with took place in Maryland, a state that does not execute minors, Attorney General John Ashcroft determined that the Malvo and Muhammad trials should take place in Virginia, a state that has demonstrated no hesitancy to put juveniles to death.

Because of Malvo’s age, the rest of the world looks on this case with particular alarm. (The fact that Malvo and Muhammed, like Kasi and Moussaoui, are Muslims is certainly not lost on the international Islamic community, either.) As many international organizations, including such strange bedfellows as the Chinese State Council Information Office and Amnesty International, have pointed out, the U.S. stands virtually alone in its willingness to execute juveniles and accounts for about 80 percent worldwide of those executed in recent years. Only the United States and Somalia have not ratified the U.N. Convention on Rights of the Child, which prohibits death sentences for juveniles.

But do such arguments cut much ice, even in the most liberal of Virginia’s counties? Apparently not. Polls show that throughout the state about two-thirds of Virginians support the death penalty as a general proposition — though the population is split about 50-50 when offered the alternative of life imprisonment with-

out the possibility of parole. In Virginia or anywhere else in the United States, the attitudes of foreigners have never registered as a significant factor in surveys of why people oppose (or favor) capital punishment.

**Consular Notification:
Double Standards**

In this era of American hypernationalism, it is perhaps not surprising that Americans seem blasé about arousing the disrespect, if not also the outrage, of foreigners when it comes to the death penalty. They, of course, take their lead from our national leaders, who are even willing to brush off harsh criticism from the Mexican government, which in January 2003 filed a complaint in the International Court of Justice against the United States for violating the Vienna Convention on Consular Relations in the cases of all 54 Mexicans on death rows in the United States.

U.S. embassies and consulates are quick to insist on consular access to Americans arrested in foreign countries, as is called for by the Vienna Convention on Consular Relations. However, despite efforts by State's Bureau of Consular Affairs to get the word out, foreigners in our prisons too often are unaware of their own right to consular notification. And judges and governors throughout America have shown themselves oblivious to appeals from foreign countries that their nationals be spared the death penalty. For example, Angel Breard, a Paraguayan citizen, was executed in Virginia in 1998 despite efforts by his government both to intervene in the appeals process and to secure a ruling from the International Court of Justice on the grounds that Breard was denied timely consular access and advice.

Do other countries treat us the way we treat them in these matters? No, of course not. We wouldn't stand for it. None of the four death penalty countries I served in has executed an American citizen in recent decades. Nor, for that matter, has any other country that I know of. How many Americans are even on the death rows of other countries? Possibly a few dual nationals, at most. For that matter, when was the last time you heard that we were denied consular access to an American accused

In this era of American hypernationalism, it is perhaps not surprising that Americans seem blasé about arousing the disrespect of foreigners when it comes to the death penalty.

of murder in a foreign penitentiary? Even in countries that are hostile to our values and our interests, and which have substandard prisons, our government aggressively — and properly — has been able to insist that U.S. citizens be afforded full legal rights and spared execution.

By contrast, according to the Death Penalty Information Center, the United States has executed 20 foreigners since 1988, and 116 foreign prisoners were on our death rows as of April 15, 2003.

A Decent Respect

Though we usually seem not to care what the rest of the world thinks about this issue, there are occasional bright spots. For example, in its June 2002 ruling (*Atkins v. Virginia*) that execution of the mentally retarded is cruel and unusual punishment, the Supreme Court noted that within the world community such executions are “overwhelmingly disapproved.”

Encouraged by such glimmers of progress, I believe that we will eventually join the growing international consensus on banning executions of juveniles, of the mentally disturbed, and, one day, even of reprehensible perpetrators of violent crimes. For if we do not, our nation will become increasingly hamstrung in promoting basic human rights and democracy, as well as cooperation in law enforcement.

On the other hand, just as the European Union provides a strong incentive for candidate members like Turkey to abandon the death penalty, an America free of capital punishment would, by example and by exhortation, help effect such changes — not only in the nations of Asia that are closely bound to the United States and where I spent so many years as an FSO, but ultimately throughout the globe.

Toward that end, in my modest public advocacy work in northern Virginia I am motivated by a fond hope that, in not too many years to come, those charged with telling America's story to foreigners will be able to speak with pride of how our nation managed finally to consign capital punishment to the rubbish heap of our history. ■

FOREIGN SERVICE SPECIALISTS SPEAK OUT, PART II

SPECIALISTS SHARE DETAILS OF THEIR PERSONAL AND
PROFESSIONAL LIVES IN THE FOREIGN SERVICE.

Editor's Note: Last month, we presented some of the many responses to our AFSANet invitation for specialists to share vignettes describing their personal and professional experiences in the Foreign Service. Here are more of their responses. Again, our thanks to all who responded.

— Steven Alan Honley, Editor



FS Class Structure

Before joining the State Department, I was a U.S. Army Signal Corps Major with nearly 12 years of active duty. I was proud of the title “communicator,” which the military considers a distinguished profession. The fact that I had a Bachelor of Science degree in Management Information Systems was “icing on the cake.” But it quickly became obvious during my first tour in Moscow that this was not the case in the State Department, where the title is viewed as somewhere equivalent to “janitorial staff.” Having only been in for 10 years now, I have no idea how it started, but it is a fact of life in the Foreign Service.

Another good example of this occurred during my second tour, in Tel Aviv. Even the Foreign Service Nationals recognize the class structure and know where an Information Management Specialist fits into it. When I arrived at post I was initially assigned to the post communications center as an IMS. During my first two years we upgraded the systems in that office to the point where we actually had more people than we pre-

viously needed and I was looking at curtailing to find a more challenging assignment. The new incoming Information Management Officer offered me the Information Systems Officer position to keep me, which I accepted, and with the post's concurrence, he had Washington reassign me to the position officially.

Once I'd been assigned as the ISO, I was greeted at my new office by some of the senior FSNs, who asked me when I “had arrived at post.” These were the same individuals whom I had worked with in the embassy at different points for the previous two years. This was certainly not because I was a “wallflower.” I firmly believe it was strictly due to the fact that I now had the word “officer” in my title. I was no longer a “specialist” per se, at least not by title.

This is not to say that there are not FSOs who consider specialists as equals, because there are. In fact, in my 10 years I have seen an improvement overall in our treatment, although minor. However, the prevailing mentality throughout the service is to look upon us as a “less than officer” class. I can understand the reluctance to include us in many social events afforded to JOs due to the differences in our backgrounds,

training, specialties, professions and so on. What I find difficult to understand is that it appears to be the norm to be extremely dismissive when it comes to things such as specialists having diplomatic titles, which directly equates to the quality of life overseas because of tax benefits, etc. and equal treatment as a diplomat of the mission by the foreign government. Indeed, we are expected to remain

***In my 10 years I have seen
some improvement in the
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“less than officers.”***

behind as essential personnel during emergencies, but we may only be allowed to bring in one car to that country, while officers are allowed two, because of our status. The small, but impacting, examples go on and on.

Overall, I enjoy the travel that's involved, seeing the world, meeting and living with different cultures as well as working with my specialist colleagues, and how this transforms the world into a very small place we all call home. It's unfortunate that to enjoy these benefits, we must accept treatment as a "special" class. I can only hope it will continue to improve, and I believe it will when the older generation of officers retires.

The scary part is that I've already seen JOs who are following in their footsteps.

*Jeffrey J. Hoover
Regional Desk Officer
IRM/M/CST/LD/
OB-EAP*



Senior Threshold Block

I am an FS-1 specialist serving as a Senior General Services Officer in Rome. As a specialist, I have no regrets, and have always had good relations with my generalist colleagues. I knew the rules coming in and am not the type to complain after the fact – with one exception.

As a GSO specialist, I compete for promotion not only with other specialists but with generalists. So far, I have been fortunate and have been promoted fairly regularly to the O1 level. However, this year, my performance will be considered by a promotion panel that will be told that no GSO specialist can be promoted to OC because there are no jobs for them. Thus, even if I were (hypothetically) ranked number-one in my category by the panel, they will not want to "waste" a promotion

on me because that would hurt the generalists who also have limits on the number of promotions. Yet even though I can't be promoted, I can be low-ranked.

Admittedly, not all specialist categories have senior possibilities, but some do (RSO, IMO, ESO, and others). I bring this to AFSA's attention only to ask that the organization take a look at the possibility of ensuring a few senior GSO slots (like other specialist areas). Surely, there are posts like Cairo, London, Paris, Manila, and Mexico City that could use a GSO at the senior level.

*Dan M. Cushman
Senior General Services
Officer
Embassy Rome*



We're All Officers

Why are new-hire generalists called "junior officers" but new-hire specialists not? Either they should be called "junior generalists" or all new hires should be called "junior officers." Starting people off in the Foreign Service with this distinction cannot help promote unbiased relations later in their careers. Does AFSA think this is worth taking on?

References should be to FS specialists and FS generalists — using the "officers" tag just reinforces the mythical distinction inherited from the military between officers and enlisted personnel. This is a legacy of the old Foreign Service Act that had designated separate salary scales for Foreign Service officers and Foreign Service staff.

The 1980 Foreign Service Act was supposed to eliminate this distinction and some of the class warfare by unifying both salary scales. Unfortunately, Human Resources for some reason finds it necessary to distinguish between specialists and generalists in their records. So the FP and FS designations are used,

perpetuating the class distinction.

*Loren F. File
Information
Management
Specialist
Embassy London*



Encourage Language Training

I would like to see State make more of an effort to announce language-designated jobs far enough in advance so that specialists can take advantage of language training. Officer language-designated positions are announced early, so they have the opportunity to take language training, usually for one year. I've noted that several jobs that may be on the bid list this summer require 2/2 in a particular language; however, there is no time allowed for training in the language. Therefore, those are positions that I have to cross off the list, limiting my options. If foreign language is a prerequisite for a position, the job should be announced early enough to allow time for language training.

*Violet Kotto
Office Management
Specialist
Embassy Kingston*



Why Discriminate?

Compared with specialists, junior officers seem to receive special treatment when it comes to training opportunities and special project handling. This may be because it is often perceived that the average specialist is specifically trained and hired to do one specific job only — or it could also be that managers assume it would be particularly difficult to relieve individual specialists from their daily responsibilities to take advantage of such opportunities.

Consider the department's recent call for nominations for a training opportunity in Guatemala, which was

I can only hope things will continue to improve, and I believe they will when the older generation of officers retires. But I've already seen JOs who are following in their footsteps.

targeted to JOs. Why weren't specialists invited to apply? The topics covered in the classes were general in nature and would have benefited the specialists who participated.

All employees should be viewed as equal and without classification. I continue to hear and feel the competition and separation which definitely exist throughout the Department of State. There are often references made to the Civil Service vs. Foreign Service; and now generalists vs. specialists. Yet we are all expected to work as team members/players. When does it end?

*Luberta Abraham
General Services Officer
Embassy Port of Spain*

Specialist Or FSO — What's the Difference?

