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PAUL CORAN

*Interviewed by: Mark Tauber
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INTERVIEW

Q: Today is June 7, 2023. This interview with Paul Coran is part of AFSA's [American Foreign Service Association] 100th anniversary series. Paul, let's start with a little background. Where were you born and raised?

CORAN: I was born on May 9, 1942, in Brookline, Massachusetts. But my entire childhood, and through college and law school, I lived in the city of Boston, leaving there in June of 1968 to take my first federal job.

Q: During that time, do you have recollections from your education or your family life that began to give you a motivation to go into the kind of career you did?

CORAN: Well, I wasn't highly motivated back then. But everybody in my family, my cousins especially, were extremely sharp. Several went to Harvard. And so, my parents felt, "Well, do what they do." It did not help that I tested with a high IQ. My teachers felt I should be doing brilliant work, but I scraped by. At this point I suspect I have some kind of undiagnosed learning disability, one with which I learned to cope. I didn't go to Harvard, but I decided to go to college. And I had a very good friend who went to Boston University Law School with F. Lee Bailey. He inspired me with stories of Bailey's personality and his business sense and whatever else. So, I decided I'd go to law school. And when I was working at a supermarket in high school, we had a union, the Retail Clerks International Union, representing us. The employer was a bit authoritarian, and I saw how effective the union was in protecting the rights of my fellow employees. I became active in it and testified in a proceeding and that caused me to decide I wanted to be a labor lawyer. That's how I got into it.

Q: During the time you were in college and law school, did you have internships? Or were you in contact with people who also helped develop your interest in law?

CORAN: When I was in undergraduate school at Northeastern University, one of my professors was Howard Myers. He taught an undergraduate course in labor law. It was fascinating. He was the first regional director of the National Labor Relations Board [NLRB] regional office in Boston, beginning *circa* 1935. His name was on a Supreme Court case, upholding the constitutionality of the National Labor Relations Act and guaranteeing its Constitutionality, so he inspired me as well.

Q: Sure. Now, did you have internships, did you clerk for anyone, or in other ways gain experience before your formal entry into the profession?

CORAN: Well, I was very superstitious, and I wasn't terribly confident at that stage. I decided I wasn't going to go clerk or intern in law until I successfully went through law school and passed the bar. So, I waited and had a lot of fun. I had interesting jobs, but not in legal settings until graduation from high school. Northeastern University operates on a co-op employment program. During my matriculation it placed me respectively in a scientific supply company, a major department store, a highway survey firm and a financial services company.

Q: You mentioned that you began your first with the federal government in 1968. Could you describe a little of the way your specialization in labor relations developed prior to when you joined the State Department?

CORAN: I'll talk about the National Labor Relations Board. I was assigned to region 26, which was in Memphis, Tennessee as a field attorney. Region 26 covered the western half of Tennessee, all of Arkansas, and the northern half of Mississippi from Kosciusko up. It was a very basic type of practice because many of the plants were unorganized, and the unions weren't that strong. The employers engaged in extremely aggressive behavior to keep the unions out. So, my duties were multifaceted as were those of the field attorneys. We would conduct representation cases. In other words, when a petition was filed to represent employees, the NLRB had to determine whether it met all the requirements and whether an appropriate bargaining unit was being sought. To determine that, we would usually have to conduct a hearing to get all the facts about the bargaining unit and whether the sought bargaining unit reflected a community of interest that would effectuate collective bargaining.

Then an election would be conducted, and win or lose, the losing party usually filed objections to the election, which had to be investigated, and sometimes it would include challenge ballots. Next, we would write a decision on the objections/challenged ballots. Our mission also included resolving unfair labor practice charges. Both employers and labor unions could commit unfair labor practices: e.g., employer discrimination against employees for employee organizing, intimidation and retaliation; union secondary boycotts and various other things. We investigated those as well.

The trial work came from unfair labor practices. If a matter had merit, a complaint would be issued. And the field attorneys would act as counsel for the general counsel and try the matters before an administrative law judge. At the time, there were called trial examiners that became administrative law judges around 1970. That would entail a full-fledged hearing. The judge's decision was appealable to the five member National Labor Relations Board in Washington, D.C. Their decisions were appealable to the United States Courts of Appeal. That took the matter out of our hands because those appeals were handled by the agency's appellate section in Washington. So, I conducted

representation case matters, investigations, I tried cases, I wrote representation decisions, wrote briefs, and so on. We were doing all kinds of things.

It was quite busy and fascinating because it was the mid-South and there were all kinds of dynamics. The year I got there was just several months after Martin Luther King had been assassinated in Memphis. It was a very electric atmosphere. And I must tell you something, I'm from Boston, I had never lived in the South before. Soon after arriving I traveled to Ashdown, Arkansas. I went in to have my haircut by a Southern barber. He heard my accent. I'm going to say exactly what happened because it happened. This is probably July 1968. Martin Luther King had been assassinated I think in April. The barber had a straight razor to my neck, and he said, "What do you think of that Martin Luther Coon?" He was pressing on my neck. I didn't squawk. I didn't disagree with him. I just stayed silent. And that's what things were like down there. But the tide had turned. The bubblers, as they call them in Boston, the water fountains, still had colored and white separate signs, but it was starting to come down. But I loved the food in the South and the people, generally, were extremely nice and warm. It was quite an experience, and I did that for about three years. My home town was predominantly Irish Catholic where people then faithfully attended mass but didn't parade their religion. I found The Bible Belt as where people presented their Fundamentalist Christianity in a warm and loving manner. I respected and appreciated that. Some of the companies I investigated had chapels on their property where they invited their employees to pray and meditate.

Q: Can you recall a particular case that would really exemplify your work?

CORAN: Okay. It was a case with the Tunica manufacturing company. It manufactured quilts, mainly, and it was in Tunica, Mississippi, which, at the time, was the poorest county in the poorest state in the country. Presently there are gambling casinos in Tunica. Tunica is about fifty to sixty miles south of Memphis. I processed a union petition to represent the company's non-supervisory personnel. We conducted an election for the appropriate bargaining unit. However, the results were indecisive because there were challenged ballots that would determine the outcome of the election. Also, the union filed an array of objections to the conduct of the election as well as unfair labor practice charges. So, I investigated the unfair labor practice charges. I was down there for about three and a half weeks driving up and back from Memphis. The objections mostly involved surveillance by management officials of employees gathered for the union meetings after hours and subtle economic threats and some not so subtle against employees. Then there was an inducement that doesn't sound like much, but it was actionable. The company conducted, during the union campaign, a quilt sale, which it had never done before, and it was basically giving away the quilts. The law prohibited that during a preelection period. Also, management promised some benefits if employees did one thing or the other for the employer. So that was found to be actionable. This resulted in the election being rerun. And, again, challenged ballots were determinative so I investigated the challenged ballots. When the ones from the people that were eligible to vote were all opened the Union lost the election by one vote out of 600. The company attorney, his name was Arnold Perl, jumped up and down and sang. It was a bitter defeat for the Amalgamated Clothing Workers of America.

I had other cases that were more graphic. One was a picket line violence case, where strike breakers crossing the picket lines were beaten. Some violent information came out during that hearing. There were cases with all kinds of manifest racial animus. Employers tended to spook white employees by asserting that a union victory would lead to their replacement by African-Americans. Where have we heard that before? There were cases with sexual innuendos and political implications. The cases were often fascinating, and the attorneys were sometimes my accidental instructors.

I remember one case involving Thurston Motors, a trucking company that employees attempted to organize, and after the Union lost the election it filed election challenges and unfair labor practices. The company attorney's name was Alexander. He was a man about six feet four and had lost an arm in World War Two. He carefully would light a cigarette with his prosthesis supported by his other arm. He intimidated every witness that the union presented. He was the most effective attorney I had ever seen. Those vanquished witnesses addressed him so deferentially. His cross examination was so bruising as would cause a saint to admit they were a sinner. That was probably the most fascinating case I ever saw.

