

The Consular Dimension of Diplomacy

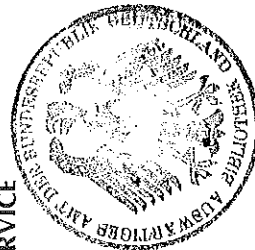
A Symposium

in which 21 experts describe and analyze the many-faceted life of consular officers—its challenges and problems, rewards and frustrations—and focus on the interrelationship between consular work and other diplomatic work, concluding that it is not widely enough appreciated that the consular function is an integral part of a nation's diplomacy

Edited by Martin F. Herz

Introduction by The Honorable Peter W. Rodino, Jr.

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This study is dedicated to the Honorable Barbara M. Watson whose untimely death on February 17, 1983 cut short a career of dedicated public service. As Administrator for Security and Consular Affairs (1968-1974) and as Assistant Secretary for Consular Affairs (1977-1980), she brought to the consular function a deep interest in people and an understanding of the delicate issues of the work, and through her contribution gained the respect of people in all branches of the U.S. Government. She was the first woman to reach the assistant secretary level in the Department of State. In her most recent diplomatic post she served as American Ambassador to Malaysia (1980-1981). She was, in addition, a friend and counselor to the School of Foreign Service at Georgetown University.

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Foreword

The Honorable Peter W. Rodino, Jr.

Chairman, Committee on the Judiciary, U.S. House of Representatives

The issuance of visas to enter the United States is an important activity because it determines, to a degree, the future composition of the population of our country; and it has an impact, cumulatively, on the livelihoods of our people and their relations in many ways with foreign countries.

The Congress is deeply involved—indeed, it has the plenary role in this process. The Immigration and Nationality Act with its amendments has always been and will continue to be a matter of concern to the Congress. My Committee on the Judiciary which has primary jurisdiction in the field of immigration has been in the forefront seeking to rationalize and modernize the process and make it better correspond to the realities of the day and our political situation.

We depend upon consuls abroad to apply the laws with respect to visas. They also act to protect American individuals and American interests in numerous ways. They fulfill an important function which often is not fully appreciated by the public and governmental entities.

Through my many years of work on immigration matters as a member of the House Committee on the Judiciary, I have come to know the important role of the consuls in not only carrying out U.S. immigration policy but also promoting and protecting a wide range of other national interests abroad.

In the main, of course, consular officers provide assistance and services to Americans abroad. These services are many. They help protect citizens' rights and interests. They provide essential welfare and humanitarian aid in cases of emergency.

Beyond this responsibility to our own citizens, the consular service is a prime actor in the administration of U.S. immigration law. The Immigration and Nationality Act charges the Secretary of State with the duty of administering and enforcing provisions of the Act "except those powers, duties and functions conferred upon consular officers relating to the granting or refusal of visas."

The exercise of this plenary power by consular officers has far-reaching effects on the lives of persons seeking admission to the United States; it affects our foreign policy and foreigners' perception of this nation; and, perhaps most importantly, it affects our national security and our national interest.

It is not overstating the case to say that the consular officer is our first line of defense against the entry of dangerous and undesirable elements into our country. In this time of international terrorist activity, it is ever more important that visa applicants be given thorough initial screenings by consular officers. This vital first check, together with the control exercised at our ports of entry by inspectors of the Immigration and Naturalization Service, serves our security interests well. This two-tiered alien-admission system is, of course, not infallible, but it is an effective method of detecting and barring from our borders those bent on attacking our people and our institutions or those who simply have no right to be here. And, I believe this system of double screening acts to deter others who might seek to come into this nation illegally or for criminal purposes.

To perform this screening responsibility effectively, the consular function must have adequate time and personnel. It cannot do so if its resources are strained with meeting requirements that are relatively routine.

At present, the law requires U.S. consulates to issue visas to temporary visitors, defined in the law as "non-immigrants." This is a tedious and time-consuming process, and the rapid expansion of international travel has imposed a heavy burden on the capacity of many consulates around the world to issue visas.

The Immigration Reform and Control Act of 1982—on which the 97th Congress failed to complete action—included a provision to waive the visa requirement for certain kinds of nonimmigrants from low-risk countries. This proposal has been presented several times to the Judiciary Committee over the years, both as a way to reduce the State Department budget and to promote visits to the United States by tourists and business representatives. Supporters of the waiver point out that the screening conducted by consular officers on nonimmigrant visas in low-risk countries is perfunctory and serves little purpose. They argue that, in the interest of comity, the U.S. government should grant to nationals of many foreign countries the same privileges these countries give our citizens by not requiring visas. And they add that these visitors rarely abuse their terms of admission.

These arguments seem logical. The Select Commission on Immigration and Refugee Policy, on which I served for two years, found foreign tourists and business travelers to be numerically the largest and most rapidly increasing categories of temporary visitors. It found that the effects of these visits by millions of foreigners are generally positive and suggested that a visa waiver program might improve "the overall quality of the more difficult consular decisions for which less time has been available because of the rapid increase in demand for tourist and business traveler visas."

Under circumstances where a nation can control movements of aliens within its borders, the elimination of a visa would be proper. But we have no internal system. In fact, as was learned during the Iran hostage crisis, the

Immigration and Naturalization Service has no effective arrival-departure system for nonimmigrants coming into our country. For years, the Judiciary Committee has been calling for a computerized system to reconcile arrival and departure records of temporary visitors. This, I hope, will be in operation this year, and it should enhance our control over persons who violate the conditions of their entry. Had the employer-sanction provisions become law, the adoption of a visa-waiver program would have been feasible and welcome. However, the possibility of instituting a pilot program involving a limited number of low-risk countries should be considered, at least to gain the experience which so far is lacking. By establishing such a pilot program we can evaluate the effects as to security and, above all, the impetus the program will give to the tourist trade. At least one major travel company estimates that a waiver program could result in an additional \$300 million spent in the United States by tourists.

Despite some recent suggestions for outside review of consular decisions, the prerogatives and responsibilities of consular officers remain intact under the Immigration and Nationality Act. The Select Commission advanced several proposals to subject the visa denial decisions of consular officers to an independent review. Proponents argue that, although aliens abroad are not entitled to constitutional due process, there should be some system of formal review of visa denials, because review of a denial of an important benefit is an integral part of the American justice system.

I opposed these proposals. However, I do believe that further study should be made. Any visa review system considered should be devised so as not to impose greater burdens on the consular officer. It should be tailored to assist him in making the proper decision and to seek to eliminate any semblance of arbitrariness.

American consuls must perform many difficult duties under mandate of law. Working with foreign officials and law enforcement agencies, consular officers must make the decision of whom to admit and whom to exclude from our land. Consular officers, in making their decisions, must be able to meet. They well may be the first U.S. representatives abroad will meet. The impression consular officers make on these people may be lasting. The skill, the patience, the civility, the decency they bring to their tasks in dealing with foreigners and Americans abroad can do much to enhance the image of our government, our institutions, our society, our people.

There may have been instances of breakdown in the system, but in general consuls perform well under conditions that are less than ideal in terms of salary, workload, promotion, and assignment—but are high in personal satisfaction.

The Department of State must insure that the consular role in policy and operations is well staffed and well trained. This is essential to improving our knowledge of foreign nations and maintaining communications with those

nations in insuring the fair and honest administration of our immigration laws.

I commend the Institute for the Study of Diplomacy for focusing this monograph on the "consular dimension of diplomacy" and compliment the editor, Ambassador Martin F. Herz, whom I have known for many years. I believe this monograph will attract wide attention and will be the subject of study by diplomats and others here and abroad whose lives are touched by activities of consular officers.

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Introduction

Martin F. Herz

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Probably the most widely noted appointment of a consul in history was that of Emperor Caligula's horse. But that appointee is not the consul who is most widely known in the world today. There is an American consul somewhere in Japan, a Mr. Sharpless, who for almost 100 years is vainly trying to dissuade the infamous Lieutenant Pinkerton from "marrying" the beauteous Madame Butterfly, in the opera of the same name by Giacomo Puccini. Although not really a full-time consular officer, the title figure in Graham Greene's *The Honorary Consul*, Mr. Charles Fortnum, is well-intentioned but lazy and often drunk, receiving his compensation mainly through the privilege of importing a Cadillac duty-free every two years and selling it at a profit immediately. One gets the impression that consular officers aren't overworked, that they lead lives of leisure in the outlying reaches of foreign countries.

The scene now shifts to the present time. A very recent characterization of a consular officer appeared in the motion picture *Missing*, in which United States officials charged with the protection of American citizens abroad are supposedly covering up a disappearance and, it is broadly hinted, even had something to do with bringing it about! American consuls and other embassy officers, allegedly in sympathy if not actively cooperating with an oppressive foreign regime, throw dust in the eyes of a concerned parent and heavily imply that the disappeared son "knew too much". In other words, the consul is once more depicted in a most unfavorable light. As one item in this collection of essays on consular service, we feature an excerpt from *The Consul*, an opera by Gian-Carlo Menotti in which the action revolves around the heartlessness and insensitivity of the visa system in general and a presumably American consular officer (who is never seen) in particular.

These, then, are some of the stereotypes. What is the reality? It is pretty much the diametric opposite. A consul is sent abroad by his government to assist compatriots in trouble, to issue travel documents, and to facilitate or control the movement of people and goods and services. He (or she) is sometimes involved in vast movements of people, in questions of asylum and political refuge—matters directly involving the foreign policy of his country. As we shall see, he also does a great deal more. He is an extraordinarily busy person—the leisurely life is not for him. Today an American consul or consul

general, if he does not serve in the capital in the direct shadow of the ambassador, is in fact the senior representative of his country in that locality or area. And the principal purpose in his busy life seems to be to *help*. To be an American consul or consul general—or even vice consul—in some places in the world endows that officer with a sense of accomplishment obtainable only many years later in the political track of the diplomatic career.

Now comes the paradox of the consular officer of the United States: The consular representative who as we see is endowed with authority and prestige and treated with recognition and appreciation among the foreigners (“nationals”) of his place of assignment, who practically always has considerable supervisory responsibilities and experience, and who by the nature of his work is accustomed to making decisions almost constantly—that person obtains little appreciation, let alone deference, within the Foreign Service. Although he ranks high in his place of assignment, he (or she) ranks low in his embassy and in his home office and with his colleagues in the Foreign Service. It is a constant complaint, for instance, that he has less status among his peers than political or economic officers. Why?

It is the thesis of this monograph, and a principal reason for its publication, that the importance of consular services as an integral part of a country's diplomacy in general, and of American diplomacy in particular, is insufficiently understood and appreciated. It is insufficiently understood not only by the general public but also by persons who make the study of foreign policy their specialty—and even by many practitioners of diplomacy. Your editor holds the belief that part of the cause of this state of affairs may lie in the exaggerated claims that are made on behalf of consular work by some of those who are engaged in it. The less-than-fully-favorable image of consular officers may be the result of unconscious and undesirable actions and attitudes projected by them which create or reinforce the very prejudices of which they complain.

I counted myself lucky to have “escaped” consular duty during my career in the Foreign Service—until, having arrived in the position of ambassador, I found to my dismay that most of the difficult problems with which I had to deal were in essence consular in nature. One could look at them as “political,” but that did not change the fact that in the host government (Bulgaria) they were handled by the foreign ministry's office of consular affairs. I cannot say that a crash course in consular matters brought me up to speed very quickly—on the contrary, the more I learned the more I realized that wisdom in the consular field is the result not only of knowledge and good judgment (including political judgment) but of plentiful experience with concrete cases. Any vestige of the idea of consular officers mindlessly stamping (or withholding) visas and passports, if I ever entertained it, was very quickly expelled from my consciousness.

So it was brought home to me that consular cases can be eminently political. Visitors to our embassy consisted almost entirely of persons (Bulgarians, Americans, or others) who came for reasons consular—for services, for protection, for admission, for visitation of relatives, or to ask for help in seeking relatives, and sometimes prepared with the most desperate plans in attempts to improve their chances of success. It should not take long for the outsider to realize that there is also a close link, at times, between economic matters and consular ones—as was most glaringly established when Senator Jackson and Congressman Vanik attached “humanitarian” conditions (having to do with the movement of people) to the granting of nondiscriminatory trade treatment to the Soviet Union and countries closely allied with it.

It is thus not difficult to imagine that the consular officer rejects as artificial the invisible dividing line that separates him from the political or economic officer, and why he in fact insists that in many cases he is better informed because he has closer and less restricted contact with “the people.” One hears not infrequently that political officers in the capital are “obviously” in bed with the central authorities and their hangers-on; that if one wishes to be properly informed about the mood and trends in a given country, one is more likely to learn about them by visiting the provinces where consular officers are less encumbered by policy constraints in their collection and evaluation of political and economic information. Since this attitude is widespread among consular officers, it is obviously of importance. But in my own experience no one is superior—it depends on circumstances; and if reporting from the capital (where the opposition usually beats a path to the door of the American Embassy) labors under inhibitions, then the same restrictions will sooner or later be applied also to outlying posts.

The argument about the relative merits of consular and political officers, of provincial and capital vantage points, of roundheads and cavaliers, is not really so unusual in large organizations in which many skills and functions must be represented. At any rate, it may be that as a result of the prevailing snobishness toward them, consular officers have taken to claiming superiority in political work mainly as a defense against being relegated to an undeserved inferior status. If this is so, then the whole argument would disappear if the boundaries between the specialties were relaxed, so that today's consul might be tomorrow's political or economic officer and vice versa. (I have myself had former vice consuls working with me in political sections, and political officer colleagues who went out as consuls, and in both situations those officers performed superbly—though very differently.) In your editor's opinion, the claim of consuls to full equality in the diplomatic establishment is absolutely valid, despite the shakiness of some of the arguments advanced in its favor. To be recognized as an equal, indeed vital element of modern diplomacy, the consular function does not need to show itself as superior in any respect to other diplomatic functions.

1. Consular Operations and Foreign Policy

Consular Services and Foreign Policy

Robert E. Fritts

Deputy assistant secretary of state for consular affairs and former ambassador to Kwanda. Previous assignments include Luxembourg, Tokyo, Jakarta (all as economic-commercial officer) and DCM Khartoum, where he became chargé d'affaires when the ambassador and deputy chief of mission were assassinated.

Consular Affairs has traditionally been the "service" arm of the State Department. Historically, the welfare and protection of fellow Americans was the basic justification for establishing an official presence overseas. So it was for the new United States, which in 1790 named 17 consuls abroad while by 1791 only five diplomatic missions existed. By 1830, the disparity was even more marked: 141 consulates and only 15 diplomatic missions. Our first two military conflicts after independence, the War of 1812 and the Barbary Wars (1805-1818), were motivated in part by the priority of protecting Americans on the high seas and overseas.

The modern-day consul provides a heavy, growing and diversified volume of services to Americans traveling or residing overseas. Tens of millions of Americans travel abroad each year, and the number of Americans overseas at any time is now estimated at four to six times the entire U.S. population of 3.9 million in 1790. Although small in government terms, the Consular Affairs Bureau is the second largest State Department bureau, with about 800 regular employees in the U.S., some 2,500 consular personnel abroad, and an annual budget of about \$40 million.

But the modern-day consul also faces a new foreign policy perspective. Although periodically important in the past in a specific "problem" context, the foreign policy aspects of consular issues (or the consular aspects of foreign policy issues) have become much more prominent and complex, probably permanently. The movements of people—voluntary and forced, individual and mass—are a growing international phenomenon reinforced by global trends in technology and demography, income disparities and political instabilities. It has become apparent that these movements, once considered

It is the duty of the ambassador to coordinate and orchestrate the activities of all the elements of his mission. Even though in his own locality a consul or consul general may seem the equivalent of an ambassador, he is and must be in fact part of a team led and controlled from the capital. This causes problems when the political perspective from a province or region of the country may be sharply at variance with the perspective from the capital. We are fortunate to have several papers toward the end of this monograph dealing with the resultant conflicts or dilemmas. There are also several essays on the issue of "automaticity" in the issuance of visas. The fact that the viewpoints of the writers are divergent is not accidental. We have tried to stimulate such diversity in the belief that it enriches the study of the subject.

disparate and short-lived, will pose a continuing series of foreign policy challenges.

For a number of countries, particularly in the Caribbean and Asia, access to the U.S. is the single most volatile foreign policy issue affecting both bilateral and regional relations, with implications for political orientation and stability. The cases of Cuba, Haiti and Mexico are self-evident. But it is also true in countries and societies as diverse as the Philippines (emigration), Korea (emigration), Austria (refugees), Malaysia and Indonesia (refugees), Canada (border crossing), South Africa (passports and visas), the Middle East (refugees and "stateless" populations), and India (emigration).

The application of controls on travel to and from a country is an established part of U.S. diplomatic practice (although to a far lesser degree than in other free societies, due to a series of court decisions reconfirming American freedom to travel). Controls have been implemented most recently toward Iran and Libya. We also follow a strict course of reciprocity with the Soviet Union and other Eastern European countries. Individual visa and passport decisions also affect the perception of our performance under the CSCE*. The Orderly Departure Program from Vietnam is recognized as a potential means of avoiding a renewed mass exodus from Indochina with its tragic human costs and destabilizing impact on neighboring countries.

In addition, thousands of visa cases are sensitive in political and foreign policy terms. Cases in point are the refusal of several hundred visas in June 1982 to potential demonstrators at the UN Special Session on Disarmament and continuing controversial cases in nations as disparate as Ireland, South Africa, Brazil, and the Philippines. The issuance or refusal of a visa to a controversial person invariably embroils us in foreign policy issues related to contentious issues within the particular country and/or its neighbors, as well as with our own congressional proponents and opponents. Recent examples include Ulster and IRA applicants from Ireland, black churchmen and white military officers from South Africa, government officials from Cuba, Eastern European churchmen, and dissidents of various political persuasions from virtually every global region.

The current national public debate on the mix of American policies and issues related to a reform of U.S. immigration policies also demonstrates the adage that foreign entry into the U.S. is a "seamless web" of foreign and domestic policy interactions. Public attention has been catalyzed by a series of foreign crises, study groups and proposed legislation (the Simpson-Mazzoli bills). In the process, virtually every American social group, economic sector and geographic area has become involved in a mosaic of competing perceptions and interests.

*The "Final Act" of the Helsinki Conference on Security and Cooperation in Europe, 1975, which encouraged, *inter alia*, liberalization of travel.—Ed.

For most Americans, their sole direct experience with the State Department remains via consular services. Through 240 posts abroad and 13 domestic passport agencies, the bureau during 1982 issued over 3.3 million passports, screened nearly 8 million foreigners wishing visas to enter the U.S. (of which 431,000 were immigrant—over 80 percent relatives of Americans or legal residents of the U.S.), and provided over 2 million individual services to Americans here and abroad. Every single action was to the direct interest of one or more Americans. While obvious in the case of a passport or service, the relationship is also true with visas, as every visa issued to a foreign businessman, student, tourist or relative is meeting the presumed need or wish of one or more Americans.

These services are big business. In 1982, they included inquiring about some 172,000 Americans missing or in difficulty abroad, assisting over 5,500 arrested Americans (about 1,500 in prison), handling nearly 6,000 next-of-kin death cases and about 3,500 hospital/illness cases. They also ran the gamut from the routine (nearly 800,000 notaries) to the dramatic, such as planned evacuations of Americans from violence-torn hot spots (Lebanon and the Falklands) or mass disasters (the September 1982 plane crash in Malaga, Spain). In 1983, there will be nearly 13 million cases involving foreigners coming here or Americans going or living abroad.

