

## FOREIGN SERVICE GRIEVANCE BOARD

December 12, 1973

TO: Director of Personnel (.Acting)

FROM: Foreign Service Grievance Board T— , - ^

SUBJECT: Record of Proceedings 73-X49-  
SXATE-89 Grievant, FSO-4 Finding of  
the BoardGrievance

Grievant submitted his grievance to the Board on October 25, 1973. It concerns passages in an efficiency report covering the period June 15, 1967 to June 15, 1968, during which he served as Principal Officer in redacted

Specifically, his complaint concerns the assessment in the report by the rating officer, DCM redacted, and the Ambassador, redacted, as reviewing officer, that a public statement by the grievant at the time of the Robert Kennedy assassination showed bad judgment on his part.

The grievant maintains that the portions of the report reflecting the views of the rating and reviewing officers about this incident are aberrant, unjustified and inaccurate. He further believes that they have been given undue weight by Selection Sources reviewing his file since 1965\* fine that they continue to hinder his chances for promotion\* overshadowing his subsequent performance record. In a manner that is unfair to him\*. As relief he requests that one passage in the rating officer's report and the entire reviewing statement by the Ambassador be deleted from the efficiency report is question.

Investigation

In addition to an interview with the grievant, the Board's investigation included a review of his efficiency record as well as documents submitted in connection with his grievance submission.

## Background

Almost at the end of his tour in redacted when he was in the last stages of closing the post permanently, the grievant learned of the assassination attempt against Robert Kennedy from representatives of the local press and radio. They approached him as Principal Officer of the post, asking for a statement about it. He received no guidance from the Embassy nor did he seek any. He prepared a written statement in redacted, which was carried on the local radio and in the press, referring to the tragedy for the Kennedy family and stating further, in part: "It is a tragedy in another sense as well. The brutal assassination attempt is a shameful proof that some men in my country are afraid that the people will freely choose their own leaders." (The English translation is the grievant's.) According to the grievant, his intention was to allay speculation about plots and to moderate expected distorted views on violence in America. He also had in mind the political situation in redacted and hoped that a comment on the importance of allowing the democratic process to operate freely would strike home to those who read or heard it,

The grievant was in redacted for ten days or so after the statement appeared. It had no significant effect for either good or ill that he is sure of. The SIS bossy I agreed about the statement he had made when, in answer to a routine inquiry from the Embassy in connection with its round-up of the press coverage of the Kennedy assassination, he answered in the affirmative to its question whether he had for himself issued any statement. He was asked to forward it to the Embassy.

The grievant's efficiency report was due about then and was prepared shortly after his superiors became aware that he had issued the statement in redacted. In one paragraph, in the section on "Performance Summary," the rating officer, noting that the grievant's statement was to the effect that some people in the United States are not willing to let the democratic process operate, said; "This was an unfortunate thought to propagate abroad and showed a poor

public statement does not appear to be well-designed to allay speculation, about plots or violence in America.

feel for what is appropriate for a U. S. representative to say publicly." He then said "but I attribute it to lack of experience and the frantic excitement of the occasion rather than to the fundamental lack of good judgment, and I believe he will have learned and profited from the incident."<sup>H</sup> The Board notes that the boxes are marked in the upper range generally, and that the score on "judgment" is next to the highest possible, described in the criteria language, for the box, as "Kearly always displays good judgment in meeting both normal and unusual situations\*,"

The Ambassador reacted much more strongly. In his reviewing statement he remarked that the was "very dig by the grievance public statement, which he thought was "ill-advised...both as to the facts and as to interpretation," and was "shocked" to find a Foreign Service Officer taking such a position. He further noted that he did not agree with the rating officer's box score on "judgment" and would himself have rated his at a lower one at that point because of his statement.

The grievant was encouraged to prepare his own remarks regarding the situation to be attached to his efficiency rating. He did so, giving pertinent portions of his public statement and setting out what his intentions were in saying what he did. Selection Boards since 1968 have thus had access to this information—his own statements as well as the views of his superiors about the statement,

### Findings

There is no evidence that an attempt was made by the Embassy to ascertain what effect, if any, the statement had on public opinion in the country. On its face, however, and regardless of the grievant's intentions and whether or not the statement did have any negative impact, the grievance public statement does not appear to be well-designed to allay speculation about plots or violence in America.

Without snaking any judgement itself «s to the propriety of the grievance public statement, the Grievance Board finds no impropriety in the assessment by the rating and reviewing officers as to his judgment in ranking the statement. The Board does not find the portions of the efficiency report which discuss the incident to be inaccurate > erroneous\* or falsely prejudicial, As to whether they are "aberrant," the episode was unique and occurred as a result of special circumstances. The fact that something that is referred to in a report happened only once and long ago is not in itself grounds for reversal of *that* reference. In the report in question, both the rating and reviewing officers point out that a more permanent assessment of the grievant's judgment and other capacities would come as a result of his later performance. The presumption is that the grievant learned from what was regarded as a mistake in Judgment and did not repeat it.

With regard to the grievant's contention that the report has been given undue weight in the deliberations of Selection Boards *mnc* has been a major factor in his failure to be promoted since 1967 > the Grievance Board notes that precepts to Selection Boards have consistently counseled them to avoid giving undue weight to single, unfavorable episodes of the past or to the comments of only one rating or reviewing officer. The Board finds no basis for assuming that Selection Boards have ignored precepts on this point in this case, or that they have failed to give full and proper attention to the grievant's more recent reports.

After due consideration of all the factors in this case the Board concludes that it cannot find in the grievant's favor.

**William E**

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