Q: This is the beginning of your experience on the National Labor Relations Board. During that time, did you also do any teaching or mentoring? Were there other activities that took place besides the ones directly related to NLRB?

CORAN: Yes. My law school contacted me about advising first and second year students about entering into labor law. We learned quickly at the NLRB and became senior attorneys after a year's service. Consequently, I worked with summer attorneys and backstopped new attorneys at their first trials. When I left the NLRB in April 1971 the office gave me a farewell party. I was so emotional about it. I said that I am not leaving, I consider this is just a leave of absence and I hope to come back. And I haven't given up on that. Occasionally, I dream about returning to that office in my dotage.

Q: Were there other aspects in the wider culture that affected your work because, obviously, it's also the Vietnam era, the hippie era, the beginnings of feminism, and so on.

CORAN: Well, Memphis was a very conservative place. And I must mention that I got married about six months after I arrived there. My wife was from Queens, New York and she joined me. I lived a half a mile from Elvis Presley at Graceland, and he was alive. I would see his limousine pulling up, he was a big part of the culture.

My wife and I went to New York to see the musical *Hair*. And when I came back, some of the women in the office asked me about what we did, and I said that we went to see *Hair* — "How could you see such a gross indecency?" I mean, the culture was completely different there. I was kind of naive also. I came from a secular background. Although my grandfather, whom I didn't know as he died when I was very young, was extremely religious. One of the cases I went down to investigate in Memphis was in Central Mississippi, and the company had its own campus. They had a chapel on the

campus where they encouraged employees to go to meditate and pray. And so, when I had to present the case and make a recommendation whether the office should proceed and prosecute the employer, I did mention that they all seem very, very fine people —the managers and the owners whom I dealt with, and that impressed me. They had the chapel, they seemed very devout and pious people.

Memphis was a very Bible Belt place, very Protestant. But the leadership of my office was completely Roman Catholic. The regional director, the deputy, the regional attorney, the top six people. Well, when I said that about them being pious, they said, "These people pretend to be religious, they're the biggest phonies in the world." You know, they really slammed me for that and, I guess I still thought that they were being sincere. I do now.

Q: How did it come about that you went on to your next position?

CORAN: My wife Brenda passed away in the middle of 2021. She missed Queens and her family there. She wanted to get back to the northeast. And so, I strove to get back. The NLRB didn't want people leaving the Memphis office, they weren't going to encourage that. At the time, a whole new labor program was being formalized for the federal sector employees under executive order 11491, which would update the collective bargaining program for federal civilian employees.

So, an organization was set up with the Labor Department, the Office of Federal Labor Management Relations ("OFLMR), to administer the new program. What this new program was going to have to do was define appropriate units for bargaining, conduct elections, handle unfair labor practice cases, and negotiability disputes, and so on. So, OFLMR was recruiting people. Eight people from my office, the Memphis office, went there, but they went as non-attorneys. I applied and I basically couldn't be considered because as an attorney I was in the excepted service, not the competitive service. You had to have civil service standing. So, in the meantime, one of my colleagues told the Labor Department Office of Solicitor, which was looking for an employment lawyer in this program, about me. They contacted me about whether I was interested. So, I found work as an attorney and an attorney position, which I had been applying for. But I figured — why are they interested in me? They could get anybody, there were so many employment lawyers. Terry Brooks, the hiring attorney, came out to Memphis to interview me. When he got back, he offered me the job. I found out later how that happened, it was serendipitous. Sometimes life is just like a tennis match where a ball can be at the top of the net and go one or the other. Terry Brooks had a girlfriend named Margaret that lived in Nashville. He utilized his trip to interview me in Memphis as a way for him to visit Margaret in Nashville. That was good old Yankee ingenuity.

Q: That's fascinating. So, then you and your wife can move to Washington?

CORAN: Yes. We moved to Washington around April of 1971.

Q: The interesting thing about that executive order you mentioned is that it was promulgated by Nixon. And you wouldn't expect a Republican to be prepared to create labor relations regulations.

CORAN: Well, everyone has their opinion of Nixon. I believe, for his accomplishments, he was one of the most accomplished presidents of the 20th century. He brought China *de jure* into the World Community, he fostered improving the environment and civil rights, and he had the grace to accept his 1960 election defeat when he had real grounds to assert election fraud. Nixon walked the walk but his words and thoughts were self-destructive. President Nixon was not actually responsible for executive order 11491. There was a previous executive order, 10988, that President Kennedy issued in 1961 that was much less formal and didn't afford the structure that was needed for effective collective bargaining. So LBJ [President Lyndon B. Johnson] commissioned his secretary of labor, I. Willard Wirtz, to come up with a new executive order. For some reason, there was a contratemps between LBJ and the secretary of labor, so LBJ did not promulgate it. Nixon inherited it and did the deed.

Q: So, you're going up as an attorney in this new period when there are more opportunities for federal workers to create either associations for representation or labor unions. Do you want to take a moment and just describe that? Because it was a big change for federal employees.

CORAN: Well, you know, federal employees and some of the branches had been represented by unions for years, like the Government Printing Office. Shipyard employees, The U.S. Post Office Department, whatever else, that always have existed. These were like AFL [American Federation of Labor] unions. The Postal Service had some sort of recognition as well, which went off in a different direction in 1971, when there was a strike. But there was nothing that provided the unions with strong collective bargaining. And, of course, always off the table were salaries and fringe benefits — that was determined by statute and couldn't be directly bargained. So, what could be bargained about? Basically, what the union wanted to bargain about was procedures so that employment opportunities and promotions were solid and well-grounded and fair, and that employees would have effective grievance procedures and a healthy and safe workplace. There were other things, inherent management rights, that couldn't be bargained about. But E.O. 10988 didn't provide exclusive bargaining rights. It had something called formal recognition. This was where a union had at least ten or fifteen percent of the workers as members in a given work unit. Once the union attained that level of membership, it gained the rights to consult. That was not really bargaining. What E.O. 11491 did was abolish these looser arrangements and require exclusive recognition so that the union would have to represent all the employees in the unit and then would have much more bargaining power and leverage.

Q: With this context in mind, where did you go for your next professional assignment?

CORAN: At the time, I was working over at the Federal Labor Relations Council. I had left the solicitor's office for a promotion. And the Federal Labor Relations Council,

unfortunately, was moribund. The members of the Council were: the director of the office of management and budget, the secretary of labor, and the chairman of the civil service commission, which existed at the time — it's now the Office of Personnel Management. The OMB director and labor secretary sent surrogates to the meetings. The labor department sent Laurence Silberman, who later became a Court of Appeals judge for the DC Circuit. The civil service commission was headed by Robert Hampton. Silberman envisaged the federal labor relations council being like the Supreme Court to decide cases and issues. Chair Hampton saw it as a policymaking entity and wanted to deemphasize the litigation and come up with policy determinations. So, because of that ideological difference they couldn't agree on decisions, and very little was happening. The staff there were well paid, but we weren't worked very hard, because nothing was really coming out. We were demoralized, and people were bailing out. I was contacted by the State Department and told they were having a new labor management program, and would I be interested in coming in and talking to the legal advisor's office?

Now, before that happened, I knew the State Department was sending people over to the federal labor relations council. Thomas R. Byrne, who was the special assistant for collective bargaining, the very first one, under the director general of the foreign service. He approached the federal labor relations council to get the council's cooperation to have the president issue an executive order, creating a separate labor management system for the Foreign Service. Until that time, the Foreign Service was covered by executive order 11491. And, you know, that terrified a lot of people in the Foreign Service about bargaining because under Executive Order 11491, supervisors couldn't be in the bargaining unit, and it contained a very broad definition of supervisors. Two thirds or more of the Foreign Service members had supervised, even if one supervised a Foreign Service National, those persons could be excluded from the bargaining unit as supervisors.

