



**Making the Madisonian System Work:
Case Studies in Contemporary American Government**

Preface

The teaching cases in this collection, harvested from the Kennedy School's Senior Executive Fellows Program for federal public managers, are based on the experiences of public sector managers and designed for practitioners and would-be practitioners as case studies in the nuts and bolts of political management.

Assembled and written¹ by Dan H. Fenn, Jr., the 11 cases selected for this collection illustrate the strengths and weaknesses of the “Madisonian system.” They are written from a managerial perspective and are designed to force the participant to think through the question: “What would I do if I had this problem?” The issues they lay out are common ones.

- How do I deal with an aggressive reporter in an environment that is highly controversial and political?
- How do I maintain my agency's stance of objectivity when my data is going to affect the outcome of a political struggle?
- How do I balance the extraordinary talent of an employee against his bizarre personal behavior?
- Do I really want an entrepreneurial subordinate who upsets my agency and, if so, how do I manage him?
- How do I decide an issue in the face of highly emotional and conflicting interest groups?

¹ With the exception of “The Case of the Disgruntled Employee” (C14-80-334.0, C17-80-334.1) prepared by David H. Jernigan under the supervision of Stephanie Gould, all cases in the collection were written by Dan H. Fenn, Jr.

- How do I deal with a boss who is embarked on what I think is a highly destructive course of action?
- When do I tell the Congress the truth, the whole truth, nothing but the truth about a failing program that has far-reaching economic and political impacts?

The collection is made up of five stories about boss-subordinate relationships; two involving interest groups; one each on dealing with the press, with the executive, and with Congress; and one that encompasses all of the above:

- “Spilling the Beans in Owaho” (CR15-04-1745.0)
- “The Problem of Tom” (CR15-04-1746.0)
- “A Go-Getter in DOD” (CR15-04-1747.0)
- “The Case of the Disgruntled Employee” (C14-80-334.0, C17-80-334.1)
- “A Letter to Professor Dutch Leonard” (CR15-04-1748.0)
- “Trapped in a Dysfunctional Family” (CR15-04-1749.0)
- “Confrontation in Utah” (CR15-04-1750.0)
- “The Ad Hoc Conference and Sammy Sockeye” (CR15-04-1751.0)
- “The White House Carves the Turkey” (CR15-04-1752.0)
- “The Truth, The Whole Truth ... or a Reasonable Facsimile” (CR15-04-1753.0)
- “Closing the Weather Service Office in Lake City” (CR15-04-1754.0)

A separate “Notes on Classroom Use” (CR15-04-1755.2) written by Dan H. Fenn, Jr. provides overall context for the cases and helpful insights for faculty using the cases in the classroom.

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Spilling the Beans in Owaho

Petra Johnson of the US Forest Service (USFS) stares through the opening of her modest little cubicle on a sunny Monday in November 1995. The phone rings; she picks it up. Her secretary says, “Sandy Beuller, environmental reporter from the Owaho Herald” and transfers the call.

As a project leader in the Forest Inventory and Analysis program of the USFS, Petra is based a long way from Owaho. Her area covers twelve other states, and she has four projects going in addition to the one in Owaho. But that is the one that is causing her the most trouble, and she knows full well what Beuller is going to say. Sure enough: “Petra—are the numbers ready yet?” asks Sandy, without so much as a hello. Petra sighs. “Not yet, Ms. Beuller. When the report is final, you will be the first to know.” After a bit more parrying and thrusting over potential release dates, threats of Freedom of Information Act (FOIA) requests, and explanations of why the data was needed, Sandy hangs up with a promise to call back on Friday.

Petra stares again out across the neatly arranged rows of cubicles. It is true that the numbers are not ready yet. But she is expecting that the draft numbers will be complete and ready for review by Thursday. Although these numbers are not yet “final” and ready for publication, she wonders what she will tell Sandy the next time she calls.

Background: The Industry vs. The Alliance

The state of Owaho is 90 percent covered by forest—the most heavily forested state in the US. Wood production and tourism drive the economy of Owaho. These two values are often in conflict: logging tends to drive away tourism. The forests of Owaho are mostly privately owned, including a whopping 43 percent by wood products companies (“the Industry”). The more heavily

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populated and politically powerful “up west” quarter of the state tends to have a tourism-based economy while the economy in the rest of the state, home to 20 percent of the state’s citizens, is dominated by the Industry.

In the past few years, Owaho has seen the establishment and then the growth of a new citizen organization known simply as “the Alliance.” A consortium of national and state environmental groups, including such well known activist institutions as the Sierra Club, the Audubon Society, the John Muir Society, and the Wilderness Foundation, they have come together in Owaho, as elsewhere in the nation, to fight for the passage of a referendum to regulate logging. In the past, they have sought to protect forests by challenging existing regulations governing the harvesting of timber, by proposing new and more stringent controls, and by using the Endangered Species Act.

Claiming that current forest management practice in Owaho is “out of control,” they assert that logging is presently being conducted at an excessive, unsustainable, and unregulated rate, which will eliminate the state’s forests in the near future. They are now in the process of collecting signatures to enable them to place a referendum on the November 1996 state ballot, which would effectively eliminate “clear-cutting,” the practice of removing all the trees in specific, defined areas. Political observers of the Owaho scene believe that they will have no trouble getting the requisite signatures, and are virtually certain that the initiative will be put before voters in November.

The effect of the proposed legislation would be essentially to eliminate logging in the most heavily forested part of the state because the size of the maximum clearing—¼ acre—would be too small to be cost effective. This might force many wood products companies to go out of business and sell their lands. Indeed, some members of the Alliance are on record as supporting the preservation of Owaho’s forests through the creation of a national park or perhaps state parks, where logging would be forbidden. The Industry opposes both the referendum and the proposed parks.

The Owaho Forest Service is the state (not federal) agency charged with overseeing and protecting Owaho’s forests. Composed primarily of professional foresters and associated technical experts, the agency has a long history of conservation and management involving logging operations. The chief of the agency is the “state forester,” John Waxman, appointed by the governor earlier in 1995. Waxman is a professional forester and a former executive with one of the larger timber companies in Owaho. In his view, there is no need for the regulation provided by the referendum; he believes that the professional foresters of the Industry are doing a good job managing and conserving Owaho’s forests, and should continue to do so. Scholarly research, he says, has shown that clear-cutting, done correctly and in moderation, is an appropriate and sustainable method for harvesting forests such as those found in Owaho. The state forester believes that the real agenda of some in the Alliance is to force the Industry to shut down

operations in Owaho, thereby forcing companies to sell their land and clear the way for the creation of the proposed national park.

The Forest Inventory

The key question is whether or not the Alliance is correct when it alleges that harvest rates in Owaho are currently excessive, inappropriate, and unsustainable. This kind of information is typically provided by the US Forest Service through its Forest Inventory and Analysis (FIA) program. The FIA data is generally accepted as accurate, unbiased information, not prone to favor any side in policy debates. The Owaho Forest Service does not conduct its own forest inventory; it relies on the FIA inventory. The FIA mission is to report periodically on status and trends in forests on a statewide basis, answering such questions as:

- How much forest is there now, and how much has changed since the last measurement?
- How much wood volume is there now, and how quickly is it changing?
- How fast are the forests growing? Dying? Being harvested?
- What is the age and size distribution of the forest? How much young, middle, and mature forest is there?

The last inventory in Owaho was completed in 1982, 13 years ago. The inventories are supposed to be completed every 10 years by working on one state at a time. However, due to budget reductions over the last 10 years, the present inventory cycle is four years behind schedule. Data collection in Owaho began in 1994, and is expected to be completed by March of 1996 with a final report published in October 1996—one month before the referendum vote. There is no way to complete data collection any faster given the current resources available, and there is no chance of getting more resources.

The FIA has a time-honored and time-tested process by which it manages inventories such as the one underway in Owaho. First comes the collection of data, conducted on a county-by-county basis. This effort may take as long as two years, depending on the size of the area being studied. In the Owaho case, the information for the three large northern counties is virtually completed. (As is common practice, the FIA is reviewing parts of the state at a time.)

The next step is an internal scientific review of the data to make certain that it is complete and that the methodology is sound. That process takes about two weeks, and is now about done. Thus the section of the Owaho study that has been completed is now nearly ready for its “technical review.”

Technical review is a somewhat informal process that involves releasing the data to the state forester, who in fact has been involved in the study all along and, consequently, has a pretty fair idea of what the data is showing, though he has not seen the final tables themselves. In addition, industry representatives and academicians are brought in at this stage. Given the reams of technical tables, there is usually little public interest in participating in the review, but there are no hard and fast rules as to who can join in the process. Taking about six weeks, this review brings to bear peculiarities of a particular state or area of which the FIA may be unaware, such as a fire, a hurricane, or a beetle infestation. Further, the locals can spot anomalies, like, for example, figures showing stands of Florida cabbage palms in Maine, where they could not be.

Seldom are there major changes to report as a result of this technical review, though the procedure does help with the interpretation of the data collected by the FIA.

Ordinarily, the results of the statewide study are not publicly released piecemeal, though they move through the process that way. The sections completed early are customarily held until the analysis of the entire state can be made available. Though reviewers are requested to refrain from citing, quoting, or otherwise sharing the data, FIA professionals know the odds of leaks in this sensitive case are about 100 percent.

Petra is well aware that the FIA, as a research organization, is very careful about premature release of data before the scientific peer review and the final check have been completed. The FIA prides itself, in fact, on publishing high quality data, even at the cost of delays (hence the increased length of inventory cycles). “Tradition” means a lot at the FIA; it tends to be one of the least progressive segments of the Forest Service, priding itself on being strictly a science-based organization that is above “mere politics.”

At the same time, she is sensitive to the fact that, in this instance, the timing of the FIA final report is of grave concern to all the parties involved. If it clearly supports the contention of one side in the controversy, that side will have a huge advantage in the last critical month before the election. Therefore, everyone is interested in a “preliminary look” at the data just as soon as possible—any data, including early returns such as those she has, or soon will have, on her desk.

And that data—for the three large counties—is, in fact, dramatic. There is significantly less wood in these counties now than previously: volumes of spruce and fir (the predominant species) have dropped from 65 and 46 million cords (respectively) in 1982 to 50 and 27 million cords in 1994. This implies that logging has exceeded growth by a 3-to-1 margin between 1982-1995. This is not considered to be a good thing.

However, these results are almost certainly not representative of the state. For one thing, these counties contain a large amount of mature, 100-year-old forest with naturally slow growth rates, which could be considered to be mature and “ready for harvest.” Additionally, the area suffered significant tree mortality due to insect infestations, which occurred over the past 15 years.

It is likely that some of the increase in logging is due to salvage operations aimed at removing large areas of mostly dead trees. But there is no way to prove this, no way to tell from the data whether a tree was alive or dead when it was cut; all the FIA sees is a stump.

Petra knows that Forester Waxman is not happy about the preliminary results. Although there are probably very good reasons why logging had exceeded growth in this area over the time period under study, he fears that the data could be interpreted to support the allegations of the Alliance. Furthermore, even though this data is not likely to reflect trends elsewhere in the state, he knows that people are likely to extrapolate these results statewide until the rest of the data is available—which won't be until shortly before the referendum. As a result, he does not want any release of any results to anyone other than an absolute minimum set of technical reviewers until the entire and complete report is available.

Petra also knows that Waxman is already very unhappy with the FIA program due to the lateness of the survey. He is well respected by his state forester peers around the country, and has not hesitated to let them know about his general dissatisfaction with the FIA's program performance. Conceivably, his views could have an impact on future state forester cooperation when the FIA program leaves Owaho and moves to the other states—state foresters and their staffs are key partners in getting the FIA work done.

On the other hand, the state's newspapers and the Alliance are clamoring for access to preliminary results as soon as possible. In effect, they want to be part of the technical review process, and there is nothing to say they cannot be. Since this is not a formal advisory committee with regular face-to-face meetings, it is not subject to the Federal Advisory Committee Act.¹ They know that preliminary results for the northern counties should be available "soon," but do not know when. They do not view State Forester Waxman as an impartial player in the process—they see him as favoring the Industry. They fear that if he gets access to the data, then "the other side" will have a strategic advantage. The press has been calling once or twice a week to check on the progress of the data processing and to ask for preliminary results. Although the more informed in the Alliance and the media know that this FIA data is sheltered from the FOIA, since it is being processed for ultimate public release, they are not above proceeding with the FOIA fight anyway simply to apply public pressure to the FIA, and to charge them with "cover up" and pro-industry bias.

As the project manager, this is Petra's call: Should she make an exception and release the preliminary results from part of the state to the general public without waiting for the complete data from the whole state?

¹ The 1972 Federal Advisory Committee Act required, among other things, that the advice provided by such committees be open to the public.



The Problem of Tom

“Oh no, not again!”

A frustrated and exasperated Gil Garber leaned across his desk and addressed Ginny Oliver, one of his branch chiefs. “He said *what* to the admiral?”

Garber, leader of a directorate of 130 people in the Navy’s Office of Electronic Communication, was talking about the latest antics of Tom McKenna, one of the most difficult employees—probably *the* most difficult, come to think of it—he had supervised in his two decades in the Navy. And he had worked with a lot of people, first as a uniformed officer and then as a highly placed civilian in a number of computer, communications, and information-related positions.

As Ginny told the story, it seemed that Tom had been part of a team briefing the admiral about a proposed software development process improvement that Garber’s shop was suggesting. When the admiral raised a technical question about a part of the team’s recommendation, Tom took issue with the point the admiral was making and, without explaining the team’s thinking, cockily questioned his intelligence and expertise.

“Well, Ginny,” Garber said, “we’ll take him off that job and hope that none of us hears any more about it from topside.”

Tom was given another assignment and, happily, nothing was heard about the confrontation in the admiral’s office. Nevertheless, Gil continued to worry about Tom, as he had for much of the time that Tom had been with his office.

A truly brilliant computer specialist, Tom was noted for his exceptional performance in all facets of his work, particularly those demanding a high degree of ingenuity, perseverance, and detailed technical knowledge of communications and computer concepts. He had been assigned to

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Gil three years ago during a massive reengineering of the entire organization. Upper management, using criteria such as employee background and mission of the new office, had made the decision and ordered Tom's transfer.

Tom was pleased. He immediately accepted every challenge thrown his way, and did well with all of them. Furthermore, Gil, after reviewing the personnel files of all of his new people, including Tom, saw no reason to be anything but pleased himself. Tom was a technical whiz, and had received consistently high ratings in the past.

Tom's most recent work as an in-house consultant on solving Year 2000 computer problems for the Navy was nothing short of "first-class." He was instrumental in assisting military installations throughout the United States and overseas on the implementation of much needed "Continuity of Operation" plans to mitigate any problems in national security computer systems that might occur on January 1, 2000. Within his division of 30 specialists, Tom clearly could have been one of the "stars" were it not for his occasional lapses in behavior. During the past few years, he had earned several awards for exceptional performance on the job, technical suggestions on how to save funds by eliminating unneeded equipment, and even for humanitarian service during a devastating flood in the local area. Tom's annual performance appraisals since 1990 "covered the waterfront," ranging from a Superior rating to a mid-point Excellent, to a Fully Successful, meaning he had met, but not exceeded, the elements of his performance plan.

The first indication that Gil might have a ticking time bomb on his hands had come from a captain in another directorate who ran into Gil at a meeting. With a strange look in her eye, she asked: "How's Tom McKenna doing?" "Really fine," Gil responded, wondering what the captain had in mind. "He is extraordinarily bright and experienced, works hard, is creative and seems to relish challenges. I'm planning to put him on the Y2K project—I think he will make a great contribution there. In fact, we are thinking seriously of putting him in for the Civilian Employee of the Quarter Award." "Apparently, you've been lucky so far," was the cryptic response.

Gil, who had great confidence in the captain's judgment and considered her to be fair, shrewd and objective about people, decided he had better look further at this gifted subordinate.

What he found caused him increasing concern. Tom, apparently, came to the job with some undesirable baggage. A highly competitive roller-blader and "extreme sport" fanatic, a marathon runner, woman chaser (allegedly), and a night owl, Tom was often "sick" on Mondays, and had to leave around noon on many Fridays for a "doctor's appointment." He also had a long-running dispute with his former wife over child custody. On one occasion, a county deputy sheriff had come into the office, arrested Tom for "kidnapping" his son, handcuffed him, and taken him away. According to Tom, this incident was not his fault since he believed that his regularly scheduled custody of his son still had a couple of days to run.

Then there was an incident at a Saturday office outing. Tom, driving his Jeep in a convoy with fellow workers, seemed unconcerned when the hood of his vehicle opened and flew back against the windshield as he was cruising along at about sixty miles per hour. Tom had “secured” the hood with a cheap bungee cord, obvious to all the others as totally inadequate for the job.

None of this, except for the somewhat erratic office hours, was directly affecting his job performance, which continued to be outstanding.

His relationships with his colleagues, however, were another matter. Technically he was extraordinary, but he flaunted his knowledge and his “in your face” style derailed more than one team project in which he was involved. Once, in a four-week software engineering course, in which he was not an expert, he was so adversarial in dealing with the instructor and with his classmates that the school asked that he be removed from the program.

When his supervisor talked to him and tried to counsel him about his behavior, he was contrite, seemed to take it to heart, and promised he would do better. After each of these woodshed conversations, management did note some improvement. But Tom still maintained that “they don’t know what they’re talking about; they are picking on me. I know more and have more experience in this field than they do. They’re jealous, that’s all.”

Given this series of stormy episodes, Garber determined that his undeniably able employee required special handling and guidance. He assigned him to Ginny Oliver, “one of our best branch chiefs.” Garber describes Oliver as a “total professional with very high standards. She is devoted to getting the job done, doesn’t stand for any nonsense. She is tough and fair, well respected by her peers, her superiors and subordinates.”

Oliver felt that Tom needed to be put on a tight rein. She was determined that she would get his anti-social behavior under control so as to maximize his technical contribution to the organization’s mission. Consequently, she established regular formal counseling sessions and carefully documented every indiscretion, whether large or small.

Tom did not like this “personal” treatment and said so to his second-level supervisor, complaining that he felt he was being “singled out” for special treatment, if not harassed. The second-level supervisor advised Tom that he had to accept responsibility for his actions and that management, in fact, was helping him by going far beyond what could reasonably be expected, given the circumstances.

Tom’s job now required him to travel frequently. For such people, the government provided a credit card to avoid having to give cash advances and to reduce overall costs associated with travel. Employees used the card to get cash as needed, pay motel and rental car charges, etc. Travel vouchers were to be submitted immediately after returning home; checks were issued in a

few days, and all charges were payable when the employee received the bill from the credit card company.

