

# SOMETIMES THINGS WORK

By

Tom Cuni

A significant portion of my career as an attorney was devoted to dealing with bureaucracies of one kind or another. Without being too immodest, I became pretty good at arming myself with patience, tact, humor, and frequently a fair amount of humility in order to get the results my clients needed. The success which I had in solving bureaucratic puzzles actually began in my life before law school and in a place halfway around the world.

For the second time in my tour of duty in Vietnam I was the FNG. Being the fucking new guy was not something that I had enjoyed the first time. The Third Brigade of the 101<sup>st</sup> Airborne Division had been withdrawn from the war and redeployed to the US. However, the Army decided to keep my sorry ass in the war for just a little while longer. Along with the other artillery lieutenants from the brigade, I was sent down the road a few miles to the Second Brigade where we were reassigned to infantry companies in that brigade.

It took several weeks in my new company for the FNG stink to wear off. The grunts seemed more interested in getting to know me after I had conducted a few fire missions without blowing up any Americans. The company commander seemed to have gained a bit of confidence in me too. There was no infantry lieutenant to command the mortar platoon. The captain asked me to fill that slot in addition to my duties as the artillery forward observer. I accepted believing that it would help pass the time and because I have always had a certain affinity for things that explode.

When we rejoined the company, the captain told me that my firing battery was trying to raise me on the radio. He urged me to make it quick since we had a long distance to cover that day. It may have been one of the shortest and perhaps one of the happiest conversations that I have ever had. I raised my firing battery on my radio. The guy on the other end asked if my name was 'Cuni' – Charlie Uniform November India. I answered yes. He rattled off my social security number and asked if it was mine. I answered yes. He asked me if I wanted to go home. I answered yes. A helicopter on a resupply mission was diverted from its planned flight and two minutes or so later, the pilot told me to prepare to pop a smoke to mark my position. I borrowed a smoke grenade from one of the grunts and a few minutes later I was on my way to Phi Bai.

Three of my classmates from Officer Candidate School had also been called in from the field. It was still early in the morning when my classmates and I showed up at the personnel office. The captain in charge of personnel for the battalion, the S-1, showed up at 0900 hours and checked to see if he had received orders for us. Finding none he told us to come back at 1100 hours. There were no orders when we returned and we were sent away until 1400 hours when we were told us to come back at 1600 hours.

The S-1 apparently had grown tired of us and at 1600 hours he told us to return to our units telling us that he would contact us when the orders came. Two of the guys headed over to the logistics pad to hitch a ride back to their respective companies. Al Hampton suggested that he and I should have a beer. Al's picture would never be on an Army recruiting poster. He was slight of build and he had a high pitched voice. He lacked what the Army calls command presence. However, Al Hampton was a fine soldier in the ways that really mattered. Some months before I had run into his company commander in the bar at Camp Evans. That captain could not stop talking about what a steady forward observer Al was and how well he performed under fire.

After a couple of beers, Al told me in his reedy voice that the S-1 was full of shit and that we should go talk to the colonel. After another beer it seemed like a good idea to me and we were off to see the commanding officer of the battalion. The colonel welcomed us into his office and began the conversation by asking us about how things were going. After talking for a while about our experiences, the colonel asked us what he could do for us. Al was a little shy. I on the other hand have rarely been at a loss for words. I explained to the colonel about our frustrating day while carefully telling him that we intended to obey the order the S-1 had given us. My big pitch was that we just like to know where we stood before returning to our units. I also mentioned that this was the third time I had been told that I would be going home. I thought was a nice piece of salesmanship.

Al and I knew that we had jumped the chain of command by going to see the battalion commander. Fortunately for us the colonel was sympathetic to our situation. As we sat in his office he called the S-1. The only part of the conversation that I remember exactly is the colonel saying "Captain, why don't you call down to Da Nang and find out?" He hung up and smiled at us and asked about where we were from in the states. In a surprisingly short time, the colonel's clerk came into the office and said that the captain was on the phone. The next conversation was brief and the colonel smiled again. He told us that we could go over to the S-1 and pickup our orders. We thanked him and walked back to see the captain.

