

## Chapter 2 (DRAFT)

### OPENING THE CLOSET DOORS IN FARGO, NORTH DAKOTA

"We are going to run you out of town!" I hung up the phone in my tiny city hall office, stunned. What had I done in my first job to warrant this threat? Was my career to end before it got started?

Only a few days after leaving the Minnesota University classroom, these harsh words from a local business leader introduced me unceremoniously to the real world of public administration. Not the words of encouragement one hopes to hear when embarking on one's chosen profession. Yet they ushered me into what turned out to be the most fascinating, diverse, worthwhile field I could ever imagine. It was the beginning of my eventful career of public service, more specifically, public administration.

Several weeks after the 1947 Minnesota League of Municipalities conference, Dr. Short, director of my MPA program at the University of Minnesota, Minneapolis, called me in to say that the leading city manager of the day, Mr. Cookingham of Kansas City, MO, had agreed to hire me as a special assistant, subject to a successful interview.<sup>1</sup> I was thrilled at this prospect because this position was then regarded as the surest road to a successful city manager career. But somewhat hesitatingly, he added there was another possibility that was high risk, although he thought he should mention it, anyway.

Dr. Short had just received an urgent call from a young man, LeRoy Harlow, who was the new city manager of Fargo, North Dakota, selected nearly a year earlier to install the council-manager form of government. Dr. Short explained that this concept was controversial in Fargo, and Harlow faced some very strong opposition in making changes that responsible city government required. Allegations of city corruption made Harlow's task especially challenging. Two of the five incumbent members of the governing Commission were said to oppose Harlow. The first manager hired to implement the council manager system had lasted only three months. Harlow did not have the funds or council support to bring in an experienced person as a deputy, but he had spent month after month trying to recruit someone with experience to fill the new position of budget and personnel officer to help plan and manage a series of major reforms urgently needed, but had failed to persuade any to apply. As an alternative, he was hoping to hire an energetic assistant with little experience to help him through the difficult transition period that would likely be quite stormy. He believed an assistant in a lesser role could be of considerable help, and would probably be acceptable to the conservative city leaders. Dr. Short cautioned that he could not in good conscience recommend the job to an inexperienced person such as me, but he owed it to Harlow, a former student in his program, to quickly find someone that Harlow could at least

---

<sup>1</sup> The L.P. Cookingham Internship program is the oldest city management internship program in the US, which was originally established to receive professional assistance from public administration graduates in executing local government daily duties and, due to its success, has been duplicated nationwide. The Internship Program contributes to development and consolidation of students' professional skills by providing them a perfect opportunity to continue their education in public administration and gain a valuable professional experience in a real-life setting. More about the L.P. Cookingham Internship program can be found here: <http://elgl.org/2014/07/01/ever-present-legacy-l-p-cookingham-kansas-city/>

interview. While risky, it could be a good learning experience, and the need for help in Fargo was urgent.

I drove to Fargo, where I spent the day with Harlow, visiting the departments and gaining a sense of what he wanted to accomplish. A very earnest young man in his mid-thirties, he crisply listed a series of basic problems he had already encountered, and the fundamental reforms he was determined to introduce. Most of these would fall under my role of Budget and Personnel Officer, a new position the City Commission had agreed to. Several would, of course, generate considerable opposition.

His highest priority was the design and installation of a modern merit-based personnel system, including pay scales, performance measurement, and labor relations, as well as retirement and employee health systems. The earlier personnel systems were primitive, and the wartime scarcity of city applicants had erased what little merit concept had ever existed. Mixed with a number of hard-working competent employees were a number of totally incompetent persons who owed their job to influential people and businesses outside the government. This problem was compounded by city contracts being awarded largely through influence rather than merit, wasting the taxpayers' money. Establishing a professional, centralized purchasing office would be another of my assignments that would strike at the heart of city hall corruption, thereby drawing heavy fire. The need to establish a credible budget process was another high priority project that would fall to me, though he would find time to help. There were other changes he intended to make. And as we were meeting all of these challenges it would be absolutely essential that employees would understand the fundamental need to proceed with the utmost integrity and with a degree of transparency that would earn the respect of Fargo citizens. City operations had been cloaked in secrecy, hiding the mismanagement and corruption that existed.