For 99 percent of travelers, who paid their bills within a few days, this posed no problems. But not Tom. He blamed his consistently late payments on the finance office, a dispute with the rental car company, and several other factors, none of which could be validated by his supervisor after an extensive investigation. When Tom's latest failure to pay his bill resulted in his name showing up on the "60 Day Overdue" list, even though previous overdue bills had been paid immediately after his supervisor had counseled him, Gil and Ginny felt more decisive action was necessary.

Having carefully documented all of Tom's miscues, Ginny drafted a "letter of reprimand," and checked it out with legal services and the civilian personnel office to ascertain whether the "action would stick." The civilian personnel office recommended a "verbal admonishment," a slightly less severe form of action, since the letter documenting the action would remain in the supervisor's folder, not in the employee's formal employee file, located in the civilian personnel office. Gil, who had agreed to this course of action in the hope that it would not produce a violent response, issued the admonishment to Tom. (See Exhibit 1.) Exercising his rights, Tom promptly filed a grievance with the local union, which resulted in a formal hearing.

The local president and two members represented the union; the government sent a specialist from the civilian personnel office. Tom presented his case to the group, and was followed by Ginny and Gil. After a superb job of persuasion by the first and second-level supervisors, management's action was upheld. The admonishment stood and would remain in Tom's supervisor's folder for up to two years. This outcome, Gil noted, was different from the last time Tom had filed a grievance over his performance rating. Then he had ended up getting it raised from "Fully Successful" to "Excellent."

Nevertheless, Gil wondered if he should take this as the last straw and get serious about terminating Tom's position with the government. Should the next incident of any type be used as the basis for more serious action, such as a letter of reprimand, a key ingredient in a "firing package"? On the one hand, Gil thought, he was so good. In the two months since the admonishment, his on-the-job performance had been exemplary. Even though he still traveled frequently on business, there were no further incidents involving late credit card payments or in his personal life (at least that Gil knew about). However, in the past, just when Gil thought that Tom was finally back on track, he would slide, even if briefly, back into his old mode of operation.

Exhibit 1

Department of the Navy
MEMORANDUM FOR Tom McKenna
FROM: Individual Supervisor
SUBJECT: Notice of Decision on Proposed Reprimand

In a letter dated 15 Oct 96, you were advised of a proposed action to reprimand you for delinquency in making expedient payments on your American Express Government Card debt. This letter also informed you of your right to reply to the notice of proposed action orally, in writing, or both within 7 work days from receipt of that letter and of your right to representation and use of official title.

You provided your written reply card dated 1 Nov 96 addressed to Individual Supervisor (attachment 1). Courtesy copies were provided to the Local Personnel Office and one personnel liaison. I have given full and careful consideration to your replies and have thoroughly reviewed the contents of the case file. I have determined by preponderance of the evidence that you have failed to keep your American Express Government Card Account current repeatedly in the last twelve months and that you were in fact more than sixty days in arrears on your American Express Government Card Account three times in the last nine months. Therefore it is my decision that although disciplinary action is warranted, it will be reduced from a reprimand to an oral admonishment. This penalty is an appropriate penalty for such an infraction. It is issued to correct your behavior and promote efficiency of the service by encouraging your acceptance of responsibility for your actions.

This oral admonishment is effective upon your receipt of this letter and will be placed in your Supervisor's Record of Employee Folder for a period of 2 years, or as stated in Article XIX, Section 3 of the Collective Bargaining Agreement, dated 30 April 90. At the end of the two years, it will be removed from your Supervisor's Record of Employee Folder.

Navy policy concerning discipline is that it be constructive in principle and preventive in nature. Its objective is to develop, correct, and rehabilitate employees; to encourage their acceptance of responsibilities and to prevent, if possible, situations where there is no alternative but to penalize. You are advised to avoid future incidents of a similar nature, which may subject you to more severe disciplinary action, up to, and involving removal from the Federal Service.

If you consider this oral admonishment unwarranted, you have 15 calendar days from the date you receive this letter to present a grievance under the provisions of Article XXI of the Collective Bargaining Agreement referenced in paragraph three above. Should you initiate a grievance you are entitled to representation or to represent yourself. If otherwise in a duty status, time spent by the representative in presenting your grievance will be considered official time.

If you elect to grieve this action, you will be free from restraint, interference, coercion, discrimination, and reprisal. You will be allowed up to four hours of official time without charge to leave or loss of pay for such purposes as securing advice on rights and privileges under governing regulations, for obtaining such other information or assistance pertaining to your grievance, and for the actual presentation of the grievance. Arrangements for the use of this official time should be made with your immediate supervisor.

You have the right to review the material relied upon to support this oral admonishment. Arrangements for review of the material relative to this action should be made by contacting the undersigned.

You may also wish to contact a representative of the Civilian Personnel Office for assistance or review of appropriate directives or regulations. If so, you may contact Mr. Rudy Zidarevich, Building 52, between the hours of 0700 and 1530, Monday through Friday, or you may telephone him at extension 6-4188.

SIGNED,
Gilbert Garber,
Director



A Go-Getter in DOD

In the mid and late 1990s, the federal bureaucracy was caught up, both rhetorically and operationally, in a drive for fundamental institutional change. Led by President Clinton and, especially, Vice President Gore, the search for new concepts and new structures in an effort to make government more efficient, more effective and smaller was the order of the day. Words like “reinvention,” “re-engineering,” “entrepreneurial government,” “customer service,” and “government like a business” were written, heard and read in offices all over Washington and often in the regions as well.

This preoccupation with restructuring the administrative machinery of federal agencies was nothing new in itself. Civil Service veterans had been through Program Planning and Budgeting Systems, Management by Objectives, Zero-Based Budgeting, Total Quality Management, Merit Pay (bonuses given according to performance), not to mention countless agency-by-agency reorganizations. But, for a variety of reasons (genuine presidential interest; institutionalization in a specific program led by the vice president; congressional enthusiasm and participation; public conviction that government was too big, clumsy, expensive and unresponsive; and an ever-expanding cadre of management gurus whose books and speeches commanded wide attention inside as well as outside government), these same veterans came to feel, either with reluctance or enthusiasm, that *this* initiative was for real.

In tune with the spirit of the times, one particular Clinton political appointee determined that he would make his program more customer-oriented, more aggressive and entrepreneurial, more innovative, non-hierarchical and non-bureaucratic. Frank Pierce, a former political consultant, was the deputy to an assistant secretary of defense. Though he had no specific line authority, because of his closeness to the assistant secretary and the fact that he acted for the assistant secretary in the latter’s absence, he had a considerable amount of power in the areas where he chose to exercise it.

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Early in his tenure, in late 1994, he took a special interest in the Office of Humanitarian Assistance (HA), which was headed by another political appointee, Rita Jordan. Jordan, an effective campaign fundraiser and party activist, was new both to government and to the humanitarian assistance area that she headed.

One of the most critical activities conducted by HA involved the distribution of non-lethal (i.e., excluding weapons, ammunition, etc.) excess Department of Defense (DoD) property to foreign governments and international non-governmental organizations for humanitarian purposes. Included in this category of goods were such items as medical supplies and equipment, clothing, furniture, computers, generators, construction equipment, and trucks and ambulances. The provision of this excess property was designed to address humanitarian needs and to further the foreign policy and national security objectives of the US government.

Strictly speaking, the legislation determining the process for the disposal of surplus US government property established priorities. The items were to be offered first to federal agencies (including HA); if no department or agency took them, they were then offered to state governments. Finally, local governments had the opportunity to make their requests, followed by nonprofit organizations.

In fact, however, the process was not that neat. There was often a certain vagueness in determining precisely when items were formally declared excess, and many difficulties arose in tracking exactly what was available at any given time at the thousands of federal locations throughout the country and abroad.

Consequently, those agencies or organizations with the most sophisticated scanning processes got the lion's share of especially sought-after items, such as construction equipment. Some groups, notably domestic nonprofits, played this game so well that they could sometimes tell in advance what items were coming onto the list and thus get their requests in to the appropriate DoD depot before other organizations were even aware that they were available.

Given the situation, and the procedural requirements and practices in place (HA, for example, did not have the staff to run extensive searches, but relied on the Defense Logistics Agency to tell it when something was available), HA was often at the end of the queue. This meant that it delivered relatively limited quantities of certain sought-after items for its customers.

The result was that some foreign governments and NGOs expressed their disappointment and frustration with the program. They criticized HA's slow response to their requests and the lack of availability of many items they requested. Pierce, an active and assertive individual who often and vigorously expressed himself as "fed up" with bureaucrats and "silly red tape," decided—not without objection from HA's immediate supervisor, Rita Jordan, who after all had direct responsibility for this program—that he "was going to do what it took to get this off the

ground. It's not going to be government as usual around here; damn the bureaucracy, full speed ahead!"

After a few weeks of rhetoric, he determined that he had to take command of this initiative himself and ignore "old-fashioned hierarchy" if it was to move ahead.

Initially, Pierce thought that he could establish some kind of priority for HA, putting that program at the head of the line for excess property. However, it soon became clear that members of Congress, concerned that their own state and local agencies receive a fair share of these items, would not countenance such a policy, and would, if necessary, use legislation to prevent it.

But Pierce was not going to be shunted aside in his quest. Energetic and resourceful, he determined to find a way to serve his customers and carry out the mission of Jordan's office.

Fortunately, Pierce was soon contacted by a military officer based out of Washington, Lt. Col. Ken Minor, who was familiar with the HA program and interested in it. Moving with speed and ingenuity, Pierce used his contacts and position to have Minor assigned to the HA project. His mission: serve those foreign governments and organizations that looked to HA for their much-needed equipment.

With Pierce's enthusiastic support and backing, Minor thus became a free agent action officer. Using travel funds from the HA program budget, Minor traveled to military bases and depots throughout the US and abroad, uncovering critical equipment, sometimes even before it had been formally declared excess, and tagging it for HA. In addition, he met with representatives of foreign governments and NGOs on his own, periodically making commitments to some of them on behalf of DoD for specific kinds of goods.

Both Pierce and Minor, who relished the role of mavericks, were quite conscious that they were working outside or at least on the edge of the established system. But that was, they felt, precisely what this innovative and resourceful administration wanted: people like them who were friends of the customer, underdogs fighting the entrenched and slow-moving bureaucracy. Thus Minor provided only nominal notification of his activities to one senior action officer in HA, a career official named Charles Hyland. Furthermore, Hyland, who had other interests and responsibilities and was well aware of Pierce's intense interest in and commitment to the project, was not energetic in his oversight of Minor's actions. He tended to keep such information as he had to himself, sharing very little with Jordan, with his immediate superior, or with other staff members.

To the great satisfaction of both Pierce and Minor, many items were turned up which the established system would have never discovered. Moreover, Minor personally arranged several large shipments of excess property, which were critical to foreign policy objectives. For example, one country, emerging from a period of political and military upheaval, desperately needed

medical equipment and supplies to treat war casualties, and computers to help support an International Criminal Tribunal. Thanks to Minor's creativity and energy, they arrived in time to help.

At the same time, the usual procedures remained in force and the bulk of HA's shipments went through the customary channels, based on requests from embassies and endorsed by the Department of State. Some of these countries were also customers of Minor's. Only at the assistant secretariat level, where all funding for projects was approved, was it clear to anyone what the full range of the program really was. Certainly it had more breadth and scope than had been the case before the creative initiatives of Pierce and Minor.

This state of affairs lasted for three to four months, and was accompanied by slowly building frustrations and tensions. Several events, occurring in rapid succession, brought the situation to a crisis point. First, Jordan left the administration with no permanent successor named. Almost immediately, Pierce left DoD as well. Minor, however, physically and organizationally removed from the main office, continued to operate on his own, identifying priority material at various sites and meeting directly with foreign governments, using program management funds earlier provided to him (because he was a military officer in an approved assignment, his pay was not an issue, as would have been the case for a civilian contractor). To complicate matters further, the Office of HA was soon thereafter reorganized substantially and moved to a different assistant secretary's organization.

In the meantime, the regular staff began to receive complaints related to Minor-Pierce projects. Several congressmen complained, on behalf of domestic agencies and private organizations in their districts, that road construction equipment was no longer available. In addition, problems arose with several US embassies receiving shipments under these projects (though the equipment was destined for foreign governments, the local US embassy was the formal consignee, which then transferred it to the host government). They had not been properly notified of the arrival of equipment or received necessary shipping documents to clear goods through customs (DoD transportation organizations provided these services for shipments handled through the regular HA system). In one instance, for example, Pierce and Minor showed up at an airport in the capital city of a small country with a large aircraft loaded with goods—but with no clearance from the US ambassador, who did not know about the shipment, and no formal clearance documents from the recipient country. Thanks to a willing US embassy official, aroused from bed in the middle of the night, the necessary paperwork was expedited, literally at planeside, and the materials arrived where they were wanted and needed.

Finally, one specific country, concerned about the reorganization of the office, expressed first to the HA Office, then to the secretary of defense himself, then to several members of Congress, its understanding and expectation that all "commitments" made by Minor would be honored by the HA Office (though these commitments were really hypothetical discussions, and

included many items that were never available in excess stocks, and would be prohibitively expensive to satisfy).

Complaints from various sources about control, coordination and procedural lapses, unleashed by Pierce's departure, increased, and some embassies chafed over slipshod paperwork and inadequate notification. It became clear to Jordan's acting successor, Navy Captain Jean Milano, that something needed to be done. But what?

When Captain Milano looked at the situation, she became convinced that Minor had done nothing illegal. He had, however, been extraordinarily casual with regular procedures and established channels. He was operating as a loner, a "cowboy," whose methods and style neither fit with, nor were accepted by, the agency as a whole; quite the contrary, they were widely resented.

Furthermore, both his activities and his very success seemed to be attracting negative attention from some congressional quarters—both House and Senate—which had long questioned HA's mission. They reasoned that while HA was technically a federal agency and consequently was entitled to first call on excess property, the ultimate consignee was a foreign government or non-governmental organization. Therefore, they argued, HA should go to the back of the queue in laying claim to items. As available supplies began to dwindle with the virtual completion of the military downsizing, this position was becoming more and more appealing to state and local governments and their elected representatives.

Nevertheless, Milano reasoned, her job was to carry out the mission of HA and Minor was doing just that with unprecedented success.

Should she keep Minor on board, albeit with some new and tighter bureaucratic supervisory arrangement? After all, he was productive, and he provided an additional set of hands without the accompanying payroll burden because of the special arrangement worked out by Pierce. In times of shrinking personnel budgets, Milano was loath to let him go, knowing that he could not be replaced. Furthermore, his entrepreneurial style and his energy had brought critical items into HA which would not otherwise have been available to it, and, perhaps, set a standard of performance, if not a style, for others to emulate.

On the other hand he was increasingly a problem, a lone ranger who was operating at the edge of the envelope, if not altogether out of it.



The Case of the Disgruntled Employee

In May 1978, during a period of widespread concern over how effectively federal agencies audited their own expenditures, the director of the Federal Home Financing Administration (FHFA), McDonald Graham, created an Internal Review Office (IRO) within his agency to conduct independent audits of agency operations and expenditures. To head the new office, Graham named Robert Morgenstern, a CPA with experience in both the private and the public sectors.

Since the agency had not had an official internal audit office before, Morgenstern faced an initial mistrust reflected in what he called “the two biggest lies when an auditor comes into an office: when the auditee says, ‘We’re glad to have you,’ and the auditor says, ‘We’re here to help you.’” To counteract the skepticism, Morgenstern knew that he would have to set up a crack operation, efficient in its audits and responsible in its reporting. His first challenge was to assemble a staff. The IRO budget called for 14 employees, some of whom would be transferred from other parts of the agency and some of whom would be recruited from outside. In regard to the former, Morgenstern was free to decide which of the existing audit positions scattered about the agency should be centralized in the new office, subject to Graham’s approval. As Morgenstern began to do this and to negotiate the transfers with some of the affected department heads, he discovered that “anybody who was going to transfer an employee voluntarily into my office was not going to give up one of the better performers”; in fact, transferring was “one of the ways to get rid of people without firing them.” Since Morgenstern had to take the actual people along with their functions, he had to accept the risk of lackluster performance in exchange for managerial control over certain auditing operations. In two cases, Morgenstern determined this risk to be very real, but he wanted control of the job functions enough to take the risk in the hope that the transferred employees

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would either leave of their own accord or function better under his tutelage than they had in their previous posts. One of these men did in fact leave the agency soon after he was transferred to the IRO. The other, however, remained: a man named Neil Cooper.

Cooper was a youthful looking man in his mid-40s. A certified public accountant with a master's degree in business administration, he had transferred into the IRO from the Bureau of Financial Research, where he had been a senior accountant with substantial auditing experience. Previous supervisors in his seven years in the agency had all rated his performance "above satisfactory," but since over 90 percent of the employees in the FHFA receive this rating, it told Morgenstern little about Cooper's actual work. Although Cooper's resumé and performance ratings were impressive, Morgenstern knew that the transfer would not have gone through had Cooper really been as top-notch a performer as the paper records indicated. So, he checked with the personnel office and sought out Cooper's former supervisors, in an effort to uncover any information that might help him to encourage a better performance from his new employee. Morgenstern soon discovered that Cooper had a remarkable capacity for keeping a low profile: "The assistant personnel director, who knew everybody under every stone, didn't know this guy"—a fact made more remarkable by Cooper's high civil service grade (GS-13) in a Washington office with only 500-odd employees. Morgenstern further learned from talking with former co-workers that, performance appraisals notwithstanding, his new employee had "a lousy reputation"—a reputation as a non-producer—and that, although his most recent job had been as an auditor, in fact in that post he had accomplished little in the way of auditing.

Since Morgenstern felt that his small office could not afford to carry a non-performing employee, he felt constrained to make an effort to use whatever abilities the man might have, without seriously hindering the major work of the office or endangering its fledgling credibility with the agency. Also, he hoped that Cooper's performance would improve with a little good supervision. Accordingly, in September, he assigned Cooper the fairly simple task of auditing the FHFA's contract with Ramco, Inc., a construction engineering firm retained to oversee the interior finishing of the agency's new headquarters. Cooper initially estimated that the job would require 500 person hours, divided between him and an assistant, with an audit report to be completed by the end of October. After setting up a schedule of weekly meetings, Morgenstern pursued his own busy schedule and left Cooper on his own to complete the audit.

In addition to setting Cooper and the rest of his staff to work on various projects, in the early months of his tenure Morgenstern tried to find qualified outsiders to fill the remaining slots in his office. Several of these slots were below the GS-13 level, and were filled by bright, young CPAs in their early 20s, but one of the jobs Morgenstern advertised for was at the GS-14 level, and Cooper wanted it very badly:

I advertised for a GS-14, and I swear to God, that guy got down on one knee and begged me for it. He wanted that job so bad there were tears that

welled up in his eyes. He would sit there and talk to me for 15, 20 minutes, two or three times a week, about why he deserved that job.

Morgenstern, however, told Cooper that he wanted to see the results of Cooper's work on the Ramco audit before considering any promotions.