The Foreign Service has been my home since 1987 — first as an Eligible Family Member and then as a Human Resources Specialist. My first posting as a specialist was in Addis Ababa, where I was also responsible for assisting Embassies Asmara and Djibouti. Like most HR specialists and officers around the world, I dealt with the foreign min-

istries of those three countries nearly every day on many diverse issues, primarily bilateral work agreements and visas for family members.

Throughout my tour, I worked alongside Foreign Service officers who welcomed my contributions and appreciated my expertise. The same was true during my next tour at the American Institute in Taipei and in Kampala, where I now serve. Yet the State Department has refused to approve a diplomatic title for the position, leaving me feeling like a second-class citizen.

Because the Human Resources Office at most posts deals with the Foreign Ministry on substantive issues that affect both individual employees and bilateral relations, I am convinced that the HRO position should carry a diplomatic title regardless of whether it is held by an Foreign Service officer or a Foreign Service specialist. I also believe the HR specialist new-hire

program needs to be reviewed. Currently, even experienced HR specialist employees are hired at the entry-level grade of FP-4. (In my case I actually lost a grade when I accepted the position.)

Despite this frustration, the challenge of serving the United States is still a great privilege. As a naturalized American, I think that I bring a unique perspective to the Foreign Service and am proud to represent the U.S. abroad.

Thank you for this opportunity to share this with you.

*Elenita M. Shorter
Human Resources
Officer
Embassy Pretoria*



Not Everyone's An Officer

At one post where I served, some colleagues started a group for "Women's Issues." I went to the first

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*If you look at the
average education level
of most specialists, it is
on par with our FSO
colleagues. "Officers"
do not come from
blue-blooded families.*

two meetings. Near the end of the first session I stated, "All these issues are pertinent, but everyone needs to remember that there are women in the Foreign Service who are not officers." The statement was accepted with a smile but pretty much ignored. That's why I only went to two meetings.

I find this attitude is pretty prominent throughout the Foreign Service. Nearly everything one reads is about the needs of officers. All too often the plight of the specialist is overlooked.

*Judy Chidester
Retired Information
Management Officer
Las Cruces, N.M.*



Separate and Unequal

The Foreign Service is separated by a perceived class difference between specialists and officers. If you look at the average education level of most specialists, it is on par with our FSO colleagues. "Officers" do not come from blue-blooded families. They have not attended a special academy like West Point. So where does this distinction have its origins?

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It is first instilled when FSOs are hired and attend the Foreign Service Institute. This is where they begin the segregation process by splitting up the specialists and officers. This segregation continues after they leave FSI with the separate meetings between senior management and JOs and specialists that are routinely held at posts.

The second problem is the perception that taking the Foreign Service Exam confers credibility. This exam is simply a general knowledge exam. Yes, it is difficult, but it does not measure ability or aptitude. It is certainly not an intelligence exam. The reason for the test is there is no way to demonstrate experience as a diplomat. The written test and oral exam are used as a measurement of potential.

Specialists have no need to take a test to demonstrate potential because we already proved that we could function in the job based on

***You don't get to the top
in this outfit by rocking
the boat. One must
conform and become
part of the old-boy club
in order to get
anywhere.***

our past experience. Our oral exam is simply a way for the department to verify that our resume is an accurate reflection of what we have accomplished in our careers.

I remember one officer counseling

me to take the test and become an officer because they believed I had the potential to "get in." (As if I wasn't already *in* the Foreign Service.) Why I would want to take a two-grade reduction to stand at a visa window or be a JO is beyond me. The fact that they would even suggest it shows many believe it is better to be an "officer" of any rank than in IRM.

It is time to get rid of the separate titles of officer and specialist. We are *all* specialists. What difference does it make whether you are an admin officer or an administrative specialist? The job is the same. The rank is the same. The pay is the same.

So long as the institution uses different titles to separate us, a sense of elitism will prevail.

*Joe Cole
Information Programs
Officer
Consulate General
Istanbul*

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Regards from Fort Apache

This issue of specialists vs. generalists has always been a problem in the department. It continues to be an attitude fostered from the top on down at most posts to which I've been assigned.

Even here in Bishkek (Fort Apache as I call it), the FSNs are quick to notice how management treats us differently in the hierarchical structure of this mission and we get the same from them. The junior officers also take their cue on how to treat us from looking at how the upper management treats us, which is usually not very well.

Over the years, I've found that it is difficult if not impossible to get support from above on issues that concern IM, even from within our own ranks. The reasons for this one can only speculate about, but they probably involve not wanting to rock the boat and simply not caring enough about the other guy's problem to get involved. After all, it might require saying things to someone that they don't want to hear.

You don't get to the top in this outfit by rocking the boat. One must conform and become part of the old-boy club in order to get anywhere. And once you get into the old-boy club, why risk your status sticking up for some FS-4 or FS-3 out there at post who is having a hard time with management? It can't help you, and you are all that matters, right?

I realize that sounds cynical, but it's the reality of Foreign Service life.

Very few people will take up a cause. There aren't any "Ches" out here in the Foreign Service. That would be career suicide ... understandably.

So all us lowly IMers can do is complain or get out.

I've weathered 19 years of abuse

In the short time I have served in the Foreign Service as a new-hire IMS, I have gained an immense amount of on-the-job experience and training.

in this outfit — though some places were far better than others, I must admit. And I'm looking forward to calling it quits soon. I used to enjoy the work up until about six years ago when these computer systems started to be put in and our jobs changed dramatically. It just is getting to be too stressful.

It hasn't been all doom and gloom, though. I've also encountered some officers who treated us professionally and correctly over the years. The majority, however, do not and I often find myself wondering if it is more a question of how these people were taught to treat others by their parents while growing up. It may be as simple as that. All I know for sure is that I've been treated very poorly by many FSOs over the years — and I can say that I wouldn't, and don't, treat even a dog the way some have treated me and gotten away with it.

Being in government, unfortunately, by the time one gets fed up with this sort of thing, one usually has too many years invested to just quit and go find a real job or different job, depending on how you think about this. If you quit as soon as you're eligible instead of

making it to age 62, then you get a much smaller pension. This means that even if you could retire at age 50, you stick around where you really don't want to be because you have to.

I don't really know how to improve this age-old problem we have, of hierarchical status. I think the problem needs to be tackled by the higher-ups in IRM for it to change, but I don't see that we have anyone in that position who cares enough to do what needs to be done to make it happen. The ones that make it that high are usually the ones who join the good-old-boy network and aren't likely to take up our cause as it would only make them unpopular.

A good beginning though would be to get us out from under Admin's rule at post. RSOs were able to do that and we need the same now. We need to be in charge of our own budget, not Admin. It would be a great beginning.

I could go on and on telling my "war stories" of all the times I've been abused by this or that person over the years, but I'm not going to do that. Suffice it to say I've had my fill and am going home as soon as I can, God willing.

Good luck to those who are left behind.

*Mark W. LaPoint
Information
Management
Specialist
Embassy Bishkek*



Learning As I Go

When I joined the Foreign Service as an Information Management Specialist in March 2001, I believe I had a better idea of what to expect than most of my peers. I am a Vietnam veteran who spent 24 years in the U.S. Army, including tours in Embassy Canberra's

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Defense Attaché Office from 1978 to 1981 and with the United Nations Truce Supervision Organization in Jerusalem from 1989 to 1991. (Following retirement from the military, I continued to work for the U.N. on temporary assignments in Europe, Africa and the Middle East.) So my military and overseas service was a good stepping stone for what I might expect in the Foreign Service.

Even so, I learned plenty during my initial eight months of general and specialized training at both FSI and the Warrenton Training Center, prior to being posted to Georgetown. Because many of the Warrenton instructors had served overseas in IM positions, they were able to share their personal and professional experiences to impart a more realistic view of what a new hire might expect (I also want to acknowledge the camaraderie among my classmates, which really made the transition into the Foreign Service a memorable experience. More than two years after joining the Foreign Service, the 57th Class continues to stay in close contact.)

Still, my understanding of how an Information Program Center operates at an overseas post did not fully come together until well after arrival at post. The only other Information Management position in Georgetown was the Information Program Officer; and, both IPOs I worked with there played a crucial role in guiding and mentoring me through my first tour (I found the same to be true of the IMOs and IPOs I worked with during TDY stints in Caracas and Santiago). The small IPC staffing in Georgetown also provided me with plenty of hands-on experience, not only related to IPC equipment and computer systems, but also satellite communications maintenance and operation — areas an IMS would rarely be exposed to at larger posts. And, I also had the

***I continue to hear and
feel the competition and
separation which exist
throughout the
Department of State.
Yet we are all expected
to work as team
members/players.
When does it end?***

privilege of serving as Acting IPO on several occasions.

In addition, I received lots of help and guidance on resolving difficult problems from experts at the Regional Information Management Center in Fort Lauderdale, the Beltsville Information Management Center, the Diplomatic Telecommunications Service Program Office, and the IRM Help Desk.

In the short time I have served in the Foreign Service as a new hire, I have gained an immense amount of on-the-job experience and training to operate, maintain, and troubleshoot numerous communication systems and equipment, including (to name but a few): E&E and HF radio systems, emergency networks, the telephone system, TERP, both classified and unclassified LANs, and the SC-7 and DST satellite systems and associated equipment. I've served as the Crypto Custodian, worked with both classified and unclassified pouches, maintained accountability of property and equipment, maintained the office

file system, trained others on use of radio and computer equipment, worked in the Information Management Center with the Local Area Network and servers (including Consular Affairs systems), and assisted with several major communication upgrades. I researched and wrote a proposal for an auto-attendant and voice mail upgrade to the existing telephone switch, which required close coordination with the RIMC staff and a telecommunications company for the hardware and software requirements. I had to coordinate with local counterparts from the National Frequency Management Center to request approval to operate on newly assigned HF frequencies for the State Emergency Network. My dealings with a diverse group of counterparts, field experts and specialized technicians have underscored the importance of coordinating and gaining the trust of others in order to ensure the availability of a vast array of communications to the Chief of Mission and staff to carry out foreign policy in the host country.

A highlight of my first tour were two wonderful opportunities to serve in the Western Hemisphere Affairs Volunteer TDY program, which is a tool available to WHA to augment IMS rovers when staffing is short at other posts within the region. Those opportunities added immensely to my experience and understanding of how a larger post operates while I was learning to work with other equipment not found at my post in Georgetown.

One final observation: Having served in the military, I am familiar with the emphasis placed on management and leadership training, which grooms military personnel to take on increasing levels of supervisory responsibility as they rise up through the ranks. However, during my time in the Foreign Service, I've noted through discussions with colleagues

*Specialists have no
need to take a
test to demonstrate
potential because
we've already
proved we can do
our jobs.*

and supervisors that there are limited leadership and management training courses available to Information Management Specialists as they deal with ever-evolving technology and rise through the ranks. As an example, IMS new hires are frequently charged with supervising FSNs who are assigned to the IPC Section (such as the mailroom, switchboard, and the Computer Center). Although I understand that leadership courses are just now starting to be incorporated into an IM Specialist curriculum at FSI, I believe that curriculum may not afford training on how to effectively counsel employees and write balanced performance reports. Therefore, I believe any academic training program should include instruction on counseling and writing evaluation reports — basic skill sets and tools needed to effectively manage and supervise people and resources.