I was awed by his agenda and the role he outlined for me. I would be in charge of the budget, procurement, and personnel operations, plus special assignments in a city of nearly 50,000. None of these functions had been professionally designed or managed.

Harlow was bursting with ideas about modernizing everything. My title would not be as strong as a deputy position for which I was clearly not qualified, but it would give me enough status to handle a wide array of assignments, and it avoided a bureaucratic sounding title that the Commission would have never accepted. He was taking quite a risk in bringing aboard someone as inexperienced as I was, but he was desperate to move forward. Further delay would have made it more difficult to advance his reforms.

Before departing that evening, I agreed to come to Fargo, not at all sure I could measure up to his expectations, but inspired by the courage with which Harlow was facing a difficult set of challenges. This Fargo assignment to a key city position more than satisfied the internship required for my Master's degree, but nobody in the city hall realized this would serve as an internship, knowledge that would have seriously reduced my capacity to perform. My role would be a far cry from what one thinks of as an internship. Except for hiring a new purchasing officer, I would have no one to share this burden. Having no secretary, at least my typing skills were of great help. I want to emphasize the counsel I received during difficult times from Clarence Ridley who headed the International City Managers Association (ICMA), including his

forwarding copies of personnel, procurement, and budget procedures from other municipalities that were of tremendous help to me. Harlow was also able to engage the Public Administration Service (PAS) to develop a classification and pay plan for our police and fire departments.

### From Classroom to the Real World

And so my public service career began in Fargo, North Dakota. As it turned out, the challenge in Fargo was even greater than I imagined, as was the risk. Yet serving the City of Fargo during what was probably the most volatile chapter in its history turned out to be the best career choice I could have made.

My first week in Fargo was something of a blur as assignments came so fast. I quickly found that drastic as Harlow's structural changes were, even more striking were his plans to make fundamental changes in how most city employees dealt with the public, and his determination to quickly modernize virtually every city management process. Particularly appealing was his total opposition to the slightest compromise with integrity, although I had no inkling of the drama that would later unfold because of this stand.

The first week was public administration heaven for me. All sorts of tasks came my way in addition to intensive research into the practical aspects of local government budget and personnel systems which I was to design and install within the first several months. Very soon I would also advertise for someone to be our Purchasing Officer. During the first two weeks I met every city employee in his/her workplace, giving special attention to the working conditions of lower level employees.

Harlow led largely by example. There was no time for him to do the tutoring he would have preferred to provide. I was to discover, as many others also have, that the "sink or swim" circumstances provide great learning opportunities that can be excellent building blocks for greater challenges in the future. They also require very long hours.

Harlow's meetings proceeded crisply, quickly cutting off irrelevant comment. He moved about the city hall at a rapid pace, and spent much of his time in the offices of other officials, never missing an opportunity to greet a lower level employee by name. He was extremely well informed, and was continually commending people on their performance or calling mistakes to their attention in a way that conveyed the message very clearly but devoid of demeaning words. When I arrived, Harlow had already developed an intense loyalty among virtually all of the city employees, regardless of rank. During my work with Harlow, I had learned that such a positive attitude and constructive approval, while demanding high standards of performance, as well as building good working relationships, were highly appreciated by employees and would usually result in a high organizational productivity. This practice became a crucial component of my own management style later in Alaska and other assignments.

The exception to this view was the police chief. Lloyd Jester was an ambitious man who had been selected by the city commission after a nation-wide search before Harlow arrived. He had been in charge of investigations for Earl Warren, governor of California, before Warren came to the Supreme Court in Washington, and he quickly made a good impression by appearing to wake

up an old-fashioned police department and initiating overdue changes in the organization. The Commission was proud of their new chief and often said so in public meetings, emboldening him to believe that he had political support in the Commission that exempted him from paying heed to Harlow. Yet Jester also was sufficiently intuitive to be alarmed by Harlow's arrival with his commitment to a very different type of modernization, and a very different sense of values, than Jester had in mind.