In their weekly supervisory meetings, Morgenstern discussed the progress of the audit with Cooper, including significant findings or problems and any anticipated changes in the schedule. Through these meetings, it soon became clear to Morgenstern that Cooper had "lost control" of the assignment. The audit failed to meet interim benchmarks, such as the timely completion of the audit survey and audit fieldwork, and when the original 500 hours had been used up, Cooper had "not even begun to draft a report outline." Morgenstern communicated his displeasure with Cooper's pace at their weekly meetings; but he continued to hope that Cooper would shape up "because he had had a lot of experience with the agency, and he has a great resumé." During this time, the two men had only one substantive disagreement about the audit:

At one point, he came to me very excited, claiming that the agency had paid certain bills twice. And I said, "Fine, but I want to make sure that we have it documented." The whole figure was not that big—he claimed to have found \$24,000 in overpayments on a \$2 million contract. And, it turned out that all but \$1,000 had been caught and repaid long before we entered the picture. So, he did not have the evidence, but he was ready to go with it. I told him, "You have to do these six steps before you can come out with a finding like that." He went back and did them and found out that things weren't so bad after all.

Throughout the process of preparing the audit report, however, Morgenstern made many suggestions—further questions to ask, auditing procedures to follow, etc.—that Cooper didn't follow. The problem was not, apparently, one of open belligerence or even lack of conscientiousness: throughout this period, Cooper gave every appearance of diligence and willingness to cooperate. But, he just didn't seem to be able to hear. As Morgenstern put it:

Everyone has the ability to siphon off things that they don't want to hear—for every person there is a certain amount of distortion. He had gotten to the point of unbelievable distortion, where he was able to hear what he wanted to hear, and what he did not want to hear, he did not hear. I tried to explain on several occasions why he should have been doing things differently, why it didn't need to take that long. It got to the point where I was beating a dead horse—things weren't changing. It was like a horse that was headed straight across a field, and there was just no way to stop him. I didn't have the time. I should have taken over then and

there and started spending 20 hours a week with him, but I didn't have the time to do it, and there was no one else in the organization who did.

Scuttlebutt around the office supported Morgenstern's suspicions that his message was not getting through:

Sometimes he would confide in people that he was having problems, and then two weeks later, he would go back to the person and after nothing had changed, indicate that things were getting better.

As time wore on, Morgenstern repeatedly pressed for a final report:

I started giving him deadlines and negotiating extensions with him. He would promise to give me the report in two weeks, then next week, then in a few days. It was driving me crazy. I didn't know what to do anymore. I had never encountered a situation like this before, and I'd been in the business several years.

Meanwhile, complaints began to filter in from the office he was auditing. "He would have the tendency to ask the same questions over and over again, and he became a pest," Morgenstern recalled. Knowing that Cooper never used foul language, an exasperated Morgenstern finally went to him and said, "Neil, when the fuck are you going to give me that report?" "I said it to him just like that," Morgenstern recalled, "and he just fell apart. He very much resented that. But it was the first time he had listened."

Cooper finally turned in a summary of the report in January of 1979. Morgenstern rejected it as unsatisfactory, requesting a full report as soon as possible and offering a number of suggestions for revision. By this time, however, Morgenstern had begun to despair of turning Cooper into a productive employee:

I went into it positively. I recognized that he was going to have some problems, and so I started him out on something that I thought would be relatively easy. Then, when I realized the trouble he was having with the assignment, I made the decision that he was way over his head. He was making \$40,000, but he was earning \$20,000. I didn't have the time or the inclination to try to get him up to that point.

Knowing the complexity and infrequency of termination proceedings at the FHFA, Morgenstern was reluctant to begin proceedings at that point for two reasons: first, because he wanted a second opinion from someone fresh to the situation, namely that of his new deputy, before taking such a drastic step; and second, because at that point in time, he lacked an extra staffer to do the extensive documentation required for an adverse action such as termination. "It

was a question of my biding my time until I could get some people on board [to take over Cooper's work], and in the meantime, to keep him busy and out of trouble."

(Under FHFA regulations, a supervisor wishing to terminate an employee first had to inform the employee that his or her work was considered below satisfactory; then had to develop a corrective action work plan, identifying areas in which the employee's performance would have to improve; and finally had to allow a minimum of 90 days for implementation of this plan, with the employee's progress in the designated areas documented fully, before notice of termination could be given. The employee then had 30 days to respond to the charges contained in the notice of termination, and had the right to a subsequent appeal to the Merit System Protection Board, the successor to the old Civil Service Commission.)

Between January and May, Cooper submitted four more unacceptable drafts, to Morgenstern's increasing dismay. By mid-May, Morgenstern finally had enough staff on hand to relieve Cooper of control of the audit, which he did, in effect (although not formally) demoting Cooper to assistant auditor. Cooper showed signs of dejection when Morgenstern told him of his demotion, but he continued to work cooperatively:

Very often in those situations I can envision someone refusing to cooperate and explain, because everything had to be explained. He explained everything, he didn't try to hold back—he was fully cooperative.

Since the new supervisor of the Ramco audit was only a GS-12, the disparity between Cooper's grade and performance and the new supervisor's grade and performance produced considerable tension in the ranks of all the junior employees. Some of these were only in their 20s—Cooper "had more work experience than they had life experience," Morgenstern recalled—but were clearly working more effectively than Cooper, knew it, and resented his higher grade and salary. Added to Morgenstern's other difficulties with Cooper, this pointed to a strong case for termination under the civil service stipulation that terminations must be shown to contribute to the efficiency of the office. In the presence of rising office tensions, and in light of the fact that his office by now was approaching its staffing capacity, Morgenstern reluctantly began to move towards terminating Cooper.

Initially, he hoped to convince Cooper to leave voluntarily by giving him a "below satisfactory" rating on his performance appraisal. (Annual performance appraisals were given each June at the FHFA, in accordance with civil service regulations, and a "below satisfactory" rating usually indicated that a civil service termination procedure would follow.) Morgenstern recalled Cooper's reaction at their June 3, 1979, meeting on the subject:

He was shocked. He looked at me with his big eyes, and then looked at the floor, shook his head and said, "I don't agree with this."

The two men discussed the appraisal at some length, with Cooper claiming that his work had been affected by the difficulties of transferring into a new office and adjusting to new standards and procedures, and threatening to protest the rating to higher authorities. Cooper also threatened to look for a new job, and Morgenstern concurred that this would be a wise idea.

From that point on, all communications with Cooper had to be put in writing, to show that job instructions were clear and allowed for only one interpretation. Although Morgenstern had been aware from the start that he might eventually have to terminate Cooper, he had not begun to collect the kind of written documentation that would eventually be needed to justify such an action. In Cooper's first four months with the agency, Morgenstern did not want to jeopardize their relationship. Instructions at the FHFA were generally communicated orally. Shifting to written instructions which could later be used in termination proceedings would, in Morgenstern's opinion, have been a clear signal to Cooper that, rather than trying to help him, Morgenstern was trying to get rid of him:

As far as employees are concerned, at least in our agency, when you start putting everything in writing, you're trying to get rid of them—you're not trying to help them. ... It can have a really negative effect [on the employee].

Morgenstern also felt that, with his office and staff still in an embryonic state and with his own life complicated by the fact that Chairman Graham asked him to serve as the agency's acting budget officer between December 1978 and March 1979, he simply did not have the time before the summer of 1979 to document all of his communications with Cooper: "I didn't have the time to sit down and write all those memos."

A week after giving Cooper his performance appraisal, Morgenstern received a call from Chairman Graham's assistant informing him that Cooper had filed allegations with the FBI that Morgenstern was suppressing the audit report of the Ramco, Inc. contract. It was Morgenstern's turn to be shocked: "You could never have told by looking at him that this was the kind of guy who would go to the FBI."



The Case of the Disgruntled Employee: Sequel

By the time of the performance appraisal, Morgenstern had already delegated supervision of Cooper of his deputy. Advised by FHFA's General Counsel that there was no need for him to alter his behavior towards Cooper in any way, Morgenstern began to work with his deputy to develop a corrective action work plan for Cooper. Before they could complete a plan, however, Morgenstern became ill and was hospitalized for six weeks, during which no progress was made on the work plan. On his return, Morgenstern worked closely with the personnel office and the General Counsel's office to develop an airtight corrective action work plan. He knew the personnel office's reluctance to approve adverse actions, and since he had taken the leap towards termination with the negative performance appraisal, he wanted to ensure that the case against Cooper would not fail because of a technical error on Morgenstern's part. Morgenstern emphasized to the personnel office that he viewed his role as merely a documenter, leaving judgment in their hands:

I got the General Counsel and the personnel office involved, and I told them, "All I'm doing is documenting in writing the performance of this individual. You tell me if you think he is not operating at the level he is supposed to be operating." Exactly what constituted grounds for removal I don't know—if we had written all those memos documenting his inefficiencies and they had come back to me saying it was not good enough, that it's not grounds for removal, I don't know what I would have done but I would have had to think of something else.

The work plan had to be tailored to Cooper's civil service grade and job description, so that the documentation collected would show whether Cooper's performance had indeed been

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well below what would normally be expected of a person in his job category, and would demonstrate that he actually had been given the opportunity to perform at normal GS-13 level.

Upon gaining approval from the personnel office for the work plan in mid-August, Morgenstern presented it to Cooper for his approval (required by FHFA regulations), and Cooper balked. He submitted a several-page memo protesting the work plan in general terms, but giving no specific criticisms. Morgenstern nonetheless tried to revise the plan to bring it into a form that Cooper would agree to. Cooper, however, protested the revision in similarly general terms. After two weeks of dickering, Cooper finally agreed to the plan in its original form “without one word changed,” according to Morgenstern.

The 90-day corrective action work plan period finally began in September, and at this time, Morgenstern recalled,

I got some more staff, and one person was assigned to be his supervisor in a hand-holding type of operation. He would be given an assignment, and be let go for two, three days, or maybe even one day. It was a very tight supervision, the type you would give someone with a GS-9 or a GS-11. It took someone twenty hours a week for several months, just to get the memos back and forth—Neil agreed that everything would be in writing—and it was very difficult for us during this time, because we didn’t want to send him out to do audits that we knew we were not going to be of any use to the office. We also had a problem with our image to the rest of the agency if we sent someone like that out.

Informed at the start of the 90 days that he had the right to seek counsel, Cooper did so. After a cursory examination of the case, Cooper’s lawyer advised him to “get the hell out of there,” according to Morgenstern, and Cooper finally began to look in earnest for another job. He had little success at first, since every time he applied for a job his prospective employers would call Morgenstern for a recommendation. Morgenstern could not in good conscience give anything less than an honest appraisal of Cooper’s work, nor could he leave himself open to a court suit claiming that he had written positively of Cooper’s talents on a recommendation but negatively in the performance appraisal. Morgenstern began to despair of Cooper’s ever finding a new job.

Effectively deprived of one and a half staff members during much of the summer and fall of 1979, Morgenstern attempted to maintain an atmosphere of business-as-usual. He continued to communicate with Cooper, and to encourage his efforts to find another job. During one of their conversations, Cooper indirectly referred to the allegations he had made to the FBI—which turned out to be more insinuation than actual accusation—and offered to apologize to the entire office. Morgenstern rejected this offer, thinking that it would render him liable to charges that he had initiated the termination process in order to extract an apology from Cooper. The atmosphere in

the office remained calm but not cheerful—the strain on Cooper was visible, but while everyone was aware of the termination proceedings, the topic was avoided in day-to day conversations.

As the 90-day period neared a close, the legal and personnel departments began to prepare the written materials which had been collected during the documentation period—and which had been turned over to them with Cooper's knowledge—for the expected appeal hearing before the Merit System Protection Board. In the opinion of the Agency's legal staff, the case was a shoo-in. Shortly before the end of the 90-day period, however, a prospective employer from another agency called while Morgenstern was out of town and asked Morgenstern's deputy for an estimation of how Cooper would fit into his agency. Since the position Cooper was applying for had little to do with auditing, the deputy replied that she couldn't predict what Cooper's performance would be in a non-auditing function. Apparently satisfied, the caller hung up. When Morgenstern returned several days later, he was told of the incident but thought nothing of it, assuming that the hiring agency would make more than a cursory examination of Cooper's record. Soon afterward, the other agency offered Cooper a job, and in January 1980, before his case ever came before the Merit System Protection Board, Neil Cooper left the FHFA.



A Letter to Professor Dutch Leonard

October 2000

Dear Dutch,

You will, I hope, remember me—Frank Forrest. I was in the Senior Executive Fellows Program last year. I am right in the middle of a very tough problem—a quandary—and I really need some good objective insights. It seemed to me when I was in Cambridge that you were very familiar with my kind of job, yet sufficiently removed from this specific situation to be able to provide some wise guidance.

As you may recall, I am in the Education and Training Command of the Department of Drugs and Crime Control, known affectionately around here as “Double D, Double C.” The basic idea in establishing DDCC 20 years ago was that the linkage between crime and the use of controlled substances was so close in so many cases that a unified agency to deal with the two made sense.

The upshot was that we have an agency that has an FBI-type component to it and a DEA (Drug Enforcement Agency) piece as well. Our culture, like those two agencies, is quasi-military in nature, full of pride, and perhaps some hubris too, and we have assumed some of the traditional military attitudes and nomenclature. From a personnel standpoint, we have some police officers, some intelligence analysts, and a number of agents, many of them under-cover. Virtually every day, our people are involved in some kind of confrontational event. Many of these can turn nasty and dangerous. Over the years, eight percent of our line personnel have been killed or wounded.

At the same time, we are acutely conscious of, and sensitive about, the rights of American citizens. Organizations like the American Civil Liberties Union keep a watch over us and, of

This case was written by Dan H. Fenn, Jr., drawn from the experiences of participants in the Senior Executive Fellows Program, for use at the John F. Kennedy School of Government, Harvard University. It has been disguised. (1103)

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course, the kind of folks with whom we deal are always ready with sharp lawyers who are able to capitalize on any constitutional vulnerability we might have in a given situation.

Given the changing technology of both offense and defense and the bottomless ingenuity of drug smugglers, transporters and dealers, training and retraining of our field people is an absolutely critical need for headquarters and, in fact, for the whole department. This effort is important also because different communities vary so much in the balance they strike between security and law and order on the one hand and civil rights and due process on the other. Further, as you well know, public attitudes generally move back and forth around such questions in response to events and media attention.

We are organized on a regional basis—we call them “commands”—with a regional commander in charge of each one. They conduct various training programs, some on their own initiative but mostly within guidelines on both topic and pedagogy, which we lay down at headquarters. At the next level, we offer both voluntary and mandatory courses held at a training site we run in Washington. For incoming personnel, we provide a 16-week basic training course; for the most promising of our people, we have an academy, headed by a commandant (akin, say, to the Army War College).

The central operating issues for the Education and Training Command revolve around two eternal questions: how do we teach and what do we teach? Though the questions remain the same, the answers are and ought to be ever changing.

As chief of the Standards Branch in the Education and Training Command at DDCC Headquarters, my job is to answer the “what” question for DDCC.

You can imagine, I am sure, how complex a task that is. Substantively, it presents us with never-ending challenges, not the least of which is triage. What goes in, what stays in, what do we cut? Furthermore, the politics of the decision-making is highly delicate. The captains of the platoons of covert agents in each regional command have strong ideas on just what their people need—and they are anything but consistent across the regions. The commanders have their opinions; the police and their officers know what they want; the analysts and the overt investigators have their special problems and requirements. I find that trying to squeeze fifty pounds into a five-pound bag is hard.

When I first moved into this position in the mid-1980s, and took charge of our Standards Branch of some fifty people, I developed a process for determining what we should be teaching across the board from basic training on up. Over the years it has evolved and changed, but the framework has proven to be sturdy and has served the department very well indeed. In fact, and I say this with all modesty and only because it is directly relevant to the problem I am going to lay before you: my clients are extremely satisfied and I have a very good reputation throughout the department. Furthermore, I know a great many people; I remember almost all of our commanders

and captains from the days when they first arrived and took their basic training. Virtually, every one of them has been through at least three of our various courses; many have been to the academy and I have worked closely with them there.

Let me describe to you the approach we in the Standards Branch have developed over the years, because the threat—the attack, really— that has been mounted against it by my new boss is the nub of my story.

The “Established Process”: The Systems Approach to Training

Since the mid-1980s, as I say, the DDCC has subscribed to a form of Instructional Systems Design (ISD)—modified for applicability to department level, formal school and operational unit level use—used throughout US academic institutions and other similar agencies. Our lexicon, the “Systems Approach to Training” (SAT), is rooted in a statistically valid survey of personnel to assess their jobs and job performance. Next, we conduct an objective analysis of the results with an eye to pending equipment or tactical changes.

The final report stemming from the analysis goes to a panel of subject matter experts who determine the training standards for each job and the tasks that require training for an individual assignment to the field. These training standards are scrutinized by senior people in DDCC and by their supervisors to ensure that they accurately reflect their training requirements. Curriculum developers next perform a learning analysis on each task to estimate the time and resources needed to teach the material. Finally, we secure an agency-level commitment to provide the resources or guidance on course content if there are resource constraints.

Thus, knowledge and insight from all levels are combined to create the final product. Junior staffers actually engaged in the work are able to express their opinions. Agency-level planners with long-term strategic concerns contribute their views of training needs. Regional commanders and tactical captains have direct influence on the final tasking for training development. The courses were developed by school personnel using a rational model that clearly articulates resource needs, so the agency-level manager who provides the resources and is ultimately responsible for the quality of the product—trained agency personnel able to enter the workforce—can make the needed decisions. Every step of the process is focused on the *quality* of training and its relevance to the preparation of new personnel in all branches to perform their jobs as soon as they are assigned to their first operational units, as well as career-level training to prepare people for more complicated or supervisory duties.

The Established Infrastructure for SAT

I should say a word about the command structure of the major operating branch to implement the Systems Approach to Training—that's the shop I head—and many other smaller branches that provide resource assessment and allocation support for SAT. Standards Branch is by far the largest subordinate organization in the Education and Training Command and includes the staff expertise for the front-end analysis of occupational structure and training requirements, and all of the instructional systems specialists in the division.

The functions and culture of our Standards Branch are well defined and are a source of stability for the other branches. The training standards we produce are the source documents for all curriculum development and resource allocation decisions. Our approval is required before any course is initiated or resourced.

The product of the Standards Branch ensures currency and relevancy in more than 1200 resident training courses, and its relationships with the supporting branches ensure accurate and timely estimates of costs and affordability. Decision-making is centralized at the level below the commander; as chief of the Standards Branch, I fully exercise the power granted to me. Within my sphere of authority, namely managing the process I have described above and establishing the content—the standards—for the training programs in DDCC, I can and have operated independently. As a matter of fact, one reason that we produce programs at the pace we do is because top-level management is not involved in the process or the decisions I have described.