*Frank Sauer
Information
Management
Specialist
Embassy Belize City
(as of November
2003) ■*

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TINCTURES FOR A GAPING WOUND

A VISIT TO AN INDIAN VILLAGE HAS LASTING LESSONS FOR A SELF-DECLARED “FOREIGN SERVICE BRAT.”

BY SARAH TAYLOR

The early morning was crisp in the way that only Delhi winters can be: a cold, easy fog enveloping the streets as the city awakens, rousing everyone with the smell of damp pollution and dust. I was hunkered down in the seat of the bus, keeping my head turned just enough to avoid inhaling the mildew on the curtains, sulking to myself but trying to smile and stave off fatigue. I glanced around in search of familiar faces and found only those of the family friends that were dragging me along on this excursion. The World Health Organization had asked for volunteers to aid in their drive to eradicate polio; my brief demonstration of curiosity had landed me a free seat on the bus.

We had only been posted in New Delhi for a few months, but I had lived on the other side of the Line of Control in Islamabad, for years. The language had a ring of familiarity, the local dress could have been taken from either country, and the food had the comfortable taste of familiar spices. Nothing could faze me, I was sure. Now that I had survived the usual struggle of transition between international schools (nothing new), I was the tried-and-true poster child for “Foreign Service brats” everywhere.

Or so I thought. But as we rambled down potholed roads toward the outskirts of Delhi on the rickety old bus that

morning, I had to wonder whom I was kidding. After all, my experience in the medical field did not extend much beyond first aid. By the time we reached our assigned “village,” the orange glow of the sun was just peeking over the horizon, slowly warming the still-empty unpaved roads.

A few of us set up shop in an empty schoolhouse. The concrete building trapped the chilly air; the kids who were already waiting in line danced and hopped back and forth to keep their bare toes warm. A kid with a distinctively disheveled mop of hair, whose eyes only came to about two inches above the table, looked briefly at me. But when I returned his gaze, curious to find out what would happen next, he looked away.

The other volunteers and I struggled for almost 20 minutes before innovation granted us a way to crack open the seals on the polio vaccines. Family after family trekked toward the schoolhouse, children under the age of 5 in tow. Bigger siblings carried younger ones because their parents were working; most of the time the older siblings were still young enough to need the vaccine.

I did a double take at a girl with drooping pigtails who approached our table, her eyes cast toward to the ground — for she had already received a shot just moments before. She was not the only one to circle back, either: village myths held that if one dose was enough to prevent polio, two doses could surely make a child healthy. We quickly learned to watch for the purple stains on the fingernails that unmistakably say: you’ve seen this child before.

Our translator, finishing his chai after a quick break, nonchalantly suggested we take a walk through the village. I asked him why, and he looked back at me and said matter-of-factly, “We must treat the children whose parents don’t believe in vaccinating them.” Step by step, I did my own kind of haphazard dance through the streets to dodge piles

Sarah Taylor is the daughter of Betsy and Dr. Brooks Taylor, the regional medical officer in New Delhi. In addition to winning a 2003 AFSA Merit Award, she was honored by AFSA for submitting this essay, which was judged the best in this year’s competition. A graduate of the American Embassy School in New Delhi, she is now a freshman at Haverford College in Pennsylvania.

of garbage and tributaries of sewage. We knocked on tin doors and crouched on the stoops of many of the makeshift dwellings, looking for children without purple fingernails. One mother met us halfway down the street, gesturing approvingly for us to enter her house. "Doctor, doctor, come," she kept saying. She led us into a small room with a dirt floor where we met her son. She pointed at him and said "doctor," then nodded. Her son was already suffering from polio. My eyes glued themselves to the floor and blood rushed to my face in indignation and embarrassment as the translator stood and explained that there was nothing we could do for him.

Ten steps down the side street and we arrived at the next lean-to. No parents were around, but the grandmother and a 5-year-old that had already come to our station at the school crouched in the doorway. The only other child in the house had not been able to make it to the center of the village: the smallest baby I had ever seen lay on a stiff straw mat in the corner. Seventeen days old, she weighed maybe five pounds; the tiny girl had not even been named yet. The other volunteers and I cringed as we opened her lips and

*As we rambled down
potholed roads toward the
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I had to wonder whom
I was kidding.*

deposited one, two, three drops of the vaccine. She recoiled in protest but no audible cries came from her tiny body. A wave of sadness hit me but remained unspoken; we all suspected that this baby would be dead in a few days.

When I returned home that evening, my own insulin and diabetes supplies practically gleamed with modernity and cleanliness. Such fancy, imported medical supplies seemed garish when contrasted with the lack of even the

most basic health care in the rural village.

It has been two years since I waved goodbye to those kids I had so little time to get to know, but there is something about children's faces that stick in one's mind. I am now involved in peace activism and humanitarian work (from a distance) with the citizens of Iraq, but the children of that Indian village are reflected in — almost superimposed on — those Iraqi faces.

As the world discusses terrorism and violence on a global scale, I wonder who is trying to stop the slower, silent killers of all those children who live in poverty around the world. ■

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A GRACE NOTE: POLITICAL AND CULTURAL CHANGE IN BHUTAN

A TINY HIMALAYAN KINGDOM MOVES TOWARD DEMOCRACY WITH CAUTIOUS DETERMINATION, STRIVING TO BALANCE MODERNIZATION WITH TRADITION.

BY LINDA BEEMAN

On Nov. 11, 2002 — his 47th birthday — the Druk Gyalpo, Bhutan's King Jigme Singye Wangchuck, announced his determination to abdicate many of his powers as monarch in favor of a constitutional monarchy and political democracy for his Himalayan nation.

The king first spoke of his plan a year earlier at the formation of a constitution-drafting committee, the latest in a long series of steps toward modernization initiated by his father. As we can count the number of other nations that are opening, decentralizing power, and pressing to provide universal access to education and medical care on the fingers of one hand, His Majesty's action struck me as a grace note in a global political landscape more often characterized by dark, mean ignorance.

I hold Bhutan in high regard. It's a country that is difficult to visit unless you sign up with a tour group and pay hefty fees, or are a citizen of either India or Bangladesh. As the last standing Buddhist monarchy in the Himalayas, it attracts pilgrims focused on religion, trekking, and environmental preservation. Foreign tourists were first permitted entry to Bhutan in 1974. Nearly a quarter-century later my visit took place only after heroic exertions by the man who hosted me in the hope that older Bhutanese textiles would find a market in the West. They didn't, but our meeting led to a lasting relationship with his family.

That January 1998 sojourn was enlightening. I boarded a

Linda Beeman, a former FS spouse, currently writes from her home on Puget Sound's Whidbey Island. She traveled twice to Bhutan as the guest of a Bhutanese family and was privileged to be in the country during the 25th-anniversary celebrations of King Jigme Singye Wangchuck's enthronement. These visits allowed her to see the country, as she says, "from inside out, as well as from outside in."

Druk Air flight in Bangkok that halted in Dhaka to deport some 20 Bangladeshis. After the takeoff, I fell into conversation with a young Bhutanese woman traveling with her family. Her husband browsed an English-language newspaper and called her attention to an article about President Clinton and Monica Lewinsky.

"Another one," he said.

I cringed. Plucking up courage, I told her I knew Bhutanese were devout Buddhists and wondered if they would be offended by reports of my president's philandering.

"Oh, no," she reassured me. "We're very promiscuous people!"

Our ongoing conversation revealed her husband was the governor of an eastern district — Pemagatsel — with so few roads that he traveled to village meetings on foot or horseback. We talked about his discussions with local leaders. I don't recall asking, but she volunteered that Bhutan "was not ready for democracy." Insufficient numbers were literate, could distinguish wisdom from blather, or exercise their franchise intelligently, she said. I wondered if similar qualifications would render the U.S. 'not ready for democracy' as well.

A Delicate Balance

My host, Tshering Dorji, sent his son Karma to collect me at Bhutan's only airport in Paro that winter afternoon. We passed our two-hour drive over narrow mountain roads to the capital, Thimphu, getting to know each other. Karma had recently married an American woman who worked for the United Nations Development Programme as a physical therapist. Though they'd known each other for several years, Karma felt frustrated by cross-cultural communication. "We use the same words," he said, "but we don't mean the same thing."

'Using the same words' is literally true: English, Hindi,

Nepali, and the national language Dzongkha have all been taught in Bhutanese schools since the 1960s. It's part of the government's ongoing balancing act, adroit in a nation of 700,000 people wedged between India, China and adjacent to another landlocked kingdom, Nepal. The intent is to preserve Bhutanese cultural and religious traditions while connecting cautiously with the wider world. The government hopes to select those aspects of modernization that seem useful, rejecting others that might overwhelm the country's values. Television fell into the latter category until 1999, though the government's ban on satellite dishes had been previously undermined by VCR imports. Jeans and T-shirts similarly encroached on the government's decree that the traditional men's gho (a kimono-like robe) and women's kira (a floor-length wrap dress) be worn in government and religious buildings.



A hillside village in Bhutan.

Coinciding with celebrations of the 25th anniversary of the king's enthronement in June 1999, Bhutan inaugurated television service for three hours each evening and initiated Internet access. It was a big step. The Communications Ministry hosted the Internet launch, and the first queen — Ashi Dorji Wangmo Wangchuck, magnificently dressed in a pink and turquoise silk kira — gave the keynote address. Monks chanted prayers to open the event; attendees received five ngultrum notes (about 15 U.S. cents) and a set of commemorative stamps. Attendants served tea and saffron rice.

A young lady from the ministry carefully explained *DrukNet* — Bhutan's new Web site — then the queen (one of four sisters married to the king) was called upon to send the first e-mail message to Bhutanese students around the world. As she pushed the send button, everyone turned expectantly to the enlarged screen that showed the result. An error message flashed momentarily. "Ah," sighed many in the audience. "A reprieve."

Four Decades of Change

It's fantastic to contemplate how Bhutan has changed in the last 40 years. In the 1950s there were no roads, no currency, no electricity or plumbing, and no telephones. Schools were housed in monasteries, and the brightest students walked hundreds of miles for higher education in what is now India. Slavery was not abolished until 1958, and it was not until the mid-1960s that Bhutan began developing its infrastructure. Founding-father tales of Buddhist saints establishing dzongs (monastic fortresses) and codifying law blur — as history recedes — with legends of a Lord Buddha reincarnation arriving on a flying tiger to subdue local demons.

Today the country has a growing power grid and an effi-

cient telecommunications system that reaches into all 20 districts. Though most of the population is still involved in subsistence agriculture, and average annual per capita income is officially \$700, progress has been made in expanding the productive base and in social welfare. Twenty-two percent of Bhutan's annual budget is devoted to health and education, and literacy and longevity have increased significantly. Bhutan has enormous hydropower potential, which it has begun to tap with India's help. A member of the United Nations since 1971, Bhutan cooperates with UNICEF and the UNDP in its development efforts.

