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Equal Opportunity In The Foreign Service

A Report of the United States Commission on Civil Rights

June 1981

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U. S. COMMISSION ON CIVIL RIGHTS

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- . Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- . Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- . Appraise Federal laws and policies with respect to discrimination or the denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- . Serve as a national clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- . Submit reports, findings, and recommendations to the President and the Congress.

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Murray Saltzman

Louis Nuñez, Staff Director

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UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The U.S. Commission on Civil Rights presents this report pursuant to Public Law 85-315, as amended.

This is the first Commission report evaluating equal opportunity in the Foreign Service, a subject of increasing attention in recent years in Congress and in the Executive Branch, as well as by various public groups. The Foreign Service Act of 1946 established the goal that the Foreign Service be broadly representative of the American people. Dissatisfied with our progress toward that goal, last year, in the Foreign Service Act of 1980, Congress required the Department of State to take affirmative steps to increase equal opportunity for minorities and women.

The State Department, and also the International Communication Agency and the Agency for International Development, have acknowledged the need to diversify and upgrade the representation of minorities and women in key Foreign Service positions at home and abroad, and they have implemented affirmative action programs toward that end. Opportunities for a career in foreign affairs have increased steadily for these Americans as a result, but further effort is needed at middle and senior levels of the career service and among top positions filled by Presidential appointment to achieve a diverse and representative Foreign Service.

This report recommends a number of detailed steps that should be taken now by the President, Executive Branch officials, and Congress. We urge your consideration of the facts and findings presented and request your leadership in ensuring implementation of our recommendations.

Respectfully,

Arthur S. Flemming, Chairman
Mary F. Berry, Vice Chairman
Blandina C. Ramirez
Stephen Horn
Jill S. Ruckelshaus
Murray Saltzman
Louis Nuñez, Staff Director

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PREFACE

This report examines minority and female employment in the Foreign Service, a subject of increasing attention and controversy in recent years. The report is based on Commission staff analysis of the most recent data available on minority and female employment as Foreign Service Officers at the Department of State, the primary focus of this study, and in equivalent positions at the International Communication (ICA) and the Agency for International Development (AID). Data on presidential appointees at these agencies were provided by the White House. Overall, the data profile minority and female employment in Foreign Service career and non-career positions toward the end of 1980.

Staff also interviewed various agency officials and representatives of employee groups and reviewed State Department studies and congressional testimony by employee representatives. The report was forwarded for review in draft to the Secretary of State, the Acting Director of ICA, the Acting Administrator of AID, and the Executive Director of the Equal Employment Opportunity Commission, and their comments were considered in preparing this final report.

ACKNOWLEDGEMENTS

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Equal Opportunity in the Foreign Service

Foreign Service ranks traditionally have been filled almost exclusively by white males, particularly at the middle and upper levels.¹ Its complex and lengthy entrance procedures, its relatively small size, and what some identify as traditional elitist attitudes² have combined to limit severely employment opportunities for women and minorities in the Foreign Service. In recent years pressures for change in this situation have increased, in part because of the growing international political and economic influence of nonwhite nations, but more directly because of intensifying affirmative action developments within the Federal Government. The Foreign Service has reviewed its personnel policies and

1. For the purposes of this report, the Foreign Service is defined as the Foreign Service Officer corps (FSO) of the Department of State, Foreign Service Information Officers (FSIO) of the International Communication Agency (ICA), and Foreign Service Reserve Officers (FSR) of the Agency for International Development (AID). These persons normally are required to serve much of their careers abroad where, operating from U.S. embassies or consulates, FSOs work as political, economic, administrative, or consular officers; FSIOs serve as public or cultural affairs officers; and FSRs administer the foreign aid program of the United States. ICA and AID are independent agencies with separate budgets and personnel policies but are subject to overall policy approval by the Secretary of State. U.S. ambassadors exercise similar broad direction over these agencies at U.S. missions abroad.

2. See, for example, Thomas H. Etzold, The Conduct of American Foreign Relations: The Other Side of Diplomacy (New York: New Viewpoints, 1978); Clark, Phipps, Clark and Harris, Inc., Minority Junior Officers Hiring Program of the Department of State (February 1977) (hereafter cited as Minority Junior Officers Program); and Department of State, Committee on Selection and Hiring Practices of the Secretary's Executive Level Task Force on Affirmative Action, "Final Report," July 5, 1977 (app. D) (hereafter cited as Final Report).

has taken important steps to increase its minority and female representation.³ Additional steps are needed, however, to ensure equal opportunity, particularly in mid- and top-level positions, career and noncareer, in the Service.

DEVELOPING DIVERSITY IN THE FOREIGN SERVICE

The Foreign Service is a relatively small⁴ and select⁵ group of Federal employees who help shape and implement U.S. foreign policy and programs and officially represent the United States abroad. Historically, few among this group of American officials have been minorities or women. In 1961, for example, blacks constituted only 1.8 percent of the

3 See, Department of State, Towards a Department of State and Foreign Service of the United States "Representative of the American People": An Equal Employment Progress Report (1977-81), Jan. 15, 1981 (hereafter cited as January 1981 Report to Congress).

4. Foreign Service positions discussed in this report total about 5,500, while the total civil service numbers over 2.8 million. (Office of Personnel Management, press release, "Summary of Federal Employment," March 16, 1981). FSOs account for 3,110 of a total of 13,242 employees at the State Department. Foreign Service Information Officers (FSIO) are 829 of 4,187 employees at the International Communication Agency (ICA). At the Agency for International Development (AID), Foreign Service Reserve (FSR) employees are 1,329 of 4,032 total employees. Career employee data at State cited in this report are valid as of June 30, 1980; data for ICA are valid through Dec. 31, 1980; and AID data are valid through Sept. 30, 1980.