I should point out that it is very important that we be able to move with dispatch to determine the content of these training programs. After all, we have over 1200 of them in the agency and they have to be kept up to date. This system is working very well. It ensures that DDCC training is current and relevant; it means that all the affected personnel have input in the design of that training; it gives the commander of the Education and Training Command all the information, including cost data, needed to make resource allocations.

A year ago, I got a new boss. He came up through the field operation, starting as an enforcer—a police officer—in one of the regional commands. I did not actually know him, though I certainly knew of him. In fact, I was pleased when I learned that Commander Bill McTigue (not his real name) was to be the new leader. I had always considered him one of the aristocrats of DDCC, in the top five percent of the agency's leadership in terms of both brainpower and leadership capacity. He is one of those guys whom you feel comfortable following, I thought. He can make decisions and he always has the good of the department, which has developed an extraordinary esprit over the years, at the very top of his value system. "My kind of guy," I thought. As a matter of fact, I was disappointed when I found out that this command would be his last post in DDCC. Despite promises of future promotions and expanding responsibility made to him by the

department head, he has decided that he wants to leave government in two years—the normal tour in his new post—to spend more time with his family and to try the private sector for a change.

So I was really looking forward to meeting him, briefing him on our shop and working with him. In fact, I said as much to his boss, an old and very dear friend of mine who knows our branch well and values it—and me—highly.

Dutch, none of this has turned out as I thought it would.

I'll never forget that first meeting. After the usual pleasantries, recounting to me all the good things he'd heard about me around the department, including from his own boss, he got right down to it. "Frank," he said, "I've devoted my life to Double D Double C. When I retire, I want to leave a legacy. I want to be able to point to change, real change, and be able to say that I did that.

"Now I'll tell you the way I see it. Everybody's talking about change these days but damn few are actually doing anything about it. You and I haven't met before but I am sure you know my reputation, just as I know yours. And you know that I don't screw around. When I want to take a hill, I'll have that damn hill by God. And the hill I want right now is to take the bureaucratic training apparatus in this department, clean it up, streamline it and make it, at long last, effective and efficient. There is just too much damn red tape and process around here, and I am going to end it."

Well, Dutch, as I said before, this is and always has been a quasi-military organization and culture so his—shall I say, forceful and forthright style—did not throw me off. The question lurking in my mind of course was, just what changes did he want to make and for what purpose?

So I kept my counsel, talked about how he could count on my support of his objectives, how we could always do better, how the world was changing and we have to change with it—you know, all the usual.

And waited for the next boot to drop. Thirty days later, he called the other GS-15 and me, together with the five G-06s, into his office.

First, he pointed out that the general, the department head, was very concerned about the shrinking number of people in the field in the face of expanded departmental responsibilities. We all knew that DDCC was about to be handed some overseas operations, given both the need for drug control at the source and the growing menace of the Russian Mafia. We also knew that, though we were not having any trouble recruiting people at the entry level, our funds—like those of every other federal agency—were being reduced.

So, McTigue went on to explain, he had figured out that one sure way to meet the general's goal was to get people through the training pipeline more quickly. "Too many people sitting around in classrooms," he growled. "Get 'em in and get 'em out, back in the field where they belong! Or better still, don't get 'em in at all!"

"Now here's what I want to do." As he went on, it became clear to me that he wanted not just to tweak and improve the system in place; he wanted to up-end it.

"As of today, I am establishing a Training Modernization Initiative," he continued. "First, we are going to get rid of this old-fashioned idea that our personnel should gather in groups in a residential setting for courses in classrooms with instructors. We are going to get into the 21st century, for God's sake. This is the information age! We are going to switch to distance learning using computers, so our people can start their training any time and proceed at their own pace.

"That means that we don't have to hold up training until we fill up a class; we won't need all those instructors since the software will do the job; and we won't take our people out of the field for training. They can do it right from their billets.

"And the second change," he went on, "is that we are going to do away with this cumbersome and time-consuming process of determining what the content of the training should be. I have been at DDCC since it was founded and in the FBI before that. I know what people need to learn about their jobs. So, *I'll* make those decisions without all this static from beat cops and regional fiefdoms.

"Am I clear? Do you all understand where we are going? It's an agile organization I want, not a lumbering old traditional bureaucratic heap."

I was aghast. His program, if you could call it that, was based on misinformation, disinformation and amateurism. He was abandoning a system that was applauded and supported throughout DDCC for some untested notion about distance learning, demonstrating that he did not have any appreciation for the different kinds of pedagogy needed for different subject areas. One certainly can teach a police officer how to break down and clean her weapon with interactive software and on her own time; one cannot acquaint her with the complex interaction of civil rights and community security with some programmed machine.

To make it all worse, with an eye to acquiring the necessary upfront funding, he established specific targets based on the claims of potential payoff made by the proponents of technology infusion; he committed to a 30 percent reduction in student travel and temporary duty posts by 2000 and targeted a 20 percent reduction in school instructor requirements. He established another goal to improve staffing in the operational forces: he sought to reduce the number of man-years that DDCC spent in staff training by 500 man-years per year over a five-year period. Achieving that goal would equate to having 2,500 more personnel in deploying units by

the year 2004, effectively increasing the proportion of an enlistment period that a DDCC person would actually spend performing the job, improving the readiness of the DDCC, increasing the overall size of the labor force, and reducing the work tempo by spreading the workload among more personnel. I *still* don't understand the basis for these goals.

My colleagues, brought up in our chain-of-command culture, nodded and murmured that they thought it was a fine idea, that we needed to be more agile (I noted with interest how they picked up his terminology) and pledged their support. Dutch, I don't mean to be unsympathetic with their response; all of us tend to go along, at least verbally, because none of us likes to be off the team or to be viewed that way. Furthermore, the boss is the boss; and if this is what is wanted, our job is to support and help.

But I just couldn't; I really don't know why. Perhaps it is that I care so much about equipping our people to do their sometimes dangerous jobs well and safely. Perhaps it is that this was my baby he was throwing out. Perhaps I was reacting to the fact that this radical change was being implemented by fiat without the kind of discussion and collegial examination it deserved. Perhaps, considering myself a professional in this field, I thought TMI, as the Training Modernization Initiative came to be called, was both mindless and hazardous, that politically it would provoke a firestorm in the agency and it simply would not work in practice.

For whatever reason, I could not let him think that I believed all this was a good idea. I'm sure he surmised by my expressions and body language that I profoundly disagreed with him. At any rate, I spoke up and said, "With all due respect, commander, I think that we should seek to strike a balance between right training and fast training. And I also think that we should take a little time and have some discussion about just how we implement all this. I know how the general feels about getting more manpower into the field. I agree that we should take a new look at our processes and see how they can be improved to meet the general's objectives. But training is too important to the safety, well-being, and professionalism of our people for it to be changed so radically and so fast."

Well, he was not pleased. He was well aware of my reputation in DDCC and how his boss felt about me, so he didn't chew me out. But he muttered some unkind things about "old-style out-of-date stubborn bureaucrats."

In short, it was not a pleasant meeting and I was well aware of the predicament in which I was finding myself. And needless to say, it did not get any better.

As he proceeded to implement his TMI, two things happened. In the first place, when he told the shoguns in DDCC—he never believed in consulting the rank and file in any case—about his plan to decide content, they were very resistant. So he dismissed them with the kind of comments about bureaucrats that he had made to me, brushed aside their expressions of

enthusiasm for the current system and went ahead to try to determine the training programs all by himself.

The second obstacle he found as he rushed down his TMI road was that getting from here to there was much tougher than he had anticipated. The sheer volume of courses, coupled with time and funding constraints, required that the existing process remain in place to maintain the viability of resident training while the new process was designed, instituted and began producing results in the form of non-resident training. Thus, we were to continue with our planned initiatives while new groups attacked the distance learning challenge.

Therefore, the commander gathered his “experts” in computer technology into a new subordinate branch, “Distance Learning Branch,” formed an “Integration Branch” composed of a few available personnel augmented by contractor support, and charged the two new branches with developing a method to identify rapidly those training requirements that could be met via interactive courseware and to provide him with assessments of potential savings in instructors and training time. He directed the new branches to seek high payoff targets for transition to distance learning—large communities with long training courses where savings in training time would generate the highest and most visible results. The purpose of the Training Modernization Initiative was clear—achieve instructor reductions, reduce time-to-train, and develop interactive courseware to fill the training gaps created by the shortening of resident courses. That focus contrasted starkly with the focus of the existing process—to provide personnel to the regional command who were ready for work upon completion of training, assuring effectiveness through quality of course content and efficiency through wise resourcing decisions.

Because leaders of the Integration and Distance Learning branches had no background in training development or instructional methods, they sought the expert advice of Standards Branch personnel. Our people, however, were fully engaged in work already assigned to them.

As I have watched all this unfold, I have become increasingly certain that my new boss is all too willing to risk the quality of the training in order to achieve manpower and fiscal savings. Further, I believe that his plan to attack large job communities first with an undeveloped and untried process is likely to fail miserably and that that failure will adversely affect a whole generation of personnel and the commands to which they are assigned.

At the same time, I am well aware that my failure to support the new process development could result in my removal from office, after which I would be unable to influence the future. Furthermore, I know my resistance would become widely known throughout the department and would cause, to say the least, turbulence.

In trying to deal with this dilemma, here’s what I’ve been doing. I really need to know what you think of my actions thus far.

For one thing, when the Integration and Distance Learning branches turned to our people for help, they in turn asked me, as their boss, what they should do since they were more than fully occupied with their own ongoing assignments. Frankly, I had no trouble telling them to put their work first and help DL and I when and if they could. Further, I saved my most productive people for our projects.

Second, I am always straightforward and upfront with McTigue about my concerns. He knows I disagree with his TMI and when he calls me on it in our one-on-one meetings, I tell him that my definition of being a team player is to let the boss know when you disagree, when you think the emperor has no clothes, and tell him why. So I explain our process and the premises on which it was based.

Third, being a bright person he would say to me, "I know my boss loves your process. I know it is widely supported throughout DDCC, but here's what I want you to do." As he issued some specific instruction, I would be thinking, "What's the least I can do with this and get away with it without being overtly insubordinate?" For example, I would make changes, but only cosmetic ones, leaving the basic structure untouched. Once, he ordered me to reduce training time by 1,000 man-years in the next twelve months. My approach was to concentrate first on the quality and adequacy of the training people were receiving, make the process as efficient as I could, and figure that if those changes produce a saving of 1,000 man-years, fine; if they don't, too bad. My focus was always on the training; his was on demonstrable reductions.

Then I am very careful in my monthly conversations with his boss, my old friend and supporter. I never badmouth McTigue nor tell tales out of school. Even when he expresses concerns about what McTigue is doing, because he is getting calls from around the department, I do not speak up and tell him what I think or what I am doing about it.

By the same token, I am not very open or forthcoming with Bill McTigue. In our many conversations, I answer questions if he asks me. But I am very precise in my answers, not telling him more than I absolutely have to. And of course, I never answer questions he doesn't ask.

I am very disciplined in avoiding confrontation with him. Despite his frustrations with me, because he knows full well I am being anything but cooperative with his TMI scheme, he is equally professional. Frankly, I'm not totally certain why we are able to maintain this atmosphere of superficial civility. Maybe it is because his career ambitions aren't at stake, given his pending retirement. Maybe it is because he knows how his boss feels about me. Maybe it is because both of us deeply want to do what is best for DDCC. On my part, it is partly because, though I deeply disagree with him on this issue, I have the most profound respect for the man.

I am engaged in one other set of actions that I think are relevant. The general wants and needs more people in the field. So I looked at our program to see how I could do that, and I came up with a number of approaches. For one thing, we refocused our attention on core skills and laid

aside some of the just-in-case stuff. We did this for those training programs that had the largest annual throughput of people, and thus managed to save more than 1,100 man-years. I must confess to being more than irritated when McTigue reported these savings as being the result of his TMI when in fact they had nothing to do with it whatsoever. But I held my tongue.

So Dutch, I am in the middle of all of this. I am indeed the stereotypical foot-dragging bureaucrat, resisting with all the dodging and weaving skills I have picked up and observed over the years. So far, McTigue hasn't fired me, but I suppose that could come at any moment. He still has a year to go before he retires. I know he is increasingly frustrated. I really do think I am right in my views on this TMI stuff and that what he is trying to do will cause incalculable damage to the department and its personnel; probably some damage has already been done. But I recognize that he's the boss, not me; that all of us can and usually do get stuck in our ways and are prey to the Not Invented Here disease. I know what I am doing is personally risky. I have been brought up professionally in a hierarchical structure and culture, and I believe in the chain-of-command concept. Yet here I am, practicing mutiny at worst and malevolent compliance at best.

Am I on the right track here or should I simply do what McTigue wants, help him as best I can to do something I think is wrong and wrong-headed?

If you think I am doing the right thing, what advice can you give me? What should worry me? What can I do to enhance my chances of success? What pitfalls should I avoid? Anything else I can do to protect myself?

Best wishes,
Frank



Trapped in a Dysfunctional Family

Terris King sat in his office at the Social Security Administration (SSA) on a May morning basking in a sense of contentment and satisfaction. After three years as budget director in the Office of the SSA Deputy Commissioner for Human Resources, he was about to be promoted to a GM-14 mid-level management position and would become director of the administrative and matching staff in the Office of the Deputy Commissioner for Finance, Assessment and Management (FA&M). It was fortunate for the preservation of his euphoric state of mind that he had no crystal ball on hand.

To be sure, he was aware of a couple of dark clouds in his clear blue sky. For one thing, he would be working directly for Associate Commissioner Gribbins, who was viewed by many as an equal opportunity abuser. To King, he appeared to hate everyone, particularly women and people of color (King is African American). People in his shop were constantly demanding transfers and filing suits of various kinds. “But,” King said later, “I was willing to take anything to get a promotion, and I figured I could handle him all right.”

The second problem was that both of his section chiefs, one for administration and one for computer matching, had applied for the job that he ultimately won. King was savvy enough to know that such a situation, especially since he was an “outsider” from another part of SSA, was likely to be troublesome. But he wanted that promotion and had confidence that he could manage the two disappointed candidates.

His relationship with the Associate Commissioner Gribbins did not, as it turned out, go as well as he had hoped. In fact, his first interview with his new boss was an unqualified disaster. “He started by pressing me on the jobs I’d held and what I had accomplished in them. ‘Frankly,’ he said to me, ‘I really question that you actually did what you said in your application.’ And the conversation went right down hill from there.

This case was written by Dan H. Fenn, Jr., drawn from the experiences of participants in the Senior Executive Fellows Program, for use at the John F. Kennedy School of Government, Harvard University. (1103)

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“Despite the fact that he reminded me of Hannibal Lecter,”—a reference to a fictional serial killer with cannibalistic tendencies in the movie “Silence of the Lambs”—King continued, “he did do some things well. A career civil servant from the Food and Drug Administration, he had a Ph.D. in economics, he was a good numbers guy, a go-getter, in his early 40s, well connected politically—his brother was Vice President Quayle’s advisor.”

Furthermore, King surmised, Gribbins was probably particularly upset because he had not done the selecting himself. Deputy commissioners chose people for GM-14 slots. “He knew I was young—in my early 30s—and that I was an outsider, that I am black, and that the deputy commissioner had confidence in me. He may even have known that I was urged to apply for the job by the deputy commissioner for FA&M, with whom I had a longstanding relationship. Not long before the job was posted, I was called by his chief of staff who told me about the position, urged me to apply and implied that they were going to write the specs [job specifications] to fit my experience and qualifications.” Finally, King pointed out, he was to be in charge of personnel, an especially sensitive spot, and Gribbins knew that King’s relationship to his boss was much closer than it was to him. Would he be a spy? To whom would he be loyal?

Nevertheless, King settled into his new job and hoped for the best. He felt comfortable with the amount of time that he had committed to personnel issues, as opposed to the more detailed budget function of his post. With a loyal budget officer on hand, he assumed he could focus on high profile personnel matters. He sought out the administrative section chief, a budget officer, and asked him to join his team. Though this person was a staunch supporter of Gribbins, he was a “good soldier” and, as a single parent, he needed the job. He also hoped for a future promotion opportunity. So he agreed to work with the new director. King was relieved because he needed the man’s budget expertise, the area where he had less time and skill to go on.

As for computer matching, he had almost no idea what that was all about—and, frankly, did not much care. Though the branch had 18 full-time employees, half a dozen more than budget and personnel, it was physically located in another building, called the “Annex,” where they were supplied with furniture from the World War I era. It was treated as a stepchild; no one in the Executive Building—the “Power Building,” as it was known—including King’s superiors, knew or cared much about what the staff did—or did not do, for that matter.

Though the matching branch chief, Mike Ezra, an older man, was perfectly polite and business-like, it was clear that he was smarting over his failure to get the director’s job. “He talked down to me,” noted King. “He didn’t quite throw elbows, but I heard plenty about what he was saying behind my back. His staff, who felt like—and were—second-class citizens, joined in. They felt he should have been given my job; they felt abused and expected more of the same from me. I heard that Ezra was saying things like: ‘I don’t get the promotion, which is bad enough. But then they bring in some kid, some outsider, someone who can’t spell computer matching, a black man at that. I imagine he is a Farrakhan clone!’ He made no secret of the fact that he was 18 months to

retirement, so he didn't care. 'What can they do to me?' he would ask. All in all, it was pretty tense and unpleasant."

But King was able pretty much to ignore it and concentrate on personnel and to a lesser degree on budget work, which he enjoyed. After all, computer matching was out of sight in the Annex, and he certainly had no plans to get into that side of the business, which interested him not at all. "I tiptoed around Ezra because I knew I didn't understand his work. Further, I wasn't sure I *could* learn it and doubted it was worth my while to try. My reputation rested on my performance in the personnel and budget areas anyway—or so I thought," King said later.

Then, about a year into the job, King found that he had to pay attention to computer matching, whether he wanted to or not. The balls being dropped in the Annex began to bounce all over the Power Building, producing angry shouts from his direct boss and the layers above him. Computer matching, it turned out, served the needs of other US government agencies, such as the IRS, the Office of Child Support, Welfare, SSI (Supplement Security Income, for poor and disabled individuals), and various state government offices. Since SSA had the addresses of all those with a social security number, it was an invaluable resource for tax officials trying to find scofflaws; for child support workers seeking dead-beat parents; for state and federal officials needing accurate earnings data to establish entitlements (SSA received earnings records direct from employers). The exchange of critical data aided SSA as well; people who failed to compensate the government for overpayments of Social Security benefits or SSI checks could find their wages garnished by the IRS or tax refund checks withheld.

Easy as this process was to describe, the implementation was something else again. For one thing, there were political problems. Privacy groups, not without reason, worried about "Big Brother" or the "National Nanny." In an increasingly wired world, it was not hard to retrieve critical data about individuals. Anyone, for example, who went online to apply for Social Security benefits, or even to inquire about benefits, immediately became vulnerable to all kinds of chicanery, including stole credit card identifications.