In the Bumthang Valley one cold evening, I lingered after dinner near a bukari wood stove as long as possible. Tshering told me about his travels to the United States to study different legal systems. He found Navajo law particularly pertinent to Bhutan, perhaps because it relies more on consensus than coercion. "Until recently," he offered as an aside, "rape was not considered a crime here." Perhaps he wanted to shock me. It was one of those moments when you use the same words, but are not at all sure you understand each other. "Doesn't that imply the person being raped has no rights?" I asked.

Women in Bhutan are strong, hardy products of a matrilineal culture. It's said the thingka brooches they use to fasten their kira at the shoulders doubled as weapons in earlier days to stab attackers. They are legally able to have more than one husband, as men are able to have more than one wife, although few people practice polygamy today. Bhutanese women are not subservient, unseen members of society. They are powerful; they run businesses; they are mayors of large towns, and members of the national legislative body.

The country's National Assembly was formed after the current king's father ascended the throne in 1951. The majority of its members are representatives of the people elected by publicly declared consensus for three-year terms,

with the balance being appointed by the king from among his ministers and representatives of the monastic community. Essentially, its mission has been to advise the monarch on issues of national concern.

The king has worked prudently but steadily toward democratization. In 1981 he decentralized development planning to the district level and 10 years later to the village level. In 1998 he disbanded an entrenched Cabinet, introduced elected terms for his new Ministers, and transferred executive power to them. He gave the National Assembly the authority to remove the monarch with a two-thirds vote. Last year, the secret ballot franchise was extended to all Bhutanese citizens and, in October, over 200 village headmen representing hamlets across the country were elected by secret ballot. For the first time, a public interest suit was filed before the High Court.

By the end of 2002, a constitution had been drafted for consideration in the National Assembly and by grass-roots bodies.

The Buddhist Tradition

Buddhism underlies every aspect of Bhutanese culture. Law, medicine, communications, education, history,

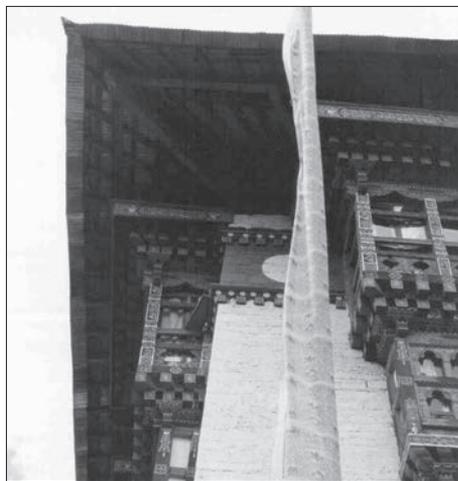


Commemorative stamp marking the 25th anniversary of the king's enthronement.

and art are some of the fields permeated with its teachings. While these disciplines are changing rapidly, the monastic community clings more tenaciously to tradition.

At 5 a.m. wood smoke begins to rise from cooking fires in Thimphu's houses. A morning constitutional to the chorten (Buddhist shrine), commissioned by the mother of the third king in memory of her son, is a popular way to start the day. Older people especially are here, circumambulating the gilt-domed structure, spinning prayer wheels, prostrating themselves. Worshippers fairly power-walk their way around it, as though speed were a factor in their devotions. Even at this early hour, Thimphu residents are out jogging, and military cadets practice their kickboxing. Bird sounds — sparrow tweets, pigeon coos, and raven caws — greet the day. Spent from a hard night's howling, the town's stray dogs arrange themselves for the day's sleep. Civic leaders' efforts to control Thimphu's exploding dog population have, so far, been defeated by resistance from the monastic community that opposes taking any life.

Karma and his 2-year-old son Mila accompanied me on a hike to a local monastery. We drove north from Thimphu along the river valley, past a rock face painted with a 50-foot image



An architectural detail of the Tango Monastery outside Thimphu.

of 8th-century saint Guru Rinpoche, until the road halted at the mountain to which Tango Monastery clings by sheer faith. Karma said the monks here recently discovered a young boy in eastern Bhutan who was the reincarnation of this monastery's founder. He'd just arrived, which might have accounted for the dozen or so people we encountered on our two-hour zigzag up this alarming incline. It was arduous work but, as Karma reminded me, a pilgrimage must be difficult to be meaningful.

At last we reached the base of the monastery and paused to circle the chorten and take in the view before unpacking our picnic lunch. Its potato chips, egg salad sandwiches, and apple juice seemed the most delicious food I'd ever eaten. We offered — with hands extended, heads lowered — potato chips to passing monks. They accepted them with dignified bows. Entering the monastery, Karma and Mila presented incense and prayed. A monk poured holy water into our hands. We drank it, then touched our heads with our wet hands. Purified, we were ready for our journey down.

Challenges Ahead

Bhutan has a difficult pilgrimage ahead of it as well. Her leaders observed what unregulated development under autocratic governments achieved in neighboring Nepal and Bangladesh. They saw Ladakh and Sikkim absorbed into India, Tibet merged with China. India and China are the elephant and dragon at the gates. So far, a happy conjunction of severe geography and fierce spirit has maintained Bhutanese independence, but that may change as infrastructure and communication improve and tensions between the two Asian giants wax and wane.

Nepali immigrants present another, perhaps more pressing challenge. Since the early 1900s, they have

The king's oft-quoted goal of increasing "gross national happiness" as more meaningful for his people than growing GNP is not just a cute slogan.

entered illegally over the porous southern border in search of jobs, fertile land, education, and health care. The third king granted a blanket amnesty to all illegal immigrants in 1958, making them citizens. But they continued to come, and their Hindu culture could easily swamp traditional Bhutanese mores within a few generations — as it did in neighboring Sikkim.

King Jigme Singye Wangchuck will need to impart even more power and not a little wisdom to his subjects in coming years if his bold effort to balance modernization and progress with tradition and continuity is to succeed. Bhutanese ideas about progress, of course, differ from our own. The king's oft-quoted goal of increasing "gross national happiness" as more meaningful for his people than growing gross national product is not just a cute slogan, and Bhutan deserves more than our bemusement. In its struggles to find equilibrium between issues of national identity and pressures to conform, it provides an example for other developing nations facing similar challenges.

I'm going to savor watching, and only wish I could be around to hear how 21st-century scholars record the king's efforts. ■

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REVIEWED BY KARL F. Inderfurth

In his latest and perhaps most important work, *Islam Under Siege: Living Dangerously in a Post-Honour World (Themes for the 21st Century)*, Akbar S. Ahmed observes: “For the first time in history, Islam is in confrontation with all of the major world religions: Judaism in the Middle East; Christianity in the Balkans, Chechnya, Nigeria, Sudan, and sporadically in the Philippines and Indonesia; Hinduism in South Asia; and, after the Taliban blew up the statues in Bamiyan, Buddhism.”

Unfortunately, this statement rings true with me. While serving as U.S. assistant secretary of State for South Asian affairs from 1997 to 2001, I had direct responsibility for Afghanistan and came to know the Taliban all too well.

During its five-year reign in Afghanistan, the Taliban, whose name comes from *talib*, or “religious student,” declared war on other religions. Shiite Muslims, who number several million in Afghanistan, were considered little better than infidels by the Sunni Muslim Taliban, who carried out periodic massacres of Shiites. Foreign aid workers were arrested on charges of spreading

Ahmed urges the West “to respond to the Muslim world firstly by listening to what Muslims are saying and secondly by trying to understand Islam.”



Christianity. Hindus were ordered to wear yellow identification badges to distinguish them from Muslims (under intense international criticism, the Taliban later backed down on this). And, as part of its campaign to destroy all “un-Islamic idols,” the Taliban blew up centuries-old and revered giant Buddha statues in Bamiyan.

Was there a way to persuade the Taliban to pursue a path of greater tolerance, to show respect for the diversity of Islam and the Quran? That was unlikely, given, as Ahmed points out in his insightful look at the ethnic and religious roots of the Taliban, “their zeal for Islam and the burning desire to impose their vision on all of society.”

Today, of course, the Taliban are no longer in control of Afghanistan and therefore no longer a major contributor to the confrontation between

Islam and the other major world religions. But Ahmed remains concerned that if we are to prevent the world “from lurching toward one crisis after another, one flashpoint to another” — the terror attacks of 9/11 and the recent Iraq war come to mind, both with their religious overtones — “then we all need to radically rethink the relationship between our religion and other religions; a radical reassessment of each other.”

In his final chapter, “Toward a Global Paradigm,” Ahmed points us in the direction of what “people of good will and good faith” (of which the author is eminently one) can do to increase the prospects for a “harmonious relationship between Islam and the West and other world civilizations.” The steps he urges for the Muslim world are fundamental and transformational. Of central importance, Ahmed says, is the internal challenge of rebuilding “an idea of Islam which includes justice, integrity, tolerance and the quest for knowledge.” Equally important is what the West must do — to take the initiative “to respond to the Muslim world firstly by listening to what Muslims are saying and secondly by trying to understand Islam.”

“Understanding Islam” has been and continues to be a central focus of the life’s work of Akbar Ahmed. As a scholar and former diplomat, he writes with authority, clarity, insight and compassion. And his message to his many audiences is the same: “Whether one adheres to the notion of the clash of civilizations, or whether one chooses dialogue, understanding Islam is the key.” He,



by the way, is firmly in the “dialogue” camp — as is this reviewer.

Ambassador Karl F. Inderfurth was assistant secretary of State for South Asian affairs from 1997-2001 and the U.S. representative for special political affairs to the United Nations from 1993-1997. He is currently a professor at The Elliott School of International Affairs at The George Washington University.

Turf Battles

The Mission: Waging War and Keeping Peace with America’s Military

Dana Priest, W.W. Norton, 2003, hardcover, \$26.95, 430 pages.

REVIEWED BY DAVID CASAVIS

The Department of State has long viewed the Department of Defense as a bureaucratic rival that has steadily encroached upon its turf overseas. As the second part of this book’s title, *The Mission: Waging War and Keeping Peace with America’s Military*, suggests, the Pentagon has made its gains by portraying itself as reluctantly taking on new tasks assigned to it by policy-makers. Of course, such a perspective overlooks the inconvenient fact that there already is a government department charged with overseeing America’s foreign policy.

Washington Post reporter Dana Priest attempts to be neutral in describing this trend, which she pegs as beginning with the end of the Cold War but accelerating markedly during the Clinton administration. However, it becomes clear early in her account that she is describing a fait accompli. Even the few

State’s defenders need to take the message of this book very seriously and make the case that diplomacy is a job for diplomats, not soldiers.

defenders of “traditional” diplomacy she interviews seem to have ruefully accepted second-class status: Priest quotes Amb. Joseph Presel, State’s man in Tashkent, as quipping, “I wish I could get someone from the State Department to pay this much attention.”