So, Secretary Rogers went to the president and got the president to suspend executive order 11491, so that the State Department, and the Foreign Affairs agencies, would be exempt, but they still had to come up with a separate executive order. And so, Tom Byrne met with the leaders of the Federal Labor Relations Council to create what became Executive Order 11636 which was the original bargaining charter for the Foreign Service. At that time AFGE [American Federation of Government Employees] was seeking to represent the Foreign Service and it wished to exclude supervisors from the bargaining unit. Because AFSA was in opposition to that, there was a competition between AFSA and AFGE in those early years. So, it turns out the reason I was contacted by the State Department was that, when I was at the solicitor's office, I worked for Herb Fishgold.

Q: Just one quick thing, when you say the Solicitor's Office, you mean Solicitor General of the US, or was there a separate solicitor for labor relations?

CORAN: No, the General Counsel's Office at the Labor Department was, and still is, known as the Office of the Solicitor. That's where I was from 1971 and 1972. And Herb Fishgold, who was my second supervisor over there, and recommended me to the State Department. He heard they were looking for a labor lawyer, and the person he

recommended me to was Louis H. Silverberg. Louis H. Silverberg was a senior labor attaché. He had been the longest serving labor attaché in Tokyo before that, and he was now back as the executive secretary of the board of the Foreign Service. The board of the Foreign Service at that time had appellate jurisdiction over removals of Foreign Service personnel and developing major Foreign Service policy. The grievance board later got that appellate authority but before then it was the Foreign Service.

So, Lou Silverberg recommended me, and I was called over to the State Department, and I must have had 20 interviews. It went on for months, and months, and months. My then office and the State Department were neighbors, it was right next door, I was at 1900 E Street, NW and the State Department was at 2100 E. Street, NW. So, the shuffling back and forth wasn't a big deal. Then came the security background thing, and finally they called me and offered me the job. At the time, Charlie Brower was the acting legal adviser, from White & Case, a prestige law firm, and a very, very fine gentleman. He's the one who offered me the job. I was assigned to the management section of the legal advisor's office. Now, when I came in, I mentioned Jim Michel. Jim had done incredible preliminary work on the program. He was involved in that office, and he was central to drafting the interim grievance procedures that became 3 Fam 660. He also was integral to implementing executive order 11636 and advising on the election. Jim's picture is next to the dictionary definition of overachiever.

Q: Just one quick thing to clarify. 11636 was the one that created the opportunity for the State Department to elect an exclusive bargaining organization or representative if I remember, right?

CORAN: That's right. It's State Department, the Foreign Affairs Agency, State, USIA [United States Information Agency], and AID [United States Agency for International Development]. So, Jim Michel moved on to become assistant legal adviser for political-military affairs. He was so integral to what happened before and I knew nothing about the Foreign Affairs agencies or this particular program, it was a whole new culture to me. I was constantly consulting Jim, who was very generous with his time and advice. He is a brilliant lawyer, and one of the finest public servants. You must read his interview your organization conducted. Most of that's about political military affairs, but it does get a bit into what I'm talking about.

Q: You go over to the State Department, you're hired as manager, but what was the manager position? What responsibilities did you have?

CORAN: One of the things I loved about working for the State Department was the freedom that people are afforded to be creative. There's very little, almost no, flyspecking and micromanaging. Let me give you an example. Before I came in, there was a representation case hearing under Executive Order 11491. This related to the Foreign Service before Secretary Rogers had it exempted. One of the people that was there from personnel was telling me what happened. He said there was a Foreign Service Officer testifying and he was trying to prove he was nonsupervisory. According to my source, his name was Bob, the guy denied that he assigned work. He basically said, "I tell people,

they know to look at their position description and what they're supposed to do, they just go and do it. I was managing nothing, you know." That's the impression I got. But it turns out that State Department people can be very creative in what they do.

Now, I was brought on there, ostensibly, as a lawyer to give legal advice to the management negotiators, and to protect management from giving away anything that the law didn't require it to talk about. The chief management negotiator, Tom Byrne, would constantly look at me and say, it's non-negotiable. And we'd be at the table with AFSA, and I would assert that AFSA's proposal would be non-negotiable because it unduly restricts management's rights to assign work or impacts the budget or, it interferes with national security. Tom Byrne would constantly speak, he'd look at me and say, it's non-negotiable. And of course, across the table sat the representatives of AFSA. They had a very strong bargaining team with an incredible intellect and determination. But I had the advantage, I knew the law of negotiability and they didn't. So, I would take the position that something was non-negotiable, and I would give a written determination. AFSA appealed to the body that was created — it was called the employee management relations commission. We won ninety-five percent of the negotiability appeals; things were found to be non-negotiable. One example is where AFSA was trying to negotiate over joint travel regulations, and under the executive order, uniform joint regulations weren't negotiable. So that was shooting fish in a barrel to do that. Okay, so we did well with AFSA, on that type of thing, on keeping things off the table, but they were way craftier than we were.

Q: Do you recall who these initial negotiators were?

CORAN: Yes. There was Tom Boyatt who later became president of AFSA. His close colleagues, Alan "Tex" Harris, Rick Melton, Rick Williamson, there was Howard Myers and Hank Cohen, who became an ambassador. But what I didn't realize was that the people who were the top managers at State when I first came in, for example, Ambassador William O. Hall, who was then director general, and Tom Byrne, who was the chief negotiator. were all pretty entrenched against major collective bargaining concessions. Later, I found out from Tom Boyatt -- he sort of mentored me, believe it or not —that previously there were Young Turks, Nat Davis and Larry Eagleburger and Bill Harrop, a whole bunch, and these became top managers then but they were for the AFSA reforms. Some of my colleagues from the management side thought that there was too much of a conflict of interest in bargaining, because all the managers had everything to gain by AFSA getting its position, like Tom Byrne was the chief negotiator. Tom Byrne had five daughters all living with him. Yet AFSA was negotiating with him things that would benefit Foreign Service personnel and their dependents, educational travel and all kinds of things — separate maintenance — and they said, how can Tom be impartial when these things are directly going to benefit him?

Q: But at this moment, it's 1973, AFSA had won the election for exclusive bargaining rights? Could you describe the representation issue back then?

CORAN: AFSA won the vote at State, USAID, and USIA, defeating AFGE, and so you had a unified AFSA bargaining team. Then the management team was constituted of people from the three foreign affairs agencies The State Department's, Tom Byrne, was the chief spokesperson. AFSA had a very organized way of approaching bargaining and broke it down — each day of the week would be a particular topic. It had its aims and its goals and objectives. And, you know, I mentioned I came from a pro-labor background. And I'm seeing the management position being irrationalized by AFSA's compelling logic. I started sympathizing with AFSA. Then, you know, as I said, Tom Boyatt mentored me, and we would go out drinking beer and tell stories, whatever else. You met Tom, didn't you?

Q: Oh, yes, absolutely.

CORAN: Brilliant, very charming guy, very strong, but warm and delightful. And he can be on it. He had this incredible relationship with Tex Harris, who was very strong ideologically, but Tex could be difficult. Tom and Tex would get into disagreements because Tom thought Tex was being inflexible, indecisive at times. Tom mentioned that, in effect, that if Tex were sentenced to death and he was facing the firing squad, and the firing squad said you have 60 seconds to write your own pardon, Tex couldn't agree with himself on what should be in there. Tex was like a Talmudic scholar who would always have questions constantly, you know. Never a final answer, always an additional question.