Moreover, the administration of this data exchange with other agencies was complex. It required a detailed series of tailored interagency contracts to set the terms—especially charges—for the service SSA supplied. There were often disputes about the size of SSA's fee, the time horizons to be used in supplying the data, and the exact nature and form of the information required. These contracts were time-specific and, given the potential negotiating difficulties, needed to be reviewed and the process of writing new ones started in plenty of time to avoid a lag between contracts.

Unfortunately, a year into King's tenure, between 20 and 30 of the 54 contracts in force were up for renewal—but new contracts had not been negotiated. These missed timeframes could have cost the SSA trust fund income or SSI millions of dollars.

When Associate Commissioner Gribbins found out about these potentially lost dollars, he was apoplectic. “He called a meeting of himself, his executive officer, Mike Ezra and me,” King recalled with a shudder. “I have never seen a man so mad, so out of control, and his fire was all aimed directly at me. Finally, he got up and headed for his coat closet. He’s a big guy, well over six feet. I could see his reflection in a window in front of me as he moved around at my back. When he emerged from the closet with his coat and a baseball bat, cursing violently, I began to pray that if he hit me, he would knock me out with the first blow so I wouldn’t have the chance to fight back and lose my job. It was that bad, really.”

The next week, on Friday evening, the associate commissioner ordered King to come to his home the next morning—Saturday—to finish his work where he could see him because, he said, King was “so incompetent.” King had grave misgivings both about the propriety of this order and because Gribbins’ neighborhood was not considered to be friendly to African Americans. He didn’t directly refuse, but he did call the executive officer, who was married to the chief of staff of his friend, the deputy commissioner, and was told in no uncertain terms not to go. The next week, King was summarily moved out of the Power Building to the Annex, where he found himself without an office or even a desk. He was instructed never to come to the Executive Building, even to the cafeteria, unless he was specifically invited to do so.

It was only then that King found out what computer matching was really all about and how these subordinates under his supervision were carrying on. He discovered that Ezra, while a good analyst and good writer, was no manager. He was an excellent technician, knew his program, knew the agency’s programs generally, but did not delegate. Consequently, he, himself, was very busy. What work needed to be done, he did. But he never planned ahead, never analyzed cost data to determine fees properly, cut corners on jobs rather than give work to his people or train them. All they did was low-level work, and not much of that.

That was not the worst of it. A number of the GS-l2s, or analysts, it turned out, had businesses on the side which they conducted in the office, such as selling wine and clothing and making book on races—and King was expected to be a customer. Furthermore, they rarely came in on time and frequently left early, with plenty of “lounge time” in between. They had never been expected to work, and the shock of high expectations, King sourly thought, might have paralyzed them.

King felt, as he came to know the group, that they did have some talent but that they were “damaged goods,” partly because of their individual work histories and partly because of the culture of the branch. An added complication for King in dealing with the branch was the simmering tension among some of the staff along ethnic and racial lines, particularly between Jewish and African American members. The two African Americans expected King, as an African American himself, to do something to improve their situation. Furthermore, King felt anxious about dealing with the significant number of staff that came under various disability programs.

“Even though Ezra and I found common ground in our newfound hatred for Associate Commissioner Gribbins, he deeply resented any move on my part to take over the command of the operation. If I insisted that he act like a manager and shape up the operation, a shouting match would ensue. He never respected or accepted my leadership.

“I was feeling miserable; here I had been working to make the budget process and personnel move well, hoping and expecting to win accolades and move on to my next promotion—and then this! I was locked in the dungeon, in deep disgrace, surrounded by hostile people who were systematically destroying my career. My boss, who never seemed to get over his rage, never addressed me directly in the few meetings we had. He would ask someone else in the room: ‘What does the director think?’

“Keeping my chin up was all very well, but when I got a stiff neck from it, I figured I had to do something more than simply try to survive with some shred of dignity and self-confidence intact. But what could I do?”



Confrontation in Utah

The summer of 1996 had been unusually hot and dry in southeastern Utah. But to Janette Kaiser, the new supervisor of the Manti-La Sal National Forest in San Juan County, it looked as if it were going to become considerably hotter. She had just opened a formal letter from the San Juan County Commission dated August 10, with a reply due date of August 15, demanding that she direct the Utah Division of Wildlife Resources to remove a significant number of elk from the federal lands under her control.

She noted that copies had been sent to the US Department of Agriculture's regional forester, her immediate boss in the US Forest Service; to the director of the Utah Department of Natural Resources; and to Senator Orrin Hatch, a long time friend of the commissioners.

In pondering her response, she was all too aware of the longstanding conflicts and volatile emotions embedded in this issue as well as the many supercharged players involved.

San Juan County

Located near the Four Corners area (where Utah, Colorado, New Mexico, and Arizona meet), San Juan was one of the most remote parts of Utah, and its poorest county. It had a long and complex history; the first recorded settlers were the Anasazis, "the Ancient Ones," who established an extensive and advanced civilization in the Four Corners region. No one knew exactly what happened to them—some speculated that they were absorbed by the Navajos—but evidence of their way of life was left all around the area. About one third of the county lay within the Navajo Reservation, populated primarily by Utes and Navajos. The entire Four Corners area was dotted with historic tribal lands, important religious and secular sites, burying grounds, cliff dwellings, ruins of structures like silos and watchtowers and unexplored mounds of artifacts.

This case was written by Dan H. Fenn, Jr., drawn from the experiences of participants in the Senior Executive Fellows Program, for use at the John F. Kennedy School of Government, Harvard University. (1103)

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In 1879 the first Mormons arrived, moving south from Salt Lake City in search of new lands to settle. They continued to colonize the area well into the 20th century. They found small stockmen already there who had begun to emigrate in the mid-1870s. They came from everywhere, but notably Colorado and Utah. Large cattle barons from Colorado, Utah, and Texas settled the area after 1883. The principal communities of San Juan reflected these different traditions: Bluff, the area first settled by the Mormons, was characterized by elegant Victorian houses built of sandstone and was seen by the rest of the county as refined, populated by gentry. Blanding, on the other hand, had a strong Navajo and Ute flavor, while the county seat, Monticello (so named by the Mormons after Jefferson's Virginia home), was strongly Mormon and had its own mini-temple. A city of broad streets and pleasant, modest homes, it boasted dramatic views of the Abajo Mountains. Once home to a uranium processing plant, it had benefited significantly from the jobs involved in a massive cleanup that was winding down.

Traditionally, San Juan relied on resource-based industries for its economic life. Ranching, logging, mining, and dry land farming were the principal occupations of the residents for decades. In so doing, they depended heavily on the use of federal lands, under various kinds of permitting arrangements, to make their living; only about a quarter of the county was privately held.

Many of San Juan's residents and leaders were direct descendants of the original Mormon pioneers. As such, they held firmly to the traditions of their forebears. Proud of their heritage, they sought to maintain and exemplify the qualities of self-reliance, independence, and hard work that enabled the first settlers to scratch a living out of a landscape of rocky lands and minimum water.

Most of the citizenry either remembered the days before the federal government acquired what would eventually amount to 75 percent of the area, or had heard the stories of those times from their parents and grandparents. In that bygone era, there were no restrictions on how, when or where a family could graze its livestock, harvest timber or dig for minerals (at the turn of the century, there were, perhaps, 7,000 head of cattle in the area).

But such practices led to severe overuse and consequent degradation of the resources. So federal agencies were formed to implement a program of multiple use and provide for a planned and sustained yield from the acreage. Consequently, both the US Bureau of Land Management (BLM) and the US Forest Service (FS) were required to manage the lands in such a way that no one resource use could be made at the expense of another.

There was some uneasiness among the various parties when "the feds" first appeared (the first forest ranger came in 1906; range control was established in 1935). Managing cattle through a permit system was initiated in 1907. But after the new regulations and processes were codified, everyone accepted the new system reasonably well, perhaps partly because the numbers of cattle and sheep dropped sharply between 1910 and 1940. The last quarter of the century, however,

witnessed major changes which upset the always precarious balance—not just in San Juan County, but throughout the western states where there were large federal holdings.

The “Sagebrush Rebellion” Erupts

For one thing, a plethora of environmental legislation, such as the Clean Water Act, the Clean Air Act, the Endangered Species Act, and the National Environmental Policy Act resulted in far stricter management of the nation’s natural resources. These new restrictions in many cases increased the cost of doing business on federal lands and drove some marginal operators out of their time-honored occupations. Furthermore, as public concern with the environment grew, so did national and local interest groups like the Sierra Club and the Southern Utah Wilderness Alliance (SUWA). These organizations focused their attention on both the nature and the implementation of federal regulations in an effort to ensure that the land and wildlife were protected. Thus, there was a dramatic reduction in the availability of these areas for extractive uses of all kinds. Needless to say, these trends did not pass unnoticed by citizens whose livelihood depended on just such utilization of the territory.

It was widely believed that much of the western rangelands benefited from federal ownership and management. As environmental sciences matured, advanced techniques were implemented to improve the land. For example, prior to regulation, any number of livestock might be grazed on the open range. Many ranchers believed that if they didn’t graze it, someone else would and the more livestock on the range, the more money they would make. But when federal agencies began to regulate grazing, they limited the amount of livestock as well as the duration of grazing based on the capacity of the land to produce forage for both domestic and wild ungulates. Seeding, burning, and water improvements were some of the federal actions that enhanced the health of the range as well as the capacity of the land to produce forage. A major factor in improved range condition was the reduction of livestock to provide the necessary “rest” essential for recovery.

Nevertheless, many western counties and states aggressively asserted that the federal government had become too intrusive in their lives. Legislation was proposed to provide for compensation due to “takings” by federal actions that affected private landowners and citizens, especially environmental constraints resulting from federal laws such as the Endangered Species Act. Actions taken by individuals, anti-government groups, counties, and some states included litigation, bombing of federal buildings, threats to take federal employees hostage, and actual assaults.

In fact, conditions became so heated in parts of the West in February 1996 that the chief of the Forest Service issued a letter to all county commissioners operating within the national forest system boundaries to reaffirm the FS commitment to working collaboratively at the local level. The

chief also sent a letter to all forest supervisors instructing them to take all steps necessary to foster healthy relationships at the county level.

San Juan was a part of this revolt: the county passed a state rights ordinance which basically proclaimed county supremacy and refused to recognize the federal government as a legal landowner in the county. While the county did not attempt to implement the ordinance, it stood as a strong statement of prevailing public opinion.

Here Come the SUVs

Along with the distress over the issue of federal control, many residents of areas like San Juan County became increasingly exercised about the growth of the tourism industry, which, they felt, had put added pressure on them and their way of life. Part of the Colorado Plateau, the county was characterized by scenic slick rock formations dissected by deep canyons. Eight national parks were located in or near the county, including Arches, Canyonlands, and Natural Bridges, and it provided the northern gateway to the nearby Grand Canyon. It was rich in paleolithic and archaeological resources, especially in the American Indian reservations located within San Juan.

Basic economic trends in the United States linked to a booming economy, a growing interest in the natural environment, the development of a host of new sports like mountain biking, snowmobiling and driving off-road vehicles brought enormous increases in visitation. According to a report of the Colorado Plateau Forum, "From 1981 to 1994, visitation to the plateau's 27 park units increased 94 percent, from 8.6 to 16.7 million visitor-days annually. This rate of growth far outpaced the 11 percent increase for the park system as a whole during that period. A similar explosion of visitation to towns, cities, recreation areas, and tribal lands on the plateau has been noted and the trend is expected to continue."

In addition, the creation of the Grand Circle tour and enhanced promotion, including advertising on the Internet, served to stimulate tourism to the point that, by 1996, it represented the source of the greatest economic growth in the county.

For many San Juan citizens, though, this proved to be a "devil's bargain." Tourism tended to attract minimum wage jobs; middle age people who worked in the traditional extractive industries could find themselves left out. Furthermore, the bulk of the income was earned outside San Juan, where most of the hotels, motels and malls were located (Monticello had a half dozen motels, but the \$270,000 they paid in room taxes went to Salt Lake City to pay for the promotion of tourism.) Its seasonality, in the view of many residents of San Juan, made it a poor alternative to their traditional way of life and livelihood.

In addition, tourism brought new economic drains on the already-strained county budget. For example, tourists would go mountain biking or hiking, get lost, and rely on the county for

search and rescue services. Furthermore, more people using the area would require more infrastructure—such as roads and additional police and medical services—but tourists paid few taxes.

Tourism could also change the culture of a community, bring in outsiders, and degrade the environment. The leaders of San Juan dismissed tourism as an industry that involved neither making anything nor growing anything, and a threat to their rural way of life. The county commissioners had gone on record as saying that “the only true wealth is in the land, generated from mining, grazing and logging.” For them, too, it was a “devil’s bargain,” and they wanted no part of it.

All this anxiety was exacerbated in the summer of 1996 by an unexpected presidential action. President Clinton took the governor of Colorado to the Grand Canyon in Arizona to announce his decision to create a new national monument in Kane and Garfield counties in Utah, directly adjacent to San Juan.¹ This action was taken without the knowledge or cooperation of the governor of Utah and was tremendously unpopular with many Utah residents.

The San Juan County commissioners interpreted this act as an omen of things to come. They knew that lands within their county were more scenic and valuable than the land within the monument area and feared their county would be next in line for similar action. Fearing more federal ownership, the commissioners acted swiftly. The day after the announcement by President Clinton, they sent bulldozers and graders out to the remote sections of BLM lands that were under consideration for wilderness designation to begin blading roads. The commissioners believed that if the areas were heavily roaded, the wilderness or monument designation would not be possible. When the BLM asked that the blading be stopped, the commissioners refused. A lawsuit ensued.

Enter the Elk

Eight years earlier, the Utah Division of Wildlife Resources (UDWR), responsible for the health and well-being of all the wildlife species in the state, had decided to take advantage of the substantially improved habitat on federal lands to work out an arrangement with the US Forest Service to introduce some 150 head of elk into the Manti-La Sal National Forest. These animals would supplement the existing 200 head of elk that had populated the area naturally. In UDWR’s view, the Abajo and Blue Mountain ranges in the southern part of the forest would be an ideal area for these animals, much prized by tourists and hunters alike.

¹ A national monument is akin to a park, basically a preserve which may have some grazing. A wilderness area can only be used for passive recreation. Roads are not allowed; grazing is permitted only in grandfathered areas. The aim is to make it appear as though humans had never set foot on the land. A national forest is available, under controlled circumstances, for resource development and use.

Unfortunately, public participation was not a normal part of UDWR's decision-making process, and it provided no public notification of its proposed program. Therefore, when someone within UDWR leaked the news, there was a public uproar both over the action itself and the apparent secrecy with which it was being implemented.

On one side stood the cattlemen, who foresaw reduced grazing areas and destruction in and around their ranches from the elk; federal officials agreed that both of these were legitimate concerns. In their view, the loss would run to over \$1 million annually, since cattle and elk compete for the same water and forage.²

More than 20 of the cattlemen formed a nonprofit Property Rights Trust to fight the action, first with state and federal officials and then in court. They argued, among other things, that this action would violate their privileges under the federal permits granting them grazing rights and, specifically, a Forest Service promise of several years back, when they were told they would be receiving additional permits once the forage rebounded from an earlier drought.

On the other hand, hunting and wildlife enthusiasts greeted the action with delight. The Rocky Mountain Elk Foundation, an organization of hunters that included many wildlife rights activists and local rod and gun and sportsmen's clubs, weighed in against the ranchers. Hunting was a way of life and part of the custom and culture of the area, they declared. Pointing out that more than 30,000 people had attended their recent national convention in Salt Lake City and raised over \$1 million for the benefit of the elk, the president of the Blanding Sportsmen Club wrote the associate deputy chief of the Forest Service that "Utah ... has more members of the RMEF than any other state in the United States or Canadian provinces, with over 3,000 members. Yes, Utah citizens support elk!"

"As an organization," they told the associate deputy chief, "one of our goals is to improve the quality of life for those living in San Juan County presently and for our posterity. The elk is a very majestic animal and its presence will add greatly to both the consumptive and non-consumptive enjoyment of living in this region. We feel that the establishment of a sizable elk population in this area adds greatly to the achievement of this goal." They might have added that hunting revenues supported UDWR as well as state school costs.³

² Generally, elk and cattle have similar forage preferences and eat many of the same plant species, but because of seasonal range selection by elk, they usually do not compete for available browse plants. Both elk and cattle prefer grass to browse plants on most ranges, and both may exhibit some seasonal preference for forbs (i.e., non-grass herbs). They compete directly for available water.

³ There was an elk farm in San Juan where the animals were raised for their antlers, which brought a dollar a pound from Japanese entrepreneurs. The horns, when still feathered, were ground up for medicine. One animal produced 14 or 15 sets of antlers in a lifetime.

This conflict soon exploded beyond the discussion stage. The wells of three ranchers who opposed the introduction of the elk were destroyed, water pumps cut, sand poured into gasoline engines, and guns fired around their properties.

Meanwhile, feeling betrayed by UDWR's action and by its perceived secrecy, the county commissioners sued the Forest Service, as the agency responsible for the habitat, in order to block the importation of elk. The court ruled in favor of the FS and the elk made their appearance in 1989. Basically, the tribes stood aside from this dispute. They did have continuing concerns about livestock on the ranges because they feared possible damage to artifacts and were protective of special ceremonial sites. Some did graze cattle in the area with permits from the federal government but they tended, for cultural reasons, to stay on the sidelines in issues like this.

Thus the stage on which Janette Kaiser was to play her pivotal role that summer of 1996 was, to say the least, volatile and tumultuous, and even, to some degree, dangerous for all the players in the drama.

The Long Dry Summer of '96

San Juan County was visited by frequent droughts along a ten-year cycle. The area had experienced below-normal precipitation for the past three years. The cumulative effects of reduced moisture regimes during critical growth cycles had reduced the vigor of plants— their ability to grow successfully and reproduce. As a result, both the FS and the BLM had negotiated voluntary reductions in livestock numbers over the past few years in an effort to protect resource conditions. The thirty permittees, almost all of whom depended on ranching for their livelihood, were notified at the end of 1995 grazing season that, unless conditions improved, they could be faced with severely limited grazing permits or even be forbidden from running cattle onto federal lands at all in the 1996 grazing season.

The county commissioners appointed the San Juan County Drought Board (SJCDB) on June 15 to assist them in dealing with the crisis. The board included representatives from affected federal, state and county governments, some local ranchers and businessmen, as well as a few citizens. The SJCDB met every two weeks to coordinate emergency actions.