The book begins with an overview of the various regional commanders-in-chief (CinCs) and a description of the extensive American buildup in each one’s domain. For example, Gen. Anthony Zinni, the CinC of the Central Command’s 25 countries, pithily describes himself and his fellow commanders as “proconsuls to the empire.”

Priest’s vivid portrait of Secretary of Defense Donald Rumsfeld centers on his well-known fascination with high-tech warfare and bias toward special operations, as well as his tendency to berate his commanders. But what is surprising is how closely his views mesh with Foggy Bottom’s on a number of “turf” issues. At one point, he displays fury at how his department has drifted into its new role. “There is only one CinC under the Constitution and law,” he is quoted as say-

ing to his staff, “and that is Potus” (the president of the United States).

The second part of the book depicts how U.S. military operations have expanded in the post-9/11 era. Two statistics make the case convincingly: each regional CinC has a budget of \$380 million a year, and has a long-distance aircraft and a fleet of helicopters at his disposal. In contrast, the Secretary of State is the only U.S. diplomat with a dedicated aircraft and a security entourage.

Priest effectively uses a series of case studies that take us from Nigeria to Bolivia to Central Asia. But as we make the journey, there is a disturbing sameness throughout all areas of operation: everywhere, State is invisible.

The diplomatic meetings held by the military are described as “uncomfortable and forced” — but the soldiers are shown as gamely trying to learn the language of diplomacy and politics. “This is what we do. We spend most of our time accomplishing foreign policy objectives,” Maj. Mike Bownas is quoted as saying as he sat at the hot, sticky U.S. logistics base outside the Nigerian capital, Abuja. “We really are the CinC’s foreign policy tool.”

That may sound like boasting. But consider the conflict between Ambassador Robert Gelbard in Jakarta and Admiral Dennis Blair, CinC of the U.S. Pacific Command. In Priest’s account, despite Gelbard’s best efforts, Blair handily outmaneuvers him both in Asia and on Capitol Hill, actually *changing* U.S. policy toward Indonesia.

In short, State’s defenders need to take the message of this book very seriously and make the case that skillful diplomacy is a job for professional practitioners, not the military. Otherwise, the Foreign Service risks



losing even the shrinking constituency it still enjoys.

David Casavis works for the U.S. Department of Commerce in New York City. He was recently detailed to the Department of Homeland Security.

Ambassadorial Portraits

Diplomatic Dance: The New Embassy Life in America

Gail Scott, Fulcrum Publishing, 1999, \$27.95, hardcover, 272 pages.

REVIEWED BY TATIANA C. GFOELLER

Why, you may be wondering, is the *Journal* reviewing a book published in 1999? And why does the Four Seasons Hotel still feature it prominently in its gift shop?

I would offer three main reasons. First and foremost, because *Diplomatic Dance: The New Embassy Life in America* is that rare book which is both entertaining and wise, full of pithy anecdotes. Its author, Gail Scott, is an accomplished journalist and lecturer who writes often on diplomatic topics.

For example, Scott passes on a particularly astute observation from the Egyptian ambassador that remains true today: “CNN is the enemy of the new ambassador.” As the British ambassador observes, “in Washington you are not a diplomat but a lobbyist” — a dictum exemplified by the Swedish ambassador, who provides a superb tutorial on “how to get things done in D.C.” that even non-diplomats will find useful.

You will not want to miss the fascinating conversation with the Russian ambassador (previously the Soviet ambassador) on what it was like for the country he represents to change iden-

This book epitomizes the “new diplomacy” of the Internet Age, centered on human contacts and use of the media, and open as never before to female practitioners.

tity. Or the Egyptian ambassador’s reminiscences of participating in the negotiations that produced the Camp David peace accords 20 years before, and his warning — even more prescient than he could have known four years ago — that by supporting Islamic fundamentalists against the Soviets in Afghanistan, the U.S. had “let the genie out of the bottle.”

Second, the book epitomizes the “new diplomacy” of the Internet Age, centered on human contacts and use of the media, and open as never before to female practitioners. Many of these diplomats have used their personalities to become memorable and therefore influential in promoting causes. For example, did you know that the British ambassador’s wife’s children by a previous marriage had been kidnapped by their German father and that she is a tireless campaigner for family reunification? Similarly, the Brazilian ambassador was disabled by a stroke and is a poster child for the ability of disabled persons to be extremely effective diplomats.

I was particularly fascinated by the portraits Scott draws of Washington’s handful of female ambassadors, representing such varied countries as

Singapore, Macedonia, Cyprus, Luxembourg, and Ecuador. Those profiles demonstrate that female ambassadors are as diverse in their personalities, backgrounds, marital status, and parenting responsibilities (or lack thereof) as their male counterparts. And tying up neatly the three main characteristics of the “new diplomacy,” one ambassador tells Scott that female diplomats actually have an advantage now, as they tend to be more flexible, comfortable with the media, and people-oriented.

Obviously many of Scott’s interview subjects have come and gone since 1999, and there are certain predictions which are already badly out of date. Knowing how far Uzbekistan and many other former Soviet republics have fallen since the heady days of independence, one winces at the rosy picture the Uzbek ambassador paints of his nascent country, which he cockily predicts will be better than Russia in all aspects, including freedom of religion and respect for human rights.

Finally, while many other books have been written about diplomacy since this one appeared, none has been able to replace this one as an extremely useful reference, full of embassy addresses, phone numbers, Web sites, national days, currency names, etc. My only suggestion for when *Diplomatic Dance* is reprinted and updated, as I am sure it will be, is to add the date of independence for each cited country.

A member of the Journal Editorial Board, Tatiana C. Gfoeller is the director of the Office of Multilateral Affairs in the Bureau of Democracy, Human Rights, and Labor. Among other publications, she is the author of United by the Caspian: Pursuing U.S. National Interests in Central Asia and the Caucasus. ■

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REFLECTIONS

Pigs On Parade

BY PAUL S. DEVER

In Balayan, Batangas, in the Philippines, for the last 20 years roasted pigs have been dressed up in costumes for the “Pigs on Parade,” *Parada Ng Lechon* to celebrate the Feast of St. John. Everyone told me to bring a change of clothes, as I would get wet. I was wondering how they could predict rain.

We went to the parade grounds. There was a huge crowd and I got a great spot where the floats and crowds were gathering. I began filming the parade, which got off to a rocky start. One of the pigs decided not to cooperate — its hindquarter broke off. They tried to tie it back on, but then they gave it to an old lady. She ran to her friends and they all feasted. The first float I saw was for *Mama Sita’s Reloaded*. The pigs were dressed in black. Okay, I was slow ... it was for the movie, “*The Matrix*.” A local motorcycle dealer had a pig riding a chopper, while *Mighty Meaty* had their hot dogs being advertised with a red lechon. I noticed some of the lechon were covered in plastic. I was soon to see why.

There were squirt guns all around. When I was a kid, the old-fashioned

Manila is Paul S. Dever’s first State Department assignment. He was with the Peace Corps in Burundi, Rwanda, Malawi and Mali from 1993 to 2000. The stamp is courtesy of the AAFSW Bookfair “Stamp Corner.”

*There were pigs
in swimsuits.*



squirt gun resembled a pistol. Then, by the time I was a Peace Corps admin officer, kids graduated to Super Soakers. But now they had sharks, machine guns, space guns and the like. And I thought the old Ruger water pistol was cool! Everyone began shooting each other, mostly aiming at the people on the floats. The participants on the floats were ready with guns or basins and pots of their own. People reveled in getting each other wet. The floats continued to pass — the technical schools had a pig operating a computer, and a swimming pool company had pigs in swimsuits on a diving board. One of the best floats was from a hospital in which there was a pig patient and a pig surgeon. The whole parade lasted about an hour and everyone got drenched.

Then we went to the church grounds, where I met Father Totit Mandanes. He was in his fifties and dressed in shorts, flip-flops and a tee-shirt. He invited us to the refectory. A feast awaited us. There were various kinds of glutinous and gelatinous concoctions, eggs, sausages, salted bread, and ... lechon. I was

asked to accept the first piece. As we ate the bounty, our conversation touched on a group of recently arrived Bajao, one of the minorities uprooted from Basilan. I could see the joy on Father Mandanes’ face as he told how the church had been able to help them. We were convinced to buy some jewelry.

Afterwards, Father Mandanes offered us a tour of the town. First, he introduced us to two young priests. As we left, they tossed a few buckets of water on us. (Priests can have fun, too.) We hid behind Father Mandanes, but to no avail. On this day, everyone was fair game. As we walked down the main street, some people came to Father Mandanes for “*mano po*” (a sign of respect for your elders by bowing and placing their right hand to your forehead). Then one of his parishioners invited us in for a bite to eat — a big bite: turbo-chicken, fish, puto, kuchinta, etc. This also allowed us to seek refuge from the water.

Back on the street, people were still dousing each other. I was drenched. My shoes were making squelching noises. I wondered about the water. Where did the tradition start? I asked around and then did a Homer Simpson “Doh.” Water ... Feast of St. John ... St. John the Baptist. Father Mandanes explained that people were blessing each other. Now it all made sense. I was still soaked, so I was much blessed on this day. ■

AFSA NEWS

American Foreign Service Association • October 2003

AFSA'S NATIONAL HIGH SCHOOL ESSAY CONTEST

AFSA and FSYF Ceremony Honors Outstanding Youth

BY SHAWN DORMAN

Secretary of State Colin Powell gave a warm introduction at the Aug. 15 youth awards ceremony in the Department of State Treaty Room. Acting AFSA President Louise Crane presented awards to the top three winners of the AFSA National High School Essay Contest. The essay contest drew 550 submissions this year, and serves to stimulate interest among high school students nationwide in the Foreign Service and the conduct of U.S. diplomacy.



Marc Goldberg

Secretary of State Colin Powell with AFSA Essay Contest winners (from left) John Kalz, Margaret Jackson and Andrew Hoover.

The Treaty Room ceremony, in addition to honoring AFSA award winners, also honored winners of the Kid Vid Awards and the Foreign Service Youth Foundation Awards

for Community Service. The ceremony was sponsored by AFSA; FSYF; Associates of the American Foreign Service Worldwide; the

Continued on page 8

AFSA SCHOLARSHIPS

AFSA Awards Thousands of Dollars in Financial Aid

AFSA awarded need-based undergraduate Financial Aid Scholarships for the 2003/2004 school year to 63 Foreign Service college students with aid totaling \$127,250. These students are in addition to the 27 winners of the 2003 Academic and Art Merit Scholarships (July-August *AFSA News*).

Awards range from \$1,000 to \$3,500. Tax-dependent children of Foreign Service children are eligible to apply. Students must

attend a U.S. accredited school full-time, maintain a 2.0 grade point average and finish their degree in four years. Applications for the 2004/2005 school year will be available on Nov. 1 at www.afsa.org and are due on Feb. 6, 2004.