Policy decisions in consular issues are particularly sensitive as they add a direct human element to the mesh and conflict of foreign policy, legal, and management concerns stemming from an event or individual case. Will issuing a travel warning regarding a foreign country precipitate instability and actually reduce a foreign government's cooperation? Will issuing or denying a visa to a controversial political figure serve to act against U.S. interests? And which interests? Will restricting passports for travel to certain countries actually protect Americans or increase the danger to Americans who reside there or choose to travel anyway? In seeking to resolve a pending or actual international conflict, will preparations for the evacuation of the American community disrupt the process of seeking peace by indicating a lack of U.S. confidence in the outcome? Even if a peace process is disrupted, can an American government morally (and consular officers professionally) countenance putting private American lives and property at greater risk by delays in evacuation preparations?

Virtually every consular act of commission or omission can thus add or detract from a foreign policy objective, create controversy, and/or attract Congressional or public criticism. The bulk of decisions and actions handled well are, of course, routinely taken for granted.

Access to the U.S. has become one of the most coveted commodities in the world. Its value relative to other, tangible assets continues to rise in proportion to economic deprivation and political jeopardy abroad. Interestingly, the

image of American opportunity and freedom also continues to serve as a magnet despite the decades-long propaganda of adversaries and our own American penchant for high profile self-criticism.

It is clear that over the years to come, the United States is going to face recurring and perhaps even increasing foreign policy challenges from the continuing movements of peoples. Indeed, this set of issues is joining oil and drugs as a new triad that resists routine or traditional approaches. In anticipating and managing the issues of foreign entry, the U.S. Government will have to motivate, train, and reward persons to concentrate on the consular part of a Foreign Service career. To the traditional virtues of sense of service, experience in personnel management at the junior level, and interpretive analysis will have to be added a ready grasp of policy aspects, advocacy skills, and the management of automated systems. Fortunately, more young officers are arriving with those talents. Less fortunately, consular issues tend still to be viewed through stereotyped glasses. But times are changing and events are certain to bring a wider understanding for the consular function's importance as an integral part of our foreign policy.

Immigration Policy and Foreign Affairs

Elizabeth J. Harper

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The question has been raised whether immigration policy should be used as a "tool" of foreign policy. There are probably valid arguments on each side of that question. Regrettably, they ignore a different and equally important problem: Regardless of whether or not it should be manipulated for that purpose, immigration policy can and does affect the climate in which we conduct foreign affairs. We have no control over the perceptions of other governments and are therefore affected by the variations in their attitudes toward us caused by the impact on them, however unintended, of our immigration laws.

Several factors contribute to this impact, not least the presence of ethnic-oriented groups in the U.S. which try to bring political pressure to bear on immigration policy and which—if the results are unfruitful—stimulate concern in their countries on behalf of their relatives who wish to

come here. There is usually great consternation in the Department of State when it is learned that a foreign head of state or government intends during a state visit to raise the issue of backlogs of his citizens on our waiting lists. What are his American interlocutors to say, since the problem is not resolvable? The subject can becloud discussions of entirely different subjects, since in bilateral relations many issues tend to be interrelated.

There are, as a matter of fact, several countries that view immigration as an important bilateral issue with the United States for historical and/or geographic reasons, with or without other issues being involved or affected. For instance:

—Canadians take pride in "the longest unguarded border in the world" (the late Lester Pearson described it more aptly as the longest border in the world for unguarded remarks). The "nonimmigrant intra-company transferee" classification stems directly from Canadian protests that imposition of a numerical ceiling on immigration from the Western Hemisphere was distorting, if not destroying, the traditional transfers between Canada and the U.S. by industry, unions, banks, etc. (many binational) that had been possible with unlimited immigrant visas.

—Mexico has a profound interest in the "historic flow" across the border. Although officially punctilious about recognizing immigration policy as a basic element of sovereignty, the message is clear that it views with dismay any policy that would seriously disrupt that flow.

—The Philippines, as a former U.S. ward and ally, feels it has a "special relationship" with the United States that should result in a favorable response to visa applications by Filipinos. Some years ago the Philippine government was so annoyed by the high refusal rate in general and by one officer at our embassy in Manila in particular that it threatened to have him declared *persona non grata*. The ambassador replied, in effect: Feel free, but if you do so the entire visa section will be closed. Every responsible officer would agree that the ambassador's reaction was the right one, and even the Philippine government did not argue. The specific crisis was thus overcome—but the basic issue continues to fester.

—Less overt but no less real is the view in the Caribbean nations that as neighbors they deserve, if not special treatment, then at least an assurance of nondiscrimination.

Any real or perceived changes in immigration law or policies, therefore, which have a direct adverse effect on—or even do not grant equal favors to—any such country can affect the climate in which other issues are raised by or with them.

Foreign concern extends to nonimmigrant as well as immigrant matters. A recent British Foreign Minister complained to Secretary of State Haig about the U.S. requirement that British citizens get visas to visit the United States, whereas Americans can visit the U.K. and Western Europe without such a formality. The OECD Tourism Committee in its next meeting described the situation, with respect to all of its member countries, as "an unnecessary annoyance."

Individual visa decisions, however well supported in law, can also have a negative impact on relations with another government. When the visa of a noted South African boxer was revoked several years ago, the Foreign Minister of that country telephoned the Secretary of State to point out that, unless reversed, that action could have a deleterious effect on the Namibian negotiations. It is sadly indicative of the importance of immigration law to our top policy makers that this made the Secretary exceedingly wrath, *not* toward the South Africans because of the implied threat, but toward the individual who had revoked the visa. The revocation stuck, nonetheless.

The desire to satisfy a domestic constituency, avowedly without foreign relations intent, led to the explicit statutory creation of a separate "foreign state" numerical ceiling for Taiwan in 1982, although Taiwan and the Mainland had been treated as a unit for decades. The Government of the People's Republic of China understandably has viewed this as in the same category as continued arms sales and inscribed the subject on the agenda of discussions on what they called "deteriorating" relations with the U.S.

For more than a year there has been a move in Congress to lump under a single ceiling all immigrants, including refugees. If successful, this would result in direct competition between family members and refugees. It seems likely that relatives would win. Even without a clear-cut "win" by relatives, however, the domestic pressures arising from such a situation would inhibit the President's flexibility in decision making in international crises that generate refugees. At best, it would impair our credibility in international refugee negotiations and quite probably cause other nations to reconsider their refugee policies. A replay of the 1979 pictures of boats crammed with refugees being pushed or towed back to sea could have a negative effect on our relations with the countries involved in regard to other matters.

In short, it must be recognized that immigration and foreign affairs are inextricably entwined, whether or not we should "use" immigration policy to reach foreign policy goals.

Policy Implications of U.S. Consular Operations

The Honorable Alan K. Simpson

*Chairman, Subcommittee on Immigration and Refugee Policy
Committee on the Judiciary, United States Senate*

Section 104 of the Immigration and Nationality Act states that the Secretary of State has jurisdiction over all the provisions of the Act "... except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas..." There are those who feel that the extraordinary power of the consular officer to grant or to refuse a visa should be placed under the aegis of the Secretary of State as a means of controlling the consular function and affording the opportunity for the visa applicant to "appeal" a decision—to assure that a subordinate official should not have an independent fiefdom. There are others, myself among them, who feel that the discretionary authority of the vice consul should be retained in order to separate the consular functions from any political abuse which would certainly accrue were the function left open to the vagaries of "politics." Removing consular discretion in issuing visas would result in a vast increase in legal challenges as well as in placing pressure on the vice consul to lower his standards, which in turn could result in larger numbers of visa abusers.

The Select Commission on Immigration and Refugee Policy recommended maintaining the existing informal review mechanism for consular decisions but suggested improving the consular post review mechanism and using the State Department's Visa Office for an advisory opinion as well.

Decisions to issue or refuse visas to politically controversial figures such as, for example, Ian Paisley, the well-known Irish Protestant, would justly be viewed in light of the effect his presence would have in the U.S.—whether or not it would be "in the national interest" to issue him a visa. There are some who view Paisley as a terrorist and others who see him as a nationalist hero. There are occasionally instances in which normal visa eligibility standards are waived by the Attorney General on behalf of an applicant in order to admit into the country someone who would otherwise be excludable, such as PLO leader Yasser Arafat when he attended a meeting at the United Nations in New York.

Consular decisions to issue or withhold visas can indeed impinge upon foreign affairs. At the time of the American hostage crisis in Iran, an executive instruction was issued which curtailed the activities of Iranians in the United States; and when it was learned that a Libyan "death squad" was

attempting to enter the U.S. to assassinate the President, instructions were issued to consulates to scrutinize all Libyan visa applicants with particular care. The Congress has occasionally overruled consular decisions. During the Carter years, members of the Argentine terrorist ERP organization were issued visas in Paris to come to the U.S. in order to testify before Congress, despite strong contrary recommendations from the U.S. Embassy in Buenos Aires.

Referrals for visas are also made to consular officers on behalf of businessmen and others traveling to the United States where such a visit would be in the interests of the U.S. Changes in visa procedures were recently accomplished which allow U.S. businessmen bound for Mexico to enter the country on a tourist card for trips which do not involve the signing of a contract. This expedites the trip by avoiding the delay of having to apply for a regular business visa. On our side the issuance of the B-1 visa to Mexican businessmen has recently been liberalized. The visa is suitable for multiple entry, has indefinite validity, and there is no fee. Also, a recent joint Mexican-U.S. visa waiver agreement has been initiated for Mexicans with diplomatic or official passports. These recent changes have had a positive impact on the United States image in Mexico and will undoubtedly benefit both economies. The consular system attempts to maintain a balance between the integrity of the system and the furthering of U.S. interests.

Consular officers are also responsible for assisting Americans abroad who have become embroiled in difficulties with host country authorities. Such cases often become politicized as relatives, friends, and the Congress petition for the release of the accused. The vice consul must deal with foreign officials in assuring the safety and welfare of the Americans involved. These consular functions can be linked to government-to-government talks at the highest level. For instance, a foreign country's treatment of Americans imprisoned on drug charges may become the subject of discussions between two presidents, but in the initial stages the matter is handled by the vice consuls assigned to the particular country.

The consular officer's responsibility in determining whether to issue or withhold a visa is a heavy one and must at times be seen as a hopeless task when it is realized that thousands of people cross our border every year without even attempting to seek proper documentation. Nevertheless, the consular function is a vital step in reestablishing control over our borders and strengthening the enforcement of our immigration laws, which for far too long have been ignored in cavalier fashion not only by thousands of illegal aliens but by our own Congress.

At the present time, for instance, a great many of our immigrant visa numbers are given to those who have entered the country as nonimmigrants and then violated the terms of their visa. The Simpson-Mazzoli bill, S. 2222 [which passed the Senate but not the House in 1982] would limit the

availability of adjustments of status for such visa abusers and (with some exceptions) prohibit foreign students from adjusting their status. In addition, the bill provided that foreign students would not generally be allowed to enter the United States as immigrants or business visitors until they have resided in their home country for at least two years.

It can thus be seen that consular operations can involve questions of high policy and impinge both on our country's foreign relations and on domestic politics. They certainly affect, and are affected by, executive-legislative relations, with each branch sometimes holding different conceptions of the national interest. Consular cases can involve human rights and other important questions of right and wrong, where several factors must be weighed against each other. But the law, for good reason, accords the consul little leeway in making such a calculus. His role is important because he must understand both the letter of the law and its intent, but he has no discretion to set it aside. That is why special importance attaches to the current efforts in the Congress to adjust our immigration laws so that they will better reflect the realities of the present situation and both the wishes of the American people and their interests.

2. Political Functions of Consuls and Consulates

The Consular Contribution to Diplomacy

Smith Simpson

After tours of duty in three embassies (Brussels, Athens, Mexico), asked for an assignment that would give him experience also in the consular ingredient of diplomacy; served as consul in Bombay and consul general in Lourenço Marques (now Maputo), Mozambique. He is the author of Anatomy of the State Department (1967) and The Crisis in American Diplomacy (1980). In his retirement, Smith Simpson has been an indefatigable champion of many measures to improve diplomatic performance. He is a founder of the Institute for the Study of Diplomacy and a member of its Board of Directors.

Consular functions are not, and never have been, simply "consular" functions. They have always been an affirmation of the political, economic and other social interests and objectives of governments. For democratic societies in contemporary times they possess not only an overseas but, as other contributors to this symposium point out, a domestic aspect of political import.

Consular posts are in reality political, economic and cultural outposts, adding to a government's observation, listening, intelligence-gathering, crisis-alerting, trade promotion, cultural and public relations opportunities. They are often in touch with whole regions of a country with which embassies in capitals are not. In the case of some sending governments, they also add to espionage and subversion capabilities.

A classic example of how consular posts operate across a broad spectrum of international relations, constituting establishments indistinguishable from embassies, is seen in Hong Kong. Others, however, abound in varying degrees and nuances. Every continent provides them. Indeed, any large society comprising regions of distinct demographic, economic or cultural characteristics, interests and outlooks, such as China, India, the Soviet Union, Nigeria, Canada, Brazil and Iran, presents a complex national code which no embassy single-handedly can hope to decipher.

A capital can be an insular world, all but suffocated by incestuous hangers-on of embassies, and this handicap can be reinforced both by the nature of

the host government and by ambassadors who surrender to the temptation of playing cozy with it. An authoritarian regime exercises its more efficient controls in capitals, so that festering grievances and restiveness often erupt in tell-tale rashes elsewhere. Outlying consular posts can provide an early warning system, highly useful, sometimes of crucial importance. Embassies, simply by their location and daily contacts and relationships, not to mention economic and military aid programs, can be perceived by the indigenous population as clinging like barnacles to the ruling regime or clique, and even viewed as supporting it. Consular posts diversify the relationships between governments, and between governments and people. With strong staff and the necessary facilities, they can communicate at times a more accurate image of the government and country they represent than embassies, thereby providing a long-run, albeit generally unperceived stabilizing factor in the relationships of countries.

Ambassadors can aggravate the insularity of capitals by adopting a policy of discouraging or even forbidding contacts with dissidents or opponents of the host regime. Although it has been officially denied that the American Embassy in Tehran operated under self-imposed restraints (or restraints imposed by the Shah) as far as contacts with the opposition were concerned, it is known that at least one American consular officer had to insist that his political reports differing from the embassy's be forwarded to Washington, finally having to suggest that he would resort to the dissent channel if they were not.

Any country in which tribal, other ethnic, religious or educational factors etch profound demographic configurations is subject to a variety of influences which complicate the task of a foreign government seeking to understand it and to frame mutually helpful policies. Only a consulate in Tabriz can establish meaningful contacts with the Azerbaidjani and Kurdish people in Iran, and consulates in other religious, university and economic centers with other significant elements of so diverse a nation. In Nigeria, the absence of consulates in the eastern region, where a bloody and protracted revolt erupted a few years ago, deprives embassies in Lagos of meaningful contacts with a region of some 15 million people of distinct characteristics and occupying an area larger than all but four African nations. And so on around the world. Governments not focused only on immediate or short-term developments but interested in the sources of long-term problems and trends must be in touch with the broadest possible cross-section of a nation.

Communities distant from capitals often provide an ambience more favorable to fraternization with foreigners and confidence in them than those of capitals, particularly when capitals are vexed by xenophobic attitudes. In such cases, consular posts can cultivate friendships and communication links so as to tap sources of information and insight denied to embassies. When such communities harbor significant nuances of a nation's history and

psychology, consular posts can add enormously to their government's perceptions. Thus, in a sprawling, polyglot, multi-history country like India, consulates general located in Bombay, Calcutta and Madras, functioning in districts as large as most European countries, operate in many respects as little embassies, largely on their own, reporting on developments obscured from the view of an embassy in New Delhi (in the case of U.S. posts, directly to Washington), and engaging in cultural, trade promotion and public affairs programs of commensurate proportions.

Even in what are commonly viewed as homogeneous and compact societies, regional variations may provide additional strings on which their national politics play, some of which can be detected or appreciated only by adequately staffed regional listening posts. When this is so, significant political movements and political leaders emerge with which alert consular posts can establish extremely useful relationships. Thus the American Consul General in Bombay was for many years the principal source of information and contact with Morarji Desai, who was a major influence in the ruling political party and later became India's Prime Minister.

An officer in a consular post who found himself playing a leading role in political intelligence, warning early of events which slid toward war, was Jean Dobler, the French consul general in Cologne in the early 1930s. He became aware of local activity suggestive of German preparations for the re-occupation of the Rhineland. His spot reports were summarized and reinforced by two long reports to the French Foreign Office dated March 23 and April 12, 1935. Had his warnings been heeded, France could have moved in timely fashion to prevent Hitler's remilitarization of the Rhineland, in which case the succession of events eventually ending in World War II might have been nipped in the bud.

Consular assignments can contribute in important ways to the formation of outstanding diplomats. Robert Murphy characterized his first assignment as a lowly vice consul as "one of the most enlightening of my diplomatic career." He was posted in Munich in 1921, where he not only met Adolf Hitler and his collaborators but could study the behavior of victors and vanquished after World War I. This, he later remarked, "became my greatest asset when I was appointed adviser on German affairs to General Eisenhower in September 1944 and later, during the first four postwar years, chief representative in Germany for the State Department." (One of Murphy's diplomatic colleagues in Munich was the Apostolic Nuncio, Eugenio Pacelli, who later became Pope Pius XII.)

The contrast which can sometimes exist between the political thinking of embassies (or at least ambassadors) and that of consular posts can also appear between political and consular sections within embassies. This occurred in our embassy in Berlin in 1933 when the Consul General, George S. Messersmith, sent political reports to Washington which used the protec-

tion of American citizens as a take-off point and visa applicants as sources of information. Due to his straightforward, no-holds-barred reporting, Messersmith came to be recognized by the Secretary of State as "one of our ablest officials," was promoted to the rank of minister and sent to head our legation in Vienna, whence he continued to relay his clear, unequivocal warnings of the Nazi menace. When the State Department decided to publish U.S. diplomatic reports relative to the genesis of World War II (in a volume titled *Peace and War*), those it included from Berlin were Messersmith's.

There are also instances of remote consulates and lowly vice consuls serving effectively as early warning agents. Among them one may cite that of a young American vice consul in Tabriz, Robert Rossow, who in early March 1946 spotted the arrival of Soviet tanks, troops and motorized equipment augmenting Soviet forces already there at the very time when the USSR was obligated under treaty to withdraw its troops from Iran. Thus, the reporting of a junior consular officer, alone in a remote post, set in motion a train of decisions and protracted political maneuvering which overcame the Soviets' deceptive protestations and finally resulted in the withdrawal of their forces.

The subtleties of a consular post's cultural and public relations resources are generally unknown to those making an effort to quantify its "cost-effectiveness" in terms of visas and passports issued and the number of citizens tracked down and assisted. Simply the travel of a cultured and personable consular officer through his district is a quiet but politically significant affirmation of his government's desire to be in touch, to listen, to learn, to fraternize, to explain itself. As is true of consular work generally, such traveling provides much of the indigenous population with its only contact with the officer's country, and the impression he makes can be long lasting. While such psychological factors are not subject to quantification, they are no less real.