As you might imagine, our reception when we walked into the Quonset hut was less than cordial. A very angry captain shouted to his master sergeant to clear the building of all personnel because he wanted to talk to these two motherfuckers who had jumped the chain of command. Well, he went at us with a lot of enthusiasm and seemed to take some pains to be sure that we understood what dumbasses we were for jumping the chain of command and not following regulations. As I recall, Al and I stood at attention and took the abuse without complaint. The very angry captain paused to take a breath after his high volume dissertation on our stupidity.

I have to be honest in telling you that I am still not sure of my motives when I took the pause as an opportunity to offer an explanation for our outrageous conduct. It did not go well. I suggested to the captain that we understood that it had been an administrative decision for him, but for us it was a decision that meant that we would have to return to the rain, the mud, and all of the other crap that comes with being in the infantry.

What I thought of as a pretty reasonable statement set off an eruption of epic proportions. "Lieutenant are you calling me a REMF?" For those who are not familiar with that particular acronym, it means 'rear echelon mother fucker.' The captain bellowed for his sergeant to come back inside and as the sergeant double-timed back to his desk, he was told to get these two assholes out of his sight - right now. He reiterated that he did not want to see us in the morning.

Later that evening, I wound up leaving the war sitting on my duffel bag in the back of a dump truck on the road to Da Nang. In the biographical movie which runs in my mind, I had always pictured a much more heroic conclusion to my time in that awful little war. I have never been sure exactly what priority that sergeant put in our orders, but bless his heart, Al and I were on a jet heading for the United States within a few hours of our arrival in Da Nang.

I count my arrival in Cincinnati a little more than three days after my final combat engagement as one of only a very few clear victories over the bureaucratic process.

The story does not end when I returned to civilian life. A few months after my return to the world from that unpleasant little patch of misery known as Vietnam, I was accepted into the College of Law at the University of Cincinnati. The only hitch was that my status as an Ohio resident was denied and I was faced with paying out of state tuition rates which were more than twice as much as those for an in-state resident. I went to the bursar's office to get the form needed to file an appeal of the determination of my residency. I was shown to the desk of the woman who was in charge of handling the administrative part of the appeals process. She didn't seem to want to waste one of her forms on me. The conversation was considerably less friendly than I had expected. I thought that I had a good story to tell. I explained that I had been deployed to Vietnam, but that my wife had maintained our residence in Cincinnati. Her preemptory response was that an appeal would not work. We had more than a little back and forth discussion on the topic. She finally relented and jerked a desk drawer open, extracted the necessary form, and more or less tossed it across the desk at me while telling me that it was a waste of time.

I arrived at the administration building early on the date of my hearing. A nice receptionist asked me to take a seat in the waiting room. A few minutes later, a guy who looked to be about my age walked in the door. He sat down across from me and started a conversation by asking me why I was there. I assumed that he was probably there for the same reason as I was. I explained my situation and he asked what my branch of service had been. When I told him I had been an artillery officer, he gave me a big smile and told me that he had graduated from Xavier and had been commissioned as an artillery officer after completing four years of ROTC. I assumed he was at UC for a graduate program.

The receptionist spoke to my new friend and told him that they were ready for him in the hearing room. He smiled when I wished him good luck. Ten minutes later the receptionist told me that the panel was ready for me.

When I walked into the hearing room my recently acquired best friend was sitting behind a table with two older gentlemen. I was momentarily confused. It then occurred to me that my friend was not there to make an appeal but rather he was there to hear an appeal. To say that he tossed me some fat, slow pitches in the middle of the strike zone would be an understatement. By the time the questioning was complete, I think that the other two hearing officers may have believed that I personally had defeated a fair portion of the North Vietnamese Army. I received a call later in the day to inform me that my appeal had been granted.

In less than a year, I had twice been successful in dealing with the bureaucratic systems of two very large organizations. As I would learn in my career, success in navigating through a bureaucracy is mostly a product of luck with just a little bit of skill thrown into the mix. Sometimes things work. In any event, 1972 was a good year in my life.