AFSA adds new perpetual scholarships each year created on behalf of individuals who leave bequests in their wills, want to honor a loved one, or who want to give to AFSA while living. Establishing a perpet-

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AFSA Commemorates Fifth Anniversary of East Africa Embassy Bombings

On Aug. 7, AFSA put a wreath at the State Department's commemorative plaque honoring colleagues and family members who died in the terrorist bombings of the U.S. embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on Aug. 7, 1998. AFSA also placed another wreath at the AFSA



Ed Miltenberger

In memory of the 1998 embassy bombings.

Continued on page 7

AFSA NEWS BRIEFS



Loss of an Outstanding U.N. Diplomat

From AFSA USAID VP Bill Carter:

“My words are not up to the task. He was one of us. I suspect some of you, like me, might have felt a special sense of loss at the death of U.N. Special Envoy Sergio Vieira de Mello. He was an energetic diplomat — the U.N.’s “go-to” guy for all of the most difficult assignments. His tragic passing is another reminder of the perils along this professional path we have chosen. We mourn his loss and those of all the others in the Aug. 19 Baghdad bombing.”

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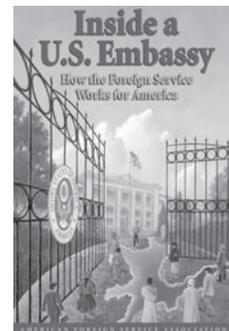
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USAA for non-State FSOs

USAA, the popular insurance agency used by many Foreign Service employees, has begun denying new membership applications from non-State Foreign Service officers. According to AFSA USAID VP Bill Carter, these exclusions “have a lot of people steamed, including some in management within USAID.” USAA reportedly changed the policy based on a decision that an “agency must function under a published, institutionalized mission statement that explicitly refers to national security or national defense, both at home and abroad.” AFSA strongly opposes the exclusion of these FSOs and will push for a reversal of the policy. AFSA USAID, AFSA FCS and AFSA FAS are drafting a rebuttal letter to USAA to be sent from AFSA headquarters. Any members who have suggestions for other ways we can work to reverse this policy are urged to submit their ideas to AFSA.

Inside a U.S. Embassy at Barnes and Noble

AFSA's book, *Inside a U.S. Embassy*, is now available through your local Barnes and Noble store. It is also available at Politics and Prose in Northwest Washington, and is on display and on sale at the George Washington University Bookstore. AFSA members teaching a class on diplomacy or giving a talk are encouraged to request copies of the book postcard and to consider using the book as a class resource: just e-mail embassybook@afsa.org.



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AFSA Internet and E-mail addresses:

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AFSA E-MAIL: afsa@afsa.org

AFSA NEWS: afsanews@afsa.org

FSJ: journal@afsa.org

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STATE VP: cranelk@state.gov

RETIREE VP: jones@afsa.org

USAID VP: warter@usaid.gov

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AFSA News

Editor Shawn Dorman: dorman@afsa.org

(202) 338-4045 x 503; Fax: (202) 338-8244

On the Web: www.afsa.org/news

Staff:

Executive Director Susan Reardon: reardon@afsa.org

Business Department

Controller Kalpna Srimal: srimal@afsa.org

Accounting Assistant Steven Tipton: tipton@afsa.org

Labor Management

General Counsel Sharon Papp: papps@state.gov

Labor Management Attorney Zlatana Badrich: badrichz@state.gov

Labor Management Specialist James Yorke: yorkej@state.gov

USAID Senior Labor Management Advisor Douglas Broome: dbroome@usaid.gov

USAID Office Manager Asgeir Sigfusson: asigfusson@usaid.gov

Grievance Attorneys Harry Sizer: sizerhs@state.gov, and Charles Henderson:

HendersonCH@state.gov

Office Manager Christine Warren: warrenc@state.gov

Member Services

Director Janet Hedrick: hedrick@afsa.org

Representative Lindsay Peyton: peyton@afsa.org

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Outreach Programs

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USAID REPRESENTATIVE: Thomas Olson

FCS REPRESENTATIVE: William Crawford

RETIREE REPRESENTATIVES: Gilbert Sheinbaum,

David E. Reuther, Theodore S. Wilkinson, III,

Stanley A. Zuckerman

IBB REPRESENTATIVE: Alex Belida

FAS REPRESENTATIVE: Vacant

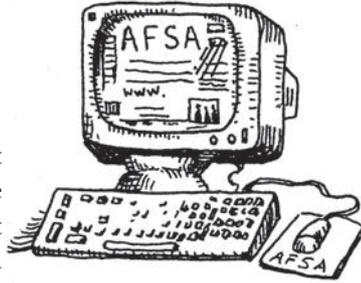
AFSA NEWS BRIEFS



WEB NEWS ...

Official Post Reports on the Web

Until recently, the official State Department Post Reports were only available through the Overseas Briefing Center and on the IntraNet system. As of mid-August, they were posted to the State Department's Internet Web site. You can find them at: http://www.foia.state.gov/MMS/post rpt/pr_view_start.asp.



Unofficial Post Reports at *Tales from a Small Planet*

Where can you find up-to-date reports on what it's *really* like to live at posts such as Baghdad, Bombay and Beijing? Or how about a funny essay about cows and visas, or reviews of the latest books about overseas living? The answer is *Tales from a Small Planet*, an informative, humorous and sometimes irreverent Web site that is gaining popularity among Foreign Service employees and family members, especially among the incoming classes.

The *Tales* site offers a wide range of information and entertainment for Foreign Service personnel and their families. Most popular on the Web site are the Real Post Reports: uncensored, first-person accounts of what it is really like to live in more than 200 cities around the world. "Who hasn't moved to a new post with only minimal information about life there?" says Victoria Hess, Chief Executive Officer for *Tales*. "Real Post Reports fill an information gap. Even the department's best efforts to provide information at the Overseas Briefing Center do not give you a full impression of life in your new city, and the official 'Post Reports' tend to be out-of-date once they are available."

The literature section gives heart to the site. *Tales'* goals are "to find stories, essays and poetry that illuminate what it's really like to live abroad, and the more honesty and humor, the better," says

Editor-in-Chief Francesca Kelly. Another popular part of the site is the Message Boards. "We have always thought that 'community' was important to the Foreign Service, and the Message Boards are a terrific resource for those who need information about our community," said Kelly.

Tales from a Small Planet, Inc., was recently awarded a significant grant from the Una Chapman Cox Foundation. **A \$5,000 portion of the grant is contingent on Tales' raising the same amount by June 2004. Donations are critical to the long-term success of the site,** and can be made on-line (click on the word "donate" in the home page banner for information) or by check to: Tales from a Small Planet, P.O. Box 6777, Jackson, WY 83002. Since Tales from a Small Planet is a 501(c)(3) organization, donations are deductible to the extent allowed by law. Further information may be obtained from Victoria Hess at victoria@talesmag.com or Francesca Kelly at francesca@talesmag.com. Please visit the site at www.talesmag.com and explore all it has to offer.

AnAmericanAbroad.com

Another Web resource worth checking out is AnAmericanAbroad.com, which calls itself "the hub for Americans traveling or residing abroad." It is a good resource for expats for things such as current news of interest to overseas Americans, stories of American experiences abroad, community forums, travel bookings, country reports, expat shopping information, recommended books, links to world newspapers in English as well as many other links.

One of the goals of the site is to simplify the amount of information available and provide an easy gateway for Americans abroad. Another goal is to provide Americans inexperienced with life abroad with feedback and information from Americans overseas. This site was created in the spring of 2003, and is a work in progress. It is edited by Brian Wall, who is also the founder.

1959 Thule Helicopter Crash Victims Remembered

U.S. Ambassador to Denmark Stuart Bernstein unveiled a memorial at Embassy Copenhagen on July 14 in honor of two American diplomats from Embassy Copenhagen who died in a helicopter crash near Thule, Greenland on Aug. 26, 1959. Deputy Chief of Mission Livingston Lord "Tony" Satterthwaite and Air Attaché Col. James F. Hogan were part of a joint U.S.-Denmark delegation that visited the Inuit community at Qannaq. The delegation was flying back to Thule from Qannaq when the accident occurred. All seven persons on board perished, including a Danish liaison officer, the Thule flight surgeon, the commander of the Army Artillery Group at Thule and the aircrew of the helicopter.

Dedication of the new memorial plaque at the embassy in Copenhagen follows the addition of Tony Satterthwaite to the AFSA Memorial Plaque at the State Department in 2002.



Ambassador Bernstein (center) with (from right): Tony Satterthwaite's son George, his widow Kay, his daughter Janet and his son Henry.

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AFSA Welcomes New Staff

A warm welcome to two new staff members who joined AFSA in August. Charles Henderson is our new grievance attorney, taking Neera Parikh's position. Charles can be reached at (202) 647-8160 or by e-mail: HendersonCH@state.gov. Austin Tracy is our new executive assistant to the president. His e-mail address is tracy@afsa.org and he can be reached by phone at (202) 944-5506.

BOOKFAIR

The 43rd annual BOOKFAIR of the Associates of the American Foreign Service Worldwide will open on the afternoon of



Friday, Oct. 17, and continue through Sunday, Oct. 26. It will be held in the Diplomatic Exhibit Hall of the Truman Building on the first floor near the cafeteria. Entrance will be at C Street.

Support for Foreign Service Youth

The Foreign Service Youth Foundation is in need of your support. The FSYF serves a key element of the Foreign Service community — the kids. The group offers workshops to help kids with transitions overseas and re-entry into the U.S.; provides leadership, social and educational programs; and promotes global responsibility and volunteer service by Foreign Service youth. For more information, go to www.fsyf.org. To make a contribution, designate Combined Federal Campaign participant #8488.

Proposed Changes to the Fair Labor Standards Act

Several specialists have drawn our attention to recent press coverage of the administration's proposed changes to the Fair Labor Standards Act which, if adopted, will affect the eligibility for FLSA overtime of all workers, whether federal or private sector, in the domestic United States.

At the outset, however, it is important to recognize that these proposed changes will have no effect on overtime paid under Title 5 of the U.S. Code, which is what governs payment of all federal overtime overseas, and all overtime for federal workers in the United States who are "exempt" from FLSA. Thus, almost all Foreign Service personnel will be unaffected by any of these changes.

In addition to the foreign exemption, there are at present three basic grounds for exemption from FLSA:

— Executive Exemption: For example, exercising discretion and independent judgment in work planning, and having

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Board of Contract Appeals Rulings

AFSA would like to alert readers to two recent BCA rulings. In the first case, an employee was on TDY in December in Bangkok for five days, and had only taken tropical lightweight clothing with her. While in Bangkok, she was ordered to travel to Beijing. On her way, she spent \$477.22 in Hong Kong to buy winter clothes to cope with the freezing temperatures of Beijing in December. She requested reimbursement on her travel voucher when she returned to Washington, pointing out that her need to buy these clothes resulted solely from the department's change in her travel itinerary to meet the needs of the Government. The BCA turned down her request, on the grounds that neither the

Federal Travel Regulations nor the Foreign Affairs Manual provides for reimbursement of personal expenses. Agencies, the board noted, may only reimburse employees for actual and necessary expenses for travel.