5. FSO and FSIO applicants (except, as will be seen, for minority or women applicants seeking entry through special affirmative action programs) must pass a difficult written entrance examination and a one-day assessment, which includes a personal interview, review of a writing sample, and group exercises, among other activities, as well as thorough medical and security clearances. Upon successful completion of these requirements and formal confirmation by the Senate, these applicants receive Presidential commissions as FSOs or FSIOs. Success in passing the written test, the first hurdle, has been rated the equivalent of placing in the top 5 percent of those who pass the Federal civil service examination. (Bill Owen, Foreign Service Board of Examiners, Department of State, telephone interview, Sept. 30, 1980). FSRs at AID are not required to pass such written or oral examinations but must obtain similar medical and security clearances.

3,726 Foreign Service Officers (FSO) at the State Department.⁶ Women were only 8.8 percent of this group.⁷

In 1963, Secretary Dean Rusk launched the State Department's first affirmative action efforts by inviting civil rights leaders to Washington to discuss the need to increase the number of minorities serving as FSOs. He stated that major changes throughout the world, including the emergence of newly independent nations in Africa, Asia, and the Caribbean, demanded that the personnel of the Foreign Service be more representative of the various racial and ethnic groups in America.⁸ In 1964 Congress passed the Civil Rights Act of 1964, Title VII of which prohibits employment discrimination based on race, color, sex, religion, and national origin. Section 717 of Title VII, as amended in 1972, requires Federal departments and agencies, including the State Department, ICA, and AID, to develop an annual plan "to maintain an affirmative program of equal employment opportunity."⁹

Equal employment in the Department of State is not perceived by employees either in Washington or at posts as being effective.

The [most important] issues...for equal employment in the Department of State were recruitment and hiring practices as one grouping, and assignments and personnel counseling as another.

[The Equal Employment Opportunity Office] is perceived as being effective in raising the visibility of affirmative action...in the Department...but having little or no influence on operational procedures.

6. Idris Rossell, "Equal Employment Opportunity - Too Much or Not Enough?" Foreign Service Journal (January 1969).

7. Department of State, "Women Foreign Service Officers, Twenty-Three Year Study," March 1980.

8. Minority Junior Officers Program, p. 2.

9. 42 U.S.C. section 2000e-16(a)-(c) (1976).

Following these developments, the State Department commissioned a number of studies of its personnel system and established new programs to recruit minority and women FSOs. One study issued in June 1977 identified many problems with the Department's equal opportunity efforts and recommended steps to correct them. The report concluded, for example, that:

Equal Employment Opportunity at posts is unimportant. If EEO is practiced, it is because the particular individuals who manage that post simply practice good management.

There is little outward support from top management of the Department...for Equal Employment Opportunity. Absence of support has damaged the image of the program and limited the effectiveness of the Office of Equal Employment Opportunity.¹⁰

The report cited perceptions of institutional discrimination, including personnel policies and practices, as a critical problem, as distinct from overt actions by an individual against another. Such policies and practices include:

- o Medical and security clearances, alleged to be used to screen out qualified minority and women candidates.
- o Assignment practices which have historically placed women and minorities in less attractive and prestigious assignments.¹¹
- o Promotion practices, alleged to be biased toward non-minority males.

10. Evaluation of the Equal Employment Opportunity Program: U.S. Department of State, prepared for the U.S. Department of State, Office of Equal Employment Opportunity, by W.V. Rouse and Co. (Evanston, Ill: 1977), pp. 7-12.

11. Such as assigning women to administrative and consular jobs while men are assigned to political and economic positions. See discussion, for example, on p. 16 of this report.

- o Career training opportunities, which are viewed as being more frequently available to non-minority males than to females and minority group members.

The staffing pattern at one post illustrated the low representation of minorities and women in key Foreign Service positions abroad. Of 55 mid- and senior level positions at the U.S. Embassy in Bonn, West Germany, in March 1977, none was held by a minority and only 7 were held by women. Of the seven women officers, six were in administrative positions, such as personnel, operations, and budgeting.¹²

The report made many recommendations for strengthening the Department's EEO office and called for better training, assignments, and personnel counseling for minorities and women, regardless of whether they entered the Department through special programs or not.¹³ It also urged greater "high level support and commitment to EEO."

Shortly after taking office in early 1977, Secretary of State Vance announced his strong commitment to affirmative action progress in the Foreign Service, stressing that "we, of the Department of State, working at home and abroad, are obliged to set an example of equality and human dignity for all peoples."¹⁴ He appointed an "Executive Level Task Force on Affirmative Action" to prepare recommendations concerning

12. Ralph M. Weber, W.V. Rouse & Co., memorandum to Ambassador Walter J. Stoessel, Jr., Summary Evaluation Report, Equal Employment Opportunity, American Embassy, Bonn, W. Germany, Mar. 29, 1977, as cited in Evaluation of Equal Employment Opportunity Program, p. 65. Of such positions at present, only one is held by a minority male and four by white women. Of the four women, three are in administrative positions. Toni Robinson, Department of State, Office of Equal Employment Opportunity, telephone interview, Mar. 27, 1981.