On July 10, both the FS and BLM notified the permittees and the SJCDB of their decision that livestock had to be removed from FS summer range, and prohibited any turn of cattle on BLM winter ranges due to the severe conditions. Some permittees had anticipated such actions and had secured alternatives for their animals. Others had failed to prepare for this event, because either they lacked alternative resources or because they hoped for rainfall before the agencies had to act. These permittees became angry about the removal of cattle from public lands without commensurate removal of elk, and appealed to the commissioners for support. The commissioners were sympathetic, viewing the decision of the FS and BLM as one more example of the oppressive

federal government imposing too much control at the local level and displaying callousness toward the county and its people.

A Deeper Conflict

The hardships and fears caused by the continuing severe drought exacerbated and brought out into the open another fundamental cleavage in the community which had existed between the local environmentalists and the county power structure for the past two decades.

One of the county commissioners, who was filling an unexpired term and facing an election at the time, later explained his thinking this way: “The elk vs. cattle issue could have been resolved, in itself. But this is a far bigger and more important problem; it’s a matter of fairness. In writing our letter, we were trying to make the point to the federal government that we are fed up with a policy, a philosophy, which is dominated by the preservationists, the purists, not the true environmentalists. The balance has been shifted way over against the county, against the bulk of the people in the county, against local concerns and interests in favor of the extremists who want a natural animal zoo in the United States instead of a balanced approach which benefits everyone.

“In the early years, when the feds first started exerting their influence here, the preservationists didn’t control them, and the local moneyed interests couldn’t ride roughshod over communities like ours as they once had because the government controlled them. In the past, the local interest and viewpoint won out over the so-called ‘national interest.’ But that has all changed now.

“Let’s face it, Clinton and Gore listen to the purists who put lots of dollars and people into their campaigns. They don’t care about the people who live in these communities, about their lifestyles and their traditions and their livelihoods. They don’t listen to us; we have no place at the table anymore. Government has to be fair, and concerned with all its citizens. Government should go the extra mile for its people. But they don’t.

“You know, it’s a strange thing. For years, we fought a cold war against central planning, against coercive enforcement and rules and regulations from the top. Now here we have a centralized command and control system because we have a federal government that is in the hands of a special interest, unchecked by the states or local authorities.

“The Russians were trapped in a mental gulag; when the walls came down, they were unable to think for themselves, do anything on their own, even as basic as finding a job. We here are in danger of losing our initiative to make our own decisions because we are also losing our freedom.

“That’s what our letter to Janette was really all about—not elk and cattle.”

On the other hand, leading local environmentalists, who often came to San Juan from elsewhere in the nation seeking a country life, spoke up in these terms:

“In the past, in any conflict between the national interest—the interests of *all* the people and the parochial local concerns—the latter always won out. Now the land managers like the Forest Service and the Bureau of Land Management are finally emphasizing the national interest, putting *all* the people first, and about time, too.

“In the final analysis, this is all about resistance to change. It’s not about making a living—it’s about the stubborn refusal of these people to respond to a changing world. ‘My grampa raised cattle, as his father and grandfather before him, so I have the right to live as he did.’ That’s what they say; that’s what they think. In fact, a lot of these people have alternative sources of income, like growing organic foods; they aren’t starving. The others will just have to get with it, and find new ways.

“Look, things change. I didn’t cause it—I have to respond to it. So do they. Unfortunately, all this may affect some miner or rancher. But the bottom line is that we all have to adjust to change. It’s not my job to ease that transition. They need to embrace and love change. There needs to be a major attitude shift around here. Let’s face it, some things become extinct. So it’s us versus them.

“Anyway, if you come right down to it, the intermountain west isn’t appropriate for grazing and it never was; cattle aren’t indigenous to this area. The feds have spent huge amounts of my money to manipulate this land so cows could graze here, to protect a lifestyle that doesn’t make sense, never did make sense, and that conflicts with the new national mores that emphasize preservation and protection of our natural resources so they can be enjoyed by all the people, not just a few who happen to live there. Ultimately, urban values and priorities will seep into these rural areas.”

On a number of points, interestingly enough, there was broad agreement:

Commissioner: “The local federal people are okay, but now they have to follow dictation from Washington whereas once they had a great deal of autonomy and could listen to the locals.”

Environmentalist: “There hasn’t been any change in the power structure in the county and their views, but there sure has been in the federal agencies.”

Federal Official: “There’s no question that our agency’s mission has changed from use to preservation. It has been a long time coming, reversed a bit during the Reagan years, but there has been a major shift in the national priorities and Washington reflects that. In this transition phase, those of us in the field have far less autonomy now than we once had.”

Commissioner: “The extremists now have all these federal laws to work with and this administration, including Secretary Babbitt (every area has its Benedict Arnold) and especially Al Gore, always listens to these people instead of to us.”

Environmentalist: “Using the legal system, we can delay and delay endlessly any federal action we don’t like.”

Federal Official: “I doubt that the Southern Utah Wilderness Alliance has more than 200 paid-up actual members, but the vice president really listens to them on any issue involving the lands in this area, no matter how small. He is simply on the same wavelength with them. Furthermore, aside from political access, they can tie us up in the courts for years.”

Commissioner: “These people want to put the land into a wilderness park—which is a declaration of war against our community and our people.”

Environmentalist: “We want the land totally left alone.”

How to Respond?

As she considered how she could best deal with the commissioners’ demand, Janette was well aware of all these arguments and emotions.⁷ She also knew how dangerous these disputes became under the pressure of events. She had heard ranchers shout: “Either the elk eat or my children eat.” She knew that the area’s most outspoken environmentalist, a member of the board of directors of SUWA, had once been told at a public meeting: “You people better start traveling in twos and threes because we’re going to get you.” In response to the question, “Is that a threat?” she was told, “No, that’s a promise.”

Janette also understood well the fundamental tensions in San Juan due to the rapid growth of tourism, which was pitting local interests against one another; the resentment of most of the citizens of the county against the massive federal presence in their community; the still-simmering bitterness and conflict between cattlemen and wildlife enthusiasts over the introduction of the elk in the first place; and the opposing world views represented by the environmental groups and the citizens and leaders of the county:

“God gave man dominion over land so we have the responsibility to manage it.”

“The land has the right to go its own way.”

Though she had not directly consulted him, she knew the elected state representative from the area, Keele Johnson, favored the elk. She well knew the commissioners’ view. The two papers that were widely read, *The Zephyr* and the *High County News*, generally tended to favor the elk also.

Science was not much help to her. Regrettably, it was very difficult to tell to what degree the cattle would benefit if the elk herd, now estimated to have grown to about 1000 head, were reduced. Some people in the area thought the ratio was, perhaps, three elk to one cow; others thought it was closer to two-to-one. No one claimed it was one-to-one.

The scientific analysis was further complicated by the fact that the elk roamed at will, while the cattle were confined both in space and in time. One rancher complained, for example, that the elk moved into the best pastureland, foraged until it was cleared, and then moved on. “By the time the season opens and I can get my herd in there,” he maintained, “there’s not much left.” Janette’s staff would not dispute his point. In their minds, the whole issue was primarily symbolic, given the fact that no one could tell just how beneficial it would be to remove large numbers of elk.

Then there was the question of exactly how this could be accomplished, were she to agree that it was a wise measure. Theoretically, one could round them up and truck them out. But environmentalists and wildlife supporters would object strenuously to such a procedure as being an “unnatural” way to thin a herd. One could establish a longer hunting season and/or a higher limit—a strategy that hunters and the UDWR would much prefer. Yet UDWR, with its sense of responsibility for wildlife, might be somewhat conflicted; it would like the revenue from the hunting licenses (\$130 for residents, \$478 for non-residents per season) but the slaughter of these magnificent animals to help the cattlemen—if, indeed, it would do so—might well trouble it. One rancher put it crisply: “DWR is so in love with elk that the cattlemen will take it in the shorts!” Furthermore, Janette had no authority to order either a hunt or a removal of the elk. She managed the habitat, but UDWR owned the elk.

Some voices were calling for increasing the land on which forage could grow so both elk and cattle could feed. There were two basic methods for accomplishing this: “chaining” shrubs and literally pulling them up by the roots, or burning. Some environmentalists took the position that, while burning was all right because it was a natural phenomenon, chaining did violence to the natural order. (Some went so far as to say that only naturally caused burns were acceptable.) Others were opposed to the whole approach, no matter how it was to be accomplished—i.e., “Why use my money to increase the forage so someone can make money off *my* land”? People with these views could turn to environmental statutes to block any action they did not want. Furthermore,

and most important, increasing forage was a long process, taking a matter of years, so it could not help with the immediate problem.

And over all this turmoil stretched an endlessly cloudless sky, the persistent and severe drought. The desperate conditions continued; the crisis had grown worse during the spring and summer. Hay crops were simply non-existent, markets were so flooded that ranchers could not sell their cattle and they had no pastures in which to put them. Many faced bankruptcy. The county would literally run out of water for domestic use and irrigation within the next month. Once more, Janette read over the commissioners' letter.



The Ad Hoc Conference and Sammy Sockeye

Sammy Sockeye, Ph.D., a fish biologist by training, had been in his new post as a program leader for the research division of the US Forest Service (USFS) for about 10 days when Sally Greentree called. Sockeye recognized the name; Greentree was well known in Washington environmental circles as an experienced and progressive staff analyst for one of the largest environmental citizen action organizations in the US.

“Now what on earth could *she* want?” Sockeye thought to himself as he prepared to call her back. “Why would she be interested in fisheries, wildlife, watershed, and air research programs?”

Once the conversation got underway, it became very clear what she wanted. Representing herself as the lead contact person for a newly formed coalition of several major national conservation and environmental organizations, she told Sockeye that the group wanted to be “helpful” to him and his research program. Could she come by and talk to him, she wanted to know.

After establishing a mutually convenient time and place, Sockeye began to do a little research on the new coalition. Called the “Ad Hoc Conference for Productive Research in the Public Interest,” the new alliance was made up of groups like the Sierra Club, the Wilderness Society, the Audubon Society, and the National Wildlife Federation. Such organizations, Sockeye knew, were old-timers on the Washington landscape and boasted large, diverse memberships in many states.

Furthermore, they had shown considerable interest in research programs in the past. They understood them well, knew how they were managed, how and what data were collected, and the impact of continuing budget constraints on the scope and depth of the research. They also knew

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both the quality and the efficacy of the research product; as a matter of fact, some of the conference member organizations had used USFS data in the successful litigation they had conducted against Forest Service actions and programs.

Still curious as to what, precisely, would be the topic of conversation, Sockeye greeted Greentree warmly when they met in the lobby of the Hay-Adams Hotel, the appointed meeting place.

After the usual pleasantries and selecting their lunch orders, Sockeye asked, "Now, what can I do for you?"

"Well," was the response, "we know what you people have been going through lately. We've been keeping an eye on your downsizing, privatizing, accelerated retirement programs, and reorganizations, and we are delighted to see all this organizational upheaval seems to be winding down. But we are very distressed that your research budget for wildlife and fish is relatively flat despite the enormous needs in this area. In fact, are we correct in our assumption that you are having trouble simply keeping up with existing projects, never mind taking on any new ones?"

Sockeye agreed that this was, indeed, an accurate picture of his situation. He was all too aware that the research station had been unable to fill several vacancies for key scientific personnel due to budgetary constraints.

"I thought so," said Greentree. "Now we have an idea which we think could be very helpful to you. We propose that we undertake an effort on your behalf to get some new money for you. I am talking about *new* money, to be added on top of what you would ordinarily request and receive.

"With the president's next budget now in preparation," she continued, "it seems to us that this is a good time to move. I don't have to tell *you*, I'm sure, that we have been around this town a long time. We know how the budget process works. We have many contacts in the upper levels of the Forest Service, in the Department of Agriculture, and in the Office of Management and Budget. Vice President Gore is, of course, vitally interested in these matters and he listens to us. Furthermore, we have excellent relations on the Hill, and we can pull together an effective PR campaign and cultivate all the usual players in matters of this kind. We are willing to expend considerable resources, not to mention time, effort, and expertise to make this happen. What do you say? Are you in with us?"

Looking around the dining room with just a bit of anxiety, wondering who might be within earshot of this conversation, Sockeye replied, "I am very impressed, of course, with the amount of leverage you people can exert, and we certainly do need much more research capacity than we have now. So your proposition is very appealing indeed." Pausing to think through what

he had just heard, he asked, “Are there any particular parts of our research program in which you are especially interested or is it just research in general?”

“Good question,” she replied. “We are extremely concerned about the ‘sensitive species,’ and would like assurances, to the maximum extent possible, that the new funds we obtain for you do, in fact, go into those projects. But you do realize that this new funding would give you more flexibility across the board. So—what do you say?”

After expressing his gratitude for this “generous” offer of support, Sockeye hedged a little. “All this is pretty new to me,” he said. “I’ve only been in this job three weeks and, since the position itself is a new one, I’m trying to get the hang of the whole setup. You know how it is, I’m sure.

“But,” he went on to say, “I’m very intrigued by your idea. Let me think about it for a few days and I’ll get back to you, ok?”

Greentree agreed, somewhat reluctantly since she had obviously hoped that they could shake hands on the deal over coffee that day. “But,” she cautioned, “we don’t have much time. Given the way the budget process works and the amount of work our organizations have to do to make this happen, we have to get started just as soon as possible. I’ll give you a call in three or four days and we’ll nail this down, right?”

Though he was feeling somewhat pushed, Sockeye agreed and they parted company.

As he walked back to his office through Lafayette Park, Sockeye thought over the proposition. It was not, he well knew, unprecedented around the town, not even in his own agency. Certainly the forest products industry, not to mention a host of non-governmental organizations, states and even academic organizations had been down this path, attaching riders or special instructions to the agency appropriation bill.

Furthermore, he believed in the Endangered Species Act, in the importance of the careful management of these unique creatures so they would not disappear from the planet forever. He was also well aware that, without the research programs assigned to his organization, the act would be virtually nullified. As a matter of fact, he suspected that some congressional opponents of the act, unable to accomplish its direct repeal, were seeking to eliminate or sharply reduce research funds. Without data, programs to implement both the substance and the spirit of the act simply could not be conducted.

Finally, he recognized that “sensitive species” research, which Greentree had specifically mentioned, was particularly important and, at the same time, vulnerable. These were species that

could be at the risk of extinction or population decline, and about which more information was needed.¹

Yet there was something about Greentree's offer that was troubling to him, though he could not quite pin it down. He resolved to raise the matter with his colleagues before he called her back.

Consequently, upon his return to the office he set up a conference call for the next day with several key people in Washington and some representatives from the field research stations, since accountability for research funds was vested in the local level, where the work was actually done.

Sockeye started off the call with a general description of the proposal made by Greentree and a description of the make-up of the Ad Hoc Conference. This produced an outburst from one of the group: "Hey, wait just a minute. I've run into some of those tree-huggers before. Some of them have given the Forest Service a very bad time over timber harvesting and cattle grazing policies—even taking them to court and stirring up all kinds of political hell in the Congress and the vice president's office. Do we really want to get involved with these people?"

"And we've never worked with these groups in this kind of a coalition before," another voice chimed in. "Who in there is really calling the shots? Sally, after all, is just the point person on this."

"On the other hand," said a third person, "we know they have real political clout because it has been used against us. Here's a chance to get it working for us for a change."

"I like the idea myself," said a field research station manager. "You guys in Washington don't have any sense of how tightly squeezed we are. Salaries are up, administrative overhead is up and cost is up—yet the appropriations have been flat. We simply can't do our job; we are looking at only about 10 percent of the 330 species listed as threatened and endangered, and only a tiny handful of the sensitives."

"Now just a second here," someone else broke in. "This is highly explosive politically. It isn't just a relatively invisible technical research program; as you all well know, the whole endangered species concept is anathema to a number of interests in the country, and to many members of Congress. The whole spotted owl thing—the act has been used to block all types of

¹ The goal of the Ad Hoc Conference was to gather information on species that had been under-studied, such as forest bats, amphibians, fresh water fish, mussels, and crayfish. Since this data would have broad application to private as well as public lands, it could well be used to stymie all manner of development, which might or might not be the real objective of many of the members of the Ad Hoc Conference.

projects, public and private.² If we go along with this scheme, we'll be walking into political minefields—we have no business there. We're scientists, not politicians or policymakers."

"Come off it," said another voice. "The act is the law of the land. I believe in it. Part of my job is to work with these species. If Congress decided to repeal or amend the act, that's one thing. But I for one am not going to be scared off or intimidated by guerilla tactics being adopted by those who can't win a frontal attack on the law—a law which many people support."

"Bottom line is this." Conferees recognized the voice as belonging to a headquarters person. "Our boss, the deputy chief of research, wants to build our capacity. But things being what they are, I don't see any significant increases in the budget. Here's a way for us to get the boss what he wants."

So the debate went back and forth. Some felt that the research that the Ad Hoc Conference wanted done was not high priority; others thought it was. Some thought that, given the changes and turmoil of the past few years, they wanted some time just to get things on an even keel again; the last thing they needed was a new program. Still others were very dubious about the prospects for new money and worried that they could be left with another group of earmarked projects coming out of the coalition's efforts, but with no added money to support them. And a few of the callers reported that they had heard rumors about retaliation against anyone who was not an "agency team player" on the budget and made alliances with interest groups for their own program's benefit. Further, they wondered about the ethics of such behavior. There is, after all, a process, they insisted.

Finally, as he sensed that the discussion was beginning to get both repetitious and contentious, Sockeye thanked everyone and the conversation came to an end.

As he thought over the various views he had heard, he was not sure that he was much closer to a decision as to what he should tell Greentree when she called.

² The northern spotted owl of the Pacific Northwest became the focus of national debate in 1990, when it was placed on the Endangered Species List, which led to restrictions on timber harvesting in old growth forests—the owl's habitat—in the region.



The White House Carves the Turkey

“When I got that call, I realized that I was like the turkey in November who feels that his time has come!” So said Michael Rain, deputy director for environmental protection in the Office of the Assistant Chief of Staff of the Army.

Rain, who had an MS in environmental sciences, was thinking back over a project which had occupied the bulk of his time and devotion for fourteen months—a project that he had moved along in the best textbook fashion; that conformed precisely to the oft-stated policies and objectives of the president; that fitted neatly into the vice president’s mandate to reduce red tape and make the federal government more effective and efficient.

He was recalling how he felt that Friday afternoon in November 1996, the week before Thanksgiving, when he learned that Assistant Secretary for Installation and Environment Mike Runner had been told by the White House to scrap the effort, and in a very public and humiliating fashion.

The whole story actually began ten years earlier. Rain was then the chief of a military base environmental protection branch in Oklahoma. At the time, he became very frustrated with an Army regulation (DNR 876) that implemented the National Environmental Policy Act (NEPA) because, he believed, it required his branch to jump through too many hoops to too little purpose.