Q: Nevertheless, he's renowned for his skills in advocacy, and eventually, you know, expanding rights and privileges similar to those found in the rest of the federal government, and sometimes also with the military.

CORAN: Yeah, Tex was a great hero in Argentina. As you may have realized that he's probably the best foreign service officer to have never become an ambassador. But back to the legal issues. It would get touchy when management was taking unreasonable positions. I'll give an example — foreign service officer selection out and voluntary retirement for performance grounds. The way it worked back then, when this dispute arose, if an employee were ranked in the bottom five percent or bottom ten for two or three years, they would automatically be identified for involuntary separation on performance grounds. At the time they had no appeal rights. There was what was called a special review panel, that would allow an employee to make a written submission about the proposed separation, sort of a reclamation. AFSA felt that was insufficient as a matter of due process. AFSA proposed that employees be allowed to make a personal appearance to argue their case. Now, AFSA wasn't asking that they'd have an evidentiary hearing to present witnesses. Yet management refused that proposal, which just flabbergasted me, I was flummoxed by that. So, it was taken to what was then the Foreign Service disputes panel, which would decide impasses and it was made up of a public member, a member from the Labor Department, and there were one or two foreign service officers that were on it — I remember Larry Puzzello, and Melissa Wells were on it. Melissa drove a personal English taxi in Georgetown, she was a character.

So, this case was taken to the Foreign Service disputes panel. And Tom Byrne, who was the chief negotiator, told me to make the argument that the AFSA proposal lacked merit. I said to him, "Tom, in good conscience, I can't do it." Now, that should have got me fired. Because the lawyer is supposed to make the case, but I just couldn't do it. So, Tom got up and said, the preference is that we're not accepting AFSA's proposal because we're thinking of the employee, because if the employee gets up and makes their argument, that'll prejudice them, they'd obviously do a poor job. They'd be better off if they just did a paper where they could be dispassionate. Well, the chairman of the panel at the time was John Stewart, who was the chair of the Bureau of National Affairs, BNA — also first cousin of the actor, Jimmy Stewart. So, this was in 1973. John Stewart said, "Tom you're standing there, your mouth is moving, I hear sounds, but you're making no sense." And so, you know, you can see how that case came out. AFSA had an incredible record of success on these disputes, it had the counsel of Rick Williams — he wasn't a lawyer at the time, he went to law school after he left the Foreign Service. Rick that would present the AFSA cases. Rick was a natural. He was amazing. It was a delight to watch him. He would win all these cases for AFSA. So, the department finally started to see the handwriting on the wall and not take such unreasonable positions.

Q: Relating to this issue of representation, as an appeal for being selected out, ultimately, the decision was made to allow the officer to appear.

CORAN: Yes, it was. But AFSA didn't press it as much as it should have. Because a Foreign Service officer named Philip M. Lindsey, who was selected out, brought a lawsuit saying that his constitutional rights had been denied, because he wasn't allowed to call witnesses. I guess the purpose would be to attack portions of the fitness reports, the EERs [Employee Evaluation Report], that the selection board relied on in low ranking him, where they would have to identify things. So we went to court, and there was an incredible judge on the district court at the time, who reminded me of Moses crashing the tablets. His name was Gerhard Gesell.

Q: Yes, sure. He was involved with the Watergate trials and so on.

CORAN: Yeah, well, Judge John Sirica was the main judicial actor for Watergate. But sure, Gesell was too, he had this shock of white hair, red face, and his father was a distinguished psychologist named Arnold Gesell. The case went before Judge Gesell to determine whether or not there was a constitutional right for an evidentiary hearing. Judge Gesell heard oral argument on the case. Mike Katz was the Assistant US Attorney. Judge Gesell lectured Mike Katz that his former law partner Dean Acheson, who had been Secretary of State, "If he heard what you were saying, he would throw a book at him." He would never tolerate this system, this unfairness. On December 12, 1973, Judge Gesell issued his opinion, finding the system as it was unconstitutional and directing that no foreign service officer be selected out until and unless this procedure was established and complied with. That meant the department had to issue regulations. I could have recommended an appeal of Judge Gesell's decision, as the Civil Service Commission recommended. I did not because I felt the moral principle outweighed the legal issue.

Q: Yes, since you're talking about the overall process for this, why did it go to a regular Federal District or appeals court when it was involved in administrative court matters? This issue might typically go to an administrative judge.

CORAN: Because this was a constitutional challenge.

Q: Okay. So, in other words, they accepted the constitutional challenge. There was no challenge on the jurisdiction of the complaint such as -- this case properly belongs in administrative court.

CORAN: There was no exhaustion requirement. And incidentally, an administrative body can't rule on the constitutionality of the law that created it. It was clearly jurisdictional. So, I didn't recommend an appeal even though the General Counsel or the Civil Service Commission said we should appeal because I thought the decision, if anything, was morally imperative and right and valid. Judging from Gesell's language, he thought the procedure was fatally flawed, and he was right. So, there was no appeal, which meant the department had to come up with procedures before it could select anybody else. At the time, Nat Davis was the director general. Allende [Salvador Allende, President of Chile] had fallen and Davis was back from Chile, and he was director general. I worked on procedures to implement Judge Gesell's ruling. Nat Davis expressed reluctance to be associated with implementing the decision

The attorney for Lindsay filed a motion with the court to compel the department. His name was Larry Speiser, a very distinguished federal civil rights lawyer in Washington. So, Judge Gesell called us into court — this was like six months after his order — and asked me why the Department hadn't complied with his order. And he said to Mike Katz, assistant U.S. attorney, Mr. Katz, "Before I hold the department in contempt, tell me why I should not hold the department in contempt." Okay. And Mike Katz being wise said, "Mr. Coran, the State Department lawyer, is here, I'll let him tell you." Okay. So, I'm standing up shaking, don't forget, he [Judge Gesell] looks like he could break the 10 commandment tablets. He said, "Mr. Coran, what do you have to say?" And I said, "Your Honor, the Department has not issued the regulations. But you didn't order us to issue the regulations. You ordered us not to separate anyone until we had." And he looked at me, and in a very soft voice he said, "You're absolutely right. Mr. Coran. If what you're saying is correct, I can't argue with that." Then his face turned blood red, and he said, "That's because I thought that the State Department and the Foreign Service were gentlemen. And they took advantage of the looseness of my order." He was wringing his hands and he said, "When will the Department issue those regulations? Will it do it in 30 days?" And totally ad referendum? That was a term Tom Boyatt used to like — ad referendum. I said, "Yes, Your Honor." So, I had to go back to the Department, I acted totally without authority and tell Nat Davis what I had done. I had burned so many bridges, done so many things, that this was finally going to be it. And Nat Davis looked at me and he said, "Good. You committed the Department to it. They can't say I did it." He was relieved. So, we came up with the regulations and that was done.

Q: As sort of the final point, the regulations then did enshrine the ability of officers to appear and to call witnesses.

CORAN: Yes. I guess I wasn't finished with it then because it was going to end up before the board of the Foreign Service. So, the department contracted with administrative law judges. Most of them were retired from the National Labor Relations Board, where I had worked. Alba Martin was a very distinguished judge, and I was there to represent the Department at these hearings. Alba Martin was taking the entire performance file for the employee and marking each page as an exhibit, and he had no clerk. We sat there for three days doing that. Then, I represented the department at a hearing and a very fine attorney, Bruce Terris, represented the employee that was appealing to selection out. He had perfect recollection of the events and the performance evaluation. The ones who wrote the reports were overseas, wouldn't come back, or didn't want to testify, you know, impossible cases to defend. And so, the employee won the case. I decided at that point that the Department shouldn't be represented at these hearings, that the employee should be allowed to contest the thing, and it would be much simpler. So, at that point, a lot of the contentiousness was taken out, and it became more orderly. But that type of separation basically disappeared, the only thing that remained viable was time and class separation "up or out".