After his arrival, most city employees quickly came to adore Harlow who gave them new reason to feel pride in serving the public. This sense of pride extended down to the city hall janitor who had been told by Harlow how his work contributed to the effectiveness of every employee in the building, and how he helped protect the health of visiting citizens. Now regarding himself as a full-fledged member of the public service team, the old janitor's performance rocketed to new levels, as did that of many other city employees. The old musty city hall burst into activity. Harlow would sing as he hurried from one office to another. Thinking this must be a normal practice, so did I, probably causing people to wonder about this new pair of young men from outside Fargo.

While serving Harlow as a trouble-shooter for citizen complaints, I heard many positive comments about finally having someone in city hall (Harlow) who was concerned about poor people and ordinary citizens, not just those with money and influence. I learned early lessons about the value of openness in public service and the need to give special attention to reaching those without power. I also gained valuable experience in meeting with, and working with, those in opposition, a practice I later found invaluable in dealing with Congress. In fact, I took special pride in helping to defuse the day-to-day criticisms and controversies that are part of city management life everywhere. Yet when it would count the most, this was the one area in which his skills were most in question. Harlow's integrity, his managerial skills, and his devotion to improving city government made that task a joy to perform. During the next several weeks in Fargo, I found the city employees to be surprisingly friendly toward a young person fresh from the classroom suddenly dropped in their midst.

### A Rude Awakening

There was an unsettling incident one week after my arrival. Harlow asked me to check with the head of the local Retail Credit Association on whether one of the police sergeants was getting over his head in debt. This sergeant had bought a new Buick station wagon, a full-length mink coat for his girlfriend and a few other items not at all consistent with a sergeant's pay. The Association president, a Fargo business leader, said he would be happy to check for me, but first he had other information that he thought might be of interest to me. In a friendly tone, he said he thought I should know that a number of community leaders were about "to run Harlow out of town!" While I was struggling to recover from this bombshell, he continued, "Would you be interested in more information?" I wasn't sure I wanted more, but stammered that I would. "It is a coincidence that you called," he said, "because we were about to call you to let you know that we are also going to run *you* out of town!"

I do not know what I mumbled in response, but my mind was searching furiously for what I had done in only one week to merit such attention. He went on in a fatherly, but somewhat

ingratiating voice, "but you would not want that to happen, would you?" I managed to say no, after which he assured me "that does not need to happen, because there is a much better position in a Minneapolis company waiting for you. In fact, the Fargo Forum [the local newspaper] is just now writing a short article about how you regret leaving Fargo after being here such a short time, but the Minneapolis offer is a once in a lifetime opportunity you simply cannot pass up."

My head swimming, I hung up without answering and tried unsuccessfully to put the call out of my mind, not even mentioning it to Harlow. He already knew full well that he faced strong opposition, and I did not want to add to the heavy stress he was already absorbing. Neither did I tell my wife, although she asked me that night if the day had gone badly since my mind seemed to be elsewhere. I later discovered someone had in fact lined up a job for me in Minneapolis that would have doubled my salary, just as the Association president had said.

It was not long before I came to understand why Harlow's opposition felt so threatened by my arrival that they made this early effort to get rid of me immediately. They wanted to remove me before I could help Harlow dismantle corrupt city systems from which some of the leading Fargo businessmen were profiting. The episode was somewhat unnerving, and not something for which the classrooms at Iowa State and Minnesota had prepared me.

Jester was opposed to my development of a merit based personnel system from the outset. While refusing to meet with me, in conversations with others he was busily criticizing my drafts that I circulated among employees for comment as I moved along. He was especially caustic in his remarks to two city commissioners describing my efforts as the work of a "greenhorn" who was imposing an unworkable system based on "theory hatched by his professors at the University of Minnesota." Of course, my guidance was coming from Harlow, Ridley, PAS, and several city managers, no longer from the university. For a month, Jester refused to respond to my requests to talk with me about these drafts, but at Harlow's insistence, he finally did invite me down to his office.

