

With faith, insight, Joe Feuerherd held all to account

Douglas W. Kmiec | Jun. 4, 2011



The untimely death of Joe Feuerherd is much regretted. Just a few weeks ago I had the benefit of Joe's writing in an April 8 column entitled "Kmiec takes friendly fire." The column presented Joe's analysis of an event that should otherwise not have been newsworthy: namely, a routine Office of Inspector General report that found my then-Embassy in Valletta, Malta to be accomplishing, even exceeding, its mission goals.

The Ambassador (me), coming from an academic background was said to be a bit "unorthodox in method," but well thought of and on task. Before the report would be made public, my overall favorable review mutated into a rebuke for wandering outside the core mission of the Embassy by showing sensitivity to faith and even seeking to advance interfaith diplomacy.

With brevity and clarity, Joe pinpointed the incomprehensibility of calling the improved relations between Muslim and Catholic and Judaic faiths to be something outside the core mission of a U.S. embassy; such would not only make no sense in light of the Middle East and the present fragility of north Africa (Malta is the closest EU nation to Libya, for example), it also made less than no sense in light of easily available public materials revealing that the White House put a goodly part of this issue squarely in our remit.

Without Joe's discernment, the story of the inspector general's over-reach would have been unlikely to grab the attention of the *LA Times*' columnist, Tim Rutten. In the three years since being named editor-in-chief, Joe bolstered NCR's fidelity to the full gospel, and not just those parts conveniently appealing to natural born conservatives. From a family of journalists, Joe also knew when a story narrative had more to it than "not atypically" -- government wanted told. Here, Joe's objectivity was noteworthy for he would follow the trail wherever it led, even if embarrassing to an ideological favorite.

So it was in Joe's reporting on the circumstances leading to my resignation. Because of Joe's own experience on Capitol Hill, he could parse bureaucratese, and in the case of our Embassy's OIG report, he knew the glowing original report sat uneasily with the hypercritical later-added challenge to our inter-faith diplomatic efforts.

Tim Rutten was thus inspired to dig further, ferreting out how the department's tolerance for my pledge to the President to foster inter-faith diplomacy as a concept took a nosedive when the also recently "resigned" George

Mitchell requested that I fill in for him at a UN Sponsored Arab-Israeli conference in Feb 2010. The Israeli delegation walked out early when the Palestinians took issue with new settlements. My career deputy apprehensively suggested we go too. "No, we shall keep the President's course?" I responded. President Obama had made it clear that being a friend of Israel ensures its security, but it does not mean the U.S., as "honest broker?" would reflexively find Israel's actions to be always constructive or necessary to security, let alone working toward an equitable two-state solution. I would spend the rest of the first day of the conference reassuring the UN organizers, including the increasingly important co-sponsoring Parliamentary Assembly of the Mediterranean and its member nations, of this change in emphasis by our new President. All were anxious for the Bush-neglected peace talks, to at long last, begin.

The bureaus in the State Department, however, had a different idea. In the middle of the night, I was awakened by a State Department assistant secretary instructing me to boycott the assembly and the keynote the next day. I manifested hesitation, and then objection. Boycotting would get international notice and put into jeopardy a substantial amount of EU goodwill available to our still new President Obama. Had the State Department been instructed by the President to have me stand down, I asked? Presidentially nominated Ambassadors confirmed by the Senate have no business questioning assistant secretaries, I was told. I persisted and requested some assurance before morning that the President was in agreement with the instruction to boycott. That assurance was not forthcoming.

Ambassadors are described as Chiefs of Mission, and told in writing by the President that we answer to him alone unless he specifically delegates a matter to the Secretary and he has made that plain. That's the right letter for President Obama to write, but there are many in Washington working for its disregard. Democratic voices during the second Bush presidency raised objection to extravagant presidential power claims, rightly so, but they need be careful not to then so immunize the bureaucracy that it feels immune to presidential direction altogether.

I won the battle for my President's "honest broker?" perspective that evening, and the UN and PAM have more than once expressed appreciation for the positive Palestinian-Israeli collaborations that have since resulted. But that victory for Obama would be paid for repeatedly in the form of departmental censorship of any and all faith-based diplomatic efforts subsequently proposed. Indeed, for the balance of my service, virtually no speech, press interview, or op-ed could be pursued without Washington clearance, which most always was denied, except after begging, and then shorn of all religious reference and given so past any press deadline that it did not matter.

Benedict XVI has set out the perils of coerced secularism. Others have speculated that it is the exclusion of the light of the Divine that has cast the State Department into the "foggy bottom." Malta, of course, is a small country with a rock solid Catholic tradition that shows welcoming hospitality to those of other Christian denomination as well as those of Islamic and Judaic belief. Malta basks in gentle wind and warm sunshine most of the year. What happens in this ancient country in the Sea will go on largely unaffected by the hostility of a few in the State Department who insist that religion and politics are to be avoided or hidden from view in the mists of a nominal fog shrouding a less than candid disclosure of its motivating values or strategic interests. Respect by avoidance (and thus unfamiliarity) is a possible position; it just isn't Obama's. Obama finds mutual respect more likely advanced by greater understanding.

Joe Feuerherd agreed with the Obama view, but not reflexively so. Joe possessed the wit to assist others less facile with words to grasp the possibility of improved human understanding across religious traditions. Joe was a progressive, but he called "em as he saw them. The one constant being: Joe always saw "them?" (the important issues of the day) in a faith savvy way.

Joe has been described by his colleague Tom Fox as a brave man in the face of untreatable and unremitting cancer. It is all our fates to die from this life and we often recite that it is in dying that we are born to eternal life.

Yet, many of us grasp this life so tightly that we run genuine risk of losing that which is far superior or ennobling along the way ? like the opportunity to defend another who is without defense; the opportunity to hold even a progressive president to a promise of a different, more balanced approach in the Middle East, and simply to love. Love is not just the stuff of romance shared in marriage or the care exhibited by a parent toward his children ? both of which Joe gave in abundance; love is also justice, and Joe Feuerherd was often the first to spot its absence. It distressed Joe ? as it does me ? to discover even a small part of President Obama?s authority in foreign affairs misused to deny religious freedom.

Joseph Feuerherd, *Requiescat in pace*.

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