13. Ibid., p. 52.

14. Department of State, press release, March 15, 1977.

recruitment, testing, lateral entry, and other personnel policies at State, ICA, and AID. In 1979 he appointed another high-level study committee of officials of those three agencies. Instructed to focus on recruitment and examination, this group became known as the "Habib Committee".¹⁵

The following discussion traces in some detail Foreign Service affirmative efforts to improve representation of minorities and women in the Foreign Service at each grade category, including junior, mid-level, senior, and non-career and Presidential appointees. Executive level task force and Habib committee activity is discussed, and appropriate current data are included for each category. For comparative purposes, labor force data compiled by the Equal Employment Opportunity Commission (EEOC) provide a basis for determining underrepresentation of minorities and women in the Foreign Service. In its affirmative action instructions to Federal agencies and Departments,¹⁶ EEOC cites the following figures for minority and female participation in the total professional labor force nationwide: women-34.6 percent; total minorities-11.1 percent,

15. Named after its Chairman, Ambassador Phillip Habib, whose high rank as Undersecretary testified to the importance attached to the Committee's mission.

16. Eleanor Holmes Norton, Chair, Equal Employment Opportunity Commission, Memorandum to Heads of all Federal Agencies, "Federal Affirmative Action Instructions Pursuant to Section 717 of the Civil Rights Act of 1964," Dec. 11, 1979. Federal agencies are directed to use such labor force data as benchmarks for determining minority and female underrepresentation in professional positions. Although ICA and AID use these figures for this purpose, the State Department does not consider them valid and is studying other figures for determining underrepresentation of minorities and women among FSOs. (Mary Stitt, Office of Equal Employment Opportunity, Department of State, interview, Oct. 31, 1980)

including blacks 6.5 percent; Hispanics-2.5 percent; Asian Americans-2.1 percent; and American Indians-0.2 percent.

Junior Officers

At the junior level, officers naturally tend to have relatively fewer substantive responsibilities than mid-level or senior officers. Junior FSOs are likely to be involved in visa and passport work, for example, or may be rotated among positions in the political, economic, administrative, and consular sections of an embassy. They may supervise local embassy staff. Since January 1978, all junior officers have been appointed as career candidates. This group includes both junior officers who have received Presidential commissions upon completing a probationary period of at least 2 years as well as those not yet "tenured" and granted commissions. All career candidates have up to 4 years in which to be approved for tenure and a Presidential commission as an FSO or FSIO.

In 1967, a junior officer recruitment program for minorities began at the State Department, with the objective of bringing 20 minority persons into the Foreign Service each year.¹⁷ In February 1977, however, a study found that the junior officer recruitment program had failed to meet its goals, bringing in only 54 minority officers since its incep-

17. The program was designed to recruit minority group candidates for eventual appointment as FSOs. Candidates, recruited from colleges and universities with substantial minority enrollments, must successfully complete an initial oral (but not the written) examination as well as medical and security clearances. Successful applicants then join the ranks of career candidates, all of whom as noted, have 4 years in which to qualify for full FSO status. Janet Bilbow, Special Programs Recruitment Branch, Department of State, telephone interview, Nov. 19, 1980. ICA and AID instituted similar recruitment programs. John E. Dixon, Office of Equal Employment Opportunity, International Communication Agency, and Viessa Jackson, Recruitment Office, Agency for International Development, telephone interview, Apr. 17, 1981.

tion, far less than what was projected.¹⁸ The basic problem the report found was that the program

was viewed with ambivalence, at best, or with suspicion or as a threat to the quality if not the integrity of the Foreign Service. White Junior FSOs who passed the written examination tend to see the...Program as a form of "reverse discrimination" which gave minorities unfair advantages in entering the Foreign Service and in promotion. They tend to believe that the Foreign Service should be "elitist" and should maintain the highest standards as indicated by the ability to pass the written examination. The...Program...was seen as inevitably a lowering of standards...as a special minority program which operates in terms of lower standards of selection...¹⁹

Better minority recruitment, screening, and counseling efforts were recommended.²⁰

In 1977 Secretary Vance's Executive Level Task Force committees issued their findings, which identified continuing problems hampering affirmative action at junior as well as middle levels. One committee concluded, for example, that "reviews of recent studies (Clark and Rouse) made for the Department, complaints from employees...and other sources like reactions to recruitment teams reveal a commonality and pervasiveness of discontent that must be of concern to the Department."²¹ Another said bluntly that recruitment efforts suffered from

18. Minority Junior Officers Program, p. 10.

19. Ibid., p.p. viii-ix.

20. Ibid, pp. xi-xii. The report called, for example, for a "more systematic, sustained and targeted public education program toward minority groups in predominantly minority educational institutions and media" and urged the Department to "systematize and integrate Supervision and Counseling Services as part of the early training of all Junior Officers."

21. Executive Level Task Force on Affirmative Action: Committee on Upward Mobility and Handicapped Programs, Action Memorandum to the Secretary (unclassified), June 30, 1977, p. 2.

an image of the Foreign Service as "elitist, self-satisfied, a walled-in barony populated by smug white males, an old-boy system in which women and minorities cannot possibly hope to be treated with equity in such matters as promotions and senior level responsibilities."²²

A Committee report found that the written examination was screening out "disproportionate" numbers of women and minorities.²³ Another reported inadequate EEO consideration in assignments, position classification, performance evaluation, promotions, training, and counseling.²⁴ The committees made many recommendations, such as increasing full-time recruitment staff and developing new recruitment materials, expediting processing of junior-level entry applications, review of medical and security clearance programs to determine any adverse effect on minorities and women, and wider EEO educational campaigns and training requirement within the Department.

