

LOSING

THE VIETNAM WAR is over. The causes of the war, its meaning in history and the future consequences for American foreign policy have already been well debated, and we will not dwell on them here. The end of American involvement in Vietnam has nevertheless been a cause of immediate concern first for practical and then for professional reasons:

(1) As the situation in Vietnam deteriorated, AFSA became increasingly concerned for the safety of American Foreign Service personnel, and on several occasions expressed to the Department at very high levels our view that American personnel should not become hostages for a bankrupt policy line, and that the Department should move first to get dependents and then employees out as quickly as possible.

(2) AFSA has long considered itself as the "friend in Washington" of Foreign Service locals. We do not come by this role by any legal mandate, but over the years, the Association has taken a number of steps on behalf of local employees. Before the fall of Danang, we pressed the three agencies to take an active role in assuring that Foreign Service locals were evacuated quickly if they wished to be. We then remained in close contact to monitor the situation, and have recently had useful discussions, particularly with State and USIA, on means to alleviate the problems of former locals now in refugee camps. We have written the Secretary and Senator Sparkman and Congressman Morgan, urging them to give careful consideration to the urgent need for emergency assistance to former locals, and pointing out the heavy moral obligation we believe the United States bears to those who took risks on our behalf.

(3) While mainly concerned with the physical safety of Foreign Service personnel, we have been closely involved in discussions with the Agencies to determine what happens to assignments, training, shipment of effects, and other practical consequences of the rapid pull-out and have made a number of suggestions which the Agencies adopted. On the whole, we think the Agencies have handled these questions fairly well, though we were horrified—but not surprised—to learn that AID's initial reaction was to suggest a "Saigon RIF."

(4) We are deeply concerned that the President's plea to avoid recriminations is being ignored in some quarters. We have already seen one vicious article in the *New York Times* and another almost as bad in *TIME* magazine which attack individuals in the Foreign Service. That these attacks happened to come from the left is irrelevant; the attacks from the right are almost certain to follow in short order. While we have already protested this first round of insults, we in the Service should not have any illusions; the problem probably will not become serious, but it might.

(5) Finally, while this nation's interests will be ill served by another "China Hands" debacle, it does not mean that we should pretend that Vietnam never existed. The career service left behind in Vietnam a record of dedication and sacrifice, and in many cases, of courageous reporting and responsible dissent. Yet as an institution, we also made mistakes. AFSA believes a careful post mortem of the Vietnam era will be useful to the

nation, and that the career service can contribute greatly to that process. We would welcome ideas on how that might best be done.

WINNING

DURING THIS SAME MONTH, as we were busy with our deep concerns over Vietnam, with our testimony before the Murphy Commission, and before the Senate Foreign Relations Committee, we received some very good news. On May 6, Judge Chaitovitz, in a landmark decision (news of which hit page 2 of the *Washington Post*) ruled in AFSA's favor that AID had engaged in a series of "Unfair Practices" in its conduct of the RIF.

The matter is hardly a trivial one. AID is in deep trouble. Over two hundred career Foreign Service personnel have already gone off the rolls as a direct result of the RIF. Hundreds more have resigned or retired, with the threat of a RIF clearly a factor in the decisions of many. Another hundred are already in receipt of RIF letters, and probably two to three hundred more may face the same fate. In all, the AID RIF constitutes a blood-letting on an enormous scale, a one-time dismissal (actual or impending) of career personnel in less than one year greater than the *total* number of FSOs and FSIOs selected out by State and USIA since the end of the war.

The Judge, in his ruling, found that AID had refused to consult in good faith as required by the Executive Order, and had deliberately misled the Association by misrepresenting a key fact in our negotiations. In his recommendation to the Employee Management Relations Commission, he proposed as a remedy that AID cease its unfair practices, provide AFSA henceforth with information needed to bargain, scrap certain of its RIF procedures, and sit down and bargain new ones with us. If anyone would not be RIFed under those new procedures, who was terminated under the old ones which were found to be defective, AID would be obligated to take the individuals back with back pay.

Before we celebrate too much, we should bear in mind that this decision must be upheld by the EMRC, and that what was at issue was the procedures followed by AID, particularly its failure to consult in good faith, but not AID's right to conduct a RIF. In the last analysis, a shrinking Agency must reduce personnel, though we have pointed out to AID on several occasions that there were alternatives to a RIF which were more humane, less drastic and more in the interests of AID's Foreign Service personnel.

Leaving this caution aside, it was a sweet victory. AID had been caught red-handed by AFSA and was found guilty by the Judge on all counts. The Agency is now on notice that failure to live up to its obligations under the Executive Order will not be tolerated, that it may not deliberately mislead or lie to the Association in bargaining, and that before the Agency makes changes in personnel policies and procedures, it must consult with AFSA.

We hope this decision will usher in new, more cooperative, more productive relationships between AID and its employees. If that happens, AFSA, for its part, will be delighted. We do not relish all-out confrontation, even though this decision proved that we can win in that mode if we need to to protect the interests of the Service. But we would greatly prefer to work more closely with the Agency to try to find solutions to some of AID's extremely serious problems.