The category of what is called "special consular services" includes a wide variety of services relating to the whereabouts and welfare of citizens, relaying emergency messages to citizens resident or traveling abroad, child custody issues and child abuse, the arrest and trial of citizens and the like. These are of a basic political nature. To look after their citizens is obviously a political interest of states. Who exercises the function depends upon who is most readily at hand or who has the contacts needed for expeditious action. For years, in the various capitals in which the United States was diplomatically represented, its ministers and later its ambassadors discharged these functions. They tend now to be called "consular" simply because they have been delegated to consular officers. This does not make them "consular" as distinct from political or diplomatic.

The performance of these functions has a direct bearing upon a government's political standing. The degree of a government's ability to protect its citizens affects the respect which other governments and peoples have for it,

therefore its image and prestige, and therefore its general influence in the community of nations. Since the functions exact the exercise of investigative, communicative and negotiating skills in a cross-cultural, cross-political context, they require officers of political sensitivity, experience and aptitude. Indeed, so varying and sometimes conflicting are the ethical, legal, administrative and political factors involved in the protection of citizens in a foreign milieu that they require a high degree of analytical precision, judgment, sangfroid and culture. All of this explains why the consular contribution to the great civilizing mission of diplomacy is as meaningful as anything done by other diplomats.

The means by which these wide-ranging responsibilities are discharged are the contacts and communication links developed by consular officers in the local community. Some of the situations in which citizens abroad become involved can be resolved or mitigated better—or only—through the mediation of an indigenous official or influential community leader, due to their intricacy and delicacy. The approach must then be made through someone not connected with the consular post. The more amicable a consular officer's relationship with such a person, the better the chance of a favorable outcome. To that end, consular officers make an effort to socialize extensively with the local officialdom and population, cultivating close and fruitful social and working relationships, all of which emphasizes the representational and political aspects of sophisticated work that appears to the layman as simply a grab-bag of disparate "consular" activities.

Consular functions thus also carry a profound educational implication. The dilemma confronting governments in any effort to realize the greatest possible political advantage from consular officers is that consular responsibilities tend to attract down-to-earth, eyes-on-the-trees types rather than speculative, imaginative minds seeking flight in the empyreal spheres of high political drama. This tendency can be counteracted only by energetic educational and training efforts.

The fact that consular functions are of a political nature, bearing varying degrees of political charge, does not mean that consular officers are necessarily good political analysts and communicators. For all their investigative and negotiating abilities when focused on immediate, concrete situations involving their citizens and visa applicants, they tend to find practical problems more congenial than general, speculative ones. They tend to prefer the type of problems that are compressed into immediate, personal situations and demanding here-and-now, down-to-earth problem solving. This has led to the use of consular positions as a depository for those who do not measure up to the requirements of good political or economic analysis or the discussion and negotiation of broad issues. When this occurs, a government is tying one hand behind its back, denying itself the effective use of its total resources in its global relationships.

To discharge effectively so wide a range of duties, a consular officer must be as well educated as any other diplomatic officer. His career, therefore, must be escorted by sabbaticals and educational periods to enable him to back off from the trees so as to see the forest, to step back from individual citizens' services so as to see how they serve the nation's basic foreign policy needs and indeed the civilizing role of diplomacy. In fact, because of the prevalent practical, work-a-day mentality which is attracted to consular work and which that work tends to reinforce, a special effort must be made to provide consular officers with broader and deeper educational opportunities. Instead of being shunted off into a specialized consular career "cone," they need to be closely integrated into the nation's activities in the political, economic and cultural fields.

They're Looking over Our Shoulders

The frequently close relationship between consular work and more traditional diplomacy was sharply impressed upon me by an experience midway into my first tour in the Foreign Service, as vice consul and third secretary in Lagos, Nigeria. It occurred on a basketball court, as I was also on Nigeria's national club team, and involved the country's "Mr. Basketball," a forty-year-old colonel in the Nigerian armed forces.

During a period late in a game against the Nigerian Olympic team when the colonel and I were both on the bench, he began reminiscing about the embassy's previous vice consuls. To my amazement, he knew a great deal about each of the five vice consuls who had preceded me. Passing quickly over my tendency to be extremely strict on students except those destined to the better universities, he commented on the normally harsh officer who turned soft when confronted by a student's wife applying with a small child; the black officer who was stricter than her white counterparts because she objected to a brain drain from Africa to the U.S.; and another officer who was seen as relying almost totally on the documents presented by various applicants, rather than the applicants themselves.

While the colonel was surprisingly close to the mark in his evaluations, this is not the remarkable aspect of the conversation. What made it remarkable was that soon afterwards he spearheaded a palace coup against President Gowon, becoming in the aftermath the foreign minister of the largest and richest and most influential nation in black Africa, a position he occupied for several years.

That conversation on the hot basketball court thoroughly impressed on me that visa officers at high demand posts are very much in the public eye, not only to their actual clients (that much is obvious to all visa officers) but also to important persons throughout society, any one of whom might eventually be in a position to affect American interests.

—David L. Lyon

Needed: More Imagination and Flexibility

Leonard F. Walentynowicz

Administrator of the Bureau of Security and Consular Affairs, Department of State, 1975-77; executive director, Polish-American Congress, 1977-80; practicing attorney since 1955, offices in Washington and Buffalo, N.Y. where he lectures at the law school and police academy.

Consular work has been a part of this country's diplomacy since its birth, witness the work of U.S. consuls with the Barbary pirates as early as 1798. Yet over the years and for a variety of reasons the role of the consular officer in this country's diplomacy has generally declined in importance.

Some of the reasons behind this development include the nature of the work assigned to the consular officer; the perceived role of the consular officer in the diplomatic service; the quality of consular personnel; the leadership that consular personnel are subject to; and the self-image and attitude of the consular officer.

Many capable Foreign Service officers avoided consular work and chose political, economic or other work because it afforded them more prestige and opportunities for advancement. Further, most of the less qualified personnel that were permitted to enter the Foreign Service under some special rubric were usually posted or assigned to consular work. Thus there developed a self-defeating circle of mediocrity which exists to some extent even today, though there is presently emerging a positive atmosphere which, if encouraged and sustained, can break this circle and give consular work and the people who perform it the respect it and they deserve.

This recent progress has resulted in large part from the higher attention now being given to individual human rights and the movement of people. Perhaps I can best illustrate my thoughts by describing a problem that became my prime responsibility within a month after I assumed the post that is now known as the Assistant Secretary of State for Consular Affairs.

In 1976 Congress passed an almost unprecedented resolution of inquiry directed toward the President involving the treatment of American prisoners by Mexico. More specifically, the resolution dealt with the manner President Ford, through the State Department, fulfilled or failed to fulfill his responsibilities with regard to the arrest, prosecution, imprisonment and other treatment of U.S. nationals by Mexican authorities. Fortunately the problem was eventually resolved, for the most part, by a number of initiatives including a treaty providing for the return of prisoners under certain conditions, which treaty now serves as a prototype for similar pacts with other countries such as Canada, Turkey, and Bolivia.

The problem reflected the isolation the consular officer suffers from the rest of U.S. diplomatic activity as well as from American society in general. A decision had been made at senior levels to have the State Department encourage the Mexican government to interdict trafficking in drugs through Mexico, regardless of the nationality of the traffickers. No thought or consideration was given to the impact that such interdiction would have on the human rights of the Americans so arrested. In fact, no analysis was even made of how Mexican law would be applied in practice. Hundreds of Americans claimed massive denials of human rights under Mexican law. Consistent with its suppressed role and lack of sufficient enlightened personnel, much of the consular service following departmental guidance responded by insisting that it could do little about claims of torture, extortion, and other human rights abuses since Americans in Mexico were only entitled to the same treatment that the Mexican government extends to its own nationals. However, even then there was a firm belief, based on policy and many important precedents, that Americans are entitled to certain fundamental rights even though such rights could not be successfully asserted by nationals of the country in which such Americans find themselves.

It was not until later that the consular service began to recognize that the increased importance attached to human rights by the American public and their institutions required a re-evaluation of traditional U.S. policies and practices regarding the welfare and protection of Americans abroad. It was no wonder then that an alarming situation developed whereby the consular service was accused of failing to provide adequate protection for Americans abroad and of being inept, inefficient and indifferent to its responsibilities.

The point I am making is that while consular work has all too often been neglected and relegated to a subordinate role by indifferent leadership in Congress and the Executive Branch, there is a consistent obligation upon consular personnel to make themselves fully aware of the increasing importance of their work and to respond by new initiatives and effort as the need arises. Done properly, such initiatives and efforts could possibly have avoided or reduced the excesses in Jonestown.* They can in any event promote sound diplomatic programs like international drug interdiction without needlessly compromising adequate welfare and protection and other human rights.

Let me elaborate a bit on this last point by offering a different illustration. There exists today a strong challenge to all consular personnel to reconcile the need for the United States to control its borders and obtain respect for its laws, with the need and demand by United States society and the rest of the

*One difficulty in any more active consular role with regard to the People's Temple in Guyana is that the "fundamental rights" of U.S. citizens now include the right to privacy, to be left alone by their government—and to obtain information on request of any government activities impinging, or conceivably impinging, on their fundamental rights, including their religious freedom.—Ed.

3. The Visa Function

Some Visa Cases Recalled

Charles S. Kennedy

Vice consul Frankfurt; vice consul Dhahran (Saudi Arabia); consul Belgrade; consul general Saigon; consul general Athens; consul general Seoul; consul general Naples. Presently Department of State liaison officer with Department of Justice Immigration and Naturalization Service.

In answer to the question, "What do you do as a consul?" the short reply usually is, "I stamp visas, issue passports and try to keep Americans out of trouble." The bureaucratic answer is, "I enforce the Immigration and Nationality Act of 1952 as amended and am responsible for the protection and welfare of Americans abroad." Neither of these responses gives even a glimmering of the true consular experience. Set forth here is an unvarnished distillation of what a consul really does and learns, based on some 27 years in the trade in a diverse group of countries (West Germany, Saudi Arabia, Yugoslavia, South Vietnam, Greece, South Korea and Italy). My experiences are by no means atypical. [Experience in protection and welfare, and in passport matters, are detailed by Mr. Kennedy in chapter 5.—Ed.]

Refugees of all sorts and applicants for political asylum have always been, in part, a consular responsibility. The American flag outside our office and our tradition of harboring refugees act as a magnet to unhappy people under oppressive governments. In the mid-1960s I found myself in Belgrade dealing with over a hundred African students who had been studying in Bulgaria but who could no longer take the hostility of the Bulgarians, who called them "black monkeys," and the rigid Soviet-style indoctrination. All these young men wanted to study in the West, preferably in the U.S., and I was the first Westerner to whom they could talk freely. Consular officers must be jacks-of-all-trades, and I became an instant international faculty advisor.

It is visa work, however, that usually absorbs most of a consul's time. Almost all visitors and all immigrants to the United States have to have visas. Lines form outside some of our consular offices before dawn so that applicants can be sure of seeing a consul. The often great press of people who must be seen and screened during a day can daunt a new consular officer, but visa work can be fascinating.

world to move about freely in order to facilitate travel, commerce, trade, tourism, family reunification, and immigration and also to avoid persecution.

Unfortunately, for the reasons previously cited, consular officers too often take a narrow or limited view of their functions and responsibilities. As a result, the flexibility built into our Immigration and Nationality Act is often abused; sometimes by unjustified leniency, other times by undue harshness.

For example, it is often difficult, if not impossible, for an unmarried foreign national daughter to obtain a visitor's visa to visit her resident alien father since she is considered an intending immigrant and could qualify for an immigrant visa. To put it another way, consular officers by shallow interpretations impede family visits by insisting that the daughter immigrate in order to visit her parent, a goal she may not desire.

On the other hand, given their usual subordinate role in embassy operations, consular officers are frequently subjected to pressures to abandon criteria that should properly be applied. Thus all too often a consular officer is perceived to be an obstructionist or a paper bureaucrat who can be manipulated as needed, fulfilling a paper role.

Nevertheless, I am happy to observe that recently, and especially as a result of the increased emphasis on human rights and the need to improve and better control the movement of people fairly and with sensitivity, there is developing a cadre of consular personnel ready to assume and deliver the leadership for sound consular service provided they are in turn responded to by Congress and the Executive (especially the State Department) so that their work and expertise may be accorded the respect they deserve.

As in so many other problem areas we face today, progress requires joint effort. The fact that the consular function is being addressed in this symposium is one reason for optimism. I hope that a future symposium will confirm such optimism.

There is no quicker or more intensive way of learning a culture than by interviewing visa applicants. Normally for visitors' visas the consul is interviewing in the language of the country, and the applicant is displaying his or her ties to the homeland. This is a perfect way to learn what the major businesses or occupations of the country are, what people are paid, the depth and meaning of family relationships, and how the natives approach government officials (are they open or do they feel it necessary to lie to get ahead?). The visa operation is an anthropologist's dream. In Korea, for example, it was quite common for a middle-class man to have a legal wife and another woman or two (called "little wives") on the side. For legal purposes the man would often register all children born to this menage on the legal wife's record. It could come as a shock when reviewing a woman's visa application to read that she gave birth to three children born only two or three months apart.

The consul also develops a feel for the American immigrant experience. Emigrants from foreign countries going to join their relatives in the U.S. have to show the financial status of those relatives. The American relatives are usually recent immigrants themselves, and yet for the most part they have settled in well and have a significant stake in the U.S. Our country may have a whole series of major problems but consular officers are witnesses to the fact that the American dream does indeed work.

The darker side of visa work is that people who apply for visitors' visas are often trying to go to the United States to work or to stay there permanently and are therefore not telling the whole, if any, of the truth in making their applications. It is up to the consul to interview these visitor applicants, usually in a language that the consul has only just learned, and then decide whether or not the applicant is entitled to a visa. To complicate matters, the documents presented to the consul may be completely fraudulent. In some countries, generally those where there is a low standard of living and a sizeable emigrant community in the U.S., there can be a terrific press of applicants every day. The poor consul then only has a minute or two to size up the aspiring visitor and make the major decision to give or refuse a visa. This process does turn a young consul very quickly into what we hope is an acute and intuitive judge of human beings.

In Belgrade I used to shudder when I would come into my office on certain mornings and find the waiting room full of young women dressed in full peasant regalia. It meant that another chartered bus had come from the lower reaches of Macedonia full of maidens trying their luck in getting past the consul. They were supposedly going to visit relatives for a short while in Gary, Indiana and other steel towns, but in fact almost all were destined to be displayed at the local Macedonian Hall in an American city where young U.S.-born men of Macedonian stock would choose a bride from the old

country. Since our law did not permit ladies who planned to settle permanently in the U.S. to receive visitors' visas, and they were ineligible for the immigrant type, it was my unhappy job to sort through them and issue visas only to those who I was sure would come back. I always tried to find some rationale to issue at least a few visas to people in these groups, usually to those I felt could never be picked as brides. Almost invariably I would find out some time later that I had been wrong and that the visa recipient had married and stayed. I believe that a significant proportion of the Gary population today results from my bad judgments.

Visa work is the greatest test of a supervisory consul's management abilities. To begin with, because of the increasing popularity of travel to the U.S., the theory and practice of crowd control is at the top of any senior consul's list. One reason is that our ambassadors do not relish wading through visa mobs gathered in front of our embassies. A major problem is not only dealing efficiently with these crowds, but also courteously. The reception of visa applicants is generally delegated to the Foreign Service nationals (FSNs) who staff our consular sections along with American consuls. There is always a problem that our consular FSNs will revert to the way most bureaucrats throughout the world deal with the public, that is, in a rude and dictatorial manner. The difficulty is compounded by the fact that often our visa applicants expect to be treated as they are by their own civil servants and do not respond well if we are overly polite. There is also the problem of very important personages (VIPs) in the country who expect and get special treatment from their own people and are not very happy when faced with the crude democracy of a first-come-first-served American visa waiting room. These VIPs often complain to our ambassador, and consuls have to make compromises.

Fraud is a fact of life in the visa process. We have stringent rules concerning eligibility for visitor and immigrant visas, and there is a tremendous demand for these visas among people who are not eligible. Consuls have to be constantly on guard against fake documents concerning family relationships, business ties or financial worth. Passports are falsified, as are visas. Even the most respectable businessmen, clergy and teachers are willing to vouch for friends who the consul knows are trying to obtain visitors' visas to work or stay illegally in the United States. As a supervisory consul I have often had to calm down young vice consuls new to the service who had never experienced such blatant lying before. The chief of a consular section has to see that vice consuls do not become overly harsh on the public as a result of this introduction to mass deceit. A good sense of humor is a prerequisite for a consul, especially for one who deals in visas. The officers who do not do well in the consular trade are those that take themselves seriously and see things in black and white. The consular world is one of an incredible number of shades of gray.

Consuls probably receive more direct mail from Congressmen than do any other public officials. A visa refusal is the personal decision of a consul (based of course on the law), and neither the ambassador nor the Department of State can override that decision. The chief of a consular section sees all congressional inquiries and makes sure that answers are sent back promptly. Often consuls resent the intrusion of Congress into their decision process, and there are times when this resentment is justified, especially if the Congressman tries to order a consul to do something which is not the way the law reads. Congressional inquiries, on the other hand, often contain information on a visa case that can help a review, and these inquiries are an excellent tool for the supervisory consul. The consul can see how his or her officers are doing, whether they are being fair or arbitrary. In all countries where I have served there have been no effective ways for ordinary citizens to challenge their bureaucracy through inquiries to their parliamentary representatives. The fact that American consuls do pay serious attention to questions from Congress and do correct inequities brought to their attention represents a real element of strength in our system of government.

The Consul as Heartless Bureaucrat

Gian-Carlo Menotti

In his opera The Consul (1950), Gian-Carlo Menotti has conjured up a grim image of a consulate. By permission of the publishers, G. Schirmer, Inc., we reproduce a passage from the libretto because it mirrors many prejudices about consular work prevailing at least in some circles—that consuls are hard-hearted bureaucrats, probably in bed with oppressive local authorities, and that the degree of compassion felt by an individual consul can and should determine whether a visa is issued.

[from Act, Scene 2]

SECRETARY: Hurry, hurry and gather up those things! What if the Consul should come in! Oh, what confusion! You should be ashamed of yourself. Don't you know how to behave in a consulate?

MAGICIAN: (*Apologetically*) Even a great, great artist must find a way to make a living. (*He goes forlornly out.*)

SECRETARY: Next!

MAGDA: (*Urged by the others to go ahead, she comes to the desk.*) Any news for me?

SECRETARY: What is your name?

MAGDA: Don't you remember me?

SECRETARY: And why should I remember you?

MAGDA: But my name is Sorel, Magda Sorel!

SECRETARY: (*Consulting her files*) Sorenson... Seligman... Sokoloff... Oh, yes, here it is... Sorel... I remember now. Did you bring the missing documents?

MAGDA: But I've already told you. I cannot possibly get all the documents you want. They won't give them to me.

SECRETARY: What do you expect us to do, then?

MAGDA: But surely there must be a way you can help me. Documents or no documents! I must get away. The Secret Police are after me. Day after day they come to my house, questioning, threatening. I am too alone to fight any longer. Can't you see, you've got to help me!

SECRETARY: We're very interested in your case, believe me. But first you must get all of your papers.

MAGDA: But surely the Consul could make an exception. Please, please, just let me speak to him.