The environmental protection branch had two NEPA experts. They knew how to perform an environmental impact study that would ensure public and regulatory agency acceptance, focus on the protection of the environment, and balance ecological concerns with the installation’s mission. It was clear, in Rain’s experience, that the list of small actions performed routinely at the

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base (re-graveling roads, repainting buildings, reorganizing small offices) could be categorically excluded (CX) from repetitious environmental assessments and the needed high-level signatures for full-blown environmental impact studies (EIS). Unfortunately, the biggest obstacle to the completion of the NEPA analyses was not the tree-hugging environmentalist; it was the red tape of their own Service.

A decade later, in 1994, Defense Secretary Les Aspin was spearheading a bottoms-up review of his department. At about the same time, Vice President Gore was launching his much-publicized program to cut government red tape and simplify or eliminate regulations. The front page of the *Washington Post* had featured a picture of Al Gore standing on the White House lawn in front of a forklift loaded with at least a ton of regulations. Clearly, change was in the air.

Consequently, Rain was not surprised to be called into a meeting with the other division chiefs. Their boss, Major General John Hacker, told them that the Army was getting on the vice president's team, and instructed them to get back to him in two days with recommendations for cutting Army red tape.

"I was ready," says Rain. "I recognized that the Pentagon power structure was primed and loaded for change. I was not going to miss this opportunity. As a matter of fact, I left that meeting with a satisfied smile on my face; my time had finally come! I could do something about that accursed DNR 876."

Two days later, he was back to see the general with a plan to revise DNR 876. He explained that his concept would reduce the sheer size of the regulation by one-third, increase the number of CXs and "power down" NEPA document (EIS) approval authority. It was an approach, he felt, that could have come right out of the vice president's office.

General Hacker gave him a green light, with great enthusiasm, and the fourteen-month effort was launched.

"The first step I took," Rain reports, "was to put together a writing team headed by Bob Wise of my staff who was our NEPA expert. He booted up his computer and went to work with a will.

"But I had been around the track a few times, and I knew that I faced a problem of bureaucratic politics as well as one of technical drafting."

So Rain began by analyzing the organizational structure, starting at the top with the secretary of defense. The defense secretary assigned responsibility for environmental programs to the deputy undersecretary of defense for environmental security—DUSD(ES). The office of the DUSD(ES) had to review a DNR revision and concur with its language before it could be published in the Federal Register. On the Service side, the secretaries of the Army, Navy and Air

Force delegated their environmental policy powers to their assistant secretaries (AS), who in turn delegated environmental policy to the deputy assistant secretary (DAS) level.

The other side of the Services' Pentagon staffs was referred to as "Service staffs," as in the Army staff, the Air Force staff and the Navy staff. These staffs were in charge of getting things done on behalf of the Service secretaries and established Service regulations, policies and other requirements. The staffs built budgets, wrote regulations, oversaw programs, and provided the secretaries, Capitol Hill and the White House with reports. (Rain oversimplified the chain of command by limiting it only to those offices that were most relevant to approving DNR 876.) All these levels would have to approve/concur with the revised DNR 876 before it could go to the Federal Register.

"I should point out, though," Rain says, "that the actual coordination process is a lot less straightforward than either the formal organization—the chain of command—or the formal approval process. But it is the most important aspect of getting anything done in the Pentagon.

"First, you coordinate the idea with the staffs of all the principals involved in the approvals. How do you do that? With a briefing, of course. The DNR 876-rewrite briefing set a goal of less government red tape. It explained the three ingredients: allow more CXs for the installations; power down decision-making to the lowest levels; and beef up life cycle studies for new weapon systems so new tanks, planes, guns and boats would be built and maintained in a more environmentally friendly way. The briefing was a hit. The generals and senior executive staffs thought it was a good concept and approved its go-ahead.

"We were convinced, after those sessions, that the installations would love their new flexibility, that the top brass would like it, and that we were fully protective of the environment to the point that the interest groups would have no problem with it. Win-win!"

Wise locked himself in his cubicle and, thirty days later, handed Rain "the 80 percent solution." It was right on track: it increased the number of CXs, and gave approvals to the major commands (MCOMs).

The second, third and fourth rewrites took much longer. The full rewrite team was made up of representatives from the Pentagon headquarters staff, MCOM staffs and military installations. This group was given the first "straw-man" draft of the DNR 876 to work on. Over a period of nine months, the team argued, postured and finally produced a document they all agreed they could accept. To insure buy-in from key figures—Phil Rodman, assistant for environmental quality at the Office of the DAS, Mary Williams at the Office of the Secretary of Defense, and Pat Murphy from the White House Council on Environmental Quality (CEQ)—the team had coordinated with them as it went along.

The first round of drafts was circulated just to the Army by e-mailing a draft to action officers that worked on NEPA issues at all Service levels. The action officers at the installations, MCOMs, DASs, and DUSD(ES) reviewed and commented on the drafts and sent their comments to Bob Wise's rewrite team. Wise incorporated all comments. Where comments conflicted, he resolved the problems, usually by getting the parties on the phone and hammering out a solution.

The second round of drafts went out to other federal agencies, such as the Department of the Interior, Fish and Wildlife, Department of Education, Department of Energy, etc. This coordination process took several drafts and about four months. The last draft (98 percent final) was briefed to Pat Murphy at CEQ, as well as to Rodman and Williams. Murphy seemed satisfied and gave no indication that he had a problem with the document.

"I considered this informal draft coordination phase of the operation," Rain explains, "to be the critical activity that would ensure the approval of the new DNR 876 NEPA regulation. My experience over the years had taught me that if you can convince a trusted staff member to recommend that their principal approve something, it usually got approved. The final formal staffing did not go contrary to this experience. The decision-makers at the MCOM, Service and the secretariat approved the final document and cleared a path for the public comment period in the Federal Register.

"As a matter of fact, the formal approval process went much more smoothly than even I had hoped. Over a period of four months, the new DNR 876 received the stamp of approval from the MCOMs, the headquarters staff and offices of the many secretariats. It was time to publish in the Federal Register, so we sent it along. The Federal Register process asks for public input to regulations and is considered an open forum for all, including other federal agencies. We had run the final draft by most federal agencies. They had shown little interest. The revision was just what I had wanted a few years before. I had masterminded and executed the process in a flawless manner. In short, I felt very pleased with myself."

Rain believed the Federal Register process would be just a formality. The process was straightforward, with a few basic steps: a new rule was published and usually followed by a 60-day comment period; public comments were answered; and the final rule was submitted to both houses of Congress and the General Accounting Office before it became final.

Unfortunately, Rain's rule did not make it past the comment period. "I'll never forget that terrible Friday afternoon," Rain recalls, with a combination of pain and frustration in his voice. "The Federal Register notice had been out for two weeks. The preliminary reports were that we had some minor comments from the public, the environmental groups and other federal agencies. But things had fallen into place. The new DNR 876 NEPA regulation was soon to be a reality. All the months of hard work would be realized. We had made a difference. We had cut government red tape when others had failed. So I was feeling really good. Then my phone rang. It was Phil

Rodman from the DAS's office. Phil said to me, 'The assistant secretary [Mike Runner] just got a call from the White House CEQ office. Pat Murphy called and is he furious! CEQ wants you to pull the new DNR 876 from the Federal Register and print a full retraction. Now!' CEQ thought the new regulation had too many CXs and Pat would not concur with a regulation that powered down EIS approval authority.

"I hung up the phone. I was stunned. Pat wanted to pull the plug on DNR 876! I thought we had his buy-in. Hell, even the tree huggers liked our new regulation. Everyone had supported the regulation. I was so angry and confused. Fourteen months of painstaking work—and now it was all gone. I needed to cool down. I would use the weekend to stall and think through my next step. On my way to my car parked in the Pentagon North Parking Lot, I stared across the Potomac to the Washington Monument. I was looking to those who had preceded me in government for divine guidance."

In his distress and confusion, Rain's mind first turned to the two key players in the wreckage—or pending wreckage—of his long struggle. They were Assistant Secretary Mike Runner and Pat Murphy, special assistant at CEQ in the White House. "Why," I wondered, "had Runner just folded like that? Why didn't he hold off Murphy and deflect the 'order,' which Murphy had no authority to issue anyway, by saying that he would look into the matter and get back to him?"

"Runner, I realized, was an extremely ambitious man, always looking to the next job. He had been acting secretary of the Army and, with the secretaryship once again vacant, was bucking hard for the appointment. Unlike the people we had had in his job in the Reagan and Bush administrations, he was aloof, didn't talk with his staff, associated only with his peers and superiors, very formal in style and, so far as we could see, did not really trust the career staff. He wanted everything screened on paper before it came to him, never explored issues with us or conversed with us. Since he was so ambitious, he was, we thought, extraordinarily deferential both to the White House and to Congress. He didn't appear to take his job, as such, very seriously or professionally and made his decisions strictly in terms of what he thought would further his own career.

"As for Murphy, I had in fact known him for a long time. At one point, he and I worked with each other when he had Phil Rodman's job on the DAS staff. I knew him to be very ambitious, with a very large ego and a desire to control everything himself. He really played big-time with the Congress. Yet he had been in on the drafting of the revision every step of the way and had given every indication that it was fine with him. Had some member or member's staff called? Was he bent out of shape because he had only seen the 98 percent draft, not the final, final version that appeared in the Register?"

“But that didn’t make sense—because the aspects of which he was now so critical had been in there all along. Maybe he had not actually read it carefully until it appeared in the Federal Register? Maybe some one in his shop had flagged something in it? Who knew what had gone wrong!”

Rain then began to think about his options. There were, as he saw it, several. He could simply ignore the order, refuse to remove the revision. The fact was, he knew, CEQ, never mind Murphy himself, had no authority to issue such an order. CEQ, after all, had a consulting role, not an approval role. Reorganized shortly after the Clinton inauguration as a small office within the White House, it was designed to support President Clinton’s issues as well as perform its functions under NEPA. By this time, it had about 18 staffers and was beginning to act, some felt, as though it had some kind of independent power. Rain recalled what Rep. John D. Dingell (D- Michigan) had said when he was fighting for a bill to wipe it out: “CEQ’s role has evolved from one of facilitation to one of obfuscation. It has become an assemblage of irksome meddlers who cost too much and do too little!”

Second, he could rework the revision to meet Murphy’s objections, but that would gut it and leave the service no better off than it was.

Or, he could try to find someone in the White House, perhaps in Gore’s office, with whom he—or someone on his behalf—could raise the issue; or go to someone on the Hill supportive of Gore’s initiative—or “drop a dime” (by then 35 cents) to someone in the press.

He could appeal to his boss; but Major General Hacker had, by now, been replaced by a new two-star who, although his name was Frank Green, was nowhere near as interested in environmental matters as his predecessor had been. He could sit down with Rodman who, after all, had been in on this project from the start.

His thoughts turned to the downside of all this. “Do I have the necessary allies on this? Who, for instance? Why am I all alone here? *Am* I all alone? Is it too late? Is it important enough so that anyone besides me will take this on? All that downsizing of government—maybe that’s mostly showmanship, in fact, and perhaps I was silly and naïve ever to take it seriously or to think that anyone will feel strongly enough about that principle to do anything that is hard or controversial. But is this really controversial? If any really significant interest group, either within the Service or in the environmental community, was seriously upset, surely I would have picked it up before now in all the coordination we did.”

If, as seemed likely to him, this was a case of one person illegitimately throwing his weight—which wasn’t actually much—around for whatever reason, linked to an assistant secretary with round heels—who could be easily pushed over—for whatever reason, that just isn’t right, he thought. That is not the way the public’s business should be conducted. That is not the

way this government is set up, and something should be done, and The White House should not be messing around with a complex, technical issue affecting only one of the military services.

At the same time, he was well aware of the mystique surrounding “THE WHITE HOUSE.” After all, he thought, that is simply shorthand for the fact that it, like every other part of the government, is nothing but BOGGSAT—“Bunch of Guys and Girls Sitting Around a Table.” Even in the days before President Nixon, when “THE WHITE HOUSE” consisted of the president and, perhaps, twenty-five people, there was pulling and hauling within the staff, plenty of freelancing by assistants with their own agendas, as was true of the Hill, the agencies, and everywhere else in town. Plenty of people in Washington know and practice the doctrine of “implied powers”: creating the impression that they have just come out of the Office of the Secretary—or the senator—or the president, thus providing leverage for their own personal views.

Why, Rain wondered, have we so easily emulated Dorothy and her friends and bought into the illusion of the Wizard? Why do we put “THE WHITE HOUSE” in caps and quotes when all it amounts to is BOGGSAT?

And yet, we do – and that, he thought, is part of the problem that I face.

Do I throw away fourteen months of my life, my chance to make a real difference, a carefully constructed regulation skillfully worked through a complex and tricky maze—or do I continue the effort? And if so, how, exactly?



The Truth, The Whole Truth ... Or a Reasonable Facsimile?

In the late spring of 20XX, a career program manager in the National Space Department (NSD), Bud Heinrich, faced a very delicate decision: as the person assigned to write the testimony for his boss for a congressional hearing on a failing program, should he come clean or should he fudge? The system in question had not worked in tests and was approaching a 20 percent cost overrun. The agency had run out of “creative” ways to cover the escalating costs and some congressional staffers were aware of the bad news: this bird was just not going to fly. On the other hand, there was a great deal at stake with this program—the reputations of those who had enthusiastically supported it at the start, the many jobs it had created in numerous congressional districts, the hoped-for boost it would give to the national economy at a time of recession. And, of course, there was, conceivably, the outside chance that, with a major infusion of appropriated funds, it might work after all.

Looking to NSD for a Winner

The project in question was the outgrowth of an effort to address concerns about the nation’s increasingly bleak economic outlook. As the once-booming US economy sputtered and stalled, gloomy reminders of the Great Depression had been appearing in the press, and an anxious citizenry was demanding that the administration and Congress do something to get the country back on its feet. Frantically seeking to put together a stimulus package that would jumpstart the moribund economy, administration and congressional leaders looked to the past: to the example of the Economic Development Administration in the Commerce Department, designed to find ways to help promising new industries back in the 1960s; to the example of Japan and Germany in their prosperous days, when they nourished companies and sectors that looked like “winners”; and to the example of the Federal Aviation Administration, which funded 75 percent of the research and development costs for the Supersonic Transport plane. From these

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earlier models, they settled on a “comprehensive industrial strategy,” based on the “best business practices of planning and targeting opportunities,” which, it was hoped, would work. At least, they felt, it would bolster consumer confidence. At the heart of this strategy was a “pick the winners” approach, which would concentrate resources on the development of new and exciting technologies that would have potential for expanding markets at home and abroad.

For implementation of two major parts of this approach, leaders turned to the National Space Department. Since the early days of manned space flights, NSD had held a special place in the hearts and minds of the American people. It was the symbol of the “can do” spirit of a still young and adventuresome land and people, and so seemed the perfect vehicle for two of the most visible “winners.”

By far the most exciting and expensive of the two was “Mass Driver.” Scientists had long desired to achieve the “holy grail” of space propulsion, a system that maximized the “specific impulse” of launch systems. No launch vehicle can escape earth’s gravity unless the pounds of thrust are at least twice the weight of the vehicle. The specific impulse (Isp) is the ratio of engine thrust to propellant flow rate. (An Isp of 200 seconds gives 200 pounds of thrust for every pound of propellant expended each second.) Simply stated, Isp is the measure of how well an engine converts chemical energy into velocity—more is better. The higher the Isp, the better the rocket engine.

The old space shuttles, using 1970s and 1980s technology, employed a combination of liquid main engines and solid rocket boosters to achieve orbit. These used fuels and oxidizers that were essentially mixtures of liquid oxygen or nitrogen tetroxide and hydrazine or hydrogen. The best Isp achieved was around 480—this was close to the limits of this technology. Cryogenic propellants (those that are stored at cold temperatures—e.g., liquid hydrogen is stored at -423 degrees F) were generally more energetic but also much more dangerous to handle. Solid propellants had similar limitations. Far greater engine efficiency was needed to facilitate improved and more economical launch operations—especially for solar system and deep space exploration.

Mass Driver promised to be the “ultimate solution” to the nagging problem of getting scientific packages into the solar system. Simply stated, Mass Driver was electromagnetic propulsion. Essentially, an electromagnetic railgun would develop high thrust rather than high velocity. Mass Driver could launch a multi-ton payload from the moon. Building on the superconducting magnetic breakthrough of the 1990s and old Strategic Defense Initiative research, NSD believed that Mass Driver could open up the solar system and literally the universe to space exploration. The electromagnetic “lunar catapult” would launch large payloads in an almost horizontal mode because of the absence of an atmosphere and the low gravity. The payloads would exit the moon at more than one mile per second as they sped towards the outer planets and deep space. Travel time would be forever changed. Months would become weeks, and days, hours.

Leveraging small robotic probes such as those used in deep-sea exploration and to roam the surface of Mars in the 1990s, NSD would be able to assemble the Mass Driver without a manned return to the moon. Moreover, the service life extension of the space shuttle fleet, which would soon be completed, made assured access to space a reality. This access would be further enhanced by the new Unmanned National Aerospace Plane (UNASP pronounced “You-NASP”). UNASP was the successor to the original NASP, first thought of as a replacement for the space shuttles in the 1990s. As conceived, UNASP would combine conventional runway takeoff with “single-stage-to-orbit” capabilities. Key to the success of this effort in achieving “trans-atmospheric” flight was the production of supersonic combustion ramjet/scramjet engines. The specific impulse requirements for these engines were in the 1200 second range—three times the Isp of the space shuttle main engines. This would be no small feat of design and engineering. Scramjets will not work at slow speeds or in space; thus the system would require a combination of air breathing engines and turbo ramjets to get the initial thrust from Mach 4 to Mach 6. The exotic scramjets would begin to operate at Mach 12 and drive the unmanned vehicle into orbit. From orbit this new robotic craft would launch satellites and even the piece parts of Mass Driver to the moon. UNASP and Mass Driver together had a tremendous synergy and presented a great system-engineering problem—every bit as difficult as the initial manned space program of the 1960s.

Problems

Once launched, with great fanfare and ceremony, both projects immediately ran into serious problems on the financial and the performance fronts. In the case of UNASP, NSD staffers were extremely anxious from the start. “The contract itself didn’t pass the giggle test,” said one staff member. “It was obvious to many of us that the vendor, Globalcom Inc., was low-balling on the numbers side and fantasizing on the delivery date. But everyone was in such a hurry, there was so much riding on this, and the hype was so overwhelming.”

The giggling stopped almost at once as the evidence—fragmentary because the program managers refused to supply the budget and oversight people in the agency with full data—came in. “We’ll handle it,” they said. “You bean-counters stick to the contracting business.”

When the engineering development phase of the program was launched, after a painfully slow start, the performance trends were negative. Test after test failed. Globalcom seemed to be having serious quality control problems, and NSD professionals began to suspect that the company had not assigned its best people to the project. Each failure was blamed on a different problem. Consequently, the completion date began to slip.