Q: Now, this is 1973. And just in 1973 alone you have these monumental issues that become bedrock for how AFSA would represent its membership and so on. But there were many other things that happened. From your point of view, what were the next key ones?

CORAN: 1973 to 1980 things chugged along like that. I was spending most of my time in negotiations and grievance cases and employment litigation. But in 1978, Jimmy Carter was president, the Civil Service Reform Act was enacted which created a senior executive service, all kinds of big bennies [benefits]. The Foreign Service Act of 1946 stayed the same. And AFSA was already interested in modernizing the legislation. At the time, Ben Read was Jimmy Carter's appointee for undersecretary for management. He was a distinguished visionary. So, AFSA was very active in helping draft the legislation that became the Foreign Service Act of 1980.

But let me just step back for a second to something that happened before. We had the interim grievance procedure that Tony Jim Michel drafted for 3 FAM 660 that was supposed to be temporary. AFSA wanted grievance legislation. That was one of Tex Harris's big causes. Periodically starting in 1973 this grievance legislation would be introduced by Senator Bayh of Indiana. It would never get past the House because the department had an ally — the chairman of the House Administration Committee, Wayne Hays. Wayne Hays said to sources who informed me that this grievance legislation will be enacted over his dead body. So, he would stop it every year. It wouldn't get through. In the meantime, the Chairman of the Interim Grievance Board was named Bill Simkin, and he had been the director of the Federal Mediation and Conciliation Service. He was distinguished. He was living, I think, in Arizona and he wanted to retire and everybody that was involved in that interim system wanted to do other things. This thing had to be enacted one way or the other. Wayne Hays got into a scandal with a secretary and when

that was exposed, she came out and said, "He hired me as a secretary, I can't take stenography, I can't type and I can't answer the phone." Wayne Hays disappeared. So, it was time for the department to give in and get the best deal it could.

I was dealing with Tex Harris a lot on that, Tex did most of the work to come up with a statutory agreement system. Now, all of a sudden, it was on a Sunday in May of 1975, when Tex Harris called me at home. He said, "Larry Eagleburger wants you in his office immediately." Okay. So, I went to the State Department on Sunday. There was Eagleburger, there was Tex Harris, Tom Boyatt, and some other higher officials from the department already called. And then there was this tall, thin gentleman that was wandering around the office. He looked totally lost. And distinguished, but he looked totally lost, it looked like he was shell shocked. And Eagleburger was going over to him and saying, "Graham, how about a cup of coffee? Graham, why don't you sit over here?", whatever else. It turns out that just a few days before, Graham Martin had been evacuated from Saigon. He was in delicate shape and Eagleburger was caring for him. And so that meeting was like half an hour. We resolved the last issues and the grievance legislation was to use today's popular term "a deal."

Q: Yeah, it became much more layered. It became a much better mechanism to bring grievances than they ever had before.

CORAN: Yes. For perspective, I wanted to go back to the department's early attitude toward grievances. There's a name I should mention. Allison Palmer. She and Margaret Cooper King were very active for AFGE. And she preferred AFGE over AFSA in the 1973 election. But one of the first grievance cases I got when I got into the department was a grievance where Allison Palmer was claiming — she worked in INR [Bureau of Intelligence and Research] — that she was entitled to cash for five hours overtime rather than compensatory time off. I was the third lawyer to work on that case. It was under an old grievance system for the Foreign Service, there were tripartite boards, where employees selected one person, the State Department selected another and those two selected a neutral chair. Okay. This case had gone on for something like 90 days of hearings, over just five hours of overtime, and I was the last one to handle it. Allison ultimately lost the case, but she won the pie, because she could put the department through hoops for that thing. The reason she lost the case was that if overtime were considered irregular and occasional, not repetitive and predictable, for an employee above a certain grade level, the department had the option to give them compensatory time off. If it were regularly scheduled, then the employee had to receive cash, but Allison's was irregular and occasionally, so she lost that case.

Now, the other point I want to bring up for background was that under the interim grievance system, I was advising the grievance staff on their handling of informal grievances. So, the department had the first bite and if it wasn't as settled administratively, the employee could go to the interim grievance board. The first thing I noticed in one of the letters denying the grievance was it just said, "Grievance denied." It didn't say "Your grievance was denied under the regulations, you may seek review by the interim grievance board within 20 days," or whatever else. So, I went to the chief of the

grievance staff, who was an FSO [Foreign Service officer]. He said, "Look, we don't want to put it in there, that'll encourage people to file a grievance." I said, "This is basic due process!" So, they did it. You know, it's not —that the official was not fair to federal employees, but that was just his concept of the process. I know, there was a case he had, where a Foreign Service officer who served in Africa was selected out, because of the performance report that was written, because the employee was a very devout Catholic. He had assisted a Catholic NGO [non-governmental organization], which was totally appropriate for him to do. So, this same FSO from the grievance staff — it was just totally *ex-gratia* — reviewed the case, found the merit to it, and fixed the wrong for that employee to be reinstated in the Foreign Service. It wasn't a matter of unfairness; it's just not having a concept of how a sound grievance process should be designed.

Q: Now, once the grievance board is established, do you continue to have any relationship with how it operated?

CORAN: Well, there was a real benny [benefit] from that. The system was brand new; it was different. People overseas had to be trained, because grievances could arise locally and be filed and whatever else, and they had to know what their responsibilities are. So, Carol Laise was the Director General of the time, and she commissioned a worldwide training mission to brief the administrative staff around the world on the Foreign Service grievances.

Q: Oh wait, one second. They're going around to brief the management counselor, the administrative counselor — did AFSA already have representatives overseas at this time?

CORAN: Yes.

Q: Okay. But they're only briefing the administrative section, not the AFSA rep?

CORAN: Right. You know why — because AFSA was doing a very good job of educating its people. Why listen to management hacks when we know better? And AFSA's an incredible organization. Okay. I participated in some of the training. There were trips to Europe, South America, and Asia. I remember the first guy that went off training was John Sinozich, Jr. he went to the South Pacific, but I went in May of 1976. Yes, May of 1976 to Mexico City and Lima for regional training of administrative officers. Then in August of 1976, I went to New Delhi, Kuwait, and Tunis. When I was in Delhi one of the people that attended was a labor attaché. Stephen Block and Steve later became the chief of the grievance staff.

So, we conducted briefings. They were twofold. One on labor management relations — because of executive order 11491 they had never really been briefed on that. Then second was the nuts and bolts of the Foreign Service grievance system from the very beginning until the end of the process. And so that gave people the tools that they needed, and it was a great trip for me. Although the highlight was the low light. When we were in Kuwait, we were flying to Cairo and staying over because the economic officer or the political officer was a friend of my colleague on the trip who was doing the training, Chuck

Schmitz, so we were going to be in Cairo for several days. In Kuwait, we had to wait like six hours and when we got on the plane I immediately fell asleep. The plane was going to Cairo, and I woke up when I heard gunshots. What happened was the plane had been hijacked. Somehow, the hijackers were overtaken, and the guns were discharged — luckily the plane wasn't depressurized or we'd all be at risk. I missed all the action but Chuck Schmitz, my colleague, didn't. And he never forgave me for that because I can't tell you what the fear did to him on that flight. You can imagine. He would tell people for years after, about me, you know, whenever we're together, he tells people I slept through a hijacking.

Q: Incredible. In all your briefings, was there anything different that you ran into other than being almost kidnapped? In other words, were the people you were briefing entirely surprised? Had they had any previous understanding?