SECRETARY: It would be useless, Mrs. Sorel.

MAGDA: But I must speak to him!

SECRETARY: It would be useless, Mrs. Sorel, believe me.

MAGDA: Let me explain to him. He'll understand.

SECRETARY: You're not the only one, Mrs. Sorel, there are thousands of cases like yours.

MAGDA: Must we all die then because there are too many of us?

SECRETARY: All I can promise is that we'll do our best. We'd like to help you, but we need time.

MAGDA: If you can help me, it must be now, today!

SECRETARY: That is impossible. We must have time to think. Your case is difficult, and most irregular!

MAGDA: Liar! Liar!

SECRETARY: Mrs. Sorel!

MAGDA: Liar!

SECRETARY: Mrs. Sorel! If you behave like this I must ask you to leave!

MAGDA:

To this we've come:

that men withhold the world from men;

no ship nor shore for him who drowns at sea,

no home nor grave for him who dies on land.

To this we've come:

that man be born a stranger upon God's earth,

that he be chosen without a chance for choice,

that he be hunted without the hope of refuge.

To this we've come,

and you, you too shall weep!

If to men, not to God, we now must pray,
tell me, Secretary, tell me,
who are these men?

If to them not to God, we now must pray,
tell me, Secretary, tell me!

who are these dark archangels?

Will they be conquered? Will they be doomed?

Is there one, anyone behind those doors

to whom the heart can still be explained?

Is there one, anyone who still may care? Tell me Secretary, tell me!

(Mysteriously, with a sudden madness)

Have you ever seen the Consul? Does he speak, does he breathe?

Have you ever spoken to him?

(She breaks down and turns away.)

VERA B.

KOFNER

SECRETARY: I don't know what you're
talking about! Of course you can
see the Consul. But he's a very

busy man. The appointment must

be made in advance. You can begin

by filling out this form, and then

I'll see what I can do for you. Sign

here. *(Impatiently)* I said, sign here.

MAGDA: *(Grabbing the paper the Secretary offers her)*

Papers! Papers! Papers!

But don't you understand?

What shall I tell you to make you understand?

My child is dead. John's mother is dying.

My own life is in danger. I ask you for help.

And all you give me is papers!

What is your name: Magda Sorel.

Age: Thirty-three.

Color of eyes? Color of hair?

Single or married? Religion and race?

Place of birth? Father's name? Mother's name?

Papers! Papers! Papers!

*(Insanely, she tears the paper in her hand, then rushes to
the desk and taking the papers from there, scatters them
in every direction.)*

Papers! Papers! Papers!

Look at my eyes. They are afraid to sleep.

Look at my hands, at these old woman's hands.

*(She stands motionless and looks dazedly around her,
turning finally to the Secretary.)*

Why don't you say something

Aren't you secretaries human beings like us?

(with mounting anguish)

What is your name: Magda Sorel.

Age: Thirty-three.

What will your papers do?

They cannot stop the clock!

They are too thin an armor against a bullet!

What is your name: Magda Sorel.

Age: Thirty-three.

What does that matter?

All that matters is that the time is late,

that I'm afraid and I need your help.

What is your name? What is your name? What is your name?

This is my answer:

My name is woman.

Age: still young.

Color of hair: grey

Color of eyes: the color of tears.

Occupation: Waiting!

Waiting, waiting, waiting!

Waiting, waiting, waiting!

Oh, the day will come I know,

when our hearts aflame

will burn your paper chains!

Warn the Consul, Secretary, warn him!

That day neither ink nor seal

shall cage our souls.

*(She stumbles back to the benches and collapses next to
the Foreign Woman.)*

SECRETARY: *(For the first time moved and disturbed.)* You're being very unrea-
sonable, Mrs. Sorel. Now . . . now . . . it is possible that the Consul may be
able to see you for just a minute. I'll go and ask him.

(She goes through the door to the Consul's office.)

ANNA G. }

VERA B. }

KOFNER }

Oh, do we hope and wait in vain, Secretary, speak?

Is there no one in that room, Secretary, speak?

If the Consul be of flesh, Secretary, warn him.

One day neither ink nor seal will cage our hearts.

SECRETARY: *(Returning to her desk.)* Mrs. Sorel, the Consul has a very important visitor with him. A very important visitor. As soon as he leaves, you can go in. You won't have to wait very long. I believe he's just about to leave.

(Magda waits nervously. Suddenly a light shows through the glass panel of the door leading to the Consul's office. Upon the glass appear the sinister shadows of two men, bowing ceremoniously to each other. An oppressive tenseness fills the room as all eyes focus on the door. Magda rises.)

SECRETARY: Mrs. Sorel, you're next!

(Magda starts toward the door. As she does, it opens and a man backs out, still facing away from the room. He turns to confront Magda; she recognizes the Secret Police Agent. For an instant she stares incredulously, then faints. As the others rush to help her, the Secret Police Agent walks out of the Consulate. The curtain falls.)

“This Is Where Fraud Was Invented”

David D. Newsom

Information officer Karachi; vice consul Oslo; public affairs officer Baghdad; first secretary London; North African affairs Department of State; ambassador to Libya; assistant secretary of state for African affairs; ambassador to Indonesia; ambassador to the Philippines; under secretary of state for political affairs. Currently Director of the Institute for the Study of Diplomacy.

Fraud and vigilance against fraud are inevitable elements of the consular process. They breed caution and “red tape” that does not, with many, enhance the image of consular services. It is difficult to see an alternative to such caution as long as the privilege of entering and living in the United States remains for many their best hope.

At one post in Southeast Asia, a young vice consul was introduced to me as “head of the fraud squad.” “This, Mr. Ambassador,” she said, “is where fraud was invented!” She then recounted numerous examples of what she meant, such as the use of pre-dated marriage certificates and fraudulent joint income tax returns. Little did she know that there are quite a few places in the world that could compete for first prize in the extent and ingenuity of visa fraud.

Stories of visa fraud are legion. One about which I heard from another American Ambassador, and which made me say “There but for the grace of God go I,” started with a call from the foreign minister. He urgently needed to send “someone who is handling my personal affairs” to New York for a couple of weeks. Would my colleague please help? The ambassador explained the situation to the consul, who received the minister’s confidant and was surprised to find him a completely uneducated man. When the consul expressed misgivings, the ambassador insisted. Regrettably (but perhaps understandably) the consul yielded. The man went to America—and never returned. He had never handled the foreign minister’s affairs, private or otherwise. In many a foreign land lying, especially to a foreigner, is regarded as less reprehensible than failing to help members of one’s (sometimes very extended) family. . . .

“Legal” Advice

Because of the considerable sums that can be illegally earned, supervisory consuls have to be alert to all types of malfeasance within their staffs, American and foreign. In one post where I was chief of the consular section there was a distinguished elderly lady in charge of the foreign national staff. She had held the job for years and was highly regarded. One morning she died suddenly, and before the day was through I found that she had been working a little confidence trick for years. She would review the visa applications of peasant women going to the U.S. to join their husbands already working there. These cases were cut and dried with no problems. She, however, would look at the documents, cluck, and say something to the effect that there were serious complications. Naturally the rather naive ladies would get worried and ask what they should do. In a motherly and friendly manner my valued and trusted assistant would suggest the use of a certain lawyer. Usually the ladies would do as she suggested and because they always got their visas, felt that the lawyer’s fee was well spent. The lawyer, of course, split the fee with the consular assistant.

—Charles S. Kennedy

To better protect the United States passport, a machine-embossed certification was put into them a few years ago which was believed to be virtually impossible to forge. It was but a few weeks before forgeries of the new passports—fully fabricated by hand—were turning up at a post where I served, with a precise replica of the embossed page that only the most careful scrutiny would identify as fake.

Michael Mahoney, a longtime consular specialist, relates the story of a high official of a friendly country in the Caribbean area who pressed, again and

again, to have visas issued to ten persons who were to attend a conference on community development in Puerto Rico. When those persons presented themselves to the consul, they were found to be illiterate and not knowledgeable about their country's community development program. A computer check showed that two of them had previously been rejected and had not mentioned any community development-related background. Eventually the other eight received their visas. Upon request of the consul, the INS at San Juan checked to see if they were attending the conference. They had not shown up. Three of the men were subsequently identified upon arrival and "turned around," i.e., refused entry and made to return. Upon interrogation by the police it turned out that each had paid the high official 1,500 pesos for his support of their visa applications. It was impossible to prove, however, that the money had actually changed hands. The high official indignantly denied that he had known that the men would not be going to the conference but had sought to emigrate to the United States.

In another case the consul received a formal note from the foreign ministry requesting issuance of a visitor's visa to a doctor to attend a conference on open heart surgery in the United States. The computer (and comparison of photographs) showed that the same man had previously applied, at which time nothing had been mentioned about a medical background. The embassy, using its own investigative staff, sent to the foreign ministry to inquire discreetly how the individual could have been recommended by them. It turned out that the ministry had received forged requests not only from the ministry of health but also from several other ministries and had routinely endorsed them through notes to the American Embassy. In yet another case related by Michael Mahoney the uncovering of false documents submitted by one visa applicant led to the investigation and indictment in the U.S. of a forgery ring which was preparing false affidavits of support, false bank statements, false W-2 income tax forms, false letters from banks attesting to the net worth of a sponsor, and false letters from educational institutions—a veritable forgery industry.

It can thus be seen that while it may at times seem excessive, the meticulousness with which consular officials scrutinize applications for admission is an unfortunate result of the strong desire of people to gain entry to the United States. To many that visa, that green card, that stamp in the passport are more valuable than gold; and so they are willing to pay for it. A friend of mine was once offered \$20,000 (in a donation to his "favorite charity") for a visa. When the gentleman was politely shown the door, he may have figured that my friend's price must be higher—for to some people everyone has his price...

One of my duties as vice consul in Norway in the early fifties was to administer Section 3(c) of the Displaced Persons Act of 1947, which enabled persons displaced by the war to get non-quota immigration status. Many of those

who came to the consulate in Oslo were Poles who had, as young men, been taken by the Germans to the mines of northern Finland and Sweden. They often had little knowledge of what had happened to their homes or their families in the war. Their only hope lay in qualifying to join relatives—sometimes distant—with whom they could find a link in the United States. It is hard to forget the expressions of joy that came across their faces when they qualified for a visa. It is even harder to forget the sense that a door to life had slammed on them when the visa was refused.

Throughout the world United States consular officers have had similar experiences. Each case has emphasized again the extraordinary value of that opening to the United States, and thus also the temptation to circumvent the requirements by any means possible. I think the record shows very clearly that American consular officers, and the American and local staff supporting them, are honest and loyal, hardworking and efficient. It is not surprising, at the same time, that where temptations abound there are also some who succumb. We therefore need—and have—careful controls to avoid any impropriety and to expose it where it occurs.

Sparring with the Foreign Minister

Martin F. Herz

Political officer in Vienna, Paris, Phnom Penh and Tokyo; Bureau of African Affairs, Dept. of State; political counselor Tehran; in charge Lao-Cambodian affairs; minister-counselor for political affairs Saigon; deputy assistant secretary for international organization affairs; ambassador to Bulgaria.

Consular work is not done only by consuls. Almost every ambassador can tell stories of problems of a consular nature that came to him for action.

When I was American Ambassador to the People's Republic of Bulgaria, it was part of my job to engage in periodic "reviews" with the Foreign Minister about the performance of our respective countries with regard to the commitments undertaken in the Final Act of the Helsinki Conference on Security and Cooperation in Europe. Both of us prepared ourselves well for these encounters, and despite a certain stilted quality the dialogues were on balance not unhelpful.

Naturally, we had some things to criticize in the Bulgarian performance, and the Bulgarians had to criticize some things about ours. One of Foreign Minister Petur Mladenov's favorite arguments went somewhat along these

4. How Much Political Judgment Goes into Issuance of a Visa?

A Cautionary Tale

Taylor Branch and Eugene M. Propper

We include these excerpts from the first chapter of the book Labyrinth (1982) because it illustrates how "politics" can intrude into visa matters. The authors (Propper was the U.S. attorney who prosecuted the Letelier assassination case in Washington) focus on the dilemma created for U.S. Ambassador George W. Landau in Asunción when a high Paraguayan official requested expeditious issuance of U.S. visas into false passports. They relate how the ambassador had to take personal responsibility for the visas when his consul refused, and how he finally extricated himself from his dilemma by having the visas canceled and the passports recalled. There is an ironic footnote to this story in that Ambassador Landau was subsequently assigned to Chile, where his duties included pressing the government of General Pinochet to extradite the same Chilean secret service men whose false passports had landed on his desk in Asunción. George W. Landau is currently U.S. Ambassador to Venezuela. He is one of our country's foremost experts on diplomacy toward Latin America.—Ed. (Reprinted by permission of Viking Penguin Inc.)

[from Chapter 1]

Ambassador George Landau winces with a hint of cultured distaste, talking on the telephone with Pappalardo. A thin, fastidious man of fifty-six, Landau has a wary appreciation for the shortcomings of people in power, but he does not like it when their exotic desires force their way into his morning. Pappalardo is not a man to be ignored, even by the American ambassador to Paraguay. He is telling Landau that the President, General Stroessner, cannot bring himself to refuse a favor to President Pinochet of Chile. And the President certainly hopes that Landau will cooperate. The false documents need to be processed immediately, that very day, because the agents have urgent orders to move on. Landau says that he wishes Pappalardo had given him more advance notice. Things could have been considered that way and been done properly. Pappalardo replies in his usual all-knowing voice that everything is all right. The CIA is clued in. The agents will report directly to General Vernon Walters, deputy director of the Agency, when they reach the

lines: We Bulgarians are really much more liberal with respect to travel than you Americans. A foreigner can get a Bulgarian visa within a few days, usually even within a few hours. As a matter of fact, a foreign tourist can arrive here in Sofia without a visa and we will usually issue him one at the airport. [The Bulgarians even claim to have a "visa-free regime."] By contrast, you Americans have much more complex visa procedures, and you exclude some of our people, for instance trade union representatives, from conferences in your country.

It would have been so satisfying but quite undiplomatic to respond with what I really wanted to say, which would have been along these lines: You see, Mr. Foreign Minister, millions of people around the world, including quite a few in your own country, would love to come to the United States to live there permanently; whereas only a lunatic would pull up stakes anywhere in the free world in order to come and live in your country. If any undesirable foreigner should arrive at your airport and receive a visa there, your authorities would know exactly where to find him at any time during his stay in Bulgaria because your security people keep all foreigners under observation, and in any case no foreigner can rent a room anywhere in Bulgaria without the fact coming to the attention of your security apparatus immediately; whereas we in the United States do not require foreigners who are private persons to register with the police when they rent a room or an apartment or a house anywhere in our country.

As for freedom to travel, I might have said to Foreign Minister Mladenov (but did not say to him because I had to observe the diplomatic proprieties), your country is a police state where everyone has to have an identity card and couldn't get an exit permit if any of his activities had received unfavorable attention from your authorities; whereas our people are free to come and go as they please. The issuance of a passport to Americans has been recognized as a right and is now almost a routine activity. We let people in and out of our country regardless of their political beliefs (Communist "trade union" reps who really represent only their government are a case of false pretenses, not restrictive policy), whereas no Bulgarian since your "glorious revolution" has ever received an exit permit if the government didn't consider it in the national interest that he or she be permitted to leave.

Instead, I explained our legislative situation and called attention to the fact that usually visa cases between our governments involved Bulgarians who wanted to get out and whom we were prepared to admit, rather than Americans who wanted to get out and whom the Bulgarians wanted to admit. From this introduction I went on to describe some of the particularly heart-rending cases of divided families where Americans of Bulgarian origin wished to have relatives join them in the U.S., but the Bulgarians refused to let them out. Many such cases were resolved as a result of agreement that irritants in our relations should be reduced or eliminated wherever possible.

United States. Pappalardo has seen to that. He and the President are informing Landau only as a courtesy, and out of their great respect for the ambassador.

Landau replies with gracious thanks, though he knows that this is no courtesy call. Pappalardo wants his help in shepherding the documents through the consulate downstairs, and the President's all-purpose fixer, factotum, and chief of protocol is pursuing his designs with his usual mixture of flattery and self-inflation. This much is obvious, but what lies behind it?

Pappalardo asks whether he should send the false passports directly over to the American consulate. Landau plays for time. Not yet, he says. He will make some arrangements and get back to Pappalardo shortly.

The ambassador calls the CIA office down the hall and summons a technician, from whom he learns that there has been no luck in the telephone search for General Walters. Landau is not pleased. In a manner that underscores the importance of the mission, he tells the technician to keep trying. Then he settles back to ponder his course. For once, he wishes he had the services of a good, professional CIA chief of station (COS) in the embassy, but he knows that there is no chief of station in Paraguay—or any other CIA officer, for that matter, except the communicator and a secretary. And Landau knows better than anyone that this CIA vacancy is his own doing. He has recently fired the chief of station for lying about one of the ongoing scandals in official Asunción, where there are few secrets...

After painful deliberation, the ambassador decides to issue the visas. He sends the papers to the consulate downstairs, knowing they will have an easier passage through the bureaucracy coming from his office rather than from the outside, and then he plans steps to protect himself until he can find out what the Paraguayans, or the Chileans, are up to. Whatever the game is, it appears to be a bit too subtle for the tastes of Pastor Coronel. The chief of detectives may be a factor in someone else's plans, but he is unlikely to be the moving force himself.

As usual, things go wrong. Consul William Finnegan sends a message upstairs to the ambassador. He is sorry to report that he cannot issue the visas because the applications are not complete. Finnegan is nervous. He hates to place difficulties in the way of the ambassador's wishes, but, as Landau knows, the embassy has been plagued lately with visa fraud. Officials of the Paraguayan government have been selling identity documents to Koreans and others for use in entering the United States. It is big business. The consulate in Asunción has been scrutinized intensely by its home office and by immigration and by Ambassador Landau himself. These two Paraguayans have not even bothered to fill in their residence or physical description on the applications. Could the ambassador please send word back through the Paraguayan

government to have these two officials come into the consulate to complete the forms?

Landau cannot refuse. He can only sigh and pass the message along to Pappalardo, who is not pleased. The chief of protocol is disappointed that the ambassador holds so little sway over his own bureaucrats. From Landau's point of view, the consular delay has its advantages. While he seeks clarification from General Walters, it would be well to have the visa applications going back and forth in the mail. Pappalardo, however, knows that the Chileans are in a hurry. He tells Landau he will try to have them come into the consulate...

Not long after [applicants] Williams and Romeral have departed, Finnegan sends an unwelcome message upstairs to the ambassador. It is worse than fishy, he says. First of all, he and his assistant know practically every official in Paraguay, and these two men are complete strangers. They do not look Paraguayan. They do not speak Spanish like Paraguayans. Finally, both men have just claimed the same hometown—a tiny village of perhaps two hundred people in a remote area of the country. The consul's Paraguayan assistant, who knows the village, declares that it is inhabited by impoverished, pure Guarani Indians. The chances that such a village would produce two government officials licensed for international travel, especially a six-foot two-inch blond like Juan Williams, are zero, says the assistant.