In February 1980 the Habib Committee released its report, which stressed that "vigorous" recruitment and an "appropriate" examination process must not only remain a basic objective of the Department but must also "ensure that the Service is truly representative of American diver-

22. Final Report, p. 1. The Committee said "the method of hiring junior officers is lengthy, cumbersome, and uncertain in its outcome; given the small number of jobs involved, the difficulty of the process, and the relatively low starting salaries, the Foreign Service has difficulty competing for bright minorities and women, who see better opportunities elsewhere." (p. 2)

23. *Ibid.*, p. 15.

24. Report of the Committee on Upward Mobility and Handicapped Programs to the Secretary's Executive Level Task Force on Affirmative Action, July 5, 1977.

sity."²⁵ The Committee, while it stressed the importance of testing requirements, questioned whether the present written examination was a valid instrument for measuring the knowledge and skills necessary for the Foreign Service and whether it was as free as possible of cultural or sex biases that discriminate against minorities and women.²⁶

Then-Secretary Vance approved most of the 150 recommendations of the task force and Habib Committee, and, although no detailed implementation plan was established, many of the committee's recommendations are now in various stages of implementation.²⁷ An overall thrust of the recom-

25. U.S., Department of State, Report of the Committee to Review Recruitment and Examination for the Foreign Service (1979), p. 5 (hereafter cited as Habib Committee Report). One of the Committee's findings was that State's minority recruitment programs have focused traditionally on blacks and should include other minorities as well. (p. 3).

26. Although the test was prepared with the "advice and technical assistance" of the Educational Testing Service, the Committee saw a need for "a mechanism for expert review of both the individual questions and the written examination as a whole as a further safeguard against cultural and sex bias in the examination." Habib Committee Report, p. 5. The Uniform Guidelines on Employee Selection Procedures (43 Fed. Reg. 38290 [Aug. 25, 1978]) require Federal agencies to examine employee selection procedures for each job to determine if they have adverse impact on the employment opportunities of members of race, sex, or national origin groups. If adverse impact is found, the agency must validate the selection process as a accurate predictor of job performance or a business necessity, or modify or replace it.

27. Vivian L. Derryck, Deputy Assistant Secretary of State for Equal Employment Opportunity, and Mary Stitt, Office of Equal Employment Opportunity, Department of State, interview, Oct. 31, 1980; Department of State, statement in connection with release of the Habib Committee report, Feb. 19, 1980; and January 1981 Report to Congress). Progress to date includes implementing several recommendations on validation of the written examination for its freedom from cultural and sex bias as well as its job relatedness, establishing EEO as a factor in personnel performance evaluations, and centralizing recruitment in one office in the Personnel Bureau with special emphasis on minority and female recruitment.

mendations is to deemphasize gradually the junior officer entry affirmative action program in favor of a greater effort to recruit minorities and women who will take and pass a written examination that is job related and free of discriminatory bias.

As a result of these efforts, representation of minorities and women among junior officers at the State Department, ICA, and AID has improved. At the State Department, minorities increased from 3 percent of commissioned junior FSOs in 1970 to 4.3 percent in 1980.²⁸ Women junior FSOs increased from 8.9²⁹ to 18.4 percent of that group. At ICA, as appendix B shows, minorities are now 4.9 percent and women are 37.7 percent of commissioned junior FSOs. When probationary or junior officer career candidates are considered, minority and female representation is substantially higher, as appendices A and B show. At AID, minorities are 22.8 percent and women are 35.9 percent of junior FSRLs, as indicated in appendix C.

Middle Level Officers

As junior officers are promoted to the middle level, they assume increasingly responsible duties and are likely to specialize in one task, such as economic reporting. At smaller embassies, however, a mid-level officer likely will have a variety of duties in different areas.

To improve representation of women and minorities in middle-level positions, in 1968 an FSO mid-career program, first suggested in 1954,

28. U.S., Department of State, "Minority FSOs by Grade Level: 10-Year Study," March 1979 (hereafter cited as Minority FSOs: 10-Year Study).

29. U.S., Department of State "Women Foreign Service Officers by Grade Level: 10-year Study," March 1980 (hereafter cited as Women FSOs: 10-Year Study).

began. In 1975 the Department established a goal of bringing in 10 women and minorities each year during the next 5 years through this lateral entry program.³⁰

A number of Secretary Vance's Executive Level Task Force findings and recommendations concerned the Department's affirmative action efforts at the middle as well as junior level of the Foreign Service. Committees reported that the mid-level entry program had not achieved its goals,³¹ in part because of the negative image of the Department among recruitment targets. In addition to the recommendations already cited concerning affirmative action efforts at the junior level, the committees recommended further steps to improve representation of minorities and women at the mid-level. They called, for example, for increased career development counseling to aid retention of minority and women officers and a study of resignations of minority and women officers to determine whether they believe they have encountered discrimination and to identify the possible need for corrective action. As with the junior officer entry program, they urged faster processing of applications to the mid-level entry program.

At the mid-level, representation of minorities and women has also increased steadily. Minority mid-level FSOs increased from 2.2

30. The mid-level program was designed to increase recruitment of minorities and women by providing for lateral entry into mid-level positions of candidates experienced in related fields and at least 30 years of age. If successful on an initial oral examination and medical and security clearances, applicants then serve as career candidates for a maximum of 5 years, by the end of which they must be determined qualified for full FSO status.