CORAN: Well, they're basically administrative officers. And so, some of them would have had contact with the interim grievance procedure, which had some similarities. But what was interesting was that they were all very accepting of it. There wasn't any hostility toward it. They asked questions to help them be able to utilize the process. Again, Foreign Service people are the sharpest, most intellectual people I've ever come across. So, that didn't surprise me. But years later, I was seconded to the custom service. This is 1995. While I was still working for State, I was in the EEO [Equal Employment Opportunity] office, I went around the country briefing customs offices on the EEO process and how to avoid discrimination complaints. I remember we were all over the country doing that and people were very hostile — these were law enforcement types. I remember when I was in San Francisco, one of them said to me, "That's nothing but bovine excrement." And he said this during the class and so I'm pointing out how the Foreign Service people were extremely receptive, whether because of their culture or whatever else. The Foreign Service is a class act.

Q: So, this story about the grievance system, how long did it take before everyone who had been involved felt comfortable that it had been well entrenched?

CORAN: I never saw any bumps in the system. It was extremely smooth. I saw no opposition. State was always very good, USIA was stiff necked, they're probably the least labor friendly of the foreign affairs agencies perhaps because their bargaining unit contains so many craft trades. There was one case I would like to mention. The great riverboat case, which involved a USIA employee named Christopher Paddock, I can say it because the case went to court. He was assigned to Argentina, where he departed to take home leave to Iowa. Paddock decided he was going to stop in New Orleans and get a riverboat, the Delta Queen, up to Iowa, where his home leave address was — right off the Mississippi then over the Iowa River. The State Department travel office approved it. USIA, then got the bill — this is back in the 1970s was like \$60,000 or \$70,000. USIA said that if he took the most direct, cheapest, reasonably proven travel, then it would have been like \$6,000. USIA disallowed the claim. Paddock filed a grievance with the grievance board, and USIA took the position that the grievance board has no jurisdiction over federal expenditures or GAO [Government Accountability Office] matters so

Paddock could not challenge that. The grievance board disagreed, and they entertained the claim. So USIA shows up at the hearing, with all kinds of charts and things, and the regulation saying that federal travelers should travel prudently as if it was their own money that they were spending. But the case turned on the fact that prudence wasn't the controlling factor. It turned on the fact on whether the travel was direct. He flew into Florida and went to New Orleans, and it turns out there was GAO precedent — there was a GAO witness actually called and he said, "Even though this seems like an extravagance and a disgrace, it's permissible under the GAO regulations." So, Paddock won his case. USIA charged into District Court, it went before Judge Flannery, the US District Court judge, who overturned the grievance board, saying, "This is obscene, this is outrageous!", and whatever else. AFSA was heavily involved in the hearing. AFSA's lawyer and Paddock's lawyer went to the Court of Appeals, and a panel chaired by Laurence Silberman — who I had mentioned before from the Federal Relations Board — arch conservative, overturned Judge Flannery and found the grievance board acted totally within its authority. I mean, that was an amazing case.

There's a couple of other things I want to mention or I'm sure I'll forget, involved with AFSA. These anecdotes have just always stuck with me. The first one was, AFGE wanted to challenge AFSA, again, have another election. So, it was trying to put up things on the State Department bulletin board to get attention for AFGE. And State Department was taking it down because there's another labor rule — if a union doesn't have equivalent status, it can't use the bulletin boards. AFSA was the exclusive representative. So, AFGE had a connection with a newspaperman, a guy named Tom Dowling. He wrote, at the time, for the Washington Star. He had been a USIA officer before that. So of course, he was interested. He came in to write an article about this dispute. At the time, the chief department negotiator was named Alex Davit. He was wearing two hats, he also was the director of the Office of Performance Evaluation. And Davit, a very charismatic guy, was sort of charmed with the fact that this newspaper man wanted to interview him. I said, "Don't talk to the newspaper." But he gave them an interview. A couple days later, published in the Washington Star was an article headed "State Department and the great bulletin board controversy." Basically, it was a mockery. It referred to Alex Davit as the Senior Foreign Service officer in charge of bulletin boards.

The other thing I wanted to mention was when Tom Boyatt was president of AFSA, and the time came for an AFSA officer election during Carter's presidency. So, remember I mentioned Rick Williamson. Brilliant, counselor. He ate my lunch every time in our labor-management disputes. He was running to replace Tom Boyatt. Trouble was, that as brilliant as Rick was, his personality was acidic. So, who was running against him but John Hemenway. Hemenway was a selected out Foreign Service officer. He also was known for seeing communists under every desk. He was far right wing. A gadfly.

Now, when the Foreign Service grievance legislation was enacted, it had a retrospective provision that people previously selected--out, after a certain number of years prior to the enactment of the law, could seek review of their selection out. Six years was selected, I know this for a fact, because it closed the window on John Hemenway. So, John

Hemenway was bitter and angry, and he was running for president of AFSA — he hated AFSA, he was involved with AFGE before — and he was running against Rick Williamson. Well, because of Rick Williamson's image, and a split vote, Hemenway won the election. [Just think of the movie spoof “Putney Swope.”] Tom Boyatt was going off to be ambassador in Africa, someplace. And he had a big party in his home in Alexandria, it was outdoors. I remember, Reagan had been elected and Tom Boyatt said, "I bet he's going to make John Hemenway the new undersecretary for management." You know, it was just a joke, but so the election comes up and Hemenway is elected, and he tore AFSA apart for a while.

Only because AFSA had a strong board and because of the AFSA constitution, they could rein him in. But Hemenway, without AFSA's board permission, was sending out all kinds of leaflets from the field, undermining AFSA's board. So, the AFSA's board sent a State Department official from the office involved with the shipping of things, household effects, and so on, to intercept the John Hemenway mail. And it was intercepted, he never got it out. Hemenway sued in small claims court against AFSA and the department for removing his leaflets or whatever else, which Hemenway lost. Ultimately, Hemenway was recalled and removed from office.

Q: This takes us to 1979 or so. But were there other events like the one you just described prior to the Reagan Administration?

CORAN: I can't think of any anecdotes like that. But we were talking about the Foreign Service Act being enacted in 1980. Preceding that was what was known as the Foreign Affairs Specialist Program, FSRU program. The idea originated in USIA and USIA legislation. The State Department railed at the idea of the Civil Service Commission having any jurisdiction over the State Department, including over its civil service employees. So, the State Department came up with a plan to create a domestic foreign service category called the Foreign Service Reserve. It was going to take all people of officer level, enter them in the reserve, and after three years, they would become Foreign Service Reserve Unlimited [FSRU], so that all of the officer level people in the department, Foreign Service and Civil Service, would be subject to the Department's authority and not that of the Civil Service Commission. It was the brainchild of Under Secretary for Management, William Butts Macomber, Jr.. I enrolled in that program and that's how I became eligible for the Foreign Service annuity. It was a boondoggle for us who entered it. However, in the late 1970s the Department decided that it would end the FSRU program and redesignate its participants into other personnel categories.

The Foreign Service Act of 1980 required that the FSRUs either convert to worldwide availability Foreign Service status or go into the Civil Service. Those who made no choice would be involuntarily retired, with a pension, on February 14, 1984. So, there was a certain period of time after the law was enacted where we had to do one or the other. I was converted from FSRU to GS-16 [General Schedule-16]. But I elected to stay under the Foreign Service Retirement and Disability System. But that basically undid the FSRU program, which was an important goal of the department.

Then you had the senior executive level, Senior Foreign Service, which created a much better pay system for Foreign Service people. It also made them eligible for presidential rank awards, which awarded \$10,000 to \$20,000, at the beginning, I don't even know what it was. It also removed removal for cause appellate jurisdiction from the Board of the Foreign Service and gave it to the Foreign Service Grievance Board. The 1980 legislation also instituted a number of changes streamlining the personnel system. It was a great step forward. It was a masterstroke for AFSA, and it was something that the Department and AFSA absolutely agreed on.