Consul Finnegan agrees. He does not want his consulate to be pushed around anymore by the office of the Paraguayan President, no matter how loose the local customs are. To the consul, Pappalardo is notorious. The chief of protocol is an immensely wealthy man, having commandeered many secret concessions in the national economy. He receives a commission, for example, on each and every Ford automobile entering Paraguay. Worse, from the embassy's standpoint, Pappalardo is believed to have siphoned money out of the U.S. Treasury. The recent audit of an AID-funded reforestation project has shown that thousands of palm trees—heart of palm saplings—somehow wound up planted on land owned by Pappalardo. The chief of protocol has also profited in AID wheat credits. All this, plus the visa fraud. Consul Finnegan declares that he will not issue the visas unless Landau explicitly orders him to do so.

The consul's attitude makes the situation all the more distressing for the ambassador. He knows Finnegan is correct. He knows that the responsibility for the false visas will be his alone, that there will be no chance of passing them off as a routine oversight, and that Finnegan's position will make it more difficult to report the matter to their mutual superiors in the State Department. At the same time, the atmosphere of this transaction is both tense and blatantly phony, in a way that tells Landau it is not a matter of

money or ordinary corruption, as the consul fears. It feels more like an affair of state, a CIA operation. The ambassador resolves to cut a path between spy risk and protection. He sends down his orders: Issue the visas. Stamp them in the passports. Send the completed passports up to the ambassador's office on the second floor. Consul Finnegan complies with the orders, but he writes on the applications that the visas are issued directly on Landau's authority.

The ambassador takes precautions, too. He orders an embassy technician to photograph each page of the passports and to send the photos by pouch to General Walters that very day...

A cable from General Walters arrives in Asunción on August 4. This seems an odd way to do business, says the general. He goes on to point out some peculiarities of Pappalardo's scheme. He shows no familiarity with it at all. The Agency sees no reason to meet with these particular Chileans in the United States, he concludes, adding that Landau should inform his superiors in the State Department.

This makes a sour turn for Landau. Pappalardo has deceived him. Landau is now left alone with responsibility for the false visas and with no answers regarding the absurd cover story, having seduced himself with worries about top-level clandestine affairs. His anger rises, but it must give way to calculations so that he can stop those phony passports before harm is done.

It will not be easy. Landau is in a tighter box than ever. He must now report to the State Department, but what can he say? He must tell the department to order a watch for Juan Williams and Alejandro Romeral at the United States borders, and he must get the photostats sent over from CIA to State. But all these documents have July 27 stamped on them as the date on which the visas were issued. It is now eight days later. How can Landau explain the delay? He can't possibly say that he has been waiting for Walters, especially now that the general has given no comfort to his beliefs about the operation. To report all that would make the ambassador look foolish, as well as out of line.

Ambassador Landau recalls that Pappalardo has been in Brazil much of the last week and that the chief of protocol has promised him further reports on this matter from the President. Painfully, on August 5, Landau drafts a cable to his boss, Assistant Secretary of State Harry Shlaudeman, in which he twists these last two facts into a plausible explanation of the entire affair. He tells Shlaudeman that Pappalardo had called on the twenty-seventh only to say that Stroessner had a message for Landau regarding two visas pending that day in the consulate. This was all Pappalardo had said, Landau told Shlaudeman, but it had made Landau suspicious enough to have photostats made by the CIA as a precaution. Now, he continues, Pappalardo has returned from Brazil to tell a very fishy story about President Pinochet and Stroessner and undercover Chilean agents. Landau does not believe it, and he

recommends to Shlaudeman that the two fake Paraguayans be stopped at the border if they try to enter the United States...

A day later, with Shlaudeman's concurrence, he calls Pappalardo again and advises him to pass the word along to the Chileans: the United States will not be party to three-country visa fraud under false pretenses. He tells Pappalardo that he wants the passports back, to make sure they have not been used. That night, August 6, Landau attends a party at the embassy of Taiwan, where he runs into Colonel Benito Guanes, chief of the Paraguayan J-2. He finds out that Guanes has also been a party to the scheme. Hearing this, Landau tells Guanes of the American revocation of the visas and of his own personal displeasure over the incident, urging Guanes to demand that the Chileans return the false Paraguayan passports so that the U.S. visa permits in them can be officially canceled.

For nearly three months, Landau will badger Pappalardo and Guanes about the passports. On this specific request alone, he makes at least ten phone calls to Pappalardo. There is no satisfaction until October 29, when Pappalardo sends a courier behind his flourishes and fulsome apologies. Upon delivery, Landau finds that someone has ripped the photographs out of the passports, but otherwise they are intact. More importantly, the pages are all blank. They have not been used. He puts them in a drawer. No one has any idea that Landau, during the conflict with Coronel and Pappalardo, has preserved a vital clue in an international murder case [the assassination of Orlando Letelier in Washington on September 21, 1976. — Ed.].

The Case for Individual Judgment

David C. McGaffey

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U.S. laws and State Department regulations in the field of consular services are universally recognized as cumbersome, difficult to administer, and often inconsistent. Reform efforts focus on the net effect of the laws and are trying to make them consistent with U.S. interests. Another problem, however, is rarely examined. There is a fundamental inconsistency in the law and regulations between insistence that all consular functions be performed by Foreign

Service officers, presumably to give the U.S. the advantage of their knowledge, experience, and judgment, and the way regulations are written to compel uniform administration, thus denying those officers the opportunity to exercise such judgment.

In some places ('visa mills' are notorious) the regulations are obeyed to the letter, reducing the consular job to a repetitious assembly-line process and wasting the talents of Foreign Service officers on tasks that could be performed by clerks or local employees. In others, the line officers, often inexperienced first-term Foreign Service officers, simply do not comprehend the complex regulations, and thus do things in error. Finally, in many instances experienced and knowledgeable officers note that the regulations are inconsistent with the reality of the situation and deliberately evade, ignore, or contravene the regulations. They do what is necessary and reasonable (and what is in fact the *intent* of the law) and then expend effort to conceal their actions. None of the above situations is satisfactory.

I have never met a consular officer who has not at one time or another advanced his personal funds to assist a destitute American. They all know this is expressly forbidden and may often be grateful for the regulation which shields them from constant importuning, but when they judge it to be necessary they do it. In most posts, there are (illegal) funds from donations, pooled contributions, coffee pools or the like, which can be used for this purpose. In every post where such a fund exists, time, care, and effort are spent hiding it from inspectors.

It is undeniable that it would be a disaster if Americans in general saw consulates as a ready source of spare cash, and it may be true that unregulated pools of funds could be a source of temptation to some individuals. The intent of the regulations is to eliminate these risks. However, a destitute American may need food or medicine *now*, and the inflexible nature of the regulations denies to the consular officer the possibility of using the judgment that is the reason for his or her selection for the assignment.

In another example, the regulations require that every applicant for a student visa be interviewed by a consular officer to determine English language ability. The intent of the regulation is to ensure that U.S. schools are not faced with a student who cannot understand the language of instruction. However, in many countries where local English teaching is inadequate, applicants for student visas routinely apply with two admission forms—one from the school where they wish to study, and a second from an English language training institute in the U.S., which they will attend until their capabilities match the standards of the academic school. What, then, is the purpose of the interview in such cases?

In Iran, as the revolution grew in intensity, the long lines of visa applicants became a constant source of trouble, leading to fights and demonstrations,

and resulting in pleas from the local police to reduce the lines and the waiting times. One consular officer placed a locked box at the gate, requested all student applicants to deposit their papers, and issued or denied visas on the basis of the paperwork, requesting interviews only for the small number of uncertain cases. This resulted in no actual change in the visa issuance pattern, but

An "Interested Party" Message

Since inquiries about visa cases are very numerous, the Department of State has developed a standard format for telegrams dealing with such inquiries which end with the line, "Interested Party," giving the name of the person—sometimes a Congressman or Senator—who made the inquiry (and in some cases paid for the telegram).

An unusual use of the "Interested Party" line occurred when President Carter was in Italy in 1980 for the Venice summit and stopped in Rome to meet with the Pope. His Holiness inquired about the case of a Polish couple known to him, who had been the subject of an unfavorable visa decision by an American consulate.

On the next leg of the flight, the President asked the Undersecretary of State for Political Affairs to query the State Department about the case. The telegram identified the interested parties as "The President and His Holiness The Pope." It brought a quick response in the form of an urgent inquiry from the Department to the consulate.

True to the independent tradition of the consular service, the supervisory consul did not jump to an immediate reversal of the earlier decision. He re-interviewed the couple and found, fortunately, that the refusal had been grounded in the fact that they were not applying in their home country. However, there were good reasons why they were applying elsewhere.

Having gained a better understanding of the circumstances—and no doubt with due consideration of the sponsorship—the consul issued the visa. In so doing, he made moot the question of how he would have responded to Washington if he had found it impossible to issue the visa; and how the President would then have responded to the Pope...

—David D. Newsom & B. J. Harper

Foreign Service inspectors cited that post for a deliberate contravention of regulations. However, posts which did follow the regulations were seriously threatened by unruly crowds and were forced to close down earlier than they would otherwise have judged desirable, which could have been avoided if the regulations allowed for the independent judgment of the responsible officers.

Again in Iran, during the evacuation of American citizens a number of questions of nationality were decided favorably, despite the fact that certain required documents were not available. It was the judgment of consular officers both that the applicants were in fact U.S. citizens, and that passport files

with potentially embarrassing gaps be destroyed. They were correct on both counts, as the individuals were able later, in the U.S., to come up with the required documents to reconstruct their files in the Department. I believe that most people would agree that the action of these consular officers was correct under the circumstances, but in a formal sense it was contrary to law and regulation.

All consular officers can cite other examples of regulations which did not match the reality of the situation, and most will privately admit to occasionally taking actions contrary to regulations. A few attempts have been made to correct piecemeal the most egregious problems. What is needed, however, is an entirely different approach. The regulations should be re-issued as a guide to action, with the *intent* of the law clearly specified, and officers should be not only permitted but instructed to use their judgment to advance the intent of the law.

A way to begin this would be an instruction to Foreign Service inspection teams to look for and seek explanations for any deviation from regulations, in order to *seek changes* in the regulations and to circulate to other posts useful ways of overcoming problems caused by the inappropriate regulations. Officers could be cited positively for imaginative or commonsense but out-of-the-ordinary solutions, and at a minimum they could stop wasting time on cover-ups. If, alternatively, it is decided that the regulations must remain in their absolute form, the Department should seek a change in the law. Alternatively, it could relieve consular officers of all those duties which must be carried out without the exercise of independent judgment, hire clerks or local employees for these tasks under the eye of a few audit-trained supervisory consuls, and release the bulk of consular officers for other, judgmental work they are qualified to perform.

Visa Work—A "Strict Constructionist" View

Bruce Keeling

Vice consul Georgetown (Guyana); chief of visa services Guayaquil (Ecuador); currently in the Advisory Opinions Division of the Visa Office in Washington.

What do you do when good judgment and all the facts say that an applicant is not eligible for a visa, but the ambassador says that he is the godchild of the

foreign minister's brother-in-law, that the foreign minister is the key to certain ongoing delicate negotiations—and that he has made it abundantly clear that he wants the visa issued? Well, I say that the brother-in-law's godchild should not have a visa.

The distinction between consular work and other Foreign Service activities lies mainly in the different kinds of legal parameters which determine the various aspects of foreign relations. All of these activities start from the constitutional authority of the President to conduct our foreign affairs, which encompasses control over the entry of aliens into the United States as well as the making of treaties with foreign powers. Authority over the entry of aliens, however, has increasingly been circumscribed by very specific and complicated laws. Nothing like these laws has ever been applied to treaty making, or, indeed, to most other activities of the Foreign Service.

The result has been to open a wide gulf between the work of the consular officer and the work of his colleagues in other specialties. The standard Foreign Service officer, acting as the President's surrogate, has broad discretion on individual topics and follows instructions which are themselves subject to only very general legal guidelines and limits. The consular officer's work is subject to and constrained by a myriad of specific legal standards. These are augmented by statutorily prescribed means for the interpretation of these standards.

Throwing Away the Book

Lucky is the consular officer who learns *early* that sometimes it is not only permissible but desirable to throw away the book. I got my first (and totally undeserved) commendation on my initial assignment as a passport officer. A newborn baby requiring immediate medical evacuation to the U.S. needed a passport. The mother, being an alien, did not have a U.S. passport that we could have amended to include the child. The infant was in an oxygen tent, so no photograph could be taken.

Knowing full well that one must not issue a passport without a photo, I sought the advice of a more experienced officer who said, "Issue it anyway and attach a memo to the INS at the Port of Entry explaining the problem." With considerable trepidation I did—and with much greater trepidation sent a copy to the Passport Office with the child's Report of Birth. The commendation for my "compassionate, rational initiative" came by return mail.

—B. J. Harper

Perhaps even more importantly, the law specifically separates the consular officer's discretion from the President's authority to conduct foreign relations, and it thus insulates consular discretion not only from judicial review but also from review by the Secretary of State. Review of the consular

officer's decision on matters of fact is never permitted. (The State Department does have the authority to examine his interpretation of law, and its interpretation of law is binding on the consular officer.) So the consul considering whether to issue a visa is in a fundamentally different position from that of a political, economic, commercial, cultural or administrative officer.

This special status of visa adjudications within the foreign relations bureaucracy often leads to disagreement. The ambassador is the President's representative; he is used to acting within the very broad discretion usually given to the President in foreign affairs, and he is used to acting in areas in which the President's authority operates through him. In visa matters, the law does not support this. The consular officer, jealous of his prerogatives and mindful of his responsibilities, sees attempts to control his decision as impertinent and sees normal collegial colloquy as an attempt to control his decision. In this environment conflict is natural.

The actions of the antagonists in such a conflict mix the necessary and the impermissible. The ambassador must certainly coordinate American activities abroad and is right to insist that the entry of aliens into the United States is a part of its foreign relations. He must accept, however, that in this area he needs a different style and different kinds of goals. The consular officer is correct that his judgment should not be subject to approval and that the standards of legal evaluation are made through channels different from the usual ones of the State Department. Still, he should understand that he is part of a larger mission and that he leads no isolated life in the world of foreign affairs even though he is alone in the making of his final decision. It is thus the consular officer's positive responsibility to seek a possible way to accommodate the Foreign Minister's brother-in-law's godchild. When he has to say "no" in such a sensitive context, he must say it with the delicacy and charm worthy of the diplomat that he is.

The consular officer's professionalism and openness to his colleagues' opinion may be enough to solve most of the problems created by the denial of visas, but when they are not enough, he can do no more. We should remember that in the final analysis it is the law which determines the permissible in visa issuance. In diplomatic negotiations an officer is usually permitted, even encouraged, to seek creative and innovative compromise, although even in such negotiations the diplomat must comport his actions with his instructions and with his appraisal of what Washington (including the Congress) will accept. But the visa officer lives under different constraints. The law concerning visa issuance is specific and extensively interpreted. Here law enhances the role of the legislative branch at the expense of the executive.

For the visa adjudicator, results are only good if they apply the proper rule. Because he must obey and apply many laws, the visa officer who does his job must be an expert, and as it is with all experts, work will be governed by

generally knowable facts and principles rather than by the exigencies of the particular case.

There is thus an inevitable conflict between the diplomatic negotiator and the visa worker. Although both are part of the same broad activity of international relations, that activity has been formed by history and law to include two utterly different parts. This difference makes total cooperation impossible in many specific cases and across many careers. It may well be that the test of our belief in the viability of our foreign affairs institutions lies in our capacity to accept these realities and stresses in the knowledge that conflict is built into our system of government. All of us in the Foreign Service, each in his own way, strive to act in the interest of our country and our calling.

Mordida and Morality

John St. Denis

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[*Mordida* is a Mexican slang term, literally translated as "bite," which refers to the kind of petty corruption that greases the wheels of some public and private organizations. — Ed.]

In the life of every first-tour FSO assigned to a consular section there comes a sinking revelation, generally about three to four months after arrival at post: "These people don't love me for my mind, nor for my sparkling personality or even my great command of their language; they only love me because I'm the visa man." This lesson in consular life generally strikes after the initial round of welcoming parties and discovering people "with whom I can really relate."

A frequent scenario begins shortly after one of these true-blue-new-found-friends-for-life quietly asks the vice consul for a visa for a ne'er-do-well cousin. The beneficiary of this request generally has been out of school for six years and has not worked for two, but he now wants to go to San Francisco, to have a vacation at his aunt's house so that he can go to City College as a resident student without tuition. "He's really a very good guy who just needs some help in finding himself, and he wants to take this great course in nuclear welding."

When this revelation comes to the new vice consul, it is very often the perfect time for a long cup of coffee and the teaching consul's chat on "*mordida* and morality."

Every consular officer with two or more tours under his belt knows that just as a policeman is usually no more effective than his informants, a consular officer is frequently no better than his local contacts. The consular officer working on overseas citizens' services must have a positive, favorable working relationship with the chief of immigration, the keeper of the keys in the local jail, and the chief of police, good contacts in the medical world, a better than average relationship with the head of the airline office, and some friends in the mayor's office who can provide a little political "motivation" when there appears to be no way out of a hopeless situation.

That good working relationship which rescues the consul from the hopeless and impossible must be developed carefully and adroitly in good times as well as bad. It is frequently lubricated by the judicious use of the visa issuance system. There is, unfortunately, no such thing as a free lunch, either in the United States or abroad in the Foreign Service.

There once was an American citizen who was married to a Central American man and living with him and their two dual-national children in the husband's country. The husband had studied in the U.S. where he had wooed and won the American maiden, and they returned to his country to spend the rest of their lives amid balmy breezes, swaying palms, romantic sunsets, and gracious, well-trained servants. All of these conditions existed, but the husband partook of them only with women other than his wife; and when he did return home it was most often in a drunken condition when the only thing he wanted was to box with his wife. Every consular officer has had a similar case, but in the country in question a wife cannot leave without her husband's written permission and the children cannot leave without their local passport, which can be issued only with the father's written approval. Needless to add, the husband was not willing to give that permission.

The supervisory consul in the locality, after repeatedly picking up the pieces of these fights, finally arranged with the chief of the host country's secret police to have the woman and her two children—with her permission—picked up by the police while shopping. The consul had prepared an American passport for the mother and two children—to which each was entitled—and the police then delivered the trio to the airport, without baggage. There they bypassed immigration and departure ceremonies, were whisked into the airplane for the United States five minutes before take-off, and were on their way to Miami before anyone knew they were gone.

After the lady and her children were safely in the air, the consul told me of his role and his success in preventing the possible serious injury or death of the American woman. His only comment was, "That'll cost us a couple of

visas, but it was the only way we could have done it without having her leave here on a stretcher and the kids left behind and alone." Moral or immoral?

The teaching consul has the responsibility to the American people and government to insist on the observance of the laws regarding immigration and visits to the United States. At the same time, he has duties to protect American citizens who look to their consulates for help when in trouble abroad. And the teaching consul has an obligation to new consular officers to train them in the proper use of the power vested in them, which may require trade-offs between protection and visa duties.

It is a Solomon-like job because for every two honest law-abiding Americans in trouble abroad through little fault of their own, there is at least one American who has left his judgment and common sense at the border and gotten involved in a situation that he would have avoided like the plague back in Cedar Rapids or Oscaloosa. (And then there is the American whose opening line at the jailhouse interview is, "These people are depriving me of my constitutional rights.")