31. Final Report, p. 20. The report noted that of 82 persons orally examined since the program's inception only 13 had entered on duty. As noted above, program goals called for 20 new FSOs each year.

percent³² in 1970 to 6.2 percent of that total group in 1980. Minorities are 9.4 percent of mid-level FSI0s and 13.7 percent of mid-level FSRs. Women are 10.2 percent of mid-level FSOs (up from 4.8 percent in 1970),³³ 14.1 percent of mid-level FSI0s, and 13.1 percent of mid-level FSRs.³⁴

Senior Level Officers

Some career FSOs advance to the senior level, and a few attain the highest rank bestowed on a senior officer, Career Ambassador or Career Minister.³⁵ (An officer may serve as an ambassador without being named "Career Ambassador," however.) Abroad, senior FSOs serve as ambassador (the majority of whom are career officers), deputy chief of mission, counselor of embassy for political affairs, counselor of embassy for economic affairs, or consul general, for example. Top-ranking FSI0s and FSRs, along with these FSOs and officials of other U.S. agencies, serve as the ambassador's "country team" at each post abroad. In Washington, senior FSOs, including some with ambassadorial rank, may serve as office directors, deputy assistant secretaries (most of whom are career officers), or, less often, as assistant secretaries in charge of a geographic bureau or as an undersecretary.

32. Minority FSOs: 10-Year Study.

33. Women FSOs: 10-year study.

34. Representation of minority women appears especially low at the middle level. At ICA, for example, only 10 of 78 mid-level women FSI0s are minorities (none Hispanic).

35. Several new ranks, including Minister Counselor, are to be added soon. John Anderegg, Office of Equal Employment Opportunity, Department of State, interview, May 8, 1981.

Representation of minorities and women among senior officers remains the lowest at any grade category, particularly at the State Department.³⁶ Minorities are only 3.9 percent of senior FSOs (up from 1.5 percent in 1970)³⁷, 10.6 percent of senior FSIOs, and 7.9 percent of senior FSRs. Women are only 2.6 percent of senior FSOs (compared to 2 percent in 1970), 3.3 percent of senior FSIOs, and 1.9 percent of senior FSRs. There are no minority women among senior FSOs or FSIOs and only one (a black woman) among senior FSRs.

Specifically, only one of 27 career ministers at State and ICA is a minority person (a black male). None is a woman. Only 5 of 84 deputy assistant secretaries of state (less than 6 percent) are minorities or women.³⁸ Further, of 122 principal ICA posts abroad, only 8 (6.6 percent) are headed by minorities (all males), with another 8 (6.6 percent) headed by white women.

Presidential Appointees

Minority and female underrepresentation is also very serious at the highest noncareer policy-making level. For example, minorities and women received only 5 of the top 24 Carter Administration appointments to noncareer positions at State (e.g., Secretary, undersecretaries and

36. Minority FSOs: 10-Year Study.

37. The State Department points out that it is restricted in its selection from the outside of minorities and women at upper levels by statutory requirements and a selection board process based on precepts negotiated with the employee organization, the American Foreign Service Association. K.E. Malmborg, Jr., Assistant Legal Adviser for Management, Department of State, interview, May 8, 1981. Such restrictions on persons eligible for selection to senior level positions heighten the importance of an effective and vigorous affirmative action program at lower levels of the Foreign Service.

38. John Burroughs, then-Deputy Assistant Secretary of State for Equal Opportunity, interview, May 7, 1980.

assistant secretaries) between January 20, 1977 and October 1980.³⁹ Of 157 ambassadors, noncareer and career, only 26 (17.3 percent) were identified as minorities or women.⁴⁰

Of 18 Carter appointments between January 1977 and October 1980 to full-time positions at ICA and AID, only 3 were identified as minorities (2 black women and 1 black male, none as American Indian, Asian American, or Hispanic) and 3 as white women.⁴¹ These glaring omissions are particularly striking as the Administration had "ample" opportunity to appoint more minorities and women to these positions.⁴²

EMPLOYEE GROUP PERSPECTIVES

Employee groups have made known their views on EEO progress and problems in the Foreign Service. Women and minority officers have expressed strong dissatisfaction over their underrepresentation, particularly at middle and senior levels, a perceived lack of advancement

39. White House, Presidential Appointments Since January 20, 1977 (Oct. 6, 1980). This includes two Hispanic males and three white females.

40. Ibid.

41. Ibid.

42. Ken Bleakley, president, American Foreign Service Association (AFSA), telephone interview, May 8, 1980. The State Department reports that appointments of minorities and women to such senior policy-level positions, career and noncareer, at the State Department nonetheless have increased significantly in recent years. According to the Department, between January 1977 and January 1981, 49 women served in such positions, a more than threefold increase over the preceding 4 years and almost equal to the total cumulative number appointed to such positions in all previous years. During the 1977-81 period, 43 minorities served in such positions, almost a fourfold increase over the preceding 4 years and equal to the total cumulative number appointed to such positions in all previous years. January 1981 Report to Congress, p. 7.

opportunities, and the alleged persistence of hostile attitudes among many white male FSOs toward affirmative action in general.⁴³ A group of women FSOs has filed a suit charging the State Department with widespread discrimination against women officers in recruitment, hiring, promotion, and job assignment, among other areas.⁴⁴

In a subsequent interview, the representative of a black group cited the 1980 FSO promotion list as evidence of possible discrimination against black officers.⁴⁵ An Asian American group

43. In addition to departmental findings already cited, see testimony before House Committee on Foreign Affairs, Subcommittee on International Operations, and Committee on Post Office and Civil Service, Subcommittee on Civil Service, of Jose Armilla, vice president, Foreign Affairs Chapter, Asian and Pacific Americans Federal Employees Council, Sept. 6, 1979; Marguerite Cooper King, vice president for State Department, Women's Action Organization, July 13, 1979; and James R. Washington, President, and David Smith, vice president, Thursday Luncheon Group, Sept. 20, 1979.

