

M. Wilson, Jr.  
Raphy

Tegucigalpa, Honduras  
February 25, 1974

5029

RELEASE IN PART B6

Director of Planning and Coordination  
Room 7246  
Department of State  
Washington, D.C. 20520

Dear Sir:

I would like to request official guidance through Department of State regulations in regards to overseas visits or correspondence by Congressmen or Congressional Committees. My personal experience is limited, but I have consulted with others in positions similar to mine and find that Congressional requests can on occasion create problems involving the personal integrity of employees of the Department of State. Requests can be unethical, personally distasteful, or even illegal. The present situation is confusing as there are no official instructions and posts seem to operate so as to avoid any possible repercussions or inquiries by either the Department of State or the United States Congress.

As an example of problems involving personal integrity or job integrity I offer the case of a U.S. Congressman using a U.S. Government leased airplane to visit a resort island off the coast of Honduras without proper travel orders. Use of the leased airplane was authorized at post only because there did not seem to be other alternatives. Problems that developed later when the bill for the use of the airplane was analyzed were also resolved at post with the attitude that it had happened and the post must accept its responsibilities.

Another example indicates that posts seem to be intimidated even by the correspondence from U.S. Congressmen. As an example, a U.S. Senator mailed United States currency through the diplomatic pouch for the purchase of contraband gemstones. The gemstones were purchased by a U.S. Government employee and returned to the Senator through the diplomatic pouch. This example is blatantly illegal with currency carried by the diplomatic pouch and gemstones being illegally imported into the United States, by-passing customs. I would not think such misuse of the pouch is common, but nothing has changed from the viewpoint of the post to prevent another Congressman from using the pouch for similar personal profit.

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The more common problems confronting employees at post will not involve legal questions but rather questions of ethics or taste. I refer primarily to the soliciting of female companionship for the visiting Congressmen or staff.

What I have described are instances which I would find unethical or illegal. All are requests which I would consider as improper conduct by an elected member of Congress, or for that matter, anyone. I see the problem as challenging the integrity of an escort officer or certifying officer who finds himself in an undesirable position of acceptance of status quo and blind compliance with requests. Even the meaning of political service or tribute changes here so that it does not apply to the situation. My examples are given only to provide background on what type of problems could be directed at Foreign Service employees. The impetus for my request is that such things can happen and from observation are sometimes actually anticipated and accepted.

What I seek is a reporting mechanism established within the Department of State which would allow decisions relevant to Congressional requests to be made by the Department of State and not by the individual. Precepts for use of such a reporting system should be minimal. The objective is to let the Department of State assume the responsibility for those decisions which have been determined by someone close to the situation as having legal or ethical complications. The post at present does not have a working capability to question, let alone refuse, a Congressman's request. It is not adequate to permit one's supervisor or other person to handle the problem unless the initial protest or query is properly answered by the Department of State. I therefore request the Director of Planning and Coordination to propose official policy to give the responsibility for decisions related to the propriety of a Congressional request to the Department of State rather than the overseas post.

Yours truly,



American Embassy/Tegucigalpa

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DEPUTY UNDER SECRETARY OF STATE  
FOR MANAGEMENT  
WASHINGTON

RELEASE IN PART B6

September 26, 1974

MEMORANDUM

TO: S/P - Mr. DePree

FROM: M - Donald J. Bouchard

SUBJECT: Dissent Channel Letter from [redacted]

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After carefully reviewing [redacted] letter, this office believes that the current guidance to the field (A-10315, attached) regarding Congressional travel is adequate.

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In our opinion, situations such as those described in [redacted] letter can best be dealt with at post. The occasional unethical request from an unscrupulous traveler can usually be handled in good conscience by a resourceful (and moral) Foreign Service employee. To raise the question of unethical behavior on the part of CODELS in general guidelines to posts abroad would imply that such requests are common and could be a source of embarrassment to the Department.

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Seeking Department guidance on a blow-by-blow basis as suggested in the last paragraph of [redacted] letter would only lead to confusion and misunderstanding. It also suggests that the "Department" can approve illegal dealings, which is, of course, untrue. Principal Officers abroad should have the ability and integrity to deal with issues such as those raised in [redacted] letter without step-by-step direction from Washington.

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Incidentally, I understand "H" is working on an update of A-10315.

Attachment: Airgram No. 10315.