In the second case, an employee and her tandem spouse had both been on long-term training in the Washington area. Her spouse's per diem had paid for the rental of their temporary accommodation, while hers had been used to pay for utility bills, including cleaning. Some years later the department sought repayment of \$511 that had been paid to her to cover house-cleaning costs, saying that since her tandem spouse had paid the rent, she did not have lodging costs. The BCA did not

agree. On the contrary, the BCA pointed out, the regulations say that when an employee rents a house during a TDY, the employee is entitled under the FAM (and provisions of the FTR incorporated in the FAM) to a lodging per diem allowance whose daily rate would include those maid cleaning expenses as well as the utility and phone expenses (if normally included in the price of a hotel room in the Washington, D.C. area) she incurred as long as the daily lodging per diem allowance did not exceed the cost of renting conventional lodging at a daily rate. Thus, if her tandem spouse's portion of the per diem allowance was insufficient to cover more than just the rental costs, then the employee's portion could cover the other costs that would normally be included in the per diem costs.

authority to suggest and recommend promotions, or advances of pay for subordinate employees.

— Administrative Exemption: For example, formulating management policy, doing work that is “intellectual or varied in nature,” or exercising discretion and judgment.

— Professional Exemption: For example, doing work that requires knowledge in a field of science or learning that is customarily and characteristically acquired through education or training that meets the requirements of a bachelor’s or higher degree.

The proposed changes to FLSA would extend these exemptions by, essentially, lowering the bar so that lower level supervisors, virtually all white-collar workers who have any education beyond high school, and employees who are “in a position of responsibility,” rather than actually supervising, would become “exempt” from FLSA. In the federal government, but not in the private sector, they would then become eligible for Title 5 overtime. The difference is considerable. FLSA overtime is paid at a straight time-and-a-half. Title 5 overtime, on the other hand, is subject to a variety of caps, the most commonly encountered one being the hourly rate cap at one-and-a-half times the hourly rate of a GS-10/1, which at the basic rate without locality pay in 2003 comes to \$28.11.

If the changes are implemented as proposed, it is likely that more Foreign Service employees on domestic assignments — mostly IMSs and OMSs — will fall into categories that are “exempt” from FLSA and will only be eligible for overtime pay under the Title 5 rules. This is likely to result in receiving less money per hour of overtime worked. For more information, go to the AFSA Web site at <http://www.afsa.org/statevp.cfm> and look under Member Guidance for “Overtime and Compensatory Time Rules.”

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Shaping a New Agenda

This is my first column since returning to Washington to begin my service on the AFSA Governing Board. Bill Crawford, our FCS representative, and I are in the early stages of establishing priorities and setting an agenda, making this an excellent opportunity to invite your thoughts as to the detail of our work plan. My number one priority is to ensure that this is a membership-driven process.

With this in mind, Bill and I will establish a new system to broaden the ability of all FCS members to shape our agenda. Any member is encouraged to contact us directly at any time. In addition, however, I believe we need to identify volunteers to serve as regional FCS AFSA representatives who would generate ideas and channel commentary on our priority issues. Our regional members are frequently in touch with each other, thus facilitating discussion and communication. My goal is to have this regional network up and running before the end of the year.

As for our agenda, we need to be active in two major areas that reflect the basic mission statement of AFSA. The first is commercial diplomacy. AFSA is a professional association as well as a union, and we represent those professionals at the forefront of the national effort to promote and defend our commercial interests. With resources strained and much in demand by new, competing program areas, our commercial diplomacy program is at a crossroads. Program priorities were defined in the period immediately after the end of the Cold War. They are outdated and backward-looking and need to be overhauled. Most importantly, we need to engage our business community to help drive this process. We also need to be leading the effort to reform and strengthen our commercial diplomacy program. Please share your views, and I will keep you updated at every step along the way as we begin our work in this area.

The second item relates to our responsibilities as a union and partner with management to improve the conditions of employment. I already witnessed much progress during this past summer. I participated in two consultations that concluded a multiyear effort to create a new Management Planning and Performance Appraisal System as well as new precepts for the selection boards. These new policies will dramatically change and improve FCS evaluation procedures. Many of our members were deeply engaged in this process, and the atmosphere between AFSA and management was excellent. Much credit goes to Peter Frederick, our outgoing vice president. For my part, I want to build on this success and work to deepen and expand on the very constructive AFSA-management attitude that I found in our August sessions.

Please let Bill and me know if there are other issues that should be priorities. Also let us know how we are doing. We will provide you with monthly reports on our activities. Together I know we can make a difference. □



Ten Ways to Cultivate Strong Family Ties

Family has always been at the center of my life. My family is a tight-knit bunch. Every holiday, every graduation, every milestone no matter how small or large, is filled with people, laughter and, of course, food. This was my reality from the moment of my birth. When my husband started his A-100 class, I immediately began to contemplate how to pass this wonderful gift on to my children while living overseas. I am sure this dilemma weighs heavily on the heart of each parent who agrees to serve America overseas. Years of separation from grandparents, cousins, aunts and uncles can leave children devoid of family connections. But this does not have to be the case. If a conscientious effort is made to maintain these relationships, our children can grow up surrounded by the love of extended family. Here are 10 simple things Foreign Service parents can do to preserve strong family ties:

1. Buy a digital camera

A picture truly does say a thousand words. Milestones can be shared almost instantly with those on the other side of the globe. E-mail pictures at least once per week or set up a Web site and update it often. Free Web sites are readily available.

2. Buy a phone card and do not be afraid to use the minutes

Set aside a regular time for phone calls to be made to each relative. If finances are an issue, spread out calls over regular intervals and take turns shouldering the bill with family members back home.

3. Encourage family members to sign up for e-mail and instant messenger accounts

Teach grandma how to use these features if necessary. There is no better motivation to tackle the big, scary computer than staying connected to grandchildren.

4. Use snail mail

The intimacy of the written word has been lost in this age of instant gratification. Yet there is nothing better than receiving

a letter in the midst of all those bills. Your relatives will feel special.

5. Honor past traditions

Give your children a sense of connection by continuing to do things the way they have always been done in your family.

6. Create new traditions

New traditions give birth to a special bond in your immediate family and allow you to add your footprints to those of past generations.

7. Create an extended family at post

If a large Sunday dinner has always been a major part of your life, invite other expats over to share this meal with your family each week.

8. Join a religious group or community service organization while at post

It is amazing how quickly bonds can be formed while serving others in need.

9. Use R&R to spend time with family

Children can have quality time with relatives at least once per year. If possible, have all of your relatives meet at a central vacation spot and share a week or two together. Then your family will not waste precious time traveling from one coast to the next.

10. Share memories with your children while away at post

Copy old pictures and take them along with you to post. Telling stories from the past will keep the memories fresh in your mind and allow your children a glimpse into yesterday.

Eurona E. Tilley is currently posted in Manila with her husband, Sterling Jr., and small children, Arianna and Sterling III. Educated at Spelman College, Georgia Institute of Technology and Georgetown University, she holds degrees in chemistry, materials engineering, and microbiology/immunology. She enjoys music, reading, teaching, and writing about her favorite topic — science.

Briefs • Continued from page 5

Beware the Direct Transfer

Several members brought our attention to a problem encountered by employees who accept a direct transfer to a three-year post. These employees generally take deferred home leave from post, and in so doing, lose their second R&R. So beware: If you take a direct transfer to a three-year post and take home leave during that time, you lose the second R&R because the tour does not officially start until the end of the home leave.

One member writes that, "No one is reminded of that fact before the tour. I think this is an unfair practice. For example,

if an ambassador needs you immediately at post what choice do you have but to go? I think AFSA should address the problem with management."

Another member who accepted a direct transfer without knowing the negative consequences ended up losing the second R&R and going \$1,200 out-of-pocket for an airline ticket for his daughter to return to college. "Bottom line," he writes, "you do the post a favor by taking a direct transfer and you suffer financial and morale hardship as a result."

AFSA appreciates being alerted to this inequity. Unfortunately, because the regula-

tions are in the Foreign Service Act, we are not in a position to get lost R&R back for members. However, we can certainly remind people of the dangers of taking a deferred HL after a direct transfer.

Some possible good news is that there is an amendment proposed for this year's State Department Authorization Bill that removes the phrase "unbroken by Home Leave" from Section 901 (6) of the FS Act (on the IntraNet at 22 USC 4081(6)) that authorizes R&R. That phrase is what currently prevents you taking more than one R&R. Indications are that the amendment will pass, but it might take awhile. □

Memorial Plaque in the State Department honoring Foreign Service employees who have died in the line of duty overseas.

AFSA issued a press release asking all Americans to remember the victims of the bombings. Louise Crane, then acting AFSA president, noted during a media interview that “the War on Terror began on Aug. 7, 1998, three years before 9/11.” On that tragic day, 11 people died in Dar es Salaam and over 200 people died in Nairobi, including twelve American employees of Embassy Nairobi.

AFSA recognizes that it is impossible to provide 100 percent protection for embassy personnel and families. However, the U.S. government must aim to protect these public servants, beginning with dedicating sufficient resources to the effort.

Foreign Service personnel work every day on behalf of America around the world, and no place is immune from the threat of terrorism anymore. The memorial plaques honor the memory of all those who have died while serving their country. AFSA recognizes that it is impossible to provide 100-percent protection for embassy personnel and families. However, the U.S. government must aim to protect these public servants as well as possible, beginning with dedicating sufficient resources to the effort. Since 1998, progress has been made in bringing our overseas embassies and consulates up to security standards. However, as embassies have become better protected, so-called “soft targets” have become more vulnerable. AFSA is also pushing for additional resources for providing better security for “soft targets” such as schools and residences.

AFSA appreciates the increased funding going to security upgrades, and regularly urges Congress to sustain increased funding. □

Keeping Tabs on Medical Benefits

I went into the hospital for repair of a detached retina two days before taking office as your new vice president for retirees, and found that, like being hanged in the morning, surgery concentrates the mind wonderfully.

What it concentrated my mind on was the tremendous value of our Federal Employees Health Benefits Program, which insures nearly nine million Americans. My personal view is that America has no higher priority than to make health insurance available to everyone. And one of AFSA’s highest priorities has to be to protect the health benefits we already have.

As I’m sure you know, bills to create a prescription drug benefit have passed both houses of Congress and are, at this writing, in conference. Final passage is uncertain; there are wide differences between the versions and major retiree organizations are

opposed to the bills because they believe them inadequate. But the major concern for AFSA and other employee unions was that it appeared likely that both of the bills under consideration would reduce FEHBP reimbursement for prescription drugs to the level of the new Medicare benefit being proposed.