44. The class action lawsuit (Palmer v. Haig, consolidated case, No. 76-1439 [D.D.C., filed 1976], King v. Haig, No. 77-2006 [D.D.C., filed 1977]) alleges, for example, that women tend to be assigned to less desirable positions in the Foreign Service. The State Department denies the charges of discrimination or maintains it has taken appropriate corrective action. Malmborg interview, May 8, 1981. Plaintiffs' motion for summary judgment was denied by the U.S. district court in Washington, D.C. on Apr. 13, 1981.

45. Lucius Jackson, Thursday Luncheon Group, telephone interview, Sept. 29, 1980. According to the Department, 22 percent of eligible white FSOs were promoted, compared to only 12.5 percent of eligible blacks, 16.6 percent of eligible Asian Americans, and 20 percent of eligible Hispanics. Slightly over 19 percent of eligible women were promoted. Five of seven eligible blacks were promoted from junior to middle ranks, but only one of eight eligible blacks was promoted from middle to senior ranks. The promotion list also included two Hispanics promoted from middle to senior ranks. No Asian Americans were promoted to middle or senior levels. Mary Stitt, Office of Equal Employment Opportunity, Department of State, telephone interview, Dec. 18, 1980.

leader said the absence of Asian Americans from senior positions stemmed largely from the fact that Asian Americans "do not belong to the social networks" and that Asian Americans do not fear the written examination as much as they do the "stigma" attached to entering the Foreign Service through the "back door" of special minority recruitment programs.⁴⁶ A Hispanic group spokesman said that, as "newcomers," Hispanic FSOs also are not part of the "informal" selection system by which career advancement is determined. He cited inadequate personnel management policies as the principal cause of demoralization among Hispanic officers.⁴⁷ Finally, a women's group representative complained that a female FSO's performance evaluation is still likely to be prepared by a white male and may include comments as to whether she is a "gracious hostess" as opposed to her merits as an officer with more substantive duties.⁴⁸

These employee groups broadly support recent State Department efforts to identify and overcome obstacles to affirmative action progress. In fact, a group of black officers formally recognized former Secretary Vance for his "exemplary" commitment to affirmative action.⁴⁹ Minority and women employee representatives appear to

46. Jose Armilla, vice president, Foreign Affairs Chapter, Asian and Pacific Americans Federal Employees Council, telephone interview, Apr. 22, 1980.

47. Antonio Velasquez, president, Hispanic Employees Council, telephone interview, Feb. 24, 1981.

48. Marguerite Cooper King, vice president for Women's Action Organization, State Department, telephone interview, Apr. 16, 1980 (hereafter cited as King interview). The Department points out that such comments are forbidden and that a performance evaluation containing them would not be permitted to go to a promotion board. Malmberg interview, May 8, 1981.

49. James Parker, president, Thursday Luncheon Group, telephone interview, Sept. 29, 1980.

support the Department's proposed shift toward renewed emphasis on recruitment and testing in place of special affirmative action programs, such as the junior officer program. They are concerned, however, that insufficient attention has been paid to the problems blocking minorities and women already in the Foreign Service from advancing to mid- and senior-level positions. One woman argued, for example, that more than outside recruitment is needed to make the Department a true "equal opportunity employer."⁵⁰

The Habib Committee also recognized the need to deal effectively with these internal issues if the growing number of minority and women career candidates are to enter the Foreign Service and advance to middle and senior levels. Although it focused on recruitment and examination in the Foreign Service, it said:

we were concerned with how to make the Service at all levels more truly representative of American society. We believe the Department needs, therefore, to look beyond entry into the Foreign Service to the question of retention and development of minority and women officers. We urge that the Department carefully re-examine and improve its capabilities to counsel, train, and assign all junior officers with a view to developing their potential. In this effort, particular attention should be given to minority officers and those entering under the mid-level affirmative action program.⁵¹

CONCLUSION AND RECOMMENDATIONS

For nearly two decades the Department of State has acknowledged the need to open the Foreign Service to minorities and women so as to ensure

50. King interview, Apr. 16, 1980

51. Habib Committee Report, p. 5.

that U.S. foreign policy is designed and implemented by diplomats who reflect the pluralistic nature of American society. Recent secretaries of state have exerted strong leadership on behalf of affirmative action in the Foreign Service. In addition to Secretary Vance, Secretary Edmund Muskie emphasized his support for increased affirmative action efforts, when, on June 19, 1980, he told State Department employees that he was "dedicated to eliminating any vestige of discriminatory practices and attitudes, and making the Department and the Foreign Service a model of equal opportunity." Noting the Department's "substantial" progress in increasing minority and female representation in its work force, he acknowledged "we still have a long way to go, particularly at senior and middle levels."⁵² In addition, Secretary of State Alexander Haig, Jr., has pledged to maintain recent EEO progress.⁵³

As this report has shown, the State Department has conducted an extensive self-evaluation and launched various affirmative action programs, and the numbers of minorities and women have risen steadily.⁵⁴ By 1980, as the appendices show, minorities were 5.5 percent of all commissioned FSOs, nearly 9 percent of commissioned FSIOs, and 10.7 percent of FSRs. Women were almost 10 percent of FSOs, 15.6 percent of FSIOs, and over 7 percent of FSRs.