Each year at Christmas, American embassies prepare a list of recipients for gratuities, which are characterized by some as "undignified," by others as "good public relations," and by others as "the true spirit of Christmas." There is a little bit in all of these descriptions. There is nothing immoral, indecent, or illegal about the giving or receiving of gifts at Christmas, or in March or September for that matter, provided they are kept within the bounds of reason, and there is the rub—and the basis of the supervisory consul's chat on "*mordida* and morality." What is "within the bounds of reason" for one person can be unacceptable for another.

The niece of the primary contact at the local jail, her husband, her sister, and eventually two more cousins of the niece all apply for Border Crossing Cards which will give each of them lifetime access to the United States. The niece is unemployed, the husband could be considered a 50-50 visa candidate, the sister and the two cousins are bona-fide refusals as intending immigrants. They had all been denied visas in the past. The jail contact, who has been of great help in the past and will be in the future, comes to the consulate to ask for reconsideration. To deny would seriously jeopardize future assistance at the jail for American citizens; to issue would be problematical for two of them and almost impossible for the others. Do you issue the Border Crossing Cards or deny?

Too often, the teaching consul hears from the newly arrived vice consul that he or she will not issue a visa under any condition that smacks of *mordida* because "you are either part of the solution or you are part of the problem." Such replies are neat and catchy; they are also trite. It would be convenient and a lot easier if consular problems came only in convenient black and white, but more often they come unfortunately in overlapping shades of gray.

Does one have to learn to walk a fine line between *mordida* and morality? Perhaps the problem is one of resolving, in each case, a conflict between two goods—between reason and regulation, between settled law and unpredictable life, between stiff adherence to our mores and adapting to foreign ways in order to advance American interests in situations that are not usually thought about in Washington.

Visa Operations: Tensions between Principles

Victor Wolf, Jr.

Economic officer Baghdad; vice consul Baghdad and Khorramshahr (Iran); political officer Tehran (twice); vice consul Istanbul; with Joint Chiefs of Staff; consul Cebu (Philippines); consul general Copenhagen; consul general East Berlin; consul general Warsaw. Now business consultant.

To the layperson, the visa issuance function would seem to be the most easily implemented in American consular operations. After all, the visa officer need merely perform what is frequently perceived as the "clerical" task of measuring the circumstances of each applicant against the requirements of American visa law and regulation. Those persons meeting the prescriptions get visas; those who do not are perforce denied them. In reality, of course, this antiseptic image is as far from the truth as that other general impression enshrined in American socio-political folklore—that diplomacy requires no special training or background but is merely an acquired mechanical aptitude quickly learned by any person successful in any other walk of American life.

Quite aside from the need to master increasingly complex laws, regulations, policies and procedures, the visa officer is constantly called upon to resolve the eternal tensions springing from clashes between two equally valid principles underlying the operation of American society. He (or she) must seek to reconcile the relatively inflexible rules of eligibility laid down in Congressional enactments with the ever-changing shape of American social and cultural values. While those values are ultimately reflected in American law, the lag between the emergence of shifts in those values and their inclusion into the body of our legislation causes constant tensions faced by the visa officer. To call these values merely "political" in nature is to cheapen them in the eyes of many Americans who often consider that term pejorative, conveying perhaps a sense of electoral opportunism rather than the broader social and cultural meaning behind the original sense of the Hellenic concept. The ten-

sions to which I refer are, perhaps, most clearly revealed in the processing of Congressional-interest visa cases.

Every Senator and Representative plays a role in the setting of American visa policy. Members of concerned committees are steeped in the legislative process during the entire development of immigration law such as the recently debated Simpson-Mazzoli Bill. However, all members of the Congress vote on immigration laws and thus make a commitment of principle on the way American society is to regulate the movement of people into this "New World" of ours. They cannot—nor would they wish to—assert that they can dissociate themselves from the principles laid down in those laws. However, pressures are exercised on those same members as constituents express their intense and understandable concern about visa applications being pressed at American embassies and consulates abroad. Those members of Congress are thus caught in the tension between the requirements of American visa law and the need to provide constituent services to voters at home. These demands to provide constituent services are not to be brushed off as merely bribes for voters. Like it or not, members of the Congress recognize, as must the visa officer, that constituent pressure exists and often clashes with the undoubted requirements of American law and regulation in these cases.

There is a peculiarity of American visa law which places the personal and official responsibility for each individual visa decision on the consular officer making it. That this is the commonsense way of regulating visa processing should not blind the observer of American visa operations to the fact that the Congress thereby institutionalized the tensions under which our visa officers have functioned at least since the passage of the Immigration and Nationality Act of 1952. Congressional members have found it both convenient and in absolute conformity with law and reason to "pass the buck" on such cases to the individual visa officer.

The reader may say that these clashes of legal and social interest really are nothing but the conflict between individual wishes and the requirements of society—all or most of which should be solved *for* society and *against* the individual. But the matter is not so simple. Since the law places much of the decision-making responsibility on the consular officer—usually identifiable in each case—the disgruntled constituent has a focus for his anger which can be passed on to the legislator with specificity. The legislator, trapped between a law he may well have sanctioned and the nervous, frightened or angry constituent, passes the dilemma on to the visa officer. Thus visa officers in countries like Greece, Italy, Poland, the Philippines, Mexico, Nigeria and others are pressed to issue visas to persons who may very well seek work when they get to this country, even though they are applying for visitor's visas under which entering the U.S. job market is prohibited. The member of Congress doesn't want to increase the number of alien competitors for jobs in a tight labor market—but neither does he want to offend or anger an ethnic group in

5. Services to U.S. Citizens

“Protection & Welfare” and Passports: Some Cases Remembered

Charles S. Kennedy

[A biographic note on Mr. Kennedy appears on page 23.]

The ‘protection and welfare’ of Americans abroad is a catchall phrase that covers a broad spectrum of activities, including: Seeing that some dozen Americans wounded in a PLO attack on an air terminal are getting proper medical treatment in the four or five different hospitals to which they were rushed, making sure that all families were informed, and along with my wife comforting the parents of a victim. Insuring that a young American girl who had been raped in a neighboring country and had just discovered that she had VD was treated courteously and effectively at the sometimes rather callous local hospital. Sitting as an observer at the trial of five Americans who were caught with over 1000 kilos of hashish on their plane and keeping a straight face as each in turn explained that he had no idea how this bulky cargo got on board. Trying to arrange the burial and distribution of effects of an expatriate dead American acrimoniously separated from his American wife but who left a very pregnant and possessive live-in girl friend behind. Trying on one’s own initiative to have the host government favorably reconsider the case of an American convicted ten years before of a double murder where there were no *corpora delicti* and the trial was a media circus; this attempt included two calls on the Minister of Justice and organizing some sympathetic press support, all to no avail. Monitoring with pride the manner in which a consul and his staff of my consulate general politely extracted an elderly American woman from one of the better local hospitals where her leg was scheduled to be amputated within hours because of blood clots and getting her to a U.S. military hospital from which she walked out on both legs several weeks later.

A consul quickly becomes an authority on prisons and hospitals in foreign climes since many of our problem cases end up in one or the other. Many is the jar of peanut butter I have had to argue past suspicious wardens who have wondered if it were a new type of drug I was trying to smuggle to prisoners rather than just trying to give them a taste of home and supplement the prison diet. Consular prison visits usually do help since the wardens and guards know we will raise hell if their American inmates have been mistreated. Our

his district by stating for instance the unpalatable fact that many tourists in this country work illegally. Family or ethnic interests in the United States are frequently in favor of restrictive visa laws—but only when applied to the other groups.

Another factor facing the visa officer is the occasional need to process visa applications generously to facilitate flight from situations of war, civil strife and the like where large groups of people are in danger. This is particularly true where political or religious minorities are faced with real danger of persecution or oppressive hostility. True, refugee programs are instituted to deal with such situations within an overall international approach to aiding such groups. However, many visa officers on the line are trapped between the rigid requirements of the law and the humane traditions of American society and the contemporary demands of interested Americans that the U.S. Government *do something*. Officers having responsibilities in the visa programs in Iran just after the revolution or in Greece just after the “colonels’ revolt” in the 1960s have experienced these dilemmas and imperatives with special poignancy.

It is not my purpose to suggest solutions to this problem weighing on American visa operations. Indeed, I think that a clear solution lies beyond the capabilities of either legislator or bureaucrat to devise. What is important is to make sure that all informed and thoughtful observers grasp the non-clerical quality of visa work deriving largely from this tension between principles. Of course there are other reasons why visa work must be considered substantive work to be performed by commissioned officers of the Foreign Service exercising discretion, judgment and the application of political skills. All too frequently, foreign governments are intensely interested in the numbers of their citizens refused American visas. This concern could stem from the personal financial interest of key officials in the host government in the national travel industry, or from perceived slights against the ethnic, national, and racial groups being refused visas in certain countries, and the hope of many foreign governments that their citizens can make their way legally to the United States and perhaps work there (even illegally) with resulting significant remittances to the home country. Against this background, mechanical visa processing can be downright dangerous to the national interest.

Yet the need to fulfill the requirements of American law remains. The skillful visa officer must reconcile that purpose with these other less clearly defined necessities. The testing is relentless; the public is never really satisfied; and the intelligent visa officer should not expect that the tension will ever be resolved. However, such an officer does have the right to expect that thoughtful commentators will recognize the dilemma that is always present in visa operations.

charges are not always the most appreciative or lovely people, but they are our responsibility. From my sampling of jails I would put German, Saudi, Yugoslav, and American ones as being less desirable, while the Greek, Italian and even the Vietnamese (South) ones were more easy-going towards foreigners.

In Vietnam I found myself running a sort of underground railway with the tacit agreement of the Vietnamese authorities. American civilians who had been arrested for quite straightforward criminal acts would be kept in jail for several months with their trials being postponed from week to week. Then one day they would be released without bond or passport or explanation and told to report back to the prison at some vague future time. The Americans would hotfoot it to the Embassy, where I would tell them that of course they would have to stand trial but that perhaps they might want to pick up some money in the meantime by working on one of the U.S. cargo ships bringing supplies to and from America. A quiet word to a ship's captain, and off they would go. The Vietnamese never inquired about the missing men and had obviously gotten rid of potential problems and embarrassments. This is the sort of thing that consular officers do not trouble to tell their ambassadors.

Consular officers for the most part are not impressed with the general level of medical treatment available abroad. There are undoubtedly some towering figures in the medical establishments of most countries, but unless one has lots of money or luck he or she is very likely to be up against what Americans would consider unacceptable medical care in poorly equipped hospitals, run by indifferent staffs and opinionated and not overly competent doctors. Much of our consular work is spent monitoring hospitals, directing Americans to the better ones and, if possible, helping them to get back to the United States as soon as they can for treatment.

The prayer of a consul is: "Oh Lord, not in my consular district! Amen." If an American is dropping bad checks, insulting the natives, or doing something else to bring him or her to the attention of both the local authorities and the consul, there is a great temptation to keep the character moving, preferably on the first plane home, but if not, at least to some other poor consul's district. There is a very bad stretch of highway between Belgrade and Zagreb in Yugoslavia of which three-fourths is in Zagreb's consular district. When an American had an accident on this road he or she would instinctively call the embassy for assistance. The consul, making the appropriate sympathetic noises, would carefully try to determine just *where* the accident occurred; whereupon in approximately three-fourths of the cases he would inform, in the true spirit of cooperativeness, our consuls in Zagreb of the problem they had. This did not always work. One time two Yugoslavs came to my office in Belgrade to inform me of the drowning death of an American in Split on the Adriatic coast, well within Zagreb's district. I thanked them for the information and said I would inform Zagreb. The

Yugoslavs asked, "But what do we do with the body?" They had thoughtfully brought the deceased to his embassy. Although tempted I realized that this was a problem I could not pass on.

Consular officers use the term "whereabouts cases" to describe requests to locate missing Americans. These whereabouts requests always peak shortly

Outwitting the Soviet Laser Computer

Mr. Smith (not his real name), an American citizen, living in elderly retirement in a Northern European city, had been terribly mistreated first by the Gestapo and then by the Communist secret police in Poland. The effect was to make him mentally unstable. Being the recipient of an American Social Security pension, a West German restitution pension, and a pension from the country of his residence, he was financially independent. He was also under regular treatment by a prominent psychiatrist.

One evening he announced to the consul, after arriving with three pieces of luggage, that he intended thenceforth to live permanently in the embassy. Why? Because the Soviet Embassy in the city was bombarding the city and its residents with mind-bending laser rays guided by an all-knowing NKVD computer. He wished to benefit from the ray-resistant shielding from which American Embassy staff obviously benefited. After praising Mr. Smith's cleverness in figuring out why the embassy could work effectively in such a hostile environment and explaining that only persons with appropriate security clearances could stay overnight in the embassy, the consul offered to provide Mr. Smith with the proper computer-coded ray resistance card to prevent Soviet brainwashing. He cut out a strip of cardboard—such as is used in supporting freshly laundered shirts—and typed on it assorted chemical and mathematical gibberish.

Smith accepted the card with great pleasure and placed it in the lining of his smart homburg hat. He then left the embassy with his luggage. He returned every six months or so to receive a new card with different formulae—whenever the Soviet secret police had changed the laser ray settings on their computer. In this manner, an American citizen was given tranquility and, by his own lights, "protection" by his government against any hostile elements that might disturb his well-merited retirement.

—Victor Wolf, Jr.

after Labor Day when Johnny and Suzy are due back home from their summer abroad. The parents are convinced that their kids, who have always been so dutiful about writing, must be in the hands of kidnappers or worse. We check hotels, the police, immigration officials, hospitals and the like, but in almost every case Johnny and Suzy show up at home somewhat tardily with a slightly guilty but obviously satisfied smile on their faces. The joys of foreign

travel can turn the most obedient young adult into a tramp or a beachcomber, at least for a little while.

There are times, of course, when whereabouts cases call for much greater effort, especially during times of natural disaster or civil unrest. I have had the misfortune to have two major earthquakes in my consular districts: Skopje, Yugoslavia in 1963 and Naples in 1980. In both instances there were teams of consuls all over the disaster area looking for Americans and relatives of Americans. This included, among other things, going into partially demolished buildings at some risk and visiting temporary morgues and hospitals. Once I found myself as the interpreter for an American graves registration team that had been sent to Yugoslavia to help locate missing Americans. They were paired with their Yugoslav counterparts, and as we sat in a graveyard during our lunch break, I translated for both groups as they chatted about various ways to prepare bodies. I learned far more than I ever wanted to know about their line of work.

Consuls work for the various federal benefit programs, including Social Security, Veterans Administration and the Railway Retirement system, checking to see that payments are justified. I have spent weeks in a jeep covering Macedonia and Bosnia-Herzegovina seeking out beneficiaries who had returned to Yugoslavia after years of working in American steel mills, mines or other industries. One major problem concerned funeral expenses which were paid only for actual costs. In the back mountains of Macedonia a funeral was not an expensive item, but often the Social Security Office in Baltimore would get an impressive bill for a marble monument to decorate a gravesite. I would be received with about the same degree of enthusiasm as a revenue officer in the hills of Kentucky when I would descend on a Macedonian family and ask to be taken to their "marble monument." Invariably the grave would be covered with a do-it-yourself cement job and I would dutifully report the fact back to Baltimore. I doubt if any money was ever recovered. Other visits were much more friendly when I would drop by to see if everything was going well with the pension. These elderly people would be overjoyed to have "the consul" honor their house. Usually the family would live in the warm kitchen, but for the consul would move to the unheated parlor, where I had to eat candied fruit and drink several shots of homemade plum brandy. Today I wonder how I survived making several of these calls in a row, drinking shot after shot of the brandy (to refuse would have been the height of rudeness), and then negotiating the dangerous mountain roads in the jeep.

Passport issuance and the registration of Americans born abroad do not involve the same derring-do as protection and welfare work, but there can be amusing moments. An example was when an American soldier came in to register his children, somewhat belatedly. One of my consular colleagues took

the papers and, noting that there were three children, assumed that there were three applications. The soldier quickly put him right by saying that he wasn't registering the middle child, since he had been on maneuvers during the critical time and the sergeant next door had taken over!

Another time a young Czech woman came to my office in Athens seeking asylum, having arrived in Greece as part of a tour. Her childhood sweetheart, who had escaped from Czechoslovakia five years before and was now a U.S. citizen, had arranged to meet her in Athens and bring her back to the United States. The problem was that she would have to go to a Greek refugee camp and face a long wait before she could perhaps go to America—unless she were married to an American. The young Czech-American was in Athens, but had only limited funds and had to return in two days. Marriages in most countries, including Greece, are not spur-of-the-moment occasions, and there are

Forbidden Gifts (Loans)

Consular officers are prohibited by regulations from expending their own money for (or lending money to) stranded Americans. Nonetheless, we all do it from time to time and, on some occasions, even get paid back.

(I once got a letter from a wife thanking me on her husband's behalf, but not enclosing anything to repay the loan—but, as with gifts, it's the thought that counts.)

When I was in Kobe, however, where we had many "beached" seamen, my occasional generosity prompted more bitterness than gratitude—not on the part of the recipients but from my colleagues in Tokyo. They insisted I was just "shipping" my problems to them, because so many of the seamen used the loans to take a train to the big city.

My colleagues were maligning me. Had I been bright enough to think of that aspect, I would have started much sooner.

—B. J. Harper

always reams of paperwork; but by pulling strings and securing the help of the pastor of the local American church, we got the couple married. I gave the bride away, and my wife acted as matron of honor. It is occasions like this that make consular work so worthwhile.

Conflicting jurisprudence systems can cause terrible problems for innocent people caught in legal traps. I was once faced with the problem of an American couple that only had a few days left in Germany and planned to adopt a child born to a German woman married to an American who had left Germany two years before the birth of the child. Under our law I could not give the child an American passport to leave with the adopting parents. The German authorities would not issue a German passport since the child was not, according to their law, a German. There was a time problem, and if the

matter could not be resolved swiftly the child would lose this chance for finding a stable home. I spent hours on telephone calls up and down the very formal German passport bureaucracy until I finally reached someone at the highest level who gave the order to issue the poor little tyke a stateless passport so that he could leave with his new and very happy parents.

While consul general in Vietnam I signed thousands of passports issued to young servicemen for their one leave out of the country during their year's tour of duty. Needless to say we worked long and hard to make sure these military men got their passports on time so that not one minute of their precious leave was wasted.

Consular Services and the People's Temple in Jonestown, Guyana

(Excerpts from the State Department's Inspection Report)

Editor's note: The inspection report was critical of certain aspects of the Embassy's and the State Department's handling of the Jonestown case; but we reproduce here only a factual summary of some of the consular work performed by the American Embassy in Georgetown, Guyana, because it shows the political implications of such work in what was of course an unusual case.

b. *Welfare-and-Whereabouts Inquiries and Requests for Other Assistance:* The first inquiry concerning the welfare of a member of the People's Temple in Guyana was made by the Embassy in August 1977 at the request of a relative. From that time on, a fairly steady stream of such requests from concerned relatives came to the Embassy. Some of them were addressed, in the first instance, to the Embassy; others came via the Department. Not all the requests from relatives were directed specifically at the whereabouts, well-being or conditions of life at Jonestown (including forced detention) of their kin. Some involved the delivery of letters, notifications of availability of airplane tickets, etc. The latter kind of service was used, however, by consular officers as occasions to put questions to the persons involved about their situation. In all, the Embassy conducted about forty-five inquiries, with about two-thirds of them being in response to requests of the first kind.