Prior to this, the major legislation for the Foreign Service was the Rogers Act 1926 which combined the consular and the diplomatic corps. Then came the Foreign Service Act of 1946 which kind of modernized things, and then ultimately the Foreign Service Act of 1980, which provided for future reforms and adaptations.

Q: So that aspect of the Foreign Service Act was directly related to the kind of work you did, but were there other elements of the act that also overlapped with your responsibilities?

CORAN: Well, the various allowances and benefits that came from the development of those acts, I always had to interpret them and apply them. I sort of gained notoriety early on, which stuck with me for the rest of my career, about the former spouse benefits. AFSA was sympathetic with some of these former spouses, usually women, but the Department wasn't moving on it legislatively. I would have former wives of ambassadors coming to me, claiming that they've been married to their husbands — put them through graduate school, served with them as junior officers in all these horrible places, and then mid-career places, and then they become ambassador, and they dump them and marry their secretaries. Now all of a sudden, they have no claim on the survivor annuity, where this new wife who made none of the sacrifices is going to get it. Several of these wives have come to see me and asked if I would intercede. In the 1980 act, we were able to insert provisions for former spouses, so that it was based on the percentage of the Foreign Service career the spouse was married to the Foreign Service spouse. They could claim a portion of their annuity when they retired, and his survivor benefit was wonderful. That was in the Act.

But another area of regulation I worked with was a regulation that says the Foreign Service personnel assigned abroad were eligible for educational allowances and separate maintenance allowances, and home leave travel and travel to post for dependents who regularly resided with them. So, GAO did an audit and in one case — Philip Chadbourne was the case — they found that the dependent that visited the post didn't reside with the Foreign Service parent for more than half a year. So therefore, he wasn't eligible for any of those allowances. That created havoc in the department among the dependents and the employees. I was constantly getting requests to interpret about the residence — was it more than half a year if the child was going to a residential school or boarding school? Could that be counted? I tried to bend over backwards to afford eligibility. The frustrating thing about it was that it was part of a standardized regulation, which the Secretary of State could change at will. All the Department had to do was remove that provision about

"regularly reside." I couldn't get the office that administered that regulation to change it. So we successfully worked around it.

Q: Was it changed later on?

CORAN: Not to my knowledge, I haven't kept up to date on it, but I haven't heard of it. I was in a legal office doing labor management and grievances and employment litigation and interpreting employee regulations and allowances until October of 1988. By then they had really regularized the department and had brought in experienced labor management negotiators from other agencies. The third one in charge of that function — the chief negotiator — went to the Director General and said, "This stuff is down so pat now you don't need somebody in my level doing it."

So basically, the Department has since utilized GS 15 representative as its Chief Negotiator.

I should have mentioned the second State chief negotiator was Herbert Wiener. Herb had been a labor officer in London. He was a Senior Foreign Service officer, he was well written in the field, and he had quite an intellect. He liked to talk; he was management's version of Tex Harris. But Herb had all kinds of contacts with people in the labor movement. He had me join him for lunch, and the president of AFGE, the president of the National Federation of Federal Employees. He had Steve Gordon, who was the General Counsel of the Federal Labor Relations. I advised him on labor management matters, but he would never stop with that, he would always contact his people to get verifications, and he had trouble making up his mind even after hearing their views. .

Tom Byrne, who was the original chief negotiator, was sworn in to be ambassador to Norway. He asked me to go down to the diplomatic lobby to escort AFL-CIO President George Meany to his meeting and his swearing in.

Q: In terms of the professional relationships you forged during this time, are there particular memories that are noteworthy about the developments of AFSA. Here I'm thinking about some that you mentioned such as Tom Boyatt, Tex Harris, and others?

CORAN: Well, I had great relationships with the general counsels of AFSA — Cathy Weldon and Susan Pollock, and then Sharon Papp. I did keep up with Tom Boyatt. When he was ambassador to Colombia. I was on a TDY [Temporary Duty] in Brazil. I was on the way to Quito, and he asked me to stop in Colombia to see him. So, they wrote me orders to stop over and he greeted me at the airport. He was wearing casual clothes. I was wearing a suit and tie. I said to Tom, "I feel funny being formally dressed and you're all casual", and he said, "If anybody's coming to hit the ambassador, they'll think you're the one not me." That was Tom's sense of humor. He was a great host during the visit, he took me to a cocktail party and introduced me to the members of his country team.

You know, to this day, I maintain contacts at the State Department. I haven't been in the building since I retired, but I've gone to a number of functions involving State

Department officials. The Human Resources organizes updates and alumni luncheons. And I always enjoy seeing Pat Kennedy who retired as the undersecretary for management. I would get to see John Thomas, quite frequently. John Thomas was a career Foreign Service, but he was assistant secretary for administration. Great guy, strong officer. I worked closely with the Foreign Service Institute for years representing it in personnel matters and various types of litigation. Any chance I have to do something with State Department personnel I really treasure.

There is something I would like to bring up that AFSA was very supportive of, and I tried to be, too. That was the establishment of protection for gay and lesbian employees and applicants of the State Department. My interest began back in the 1970s, when one of my colleagues from the legal advisor's office who represented the Office of Security, now Diplomatic Security, was prosecuting a case to fire a Foreign Service Officer for being homosexual. I mentioned that the board of the Foreign Service had jurisdiction over that case. The board of the Foreign Service appointed a retired administrative law judge for the NLRB, my old agency, whom I knew, to hear the case. His name was Owsley Vose. And so, I was there as an observer of the hearing. My colleague was prosecuting the case. The one that was pushing the case was an officer named Jack Drew. He was in charge of the suitability staff in the Office of Personnel. Jack Drew was a holdover from the McCarthy [Senator Joseph McCarthy] days.

McCarthy had an agent at the State Department high up who was there to uncover and persecute communists, especially communists and homosexuals. He was gone but Jack Drew was the vestige of that. He was going after homosexual employees and so during that hearing, I knew the department could not prevail in that case, because the law at the time had developed to where there had to be a nexus between personal conduct and the efficiency of the service to be able to fire an employee. And if a homosexual employee was out of the closet and told his friends and family and wasn't subject to extortion, there was no nexus. But the Department was proceeding on that removal. During a recess Judge Vose and I were chatting, and Jack Drew came over and he looked at the judge. He said to Judge Vose, "I don't know how you could stand being in the same room with a queer." Judge Vose shook his head, he didn't say anything. But he said to me after Drew walked away, "Where do you find these people?", I mean, imagine what happened with the case?

This was before the Foreign Service Act of 1980. That's why the Board of the Foreign Service still had jurisdiction. Later, President Clinton issued, I think it was executive order 130187, or something like that, to protect homosexual employees from discrimination in federal employment. He couldn't provide them an appeal mechanism to the courts or to the Equal Employment Opportunity Commission. He could create an Administrative Review process, just like the interim Foreign Service Agreement system, the informal stage. So, within his executive order it allowed each agency to establish a process for investigations and for assessing the result of the investigation and making a determination whether there was discrimination, and if so, what the remedy should be. That was something. If the agency found no merit, the employee couldn't request an impartial hearing or court review. So, the department had to come up with regulations for

that. At that time, I was in the EEO and civil rights office and I drafted the department's regulations for that. In doing so, I had the opportunity to work with an organization called GLIFAA. Have you ever heard of GLIFAA?

Q: Sure, it's one of the communities of interest within State Department and it overlaps with AFSA.