52. Department of State, press release, June 19, 1980.

53. Alexander M. Haig, Jr., Secretary of State, letter to Louis Nunez, Staff Director, U.S. Commission on Civil Rights, Mar. 17, 1981.

54. The Department reports that the junior and mid-level affirmative action programs are now proving successful. For example, 69 officers were admitted to the Foreign Service through the mid-level program between 1977 and early 1981, compared with only 6 who entered in 1975 and 1976. January 1981 Report to Congress, p. 3.

Yet these total figures generally remain well below the EEO benchmark figures cited earlier,⁵⁵ and underrepresentation of women and minorities, particularly Hispanics and Asian Americans, and minority women in general, in mid- and top-level positions, including those for which the President and agency heads have appointive power, remains especially noteworthy. These ranks of the official United States foreign policy apparatus, at home and abroad, remain overwhelmingly white and male.

It should be noted that Congress has acted to ensure further affirmative action progress in the Foreign Service. In 1980, it passed, and the President signed on October 18, 1980, the Foreign Service Act of 1980. Designed to regulate employment conditions and personnel and policy matters, the law includes requirements that the State Department (1) establish a minority recruitment program and report on its progress each year, (2) include minority and female representation on Foreign Service promotion panels, and (3) prohibit assignment abroad on the basis of race, ethnicity, sex, or religion.⁵⁶ This legislation represents the first time Congress has required specific affirmative action steps of a specific Federal department or agency.⁵⁷

55. Except when career candidates are included.

56. P.L. 96-465. Among other things, the Act simplifies the structure of Foreign Service personnel categories and salaries and establishes a Senior Foreign Service. The civil rights provisions were intended to formally mandate programs and policies already in effect but which could be ended if the Department so chose. Jeanne Mann, staff member, Committee on Foreign Affairs, Subcommittee on International Operations, House of Representatives, telephone interview, Nov. 5, 1980.

57. Mann interview, Nov. 5, 1980.

Statutory mandates and State Department action through 1980 have laid the groundwork for further progress in improving recruitment and employment opportunities for minorities and women for service in foreign policy, an area from which they traditionally have been excluded. The State Department's many detailed findings and recommendations constitute an agenda awaiting full implementation by new departmental leadership. Of special importance is the need for further attention to the areas of retention and advancement of minorities and women now entering the Foreign Service in greater numbers.

The advent of a new administration provides a ready opportunity for the new President, Secretary of State, and heads of ICA and AID, to integrate fully, for the first time, top echelons of the State Department and these two agencies with qualified women and minority men. Toward this end, we urge prompt implementation of the following recommendations:

1. The President should increase representation of qualified minorities and women among his appointments to the Department of State, the International Communication Agency (ICA), and the Agency for International Development (AID). Such positions include agency directors, deputy directors, and associate directors; undersecretaries and assistant secretaries; and ambassadors.

2. The Secretary of State, Director of ICA, and Administrator of AID should similarly increase qualified minority and female representation in their appointments to top positions, such as deputy assistant secretaries and office directors. Agency directors should also ensure equitable representation of minorities and women in key leadership positions at U.S. missions abroad.

3. The State Department, ICA, and AID should assure equitable representation of minorities and women in "high visibility" or "career enhancement" positions at all levels. ICA and AID should consider the need to identify such specific Foreign Service positions, as the State Department has done, for this purpose.

4. The Secretary of State, Director of ICA, and Administrator of AID, should assign top deputies, such as the Undersecretary of State, to ensure aggressive and effective implementation of agency affirmative action plans as approved by the Equal Employment Opportunity Commission (EEOC). The Secretary of State should work toward prompt agreement with EEOC on numerical goals and timetables the State Department will pursue in the affirmative action plan that must be submitted to EEOC by August 1, 1981.

5. The Secretary of State should itemize Executive Level Task Force and Habib Committee recommendations yet to be implemented and set specific tasks and timeframes for their implementation. ICA and AID directors should do the same with recommendations relevant to their agencies. For example:

- a. An immediate priority should be review of the possible need for further validation of the Foreign Service written entrance examination for job relatedness and freedom from cultural and sex bias.
- b. An outside contractor should be hired promptly to survey minority and women FSOs, FSIOs, and FSRs to determine perceived barriers, including possible forms of discrimination, to their retention and advancement in the Foreign Service. Former FSOs, FSIOs, and FSRs should be included in this survey.
- c. The Foreign Service promotion process should be further reviewed to identify unnecessary and possibly discriminatory elements that may adversely affect promotions of minorities or women.
- d. The Foreign Service Institute should provide mandatory new EEO training for all FSOs, FSIOs, and FSRs in middle and senior grades. This training should be based, in part, on the results of the study recommended in above item "b".
- e. The State Department, ICA, and AID should expand counseling and training programs for minority and female officers to aid in their retention and career development and advancement.
- f. The State Department, ICA, and AID should increase recruiting efforts, particularly for middle level positions through the mid-level program. More intensive efforts to attract Hispanics and Asian Americans, as well as women, should be undertaken.