The inquiries were made in personal, private interviews during visits by Embassy officers to Jonestown... A very few of the requests, usually of a more routine nature, were handled initially by checks with the People's Tem-

ple office in Georgetown; even in those cases the practice was to follow up with the person in Jonestown to verify that he had received the message. In preparation for face-to-face contact in Jonestown, the consular officers would notify the People's Temple of their proposed visits and provide the names of some but not all the persons they wished to interview. As a rule, the names of persons alleged to have been abused were held back so as to permit the Consul to determine for himself whether they had been mistreated. The only exception to the keeping of a "reserved" list was made in the final visit of November 7, 1978, when the community was given the names of all members to be interviewed. The reasons for this were to assure that all persons would be available in view of the relatively large backlog of cases (eleven) that had accumulated and the desire to get up to date before the arrival of Congressman Ryan [who was later assassinated by People's Temple members—Ed.]

Advance notice of the visits was considered necessary in order to assure access to the community, which had to be on a consensual basis. Prior notification of some of the persons to be interviewed was desired lest the Temple, at the time of the visit, state that the individual was not available. This risk was obviously assessed as acceptable in the cases of the withheld names. In any event, the consular officers saw all the persons on their lists, open or reserved, with the exception of one during the final visit of November 7, 1978. On that occasion, arrangements were made to see her in Georgetown.

In Jonestown, the consular officers always conducted the interviews privately. In most instances they took the persons apart from other Jonestown members. The norm was to confirm identities by the presentation of passports. With the exception of the final November 7, 1978 visit, arrangements were made to use a Guyanese vehicle for entry into the community so as to avoid dependence on the People's Temple in the event a member wished to leave. In the November visit, the Consul had to use a Temple truck because the Guyanese Land Rover could not negotiate the road into the community, which had become (or been allowed to become) intransitable.

The usual interviewing technique was to put a series of questions to the Temple member. According to the Consul (McCoy) who made three of the five visits between August 1977 and November 1978, the questions were along these lines: How are you? What are you doing? Are you being well-treated? Do you wish to leave? Are you being held here against your will? Have you been mistreated in any way? What are your plans for the future? Have you heard from your family in the United States? Have you written your family in the United States? Are you satisfied with your present life in Jonestown? The Consul did not put all the questions to everyone interviewed, but tailored them to the particular concerns expressed by the inquiring relative. In the course of the questioning the consular officer had an opportunity to observe

the physical condition of the person interviewed. Many of the same questions were asked of other members of the community who were not involved in specific inquiries. The Consul devised opportunities to hold brief random and individual conversations with persons he encountered with the purpose of trying to ascertain whether their answers were forced.

The consul also made clear to Jones himself during the August 1977 visit that: consular visits would continue as long as requests were received from concerned relatives about the well-being of members of the settlement; these inquiries were the normal procedure of the Department; if members of Jonestown were to indicate to the Consul a desire to leave, they would be allowed to do so; and the Consul would not be conducting a witch hunt or taking a hostile position, but simply trying to ascertain the facts. The Consul reminded Jones that, although the Jonestown residents, as American citizens, were entitled to their right to privacy, they must also understand that they were subject to Guyanese law by which they would have to abide. In his May 1978 visit, the Consul repeated to Jones the point about the continuation of consular visits as long as the allegations of abuse continued.

In addition to carrying out this aspect of their responsibilities, consular officers of the Embassy performed other related tasks. In the January 11, 1978 visit, the Consul checked, through personal interviews, on the concerns of the Social Security Administration that social security recipients may have signed their checks over to the People's Temple. (In all cases persons interviewed stated that there had been no pressure on them to do so and that they were free to donate as much as they wished to the Temple.) Earlier, during his first visit in August of 1977, the Consul had arranged with Jones the funding of the repatriation of Leon Broussard, who had left Jonestown under unclear circumstances. (Details are set out in Part I, *Summary of Major Events*.)

In Georgetown, consular officers extended assistance to various Americans who, in one way or another, were caught up in the People's Temple case. For example, the Consul had a facilitative role in the interview between Steven Katsaris and his daughter, Maria, and subsequently he took advantage of an opportunity to tell Maria privately that he was holding a plane ticket that her father had provided in the event she should sometime decide to leave the Temple. The Consul also assisted the Olivers in their meetings with Guyanese officials concerning their desire to see their sons who were in Jonestown. In the May 1978 case of Mrs. Hunter who had fallen afoul of the People's Temple as a result of her interest in Jones and Jonestown, the Consul was instrumental in getting her stay in Georgetown extended and in arranging for funds for her from the United States. The Consul's intercession with Guyanese authorities in July 1978 had the effect of extending the stay in Guyana of two *National Enquirer* journalists interested in doing a story on the People's Temple, one of whom was an American.

6. Relations between Consulates and Embassies

The Constituent Posts

W. Wendell Blancké

Excerpted from The Foreign Service of the United States published in 1969 by Frederick A. Praeger, New York. Reprinted by permission.

There is only one embassy per sovereign state, located in the capital, but in a well-established country there may be half a dozen or more "constituent" or subordinate posts. These are the consulates or consulates general, the latter being simply larger consulates in cities where there are important U.S. interests and activities.* In Germany, for example, there are six good-sized consulates general with bigger staffs and more varied duties than many a small embassy, while at several posts—notably Hong Kong, last of the great colonial holdings—the Consul General carries the rank of minister and his staff has responsibilities comparable to those of a diplomatic mission.

Whether he is a consul in charge of a two-man post or a consul general over a hundred, the principal officer is the Number One representative of the Foreign Service in his consular district—his Ambassador's proconsul or satrap. In this preeminence, he has the edge on a "captive" consul general within the Embassy, who is only a section chief. A principal officer will naturally defer to his overlord when the latter visits his district, but even then he continues in charge of "the shop," in somewhat the same position as the captain of a ship when the admiral is on board. If visiting Ambassador White wants to send a cable from Consul Black's territory, he heads it "From White" but signs it "Black."

The degree of a principal officer's independence within his bailiwick depends on various factors. Chief among these are such considerations as his accessibility or remoteness, the importance of his enterprise to the country-wide U.S. interest, and the *modus operandi* of the chief of mission. Some

*There are no functions a consul general may perform that a consul may not. The situation is in fact slightly the reverse; because of the way certain U.S. states word their laws, there are legal functions that may be performed by a consul, or even a vice consul, but not by a consul general.

ambassadors keep their consuls on a tight rein, others delegate extensively—this in turn depending often on the abilities of a consul himself. In most countries, it is the DCM who deals with the constituent chiefs, unless there happens to be an Embassy-based supervisory consul general.

The Department's ground rules (the *Foreign Service Manual*) make it clear that the consulates are expected to play a very definite role in the political and economic reporting programs, and not to subordinate such work to other activities excepting where necessary to ensure fulfillment of statutory consular functions (visas, citizenship, et al.). A constituent post may be directed to report on certain topics—notably economic—to the Embassy rather than to the Department, to enable the mission to consolidate and collate country-wide reporting for a coordinated submission to Washington. The principal officer, however, has discretionary authority to report directly to the Department whenever he deems it fitting and necessary, and he is not formally obliged to send a copy to his Embassy. (He seldom fails to do so, but there have been some famous rows over “declarations of independence” by principal consular officers.) Examples of topics generally reported directly: crises or emergencies, physical or political (earthquake, assassination); crucial or unexpected local developments (party in power loses by-election, Communists make friendly gesture); statutory consular emergencies (visa problem-case, dead American citizen); certain assigned periodic reports (monthly political summary of events in the district).

Particularly at a large consulate general, the principal officer (known customarily as “the CG”) has, at his level, the same set of responsibilities for his district as the chief of mission has for the country. His Number Two, the deputy principal officer (DPO) is a junior counterpart of the Embassy's DCM. The Consul General has his section chiefs, his other-agency representatives, his “little country team”—and his problems of coordination, discipline, morale, and staff welfare.

In structure, a typical consulate general (or good-sized consulate) has the same five basic sections as an embassy—executive, political, economic, consular, administrative—but the staffing will usually be weighted heavily in favor of statutory consular functions. Political reporting is generally handled by the CG and his deputy, with certain topics and areas assigned on a voluntary-extracurricular basis to junior officers occupied with statutory duties. There is usually a titular economic/commercial officer, Number Three in the hierarchy, and a titular administrative officer. The commercial and administrative chiefs may have each a junior on rotation—or, at the largest posts, a regularly assigned assistant. Citizenship and protection work, excepting at big tourist-turnover consulates, may be handled by a chief of section (rank of consul) with one junior officer, the latter often on rotation. Visa work is the bread-and-butter operation of the average consulate and demands more staff, both officer and clerical—although most of the latter is local. At

a post with a heavy immigrant and nonimmigrant work load, the number of visa officers may equal, if indeed not surpass, the rest of the officer complement put together.

The number and size of other-agency elements will depend on the nature of the work load and the location of the post. At a consulate near the Mexican border, for example, there may be representatives of Justice (FBI) and Treasury (Bureau of Narcotics) who work with their Mexican counterparts in controlling crime and contraband; there may also be representatives of Agriculture working on joint pest control and similar mutual ventures. These people are given office space and logistic support and are under the broad authority of the principal officer; they attend his staff meetings when in town and keep him generally informed of their doings. At a large, centrally located consulate general in Europe there may be a dozen or more foreign-affairs-oriented agencies represented, plus regional offices of such organizations as the General Accounting Office or the Internal Revenue Service, interested in domestic affairs abroad. And although they are not “other-agency,” there will be Chinese-language officers at posts (consulates as well as embassies) where there are large communities of overseas Chinese. There will always be a USIS—often with branch information and cultural centers elsewhere in the consular district. In less-developed countries, the consulate staff may include district representatives of AID and/or the Peace Corps—and, in countries beset by problems of insurgency or other internal belligerency, provincial representatives of the Embassy's military elements.

All this gives a consul general plenty to do in the way of supervision and executive direction. His position, like that of the DCM, is reserved almost exclusively to senior FSO's of recognized managerial and representational capacity.* Like his ambassador, he must ride his boundaries, give speeches, tramp through the boondocks, play a prominent role in American and host-country club and social activity, handle congressional, press, and other visiting firemen, and make certain that his staff is not laggard in its duty toward the American image. If he has not served his consular apprenticeship as a junior officer, he will be well advised to do some homework in visas and citizenship—if only to avoid looking silly when an influential citizen buttonholes him with a simple question about his partner's nephew's eligibility for a visa.

Life at a small consular post is somewhat different. As at a mini-embassy, an officer may wear several hats and do his own leg work, but his responsibilities are often greater than those of an officer several grades his senior at an embassy or consulate general. Being a big frog in a little puddle has its advantages. An officer in charge of a hot spot will have reporting opportunities

*There has been one exception known to the writer of a political appointee as consul general, and he has heard of one or two others—but they are rare.

galore—and he may even have the distinction of being beleaguered, held hostage, or generally roughed up by less-developed elements. This always looks good on the record, provided the officer carries the situation off in the accepted Foreign Service tradition—and avoids death or dismemberment.

The principal officer at a two- or three-man consulate is still Number One U.S. representative in his consular district—the man who has the right to carry the Stars and Stripes and the thirteen-star consular flag on his official car, even though it be a jeep. Life is informal within a consulate, and a young principal officer may properly be Joe to his colleagues when *en famille*, even though they play up and snap to when the boss is on show.

Tales of Three Dilemmas

John W. Bowling

Deputy consul general Lagos; consul (and economic, cultural, etc.) officer Karachi; acting consul general Dacca; economic officer Kabul; political officer Tehran; consul general Dacca; consul general Lahore. Now professor of political science at Troy State University, Alabama. [It is evident that Prof. Bowling, when he encountered the difficulties described in his essay, had an unusually broad background in Pakistan affairs, both East and West.—Ed.]

The following incident really happened. Only the names have been changed to protect the innocent. An intelligent American ambassador, a personal friend of the President, had been on duty in large, underdeveloped Country A for more than a year, and had established close personal relations with its prime minister. The ambassador was pushing hard in Washington for increased U.S. assistance and for certain policy shifts that would favor the security interests of Country A. The ambassador called a special consular conference, bringing his four consulate principal officers to the capital to prepare with the embassy staff a formal analysis to be entitled "Political and Economic Progress under Prime Minister X."

Each consulate was to prepare its own contribution, under a common format, and the conference itself was supposed to combine these efforts with those of the embassy staff to produce a master analysis intended to be overwhelmingly impressive in its effect on Washington decision making. On the first morning, each of the four principal officers got up in turn, distributed copies of his contribution, and summarized it orally for the conference. All of

them said essentially the same thing—that Prime Minister X was making no progress whatever and was probably sliding backward a bit.

The ambassador gradually changed color during these recitals, containing himself with difficulty. Then he stood up and with considerable emotion informed the four consuls that he was not accepting their contributions. On the next morning he expected each one of them to present completely revised contributions, with all "negative, carping" analysis eliminated and replaced by a tone of "confident optimism" reflecting the "unique contributions" of Prime Minister X. All four of them complied; the conference, the resultant paean for the prime minister, and the ambassador's temper all turned out splendidly. Prime Minister X conveniently died.

Another real-life incident: The ambassador in middle-sized underdeveloped Country B in a key strategic location was a senior professional. A young monarch, feeling his oats, was in power and was charting a new and unprecedented political course. If he were doomed to early failure, U.S. assistance would be counterproductive in terms of American strategic interests. If he were not, U.S. assistance could yield early and substantial strategic returns. Majority opinion in the embassy was quite optimistic as to the long and short-term prospects for the monarch, and this was tentatively reflected in the embassy's official analysis. Political analyses by the four consulates in this heterogeneous country were constantly solicited; one experienced embassy staffer was appointed as consular co-ordinator. One of his tasks was to see that consular analysis was not overlooked, particularly if it was dissenting in nature. Three of the four consuls, accurately reflecting the perspectives of their regional centers, disagreed with the tentative embassy view, and held that the young monarch could not last more than a few years.

Serious consideration of these views, expressed regularly and freely in writing and in meetings, was a matter of highest priority to the ambassador, who led the consular co-ordinator and the embassy staff, together with all four principal officers, in a careful rundown of facts and impressions from all sources, and finally decided to modify the embassy view and report decisively to Washington that the monarch had basic and probably insurmountable problems, but that they wouldn't catch up with him for a decade and probably longer. The ambassador was personally and officially appreciative of the conscience and courage of the dissenting officers, and encouraged them to continue to think for themselves. The young monarch became an old monarch before his overthrow.

Another real-life example but this one of a horrible kind involved Country C, led by a dictator, a military man who had managed to charm the President of the United States in the course of official state visits. As it happened, Country C had long-standing ties and mutually beneficial relations with the U.S. as a major recipient of aid. Its most unusual feature was its division into two physically distinct regions of nearly equal populations, similar in religion

and recent history but quite dissimilar in basic economy, language and culture. The capital half of the country, from which the dictator had sprung, had for a long time excluded the non-capital half from any major voice in policy making. The dictator had been complaining to Washington increasingly (and sometimes with justification) that the American bureaucracy was treating him unfairly in political and aid policies. The President called in a close personal friend, a man with no diplomatic experience, and charged him with taking the job of ambassador for the purpose of "improving relations" with the dictator.

At about the same time a new principal officer was appointed to head the very large consulate general in the non-capital region. That consul general was a professional diplomat. He had served in the country and elsewhere in the region some years earlier and knew a bit of the local language in the consular district. Because of the peculiar geographical position of the two posts, the consulate had the unusual privilege of communicating directly with Washington in its political and economic reporting, without previous clearance by the embassy; i.e., without the embassy's treating the consulate analyses as mere raw material for incorporation in country-wide embassy analyses. Copies of consulate reporting were of course sent to the embassy.

About a year after the consul general and the ambassador took up their duties, a regional war occurred. In the opinion of the consul general, this war triggered a serious and widening split between the two regions that pointed toward either secession or some substantial degree of regional autonomy for the non-capital half of the country. The dictator and the embassy believed that the war had, to the contrary, strengthened national unity. The ruling elites in the capital were not being willfully blind; their national political ethos required that all their fellow countrymen put religion and recent experience absolutely ahead of language, custom, and ethnic factors in the determination of basic loyalties. To have acknowledged even the possibility of the contrary would have seriously shaken elite morale.

The consul general began reporting the growing movement for autonomy or independence of half this populous country as the overwhelmingly important internal fact of Country C. He described it in detail, predicted its future development, and pointed out that while early compromise on the part of the central government stood a good chance of preserving and even strengthening national unity, the current central attitude of neglect interspersed with fits of repression would rapidly radicalize the leadership and masses of the non-capital half. The embassy at the same time was reporting that the central regime was strong and getting stronger, and flatly opposed any idea that timely compromise with the autonomy movement was necessary to preserve the identity and strength of Country C—an identity and strength which it was in the direct interest of the U.S. to preserve.

Embassy hints, first delicate and then broad, to the consulate to shut up went unheeded. The consul general was beginning to feel like a dream character who sees the train speeding toward a destroyed bridge over an abyss but can't rouse anyone to the approaching danger. Almost frantically he predicted what would happen if the central government continued to ignore the growing crisis: bloody civil war, foreign intervention, and an incalculable loss in power, prestige, and morale for the smashed nation, a loss which would also affect negatively the interests of the U.S. His warnings became importunate and finally shrill.

The embassy's efforts to advance its policies in the decision-making machinery were now being subtly and negatively affected by the arrival of this stream of dissenting consulate reports in Washington. The dictator's own embassy there soon made him aware of the source of doubts about the stability of his regime that might impede programs he considered vital. He therefore began to complain to the ambassador that the consulate general was the center of an attempt to *create* a secessionist movement in the non-capital region! The ambassador, to give him credit, held out for a long time before taking the ultimate step, which must have tempted him at the beginning of the affair. He personally asked the consul general to stop his reporting, and finally issued written orders to the consulate and to all operating agencies in its region to stop any contact, even the mildest social conversations, with any individual or member of any group not on record as supporting the central regime against the autonomists. Even covert intelligence sources of many years' standing had to be dropped.

While this stemmed the flow of reports somewhat, it did not cut it off altogether—the consul general and some of his subordinates were by now somewhat obsessed. Finally, with no alternatives left, the ambassador ordered the consul general to exchange positions with an officer in the capital half of the country, who, when he became consul general, dutifully pooh-poohed the "alarmist" reports of his predecessor, calling them not justified by the facts available in the non-capital region. During the next four years, several principal officers were assigned to the consulate general. To the extent their reporting reflected the existence of a serious autonomist problem, their careers were blighted, although they did not join the original consul general in the professional boneyard. Then the inevitable happened: repression followed by civil war followed by international war. The U.S. was made ridiculous by actions premised on the belief that the secessionist movement had little popular backing. Pakistan (excuse me, Country C) was broken into two pieces, the national interest of the United States was damaged, and upward of three million people died in and directly because of the war. Most of the original predictions came true in horrifying detail.

What lessons can be learned from the third case? The first is negative: The capacity of the consulate to report directly to Washington rather than be sub-

Communication by cable, while unimpaired, proved a pretty impersonal medium, not very well-designed for preventing misunderstanding. The basic problem was that the embassy was unwilling to believe our reporting and we in the consulate general were wounded and frustrated by this suspension of belief.