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DEPARTMENT OF STATE TELEGRAM

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DISSENT CHANNEL  
E.O. 11652IN/A  
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SUBJECT: DISSENT MESSAGE [REDACTED]  
RE: YOUR LETTER OF FEBRUARY 20, 1974 TO DIRECTOR OF S/P  
U. STATE 266874

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1. THE DEPARTMENT HAS COMPLETED ITS REVIEW OF YOUR DISSENT CHANNEL MESSAGE TO THE DIRECTOR OF S/P CONCERNING CONGRESSIONAL VISITS. OWING TO THE SERIOUSNESS OF THE ISSUES YOU RAISED, YOUR RECOMMENDATIONS WERE REVIEWED PERSONALLY BY THE DEPUTY UNDER SECRETARY FOR MANAGEMENT AND BY KEY OFFICERS IN THE BUREAU OF CONGRESSIONAL RELATIONS, THE OFFICE OF THE LEGAL ADVISER AND THE POLICY PLANNING STAFF.

2. CURRENT INSTRUCTIONS FOR HANDLING CONGRESSIONAL VISITS ARE SET FORTH IN DEPARTMENT CIRCULAR A-10315 OF OCTOBER 18, 1972. THE CONTENTS OF THIS AIRGRAM HAVE RECENTLY BEEN REVIEWED AND UPDATED AND ARE TO BE PUBLISHED SHORTLY AS

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A NEW SECTION OF THE FOREIGN AFFAIRS MANUAL.

3. OBVIOUSLY, QUESTIONS THAT ARISE AT POST OVER THE LEGALITY OR ILLEGALITY OF CARRYING OUT A CONGRESSIONAL REQUEST ARE OF INTEREST TO THE DEPARTMENT, EVEN THOUGH THE DEPARTMENT IS EAGER TO FACILITATE CONGRESSIONAL VISITS, UNDER NO CIRCUMSTANCES SHOULD FOREIGN SERVICE OFFICERS OR

MISSIONS HONOR ANY REQUEST WHICH THEY KNOW VIOLATES U.S. OR LOCAL LAWS. IF POSTS ARE IN DOUBT AS TO THE LEGALITY OF A REQUESTED ACTION, THEY SHOULD REFER THE MATTER TO THE DEPARTMENT FOR ADVICE. THE DEPARTMENT WILL RESPOND AS PROMPTLY AS POSSIBLE TO THESE QUERIES.

4. THAT THE DEPARTMENT DOES NOT AGREE WITH YOUR RECOMMENDATION THAT THE DEPARTMENT SHOULD NOT DELEGATE TO FIELD OFFICIALS THE AUTHORITY TO MAKE DECISIONS CONCERNING WHETHER TO HONOR CONGRESSIONAL REQUESTS MADE BY CONGRESSMEN OR MEMBERS OF CONGRESSIONAL DELEGATIONS THAT EMBASSY PERSONNEL CONSIDER UNETHICAL OR IMPROPER, THEY NEED NOT FEEL COMPELLED TO HONOR THESE REQUESTS. OFFICERS HAVE SAID NO IN THE PAST; NO DOUBT THEY WILL SAY NO IN THE FUTURE. SOME OF THESE DECISIONS WILL NOT BE EASY, HOWEVER TO REFER THESE DECISION TO WASHINGTON IS NOT ONLY IMPRACTICAL BUT DIMINISHES THE RESPONSIBILITY WHICH THE DEPARTMENT EXPECTS OFFICERS TO EXERCISE. IN THE EVENT OFFICERS HAVE DOUBTS WHETHER OR NOT TO COMPLY WITH THESE REQUESTS, THEY SHOULD CONSULT WITH THEIR SUPERVISOR OR THE PRINCIPAL OFFICER AT POST.

5. WE VERY MUCH APPRECIATE YOUR SUGGESTIONS FOR TIGHTENING THE PROCEDURES FOR HANDLING CONGRESSIONAL VISITS. THE DIRECT CHANNEL WAS CREATED FOR THE PURPOSE OF ELICITING SUCH SUGGESTIONS. WE ARE ENCOURAGED THAT YOU AND OTHER FOREIGN SERVICE PERSONNEL ARE INCREASINGLY USING THIS CHANNEL TO BRING YOUR CONCERNS TO THE DEPARTMENT'S ATTENTION. INGERBOLL

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