6. The Secretary of State, Director of ICA, and Administrator of AID should immediately determine the adequacy of EEO and recruitment staff and budget resources to implement these recommendations for strengthening equal employment opportunity. These officials should ensure that data collection and evaluation processes are adequate to permit timely and effective EEO planning and implementation. Additional funds should be allocated wherever necessary to this end.

7. The Equal Employment Opportunity Commission should, as a major priority, monitor affirmative action progress at the State Department, ICA, and AID. It should work closely with the State Department to ensure that an adequate affirmative action plan with numerical goals and timetables is in place by August 1, 1981 and that the plan includes a schedule for implementing Task Force and Habib Committee recommendations.

8. The appropriate committees of Congress should hold public hearings in February 1982, one year from the effective date of enactment of the Foreign Service Act of 1980, on State Department implementation of its affirmative action plan, including its action on Task Force and Habib Committee recommendations. ICA and AID testimony on their affirmative action progress should also be requested for those hearings.

Appendix A

Department of State
 Number of Commissioned Foreign Service Officers (FSO) --
 by Race, Ethnic Origin, Sex, and Grade Level
 June 30, 1980

	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Am Ind</u>	<u>Total Minority</u>	<u>White</u>	<u>Total</u>	<u>Men**</u>	<u>Women**</u>
Senior level *(CA, CM FSO 1-2)	1	12	10	0	23(3.9%)	565(96.1%)	588	636(97.4%)	17(2.6%)
Middle level (FSO 3-5)	12	84	33	1	130(6.2%)	1,973(93.9%)	2,103	1,848(89.8%)	209(10.2%)
***Junior level (FSO 6-8)	<u>2</u>	<u>13</u>	<u>3</u>	<u>0</u>	<u>18(4.3%)</u>	<u>401(95.7%)</u>	<u>419</u>	<u>396(81.6%)</u>	<u>89(18.4%)</u>
Total	15(0.5%)	109(3.5%)	46(1.4%)	1(0.3%)	171(5.5%)	2,939(94.5%)	3,110(100.0%)	2,880(90.1%)	315(9.9%)

*"CA" and "CM" refer to Career Ambassador and Career Minister, respectively.

**Data for women were available only through December 31, 1979; the above figures for men and women are valid as of that date. The department estimates that, as of January 20, 1981, the percentages of women had increased to 2.9 at the senior level and 12.5 at the middle level. The percentages of minorities declined to 3.4 at the senior level but increased to 7.5 at the middle level, according to the same estimated data.

***Excludes career candidates who have not yet achieved tenure and received Presidential commissions. As of December 31, 1979, minorities were 16.6 percent and women were 21.5 percent of the 871 commissioned junior officers and career candidates. According to the January 20, 1981 estimates, minorities were 22.7 percent and women 25.8 percent of this total group.

Source: Department of State, Office of Equal Employment Opportunity. The January 20, 1981 estimated data were obtained from the Department's January 1981 report to Congress, Towards a Department of State and Foreign Service of the United States "Representative of the American People": An Equal Employment Opportunity Progress Report (1977-81)

Appendix B

International Communication Agency
 Number of Commissioned Foreign Service Information Officers (FSIO) --
 by Race, Ethnic Origin, Sex, and Grade Level
 December 31, 1980

	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Am Ind</u>	<u>Total Minority</u>	<u>White</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>
Senior level (CM, FSIO 1-2)	1	12	2	1	16(10.6%)	135(89.4%)	151	146(96.7%)	5(3.3%)
Middle level (FSIO 3-5)	14	26	11	1	52(9.4%)	504(90.6%)	556	478(85.9%)	78(14.1%)
*Junior level (FSIO 6-8)	<u>3</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>6(4.9%)</u>	<u>116(95.1%)</u>	<u>122</u>	<u>76(62.3%)</u>	<u>46(37.7%)</u>
Total	18(2.2%)	40(4.8%)	14(1.7%)	2(0.2%)	74(8.9%)	755(91.1%)	829(100%)	700(84.4%)	129(15.6%)

*As at the State Department, career candidates are not included in the above junior officer data. As of December 31, 1980, minorities were 16.5 percent and women were 43.5 percent of the combined total of 170, including 122 junior officers and 48 career candidates.

Source: International Communication Agency, Office of Equal Employment Opportunity

Appendix C

Agency for International Development
 Number of Foreign Service Reserve Employees (FSR) -- by Race,
 Ethnic Group, Sex and Grade Level
 September 30, 1980

	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Am Ind</u>	<u>Total Minority</u>	<u>White</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>
Senior Level (FSR 1-3)	6	32	15	2	55(7.9%)	639(92.1%)	694	681(98.1%)	13(1.9%)
Middle Level (FSR 4-6)	12	53	22	0	87(13.7%)	548(86.3%)	635	552(86.9%)	83(13.1%)
Junior Level *(FSRL 7-8)	*	*	*	*	*	*	*	*	*
Total	18(1.4%)	85(6.4%)	37(2.8%)	2(.15%)	142(10.7%)	1,187(89.3%)	1,329(100%)	1,233(92.8%)	96(7.2%)

*All Junior "officers" at AID are designated Foreign Service Reserve Limited (FSRL) employees. They also are career candidates or probationary employees. Of 92 FSRLs, 21 (22.8 percent) are minorities and 71 (77.2 percent) are white. Men are 64.1 percent and women 35.9 percent of this group.

Source: Agency for International Development, Office of Equal Employment Opportunity