CORAN: Yeah, I think the full name is Gays and Lesbians in the Foreign Affairs Agency, GLIFAA. I had a chance to work with its leaders and come up with those regulations. The regulations work and other agencies came up with similar processes. There is no federal law that extends those important legal rights to gay and lesbian employees, employees claiming discrimination and sexual orientation. But the Supreme Court — and I think one of the conservative justices wrote the opinion — found that the prohibition against sex discrimination is broad enough to protect homosexuals in that they don't fit the sexual image of one or the other. And that's actionable.

Q: Interesting, was this Gorsuch, who was saying this?

CORAN: Yeah, it was Gorsuch.

Q: Yeah, I only remember the very brief remark "sex is sex."

CORAN: Yeah, so he was doing that as a strict constructionist, just going by basically the dictionary version of sex and saying that because he's not considered to be manly, or she's not considered womanly that that's sex discrimination. I was involved in a fascinating sex discrimination case that went through the Supreme Court. AFSA was active in the case, supporting the claimant, and it was a woman. The department had a contract with Price Waterhouse for doing a lot of the department's financial affairs and auditing work. There was a woman that was working on the contract who was denied a partnership in Price Waterhouse — she was working at the State Department for years prior — even though she was an excellent worker. The reason the company gave for not promoting her was that she needed a lesson in charm school. Her first name was Anne, or it'll come back to me. She was rough around the edges. So, I went to the district court trial, which was before Judge Gesell, who found in her favor. During a recess, I knew the attorney that was representing her, and he came out and introduced me to her. And she slapped me in the back so hard it almost had me flying. So, I knew exactly what the employer was talking about — not that that was a legitimate basis, but she was tough. But they considered if a man had that trait, it would be considered, you know, a positive, but not in a woman. The case turned on a novel legal theory called sexual stereotyping. The plaintiffs got an attorney and a psychologist and sociologist from Temple University, who developed this theory of stereotyping, saying how employers use that to discriminate against women, and how it was applied in that case. So, Judge Gesell bought it, the Court of Appeals bought it, and the Supreme Court heard and bought the case and found it to be discriminatory. The name of the employee was Anne Hopkins, a fascinating case.

Q: Now as you're talking about women's rights, were you also involved in some way with Alison Palmer's class action for women?

CORAN: Yeah. Alison Palmer was represented by a law firm, Bruce Terris, and Monica Wagner was the attorney handling most of the cases. When the case was in court — well, we started arguments, but it never actually went to trial. The original judge dismissed it, and he was overturned and then it went back. I was going to constant meetings with Allison and various parties. Because of Allison's previous five-hour overtime grievance, I got to know and like her. She saw right through me. She knew that my views of the department's position were more closely aligned with hers. So, we became very friendly. Allison really didn't participate that much after the department decided it was going to settle the case. I mean, she was consulted. She and Marguerite Cooper King inputted, but they had very good counsel who took very effective positions.

The one that took the lead from personnel was named Frontis B. Wiggins, and he was a very reasonable guy. He said, "There's no sense fighting this thing, we're going to lose." So, the first thing he did was settle the aspect about the written exam discriminating against women. He said we'll allow all the women who failed the written exam to take the oral. So, a number did, some got in that had been weeded out. Then he settled the promotions and assignments thing by agreeing to come up with procedures that would not only ensure their promotions and assignments but an auditing mechanism to determine the effectiveness of this. The court oversaw this and retained jurisdiction for several years until the process was completed.

Now, there was some tension in this process, between the settlement of the case impacted upon AFSA and its constituency. Because, you know, the women are the ones knocking on the door for more promotions, for more appointments or better assignments. But the ones who were getting these things were majority men who were represented by AFSA, and they weren't happy about it because it was going to reduce those opportunities. So, AFSA had to walk a tightrope, in seeing justice done and yet trying to protect the legitimate interests of its constituency. And it managed to do it. Amazed me. I don't know the whole story, how it happened, but it did.

Q: There is one more overall question I wanted to ask you. Of course, during the period that you worked with the Department, the specialization of "labor officer" essentially was retired. Did that have any impact on your work? Or how did you view that?

CORAN: I think a lot of it has to do with the labor movement being marginalized in the United States. Because, you know, when I went with NLRB, the percentage of employees in the United States who were represented by labor unions was anywhere between twenty-five to thirty percent. It's gone down, not precise, but it's gone down to like five or six percent. The only place where there was any growth was the public sector employees. So, with the marginalization of labor unions in the United States, the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] became less and less important in the influence on the State Department and the Foreign Affairs

agencies. Yeah. As I understand, what happened was the labor officer position became combined with the economic officer.

Instead of remaining just as a specialty. The department used to have — I don't know if it still does — a special adviser to the secretary of state for Labor Affairs. He or she would appoint the people to good labor attaché positions. It happens that back in the late 1970s, I knew I had to decide whether I was going to go back to the civil service or convert to the worldwide Foreign Service. I inquired about getting a Foreign Service labor attaché assignment. Chuck Rover was the assignments counselor. And I went to talk to him about that. He had one assignment for me, and it was in Lagos, Nigeria. I was really interested in it, but at the time, I had a neighbor who worked for the World Bank, and he said, "Before you accept that, come over to my house with your wife, we'll have dinner and talk about it." He said that if you want to be miserable, and if you want to end your marriage, then accept the assignment to Lagos. He described the conditions there. Not least of which he said, "Imagine living in New York City and commuting to these different places and having only one bridge instead of all the bridges in the East and Hudson Rivers. And imagine being in a traffic jam and being mugged while you're stuck for five hours." Yeah. So anyway, I didn't accept that assignment. I'm sad to see that the Foreign Service labor specialty is not what it used to be.

Q: Then a concluding question is, as you look back on the service that you provided to the Department and the development of AFSA while you were there, are there any concluding thoughts or insights that you have? Especially as you have seen other developments in the labor movements in the U.S. and labor advocacy in Foreign Service.

CORAN: Well, one thing I would suggest is that AFSA leadership should go back and read the publication that AFSA came up with in response, *Diplomacy from the 70s* in soft cover, to see the issues that AFSA faced, and then, in retrospect, in hindsight, see how well that was addressed. I wish I had a better knowledge of the climate now between the foreign affairs agencies and AFSA and whether negotiations are as warm and constructive as when I was there, or whether it has become more adversarial? I'd be willing to bet, though, that, since you have Foreign Service people on both sides of that fence, whose whole forte is good faith negotiation and concrete reasoning that they can improve their collective bargaining relationship to an unprecedented level

Just a postscript. USIA, when AFSA was its initial representative, wasn't as strong in support for AFSA as USAID and State were. So, AFGE, after several years representing USAID, defeated AFSA in a reelection. And then AFGE was there for several years. Which made negotiations much more complicated, because AFGE had different positions than AFSA and there wasn't a warm relationship between them and just added another essential partner to the bargaining table. But fortunately, AFSA won reelection by realizing some of the problems that caused it to have suffered that defeat and it solidified its position, restoring much needed stability to the negotiation process. And then, of course, USIA disappeared, but at the end of my time at State, it was absorbed into the State Department. I don't know how that's worked out. USIA was very proud and had a professional organization. And the voice remained separate, but the rest came in, and I'm hoping it's doing well.

I am deeply disturbed that the current presidential administration has tortured an obscure provision of the Foreign Service Act to deny most Department personnel collective bargaining representation. The President acted ostensibly on “national security” grounds. That’s simply bovine excrement. That provision rarely was employed by earlier administrations, for very good reason. Adding insult to injury, the President spared the collective bargaining unit where their unions had endorsed him in the election: e.g., Police officers, security guards, firefighters, U.S. Customs and Border Protection Agency, and Bureau of Engraving, etc.

Q: With this we’ll conclude the interview with thanks from ADST and AFSA for your participation in this series to mark the 100th Anniversary of AFSA.

End of interview