AFSA alerted its membership to this threat on June 25. Rep. Tom Davis, R-Va., and four other Washington-area congressmen introduced H.R. 2631, which would require that federal retirees (including FS retirees), receive the same prescription drug benefits as current and future active duty personnel. The bill passed the House by voice vote on July 8. (The quick

approval may have had something to do with the fact that members of Congress are federal employees, too.) Rep. Henry Waxman, D-Calif., said the Republican majority was guilty of hypocrisy by passing legislation that guarantees federal retirees more generous coverage than other seniors will receive. Unfortunately, giving all seniors the same drug benefit we enjoy would greatly increase the estimated \$400 billion cost over 10 years of the bills now in conference.

Sen. Dan Akaka, D-Hawaii, introduced a similar bill, S. 1369, in the Senate on June 27, co-sponsored by Senators Allen and Warner of Virginia, Mikulski and Sarbanes of Maryland and Corzine of New Jersey. Prospects for passage are encouraging.

Be assured that AFSA will continue to keep you informed through AFSA Net of the progress of this and other legislation affecting employees and retirees, and continue to lobby for improvements in employee and retiree benefits.

As your brand-new vice president, I have a lot of learning to do. There is also someone new handling retiree issues on the AFSA staff. Bonnie Brown is a graduate of Whitman College and UC-Berkeley Law School. She is an FS spouse who received a State Department award for her volunteer work in Africa.

Both Bonnie and I would welcome your messages telling us what’s of interest and concern to you. All messages will be answered, and we will do our utmost to assist any AFSA retiree member. (So keep your membership current!) Bonnie can be reached at brown@afsa.org and I am at jones@afsa.org — whatever our other faults, your retiree specialists’ names are easy to remember and spell! □



ual scholarship is a great, and permanent, way to pay tribute to the Foreign Service: only the interest from the original donation is awarded while the principal remains protected in perpetuity.

New AFSA Scholarships

The Everett K. and Clara C. Melby Memorial Scholarship was established upon Everett Melby's death in 2003. This perpetual financial aid scholarship will be awarded annually. The Melbys spent 32 years in the Foreign Service assigned to Switzerland, Greece, Germany, British Guyana (three tours), Haiti, Canada and the U.S. Everett Melby's brother and sister were also in the Foreign Service, and their son, Eric, was an AFSA scholarship recipient in 1966. This scholarship tribute to AFSA is highly fitting for a family that has dedicated so much of their lives to the Foreign Service.

The Elizabeth Berger Memorial Scholarship was established in June through the coordinating efforts of Sheridan Collins, Elizabeth's daughter. This \$1,000 annual scholarship was awarded to Khristian Lopez, now a freshman at Columbia College in Chicago. Elizabeth Berger, a native of Montana, traveled with her husband, Samuel David Berger, who served as deputy U.S. ambassador to South Vietnam from 1969 until 1972 when the Bergers returned to Washington, D.C. Mrs. Berger passed away in June 2002 at the age of 88.

Ambassador Philip and Mrs. Barbara Kaplan established a \$3,000 scholarship for a high-achieving college junior or senior wanting to pursue a public service career. Leslie Cole, attending George Washington University, is the recipient of this award. Amb. Kaplan's Foreign Service career spanned 27 years. He has also served as a professor of international affairs at Brown, American University and George Washington University, and is an author and lawyer. He joined Patton, Boggs, L.L.P.

as a partner in 1994. Mrs. Kaplan has served as a teacher, administrator, and counselor to international students in the U.S., Austria, Belgium, Germany and the Philippines. She currently teaches at the Washington International School.

A One-of-a-Kind FAS Scholarship

Friends and family of Foreign Agriculture Service FSO Martin Patterson recently established an AFSA scholarship in his memory. "Marty" Patterson, an AFSA member, passed away suddenly on July 3, 2003. His wife Constanza, an Economic Research Service employee, and their three daughters — Alicia, Sylvia and Mariana — survive him. He served in Singapore and Caracas.

The Memorial Martin G. Patterson Scholarship — the first of its kind — will be bestowed as a need-based, undergraduate, college scholarship to a child of a FAS or APHIS Foreign Service officer. This will be an ongoing award once \$12,000 is raised. AFSA encourages contributions, which are tax deductible. Those wishing to contribute may send a check payable to the "AFSA Scholarship Fund" noting on the check "In Memory of Martin Patterson." Donations may be sent to Lori Dec, Scholarship Director, AFSA Scholarship Program, 2101 E Street NW, Washington, DC 20037. Credit card (Master Card and Visa) donations are also accepted. To make a credit card donation, please include your name, card number, expiration date, address, phone/e-mail and amount to be donated. All contributors will be sent an acknowledgment for tax purposes.

Each year the recipient of the award will be given biographical information about Marty and his family so the young person can understand the Foreign Service connection. For more information on this scholarship, please contact Lori Dec by phone: (800) 704-2372, ext. 504; fax: (202) 338-6820; or e-mail: dec@afsa.org; or go to www.martinpattersonscholarship.com. □



State Department Family Liaison Office; Harry M. Jannette International, L.L.C.; Wood-Wilson Company, Inc.; the Office of Overseas Schools; the Overseas Briefing Center; and the State Department Federal Credit Union.

Margaret Jackson of Clayton, N.Y. received the first-place AFSA award, which included a check for \$2,500 for her and \$500 for the Clonlara School, which sponsors her homeschooling. Her winning essay is entitled "Diplomacy and Cross-Border Security." Second place went to John Kalz of Somerset, Ky., for his essay about slavery in Sudan. Third place went to Andrew Hoover of King of Prussia, Penn., for his essay addressing ways the U.S. can deal with "rogue nations."

"I had no idea I would meet the Secretary of State," said Margaret Jackson. The other two winners were also surprised and pleased to meet Secretary Powell. All three winners told *AFSA News* that they learned a lot about the Foreign Service by entering the essay contest. Margaret Jackson thinks she'd like to join the Service. She is now a freshman at Dickinson College. John Kalz is a freshman at Lindsey Wilson College, and Andrew Hoover is a freshman at Princeton University.

The essay contest, co-sponsored by AFSA and the Nelson B. Delavan Foundation, is held every year. For more information, go to www.afsa.org/essay-contest/essay.html. The deadline for the 2004 entries is in March 2004.

Community Service and Video Awards

Foreign Service Youth Foundation President Anne Kauzlarich introduced the FSYF to the many families and friends of the winners squeezed into the Treaty Room. Acting DG Ruth A. Whiteside then presented the Foreign Service Youth Foundation Awards for Community Service. The awards honor teenagers who have demonstrated outstanding volunteer efforts either in community service or in service to their peers while facing the challenges

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of growing up in an internationally mobile family.

First-place winners were Alexandra Pomeroy, 17, and Stuart Symington, Jr., 16. Alexandra worked with and taught Sudanese refugees for two years while living in Egypt. In addition, following her return to the U.S., she organized a writing project for teens to describe their overseas experiences. The essays will be posted on the future State Department Web site for youth. Stuart co-founded the Social Action Club at his school in Niamey, Niger, and spearheaded fundraisers and other efforts to assist a local orphanage.

The Highly Commendable awards went to Heather Alford, 17, and Kyle Tadken, 18, for their work on behalf of children in Moscow, Russia. Honorable Mentions went to Stefan Kazacos,

Caitlin O'Grady, Erin O'Grady and Corie Pope. Certificates of Appreciation went to Iain Addleton, Garrett Bernsten, Bethanie Brooks, Daniel Gettinger, Theodore Franklin Greenly III, Sahar Herbol, Rebecca Hoffman, Sarah Hohlfeld, Christian Hyland, Tatiana Suda, Melissa Taylor, Kelly Lynn Waterman, Andrew Wilson and Kelsey Wohlman. Space does not permit us to list all the activities of these 22 young people, but suffice it to say the dedication and con-



AFSA State VP Louis Crane with the winners.

tributions to local communities were truly outstanding.

The Kid Vid Awards — sponsored by the FSYP and the Overseas Briefing Center — were presented by former Director General Ruth A. Davis, who praised the children who produce the videos of life at post, noting that the videos become part of the permanent library in the OBC and will assist families preparing to move to new posts. The first-place winners were Philip (P.J.) Nice and Micah Kagler, both age 18, for their video of Montevideo, Uruguay. Second place went to 11-year-old Britta Coley for her video of Frankfurt, Germany. Third place: Iain Addleton, Cameron Addleton and Parker Wilhelm on Ulaanbaatar, Mongolia; Most Technically Sophisticated: Ramon Taylor on Dakar, Senegal; Most Creative: Olivia Underwood and Owen Underwood on Seoul, Korea. □

Q&A

Personnel Issues

BY JAMES YORKE

Q: What is a Flexible Spending Account?

A: Technically known as the Federal Flexible Benefits Plan (“Fed-Flex”), FSAs enable eligible employees to pay for certain benefits with pre-tax dollars. The first phase, implemented in October 2000, was the Health Benefits Premium Conversion, under which all federal employees, unless they opted out, pay their health premiums with pre-tax dollars. The second phase includes FSAs for two other purposes:

- A Health Care FSA (HCFSA), through which employees may use pre-tax allotments to pay for certain health care expenses that are not reimbursed by FEHB or any other source and not claimed on the participant’s income tax

return. The maximum amount an employee may set aside in any tax year is \$3,000 and the minimum is \$250.

- A Dependent Care FSA (DCFSA), through which employees may use pre-tax allotments to pay for eligible dependent care expenses. The maximum amount an employee may set aside in any tax year is \$5,000 (\$2,500 if the employee is married and filing a separate income tax return) and the minimum amount is \$250.

Q: What is the basis for the FSA?

A: Section 125 of the Internal Revenue Code allows employees to pay for certain health and dependent care expenses with pre-tax dollars. You may choose to make a voluntary allotment from your salary to your FSAFEDS account(s); you will not pay employment or income taxes on your allotments and your employing agency also avoids paying employment taxes. Participation is voluntary and you will identify an annual amount of salary to be contributed to your FSA. The payroll office will deduct your annual elected amounts from your pay and remit them for deposit into your FSA account(s). You can draw upon your FSA account(s) for reimbursement as you incur eligible expenses.

Q: When can I enroll?

A: An early season occurred this year ending in June, so your next chance to enroll for the first full Plan Year (2004) will take place concurrent with the FEHB open season in November/December of 2003 (starting Nov. 10). All future FSA Plan Years will be Jan. 1 through Dec. 31 and employees must re-enroll each year to be eligible.

Q: What if I allocated more than I spent in a year?

A: The “use-it-or-lose-it” rule means you should plan carefully when estimating how much you want to allocate to an FSA. Under current IRS regulations, you must forfeit any funds remaining in your account(s) at the end of the plan year. You will have 120 days from the end of the plan year to submit claims for your expenses. Forfeited funds, and any interest accrued, will be set aside to help reduce fees in future plan years. There is a useful guide on the Web that can help you to estimate how much you should put aside. Go to www.fsafeds.com, and scroll down to the “FSAFEDS Calculator,” which will help you plan your FSA allocations and provide an estimate of your tax savings. □

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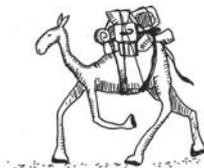
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