Crisis situations, other than political, can strain embassy-consulate relations. A good and frequent example is that posed by a natural disaster. In the first couple of days important decisions have to be reached. Does the disaster warrant nominal U.S. involvement such as a contribution from the ambassador's discretionary fund and support from local U.S. voluntary agencies, or should it call forth a major effort involving air and sea lift from the U.S.? In the immediate aftermath of a disaster that attracts extensive media coverage in the U.S., the field posts are showered with offers of help and instant decisions have to be taken as to which of these offers should be accepted.

Who is to make these decisions, the embassy or the consulate? Heré again, differences in perspective can come into play. From its vantage point the consulate may view the disaster as less of a big thing than does the embassy. Or the consulate may need to convince the embassy that something pretty important had indeed occurred, particularly if the host government is seeking to play down the disaster for its own political reasons. As a general rule of thumb, the greater the disaster the greater and the quicker is the involvement of the embassy and, demonstrably from my own experience, the less the chances of any serious embassy-consulate discord. In East Pakistan at the time of the great cyclonic disaster of November 1970, Ambassador Joseph S. Farland rushed to the scene and assumed operational control. He was a good executive who delegated freely and made crisp, unequivocal decisions. He also took on personally the difficult task of dealing with the media representatives who had flocked to cover the relief operation. The ambassador's presence in Dacca neutralized efforts by his staff in Islamabad to involve themselves in relief decisions because the ambassador looked upon the officers of the consulate general and their AID and USIA colleagues as his immediate staff for relief operations.

Problems of coordination in consular matters can also plague embassy-consulate relations. Now that the position of supervisory consul general within a country has disappeared, the coordinating role in the embassy is exercised by the deputy chief of mission or the head of the embassy consular section. In India by far the principal consular problem was the adjudication of student visa applications. One of the posts had an exceedingly restrictive attitude on student visas, and its refusal rate greatly exceeded that of the embassy and the other two posts. The problem was heightened when the embassy began to receive dozens of appeals from the restrictive post's consular district. The principal officer at the affected post was entirely in sympathy with the embassy's concerns, but the solution necessitated some direct

embassy involvement in the operations of the post's visa unit, i.e., some treading on consulate turf.

Perhaps the most attractive aspect of being a principal officer at a consulate is running your own show. Any principal officer worth his salt has a natural bias against interference by any element of the embassy in the post's internal operations. At the same time the Department, whether it be the geographic desk, the Bureau of Consular Affairs or the Inspection Corps, looks to the ambassador and DCM to watch over the workings of the constituent posts and to work with the principal officer to correct any glaring problems.

Autonomy may be the principal officer's dream but he also wants to make his contribution to the embassy. He wants to be recognized and to be remembered. One way in which the embassy can satisfy this natural human longing is to invite the principal officers of consulates to the capital whenever there is an important visitor from Washington. It is useful to the consul or consul general to be perceived in his/her consular district as important enough to be summoned on these occasions, and the embassy should be able to use consulate representatives to good effect in their briefing of visitors. Moreover, the more frequent the opportunity for contact and exchange of views between the embassy and the consulates, the less the chance of misunderstanding and friction. In the final analysis it is sustained contact, both at the national capital where the embassy reigns supreme and at the provincial capital where the principal officer can be authority and cicerone, which provides the best mechanism for meshing an embassy's reporting and operations harmoniously with those of its consular posts.

How to Get the Best from Constituent Posts

Victor Wolf, Jr.

[A biographic note on Mr. Wolf appears on page 48.]

Consulates general and consulates—"constituent posts" providing the United States Government representation in significant cities and regions at some distance from the capital city and embassy—are by their very designations occasions for confusion and misunderstanding. The average American views such installations as machines for dispensing passports, instant release from foreign dungeons, funds to replace lost, stolen or squandered monies

and, occasionally, a quick visa for a relative or friend. Of course, these constituent posts serve purposes other than providing what today's consular officers call "American citizen services." In fact they usually perform *all* of the usual types of Foreign Service work plus, occasionally, such special functions as narcotics control and internal revenue services.

Each Chief of Mission develops his or her own special pattern of relations with the constituent posts. Basically, however, there are two categories: *tight operational control* and *loose policy control*. In the first, the embassy controls virtually everything its constituent posts do. Reporting is sent, usually in draft, to the embassy, with the various section chiefs enforcing a censorious discipline on what is actually sent on to Washington. Travel, representation, administration—all are rigidly managed by the embassy. Inevitably, such a relationship means that little goes wrong—but, all too frequently, it also means that little initiative or imagination can be displayed. "Tight operational control" risks embassy officers developing an attitude of hauteur towards the constituent posts while officers at the consulates comply with the thunderbolt directives from Olympus in a surly and resentful manner.

Provided the constituent posts are staffed by talented, imaginative, prudent and congenial officers, *loose policy control* generally leads to happy results for all concerned. The staffs assigned to the posts feel themselves valued and usually react by doing worthwhile work in the basically easy administrative surroundings. The embassy and Washington are more than satisfied with highly motivated and intelligent reporting, consular and representation work performed in the "provinces." The local population—particularly the political and economic elite—see a crisp knowledgeable representation of U.S. interests upon which they may rely and, usually, an emphatic and informed American reaction or response to regional concerns.

It was my good fortune to serve in several U.S. constituent posts which were managed by their respective embassies in this latter administrative style. Isfahan in Iran was one of four consulates located in the principal cities after the capital. The ambassador and his principal staff officers recognized the impracticality of managing every item of constituent post business from afar. Their span of control simply could not reach those distances. Yet they clearly needed to exercise general control over the functioning of those posts. Their solution was to manage through a series of expansive—rather than restrictive—measures to aid the posts in achieving U.S. Government purposes throughout the country. These included (1) designation of an embassy officer as "consular coordinator" to represent posts' interests in the embassy and vice versa; (2) staging of "consular conferences" periodically in the capital covering all aspects of U.S. Government business in the country as well as general administrative developments; (3) frequent travel between the embassy and the posts, and (4) constant briefing between the embassy and posts with freedom to report as appropriate by the posts direct to Washington within

general policy guidelines. Initiative, imagination, and dissent were definitely not stifled within the Foreign Service establishment in this country during this period.

At Cebu in the Philippines where I served as principal officer, the same rules applied—with yet one further addition. The ambassador specified to me that as chief of the only other Foreign Service post in the country I was his *alter ego*. He directed me to manage U.S. Government operations in my consular district—fully half of this far-flung country—through a *country squad*, paralleling his *country team*. Clearly, the two entities were not congruent in shape or effect. Yet, the authority and discretion implied in such a directive reinforced the vigor that the consulate was able to bring to bear on U.S. interests there.

In such administrative settings, good officers have an easier time in fitting into the human societies of their consular districts. Ineffective officers very quickly reveal their weaknesses. On the other hand, rigid control permits inadequate officers to disguise their incapacity by hiding behind the direction of the embassy's senior officers. My impression is that provincial societies of the embassy see through consular officers lacking in empathy, dignity, or very quickly see through consular capacity. However, the "boss" in the embassy may cause such ineffectiveness to be disguised and concealed by the excessively tight control that he himself ordains.

It must be obvious that I believe loose but clear-cut policy control from the embassy to the constituent posts is the way to assure that such establishments best pull their weight in advancing U.S. interests in the provinces. Clearly, the success of this administrative approach depends on the assignment of well-rounded officers to the constituent posts. The concept of loose policy control also has the virtue of giving such officers enough rope to hang themselves in relatively short order if they are inadequate to their tasks. They can then be replaced if they are found wanting.

7. *The Consular Specialty as a Career*

Sweet and Sour Notes

Charles S. Kennedy

[A biographic note on Mr. Kennedy appears on page 23.]

Ambassadors ignore at their peril the work of their consuls. There have been serious problems in recent years with several foreign governments over the treatment of visa applicants. We have also had problems with other governments because of the way our citizens are treated in their jails, matters that could sometimes be straightened out if the ambassadors had done some of their diplomatic stuff rather than ignoring the problem. I have run consular operations in six different countries and have revealed in the fact that I had next to no supervision from above. In one country I was sending off strong formal notes of protest about the treatment of Americans in that country without even thinking that I might check them with my ambassador! Luckily no war resulted, but this obviously was not the way to run an embassy. You may not get much blame, but you also get little credit from the top for consular work. I have served under some of our most distinguished ambassadors and have the greatest respect for them, but can count on the fingers of one hand the total number of times these gentlemen visited my consular section. One of these times was after a bomb blew out all the windows of the passport unit.

The Department of State sells consular officers short. There is an unfortunate tendency to regard political and economic work as being "substantive" and all other functions as being, by definition, non-substantive. Therefore a report on the host country's fishing industry is of substance while the saving of the life of an American citizen is not. Not only are consuls still considered somewhat *déclassé* because they have to deal with all those grubby people with their mundane problems who crowd into consular sections, but the average consular officer is just not considered to be of quite the same caliber as the average political or economic officer. While the first of these two perceptions is just plain silly, the second has, unfortunately, some validity.

Over the years we have brought a significant number of clerical, secretarial, courier and technical personnel into the ranks, from equal opportunity programs and other sources, using a different, and lower, set of standards than we apply in recruiting our economic and political officers. These various programs usually have the best of motives, to meet an upsurge of consular work, to give those in support roles an opportunity to move ahead, to get a better racial or sex mix in officer ranks, or even to help a congressman who has a staff assistant or secretary who wants to see the world. While we have had some excellent and even outstanding officers who have come in through this consular backdoor, there is no denying that on the average there also are officers with less intellectual breadth and potential than displayed by those selected through the rigorous exam system. There is an uneven mix in consular officer ranks.

Getting Our Money's Worth

In his book, *The Crisis in American Diplomacy* (The Christopher Publishing House, 1980), Smith Simpson criticizes the new personnel system which created a special career "cone" with a separate career ladder for consular officers, commenting that "the divorce has thus become embedded in our attitudes from the start of our careers." He goes on to say:

"But consular work has from time immemorial been political, informational, cultural, economic and commercial. Other nations so view it, and every other nation uses its consular posts accordingly. If for no reason other than to get our money's worth from our consular posts, we must so conduct ours. This demands consular officers of as good background and instincts in political and other areas as political officers, and with just as thorough familiarity with our foreign policies and diplomacy. Is it conceivable that such officers will be content to serve only in consular posts? It is not to me. If they are capable in a consular position, I would expect them to want other assignments in their careers."

(Reprinted by permission.)

Standards for recruitment today have been raised, but we still have too many limited consular officers at the midmanagement level. Unfortunately there is a sort of Gresham's law operating that has the poorer consular officers tending to drive the better young ones to seek a transfer to other fields where they feel that their talents will be better used.

It has been a mistake for the Department of State to allow consular work, especially the protection and welfare of American citizens abroad, to be handled by other than the very best officers we can recruit. Supposedly

The Consular Career

Brooke C. Holmes

Service in Italy, Vietnam, Greece (chief, American Citizens Services Unit, consular section, Embassy Athens); management analyst, Bureau of Consular Affairs; currently in Bureau of International Organization Affairs. Mr. Holmes is President of the Consular Officers' Association.

diplomatic and negotiating skills are those most needed in the Foreign Service. It can be maintained that these skills are only modestly displayed in the highly structured and closely monitored negotiations between governments. However, every day young vice consuls, speaking in a newly and imperfectly acquired language, exercise real diplomacy and real negotiating skills in such situations as dealing with hard-nosed foreign police while trying to get obstreperous Americans out of trouble.

What is the future of the consular function? I frankly do not think that we will ever completely get rid of the dual recruitment of consular officers and all that portends. There will always be some political or social pressure or some emergency situation that will keep us from having a purely competitive consular corps. Given that and given other problems consular officers have to face, such as poorer promotion chances in the upper ranks compared to officers in other functions, and the lack of many significant senior consular jobs in Washington, would I do it again? Would I recommend a consular career to my children or other young adults thinking of the Foreign Service? The answer is, of course, hell yes!

Now consular work is not for everyone: You have genuinely to like to deal with people, you have to be decisive, and you have to have a fairly thick skin. However, the rewards of consular work fully make up for the subtle and sometimes not so subtle discrimination in the Foreign Service, for the fact that you will probably be spending a significantly longer career abroad than political and economic officers (which is fine early in a career, but is not always best for your family as time goes on), and for probably a lower promotion rate than your peers in other fields of the Service. None of these other fields, however, can give responsibility and independence as early in an officer's career as the consular one.

It is this feeling of being in command, whether it is your own consular unit or section or your own small post, and the fact that you can see the results of your actions, that make consular work such fun. You are not drafting exquisite political analyses which are sent to Washington with the foreknowledge that they will probably not have the slightest effect on foreign policy and perhaps not even be read. When someone walks into the consul's office some action will take place for which the consul will be responsible, and which may have a permanent effect on that person's life. In a consular career, if you have obtained the release of someone unjustly imprisoned or saved a life or two, you have justified your existence. Not many people can lay claim to have done something of that magnitude, but for consuls it is almost commonplace. In sum the consular trade was, is and will be an honorable and rewarding one.

The consular function has emerged over the last fifteen years to become a major facet of the Department of State's overall mission. The American public and the U.S. Congress continue to demand broader, more efficient and more responsive consular services. Clearly, the effectiveness of a consular section determines to an increasing extent the total effectiveness of an American diplomatic mission.

For a Foreign Service officer, a consular career can be challenging and satisfying. It can no longer be seen in a foreign policy vacuum, a mere technical function devoid of political or social significance. Immigration, refugees, and fair treatment of American citizens abroad—the heart of consular work—are important considerations in overall foreign policy. The consular section at an overseas mission is the U.S. Government's human face to its own citizens and to the citizens of the host country. The consular officer is often perceived by both as holding their future in his hands—a heady but burdensome role in which to be cast. For the officer, daily contact with hundreds, even thousands, seeking various services develops interpersonal and foreign language skills, enhances decision-making ability, and frequently permits the officer to see the results of his work immediately. The career also offers the challenge of mastering complex laws and regulations, of managing growing consular workloads and staffs, and of acquiring sophisticated knowledge of automation and systems use.

Still, serious drawbacks exist. The structure of the career ladder is skewed: there are few positions at the top, and promotions are slow. The work is perceived by many as repetitive, tedious, thankless, and lacking in intellectual challenge. Worse yet, those so engaged often suffer from an unfounded but pervasive perception of being second class, somehow a lesser breed for doing different work. Under these circumstances, it would be hard to recommend the consular career to a new recruit in the absence of some action on these problems. There is a remedy, of course: Improve the reality of the consular career by structural changes, and thereby improve the perception.

In the early days of the Republic, the two basic foreign affairs functions were combined, and American diplomats performed both "consular" and

"diplomatic" duties. But in 1792, the responsibilities were divided into two distinct branches of service, and they remained apart for the next 132 years. Throughout this period appointments to high diplomatic or consular posts were still dependent on personal wealth and political influence, as inadequate salaries in both meant that no one could choose either career lacking substantial outside income. Interchange of Diplomatic and Consular Services personnel was forbidden.

The Rogers Act of 1924, the culmination of a long-standing reform movement, combined the Diplomatic and Consular Services, created the new title of Foreign Service Officer, and established the system of appointment by open competitive examination, with promotion on a merit basis. Consular officers welcomed the Act, because it promised both to remove what Congressman Rogers called "the intolerable social barrier between the two Services," and also to permit consular officers to achieve higher than consular general rank. But promotion lists were kept separate and the old bias left intact, with all the prestige positions captured by former Diplomatic Service officers.

The Foreign Service Act of 1946 provided for the employment of Foreign Service Reserve and Staff Officers to perform many of the statutory consular functions. Increased workloads, with which the existing Foreign Service was unable to cope, and the transfer to other federal agencies of many functions under consular control, resulted by 1948 in the responsibility for the conduct of foreign affairs being shared by at least 45 executive agencies. Clearly, this situation couldn't last.

Further studies of possible reforms were conducted by the 1948 Hoover Commission, 1954 Wriston Committee, 1962 Herter Committee, and the 1969 in-house task force that issued a study entitled *Diplomacy in the '70s—A Program of Management Reform for the Department of State*. In one way or another, all touched on the problems of consular understaffing and the lack of an adequate career ladder for consular officers.

Similarly, a review of the situation in 1973 by the Bureau of Security and Consular Affairs noted that over 60 percent of all consular positions were at the junior ranks. The report concluded that the personnel system had failed to provide consular officers equality of career development, that there was a misguided and incorrect perception by non-consular officers of consular work and its importance in foreign affairs, that consular officers were considered a lesser breed with limited skills, and that the consular cone was a dumping ground for those deprived of assignment and training advantages or, worse yet, the "has beens" who hadn't been able to make it elsewhere.

The Department of State's response to the findings and recommendations of the various earlier studies, and to the consular revolution of the late sixties and seventies, has been largely positive. Personnel recruitment and training policies have been improved, contributing to the development of a corps of

able, professional consular officers. Abroad, the consular officer has become, in many diplomatic missions, an equal member of the ambassador's "country team," and an increasing share of scarce resources is devoted to ensuring that statutory responsibilities can be adequately and ably performed. However, the structure of the consular cone remains an archaic vestige of the past. Two mutually reinforcing aspects remain: the systematic underclassification of consular positions, and the perception that consular personnel are "second class," little better than clerks.

A recent study conducted by State's Bureau of Consular Affairs indicates that 107 supervisory positions—nearly half the total—clearly merit upgrading based on increased policy challenges, rising workloads, regional responsibilities, and increased staff and automated systems responsibilities. Further, it points out that consular positions make up 23.7 percent of all Foreign Service officer positions, but only 2.4 percent of the top three senior ranks. These structural inequities have direct negative impacts: lower morale, the flight of many ambitious and able officers to other functions or from the Service altogether, and the staffing of many supervisory positions with officers of less rank and experience than their political, economic and administrative counterparts. The relatively lower classification of consular positions also works in opposition to the many initiatives by the Department in recruitment, training and out-of-cone assignment policies.

The Department of State acknowledges the relatively lower ranking of consular positions, explaining that the position classification standards favor the perceived reporting and analysis skills of political and economic officers over the assumed supervisory and managerial skills of consular officers. Yet, the General Administrative Cone, for example, does not suffer by comparison with the political and economic cones. It appears then that this problem stems more from the application of existing standards than from the standards themselves. And that appears to be a reflection of the continuing problem of the perception of consular work.

Because promotions are geared to vacancies at the next higher level, fewer consular officers reach higher ranks. The dearth of qualified senior officers thus becomes a self-fulfilling prophecy when assignment time comes around: too few high-ranking consular officers to fill high-level jobs designated for consular officers. This is then interpreted by some to mean that consular officers, by ability and experience, are unable to compete successfully against their colleagues in other cones in the promotion process. One concrete result of this Catch-22 situation is that out of thirty consular-designated principal officer positions (consul-generalships at small posts), only seventeen are occupied by consular officers.

The key to rectifying the historic and systematic distortions in the consular cone is the will to do something about it. One stroke of the pen—approval of

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the latest position-upgrading proposals—would double overnight the promotion opportunities for consular officers at the higher levels. And no other group of officers would be disadvantaged thereby. This would also ensure for the Department a level of functional and management expertise sufficient to meet the needs of an expanding work force. Finally, it would constitute recognition that consular concerns are an integral part of our broader foreign relations, and it would make those performing consular functions equal partners in the Department's operations. Such equality and just treatment would enhance the attractiveness of consular work as a career and would permit those who chose it to look back with more pride in their accomplishments.