On the fiscal side, the picture was even worse. The cumulative cost variance was -5 percent the first year, about -18 percent the second and was projected to be well over -20 percent for the

third. (NSD acquisition professionals have determined that overruns of 20 percent or more cannot be recovered in projects like this.)

Three years into the contract, the whole project was such a disaster, and known to be so within NSD, that the program managers finally had to come clean and share their data. The previous fall, their estimate of the cost at completion was \$730 million (against a contract price of \$594 million). Several months later, it had risen to over \$880 million and was going up like a NSD booster rocket. Conservatively, the overrun would be \$150 to \$200 million.

Although the contractor's cost performance records made clear that the program managers had known about these overruns since the first months of the project, and NSD senior staff members a year or so after the start, documentation submitted for the president's budget justification never used the dreaded term "overrun." In the justification materials, annual reprogramming—moving money from the production and manufacturing accounts to the research and development accounts—was called "cost growth" and said to be due to changes necessitated by the persistent test failures.

In addition, NSD budget people found other ways to deal with the hemorrhaging. Such "work around" arrangements included adjusting earned fees to Globalcom, use of other agency funds through "below threshold reprogramming," moving contractor invoices and billings into the next fiscal year, and including small reprogrammings from procurement to R&D in the huge omnibus reprogramming. Between the NSD "budgeteers," the program office staff, and the prime contractor, they kept the money flowing and the true state of their "little overrun" problem fairly well hidden. All hoped for relief with the next successful test which would, presumably, open the floodgates of congressional support and funding.

But as the project entered its third year, Globalcom told NSD that it was running out of money and that the well would be dry by the end of the third quarter. NSD's figures showed that, indeed, this was the case. Furthermore, NSD officials had run out of creative ways to cover the overruns. There were two alternatives: restructure (delay) the procurement schedules for another 18 to 20 months, an unappealing choice given the still-slumping economy and the visibility of the program; or seek an emergency supplemental appropriation. They settled on the latter course of action.

Essentially, their justification was that, with the experience of the tests and their dawning awareness of improvements which they now saw could be made to UNASP to make it even better than first thought, they needed the new funds. Despite the fact that some members were beginning to have doubts about the project and its management, Congress went along, basically out of a sense of urgency ("We just have to get this—our economic future depends on it!"). After all, there were many congressional districts where either UNASP or Mass Driver, or both, had become the "full employment program." Many a vote and political hide were associated with these programs.

The full court press from zealots for the program, and from several key members from states and districts where Globalcom and/or its subsidiaries were located, was on.

But by now the problems were so bad and of such long duration that Capitol Hill staffers were becoming suspicious. In constant contact with their professional peers in NSD, they began asking questions, and NSD was beginning to supply answers. NSD staffers began to brief key members from the majority party. These discussions did not, in all cases, go well. “What’s the matter with you guys?” was a commonly asked question. “We give you all this money and you can’t manage it, you can’t get the laundry out?”

Interestingly, the minority party either did not know what was happening, or chose not to take up the issue. Perhaps its members did not want to put themselves in a posture of opposing this savior of a project, from which so much was expected and of which so much had been promised, and which they themselves had backed. The press did not really have the story of the disaster yet, though it was beginning to sniff around the edges. And the inevitable groups and individuals who never liked the plan—said it was environmentally dangerous, could not work and was the wrong way to right the economy (“anti-space antibodies” as they were called in the corridors of NSD)—had not yet gained any traction with the public.

During this time, Globalcom became worried that, at some point, Congress might “zero out” their program as it had done with sixteen others the year before. So it began to visit the Hill, blaming the whole mess on the government, on changing specifications, on incompetence and indecisiveness. “We warned those guys they would have to reprogram this whole thing,” Globalcom officials would say, “but they won’t listen—they just sit there and don’t do anything, like every other government bureaucrat.”

Heinrich’s Dilemma

One of the key players from the start was the NSD deputy director for plans, programs and innovation, a 45-year old engineer-turned-planner named William “Bud” Heinrich. Heinrich was a career civil servant who came to NSD from the Department of Defense. He had come up through the ranks at a fairly quick pace. After a brief hitch in the Air Force as an enlisted jet engine technician, Heinrich went to college on the GI bill, earning a degree in mechanical engineering and a master’s in public administration. To some, this was an odd marriage of interests, but to the government service-minded Bud, it made all the sense in the world. “Always be able to understand both the technical and business ends of things,” he believed.

Heinrich had worked in the office that managed the space shuttle service life extension program, a highly successful unit well known throughout NSD as one of the premiere system program offices in the agency. On this program, he had learned the “ins and outs” of technical program management and how to understand the sometimes obscure language of cost

performance data management. Heinrich was now a GS-15 living the comfortable life in the Washington suburb of Montgomery County, Maryland, with his wife Susan. Susan taught in a local private school, and their twin boys, William Jr. and John, were beginning the great college hunt.

Heinrich, who was well aware of what was going on with UNASP, both in the field and on the Hill, and who had weekly conversations on a variety of issues (including UNASP) with his counterparts on the staffs of the House and Senate Appropriations Space subcommittees, was concerned that his newly-installed boss, Assistant Administrator for Innovation William Dailey, did not realize how serious and deep-seated the problems really were. From what Dailey had said on the Hill at the time of his confirmation hearings, he did seem to be generally aware of the test failures, slipping schedules, and “cost growth.” But there was no evidence that he recognized the full scope of the disaster he had on his hands.

Unfortunately, one of the former program managers for UNASP had become Heinrich’s direct line boss and thus stood between him and Dailey in the chain of command. He was not about to let his chief know about the mess in which he himself had been involved, and was quite defensive when Heinrich discussed the problem with him.

After considering the total picture, Heinrich decided that organizational niceties were not as important as doing something about this crisis. So he walked upstairs to Dailey’s office one day when he knew he was in, stuck his head in the boss’s door and asked, “Can I see you a minute about this UNASP thing? I am really worried about it.”

He was right: Dailey had no idea how deep the hole had become, nor was he aware of the still-contained rumblings on the Hill. Heinrich left the conversation feeling that he had done the right thing despite his breach of hierarchical processes and etiquette.

A few weeks later, Ella Goldstein, Dailey’s legislative liaison officer, stopped by Heinrich’s office. “Hey Bud,” said Goldstein. “The boss has to testify next week before the House Appropriations Space Subcommittee on this UNASP thing. They are worried about the flight test failures. He says you know the whole story and should draft his prepared statement for testimony. Can you have it done by day after tomorrow?”

Heinrich agreed, but reluctantly. It was not the timeframe—he knew the material from top to bottom—but the context that was going to make this a three-martini night for him.

As he rode the crowded Metro to his home in Silver Spring, Maryland, he assembled in his mind the setting in which Dailey’s testimony would be presented. For one thing, there were the horrific cost and technical performance data for UNASP and a growing question in some minds, including his, as to whether this project could ever be made to work. For another, he knew that Dailey’s boss, the administrator, had vowed he was never going to “come clean and bare my soul

on UNASP.” His reasons for this position were quite clear: Mass Driver, the flagship project, was in even worse trouble than UNASP. As a matter of fact, one of the reasons that UNASP had survived this far was because it was a “baby brother” standing in the huge shadow of Mass Driver. The administrator was afraid that if the UNASP story became public, the unraveling of NSD’s initiatives to salvage the economy would begin, with disastrous results for his agency and the White House, jeopardizing future funding support for space exploration. And Heinrich was well aware that Dailey would want his testimony to be congruent with what the administrator was saying, or at least not dramatically in conflict.

Finally, he and the whole agency knew that the administrator planned to leave in the next year or so to become president of a well-known university, and that Dailey had been brought on specifically to become his successor. In fact, Dailey had been explicit about how much he was looking forward to the challenge of leading NSD into this new phase of its proud history from that post, to which he would be nominated by the president and confirmed by the Senate—he assumed.

There’s a lot riding on this one, Heinrich thought as he alighted at his stop.

As soon as he reached the office the next day, he put in a call to Goldstein. “Let’s go off where we can talk privately,” he said.

After reviewing the whole picture, as he saw it, they decided that the testimony had to be constructed along one of the two lines:

Creatively, without telling any lies but without full disclosure either, continue with the line that had worked so far. As a subset of this option, adopt a “don’t ask, don’t tell” approach: “If they don’t ask, I won’t tell.”

Make a break with the past, without condemning what had been said, and tell the whole story once and for all.

They then began to talk about the second part of their dilemma: how to persuade Dailey to go along with their recommendation about the fundamental direction of the testimony. If they decided on Option 1, that could be a challenge, but the approach had been used before—over and over again, in fact, all through the nation’s history.

But suppose, Heinrich thought, I decide on Option 2. He had now come to use the first person singular in his thinking, because it had become obvious in the course of their conversation that, as the one with the fullest knowledge, it had to be his call.

“How do I persuade Dailey?” he asked himself.



Closing the Weather Service Office in Lake City

On Thursday morning, April 21, 1994, Verna Edwards, the area manager of the National Weather Service (NWS) for the state of Illiana, received a fax at her office outside Capitol City. It was a copy of that morning's front page of the *Lake City Daily Times*, and it indicated trouble ahead. The headline read, "Weather Service at Lake City in Jeopardy." The article included statements from one of her subordinates, John Steele, the "official in charge" of the Lake City Weather Service Office: "I was hoping to retire here, but it doesn't look as if that is going to happen," read one, and "She [his wife, originally from the area] had always wanted to move back here and build a house. It looks like my wife may be here in the house and I may be somewhere else."

The article would prove to be the opening salvo in the battle to halt plans to close the Lake City Weather Service Office (WSO), whose forecasting functions would be assumed by other larger offices in the area equipped with state-of-the art radar technologies. Opponents of the plan, which had been in the works for several years, argued that it would result in poorer forecasting services for the city, thereby jeopardizing the safety of the community and the viability of its sizable recreational industry. In the months following Steele's remarks in the local press, the forces lined up against the closure grew in size and intensity, encompassing volunteer weather observers, a concerned citizens organization, city and county officials (as well as a state park superintendent and an airport authority member), and a US senator up for re-election. Edwards, who had hoped that the Lake City WSO would be phased out without incident, now faced the decision of whether—and how—she should respond to the increasingly vocal opposition to the closing of a valued local institution.

This case was written by Dan H. Fenn, Jr., drawn from the experiences of participants in the Senior Executive Fellows Program, for use at the John F. Kennedy School of Government, Harvard University. It has been disguised. (0304

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Background: NWS Modernization

In 1994, the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce had launched a billion dollar nationwide program to modernize the National Weather Service. The push to modernize was prompted by technological advances in the sciences of meteorology and hydrology, including satellites, radar, sophisticated information-processing and communications systems, automated remote sensors, and super-speed computers.

Since weather radar was vital for detecting and monitoring the movement and development of severe storms, a key element of the modernization effort was the upgrade of World War II radar technology through the implementation of a network of Doppler radars. These new radars allowed forecasters to “see” inside storms, using computer-processing systems to analyze radar data and provide estimates of winds, turbulence, rainfall amounts, storm motions, and indications of hail and tornadoes in storms. The new data sets sparked revolutionary breakthroughs in the science of hydrometeorology and allowed for earlier warnings of tornadoes and flash floods. With an effective range of about 125 miles, the radars were placed strategically across the country to maximize coverage.

With technological advances came major changes in the National Weather Service’s way of operating. The previous structure had included 52 Weather Service Forecast Offices (WSFO), such as the Capitol City and Big Falls offices, which surrounded Lake City. These offices were staffed with around 30 hydrometeorologists and support staff, and provided round-the-clock weather observations, forecasts, and warnings. This network of WSFOs was supplemented with about 200 smaller offices like the Lake City Weather Service Office (WSO). These were typically staffed with 5-10 technicians who took observations and issued warnings. The new structure increased the number of larger offices to 115. Each of the new Warning and Forecast Offices (WFO) would be equipped with a Doppler radar and other modern technology to support its operations. The new field structure eliminated the need for many of the smaller satellite offices, whose services would be assumed by the WFOs. Some of the WSOs were therefore slated to “spin down” their operations and eventually close, or be reduced to a staff of one liaison officer. Other WSOs would “spin up” into the larger WFOs. The location of the future WFOs was based primarily on radar coverage.

Job Changes. The nature of the NWS workforce was also changing. Technicians had filled most of the positions in the previous organization. In the new structure, the majority of the workforce would be college-degreed hydrometeorologists, because many of the previous responsibilities of the technicians were being automated by the new technologies, and interpretation of the complex new data sets required expert knowledge. The role of the technician was transitioning from one of data collector to communications expert. As a result, the technicians of the modernized service were actually classified at a higher grade level; unfortunately, however, many would have to relocate to benefit from these promotions as their WSOs spun down and

closed. On the positive side, staffing models indicated that there would be no need for a reduction in force, and attractive retirement options were being offered.

Lake City and Its WSO. Lake City, Illiana, was an industrial city of 100,000 in northeast Illiana on Lake Hurigan. Accurate weather forecasts and warnings were extremely important to recreation interests in the city, which offered boating, camping, fishing, and swimming facilities to 4 million visitors annually.

Lake City was about 100 miles from radars already in place at larger offices in Capitol City and Big Falls. These offices would provide good coverage of the Lake City area. The services that the Lake City WSO provided were scheduled to be transferred gradually to other offices (mostly to the Big Falls office), and staffing was slated to spin down to one liaison officer for local coordination sometime in 1996. Several other offices in the area were also spinning down. The spin-down process was phased. For instance, at Lake City, the task of preparing the “Lake City and Vicinity” adaptive local forecast would be transferred to Capitol City in June of 1994; all responsibility for issuing warnings (tornadoes, severe thunderstorms, flash floods) would be assumed by Big Falls in August of 1994; and surface weather observations were planned to be automated in the fall of 1994. Staffing had already begun to dwindle as members bid for promotions at WFOs.

During the planning stages of the modernization in 1989, Lake City WSO union officials, fearing that the staff would be displaced, had sparked community concern by contacting the local media about a potential closing. The controversy subsided, however, when the NWS assured the local congressman and community representatives that the agency was mandated by law to insure that there would be “no degradation in service” before a closing could occur and that the Lake City WSO would not close before the mid-1990s. When the staff was offered incentives to move (modernization plans included an upgrade for technicians) and considerable accommodation concerning location preference, the union backed down from its opposition. In fact, by the time the article appeared in the *Lake City Daily Times* on April 21, 1994, the majority of office personnel did not oppose the plan to close the Lake City office. Only John Steele, the newly hired official in charge, and one other employee had voiced a desire to stay as long as possible, and then retire (which was an option which fell within the planned closing date for both of them).

Congress had been briefed on the modernization plans by National Weather Service Headquarters on several occasions, and in 1992 Verna Edwards had invited Congressman Norman Plum to visit the station and discuss the closure. He sent an aide, who appeared satisfied with NWS policy. But the apparent accord on the NWS modernization plan quickly evaporated when Steele expressed his unhappiness over the closing of the Lake City WSO to the local newspaper.

Opposition

In the months following the April 21 piece in the *Lake City Daily Times*, the closing of the Lake City Weather Service Office continued to make the headlines: “Coalition of citizens, politician tries to save weather office”; “Keep weather office open. ... Airport chiefs speak out on closure”; “Senator O’Brian backs Lake City weather station”; and “O’Brian gives weather station report to commerce secretary.” The controversy moved to the airwaves on June 17, when WJET-TV hosted a one-hour live debate: “Storm Over Lake City: Weather Crisis—A Town Meeting.” In the debate, Senator William O’Brian, up for re-election in 1994, and other city, county, and state officials voiced concerns and stressed the need to keep the Lake City WSO open.

To make matters worse, the leadership of the local SKYWARN network had also begun to speak out against the closing of the office. SKYWARN volunteers were trained weather observers (often ham radio operators) who provided weather information based on what was actually happening in their area (high winds, tornadoes, flooding) to the NWS. This information was used with other weather data, such as radar observations, to issue weather warnings. The Lake City WSO had an active group of about 100 residents who participated in the SKYWARN program and supported its warning efforts. The group had taken a hard position against the closing of the Lake City weather office. One volunteer supplied the press with data removed from the weather office that he believed supported the issuance of a warning for a tornado, which in fact had not been issued. The resulting news coverage suggested that the Lake City WSO would have issued a warning for the tornado had it not been advised by other offices with new Doppler radars not to do so. The implication was that the Lake City WSO, despite its antiquated systems, was more skillful and experienced in forecasting than the offices with the new technology that would be taking over its responsibilities.

Finally, the leader of the local coalition of citizens against the closure—SOS, or Save Our Service—Councilwoman Jane Brown, was the wife of a retired Lake City WSO employee. This made her privy to inside documents and statistics, some of which were fed to the press. This resulted in a news article claiming that WSO Lake City’s “accuracy rate” for severe storm warnings was better than that of any surrounding NWS office. This assertion was, in fact, questionable: many factors other than skill influenced these statistics, including the number of warnings issued, frequency of occurrence of severe thunderstorms and tornadoes, and the reliability of storm reports. Accordingly, office accuracy rates could not be validly compared. Nonetheless, the article provided more fuel to those who argued that the loss of the local WSO would result in poorer forecasting for Lake City.

Verna Edwards’ Dilemma. Before the April 21 newspaper article, Edwards, as NWS area manager for Illiana, had intentionally maintained a low public profile in Lake City, because it was the WFO in Big Falls, not the one she managed in Capitol City, that would eventually assume full responsibility for Lake City’s forecasts and warnings. In addition, by virtue of his position as

official in charge, Steele was responsible for representing the NWS locally. She had hoped that he could transfer any goodwill he had developed in the community directly to the meteorologist in charge at Big Falls, Jack Cummings. It had become apparent, however, that some type of action on her part was required. The Lake City WSO was still in her management area—no responsibility had yet been transferred to Big Falls—and she was Steele’s supervisor.

The question was, what exactly should she do? One could argue that, with Senator O’Brian’s aggressive intervention, the issue had escalated to the level of national policy. His re-election was important to the Potter administration and to the president himself. If O’Brian were to be re-elected, would he actively pursue this matter, going beyond Commerce Secretary Ed Wright to the White House? If so, wasn’t this matter one that should be managed at a higher level, because of potential agency-wide implications?

Secondly, perhaps because of what some felt was the “unique and often stormy weather” in the area and the strong public support, the decision to close the Lake City WSO should be reviewed. Given the high accuracy rating achieved at Lake City, would the transfer result in degradation of service and threaten farmers, tourists, and boat traffic? Further, would a review serve to satisfy local concerns and calm the firestorm in the community? After all, an airport authority member and the state park superintendent in the area had expressed their concerns about safety risks.

Finally, if Edwards decided to proceed on her own, she wondered how she should deal with Steele, SOS, Councilwoman Brown, SKYWARN, Senator O’Brian, Congressman Plum, and the community in general.