After reviewing several items of routine business, he objected angrily to my having "stirred things up." His voice rising, he found incomprehensible my refusal to back-date the starting date of several policemen by a year or two, thereby increasing their eligibility for certain fringe benefits. I sympathized with his objective, but I explained why back dating was clearly illegal. It also raised obligations for salaries beyond what was in the budget, not by much, but enough that it would require Commission action and a degree of publicity I doubted he wanted focused on one of the policemen whom I was about to recommend termination for questionable behavior on the job. Jester said nobody would complain about a couple of little clerical adjustments, and the men "would be my friends for life." I again said that neither Harlow nor I could tolerate falsification of documents regardless of the motive. His anger mounting, he said "things had been just fine until you came and began meddling with personnel matters."<sup>2</sup>

In a calmer voice, he then said that he wanted me to meet an important city official, the city judge. As the judge came in and we were introduced, Jester then explained that he had retained

---

<sup>2</sup> The rudimentary system Fargo once had was suspended during World War II, and Harlow instructed me to design a new one very rapidly, a move that turned out to have major consequences.

the judge "to separate you from your job."<sup>3</sup> Although taken aback, unable to conceive the removal of employees being a part of the judge's job description, I was not so dumbstruck I could not object with considerable vigor. Our conversation quickly escalated into such a shouting match that Harlow, whose office was directly above the chief's in the old stone city hall, heard the commotion and came rushing down to quiet things.

The next morning a summit meeting involving Harlow, Jester, the city attorney, and me took place during which Jester was reprimanded for his threat against me. The city attorney explained to Jester that his proposed back-dating personnel actions were illegal, and that his effort to remove me would violate the new council-manager system adopted under the state constitution; that authority was lodged in the city manager. Not surprisingly, my relationship with Jester never evolved into anything remotely warm<sup>4</sup>. But the principal reason for his deep hostility toward me did not emerge for several months.

As Harlow had instructed, I devoted much time in my first weeks on developing the new personnel system, starting from scratch. Without a highly qualified staff based on merit, patronage will develop, as it had in Fargo. And patronage inevitably leads to corruption and wasteful management. Merit is the foundation on which all else depends. Harlow had taken several emergency measures, but they were stop-gap steps that did not remotely meet the need for a modern system. As I developed provisions such as job classification, compensation, recruitment and promotion, employee benefits, and disciplinary and separation actions, I wrote draft after draft, a number of which I circulated among the employees for comment, with both individuals and groups. I had not realized how difficult it sometimes is to craft language that will not be easily misunderstood or too easily manipulated. I gained an appreciation for the complexity of the personnel officer's role I never lost. We issued a preliminary manual about January of 1949, but the final manual was not issued by Harlow until June.

An experienced person could have moved much faster, but our heavy involvement of the employees had gained a sense of ownership in the program that was very important. The employee support it earned provided an incentive to help it succeed. It saved considerable time after issuance by avoiding the amount of questions, disagreements and appeals that a lack of this approach would have produced. This heavy investment in engaging affected stockholders was a management concept I found invaluable in my later work. However, I quickly learned that one has to manage the outreach carefully or it takes so long that little is accomplished. Firm deadlines have to be met, and one cannot delay actions striving for unanimity that is often an unrealistic hope.

In gathering samples of personnel manuals from PAS and other cities, I was surprised at the amount of verbiage many contained. Some were so technical and filled with so much cross referencing that the average employee could never understand some of their most critical

---

<sup>3</sup> As I recall, the judge's role was largely that of adjudicating traffic violations.

<sup>4</sup> One day Jester did have a warm word for my wife, Margaret, however. She worked at the "No Name" store where one afternoon she spotted a woman shoplifting. The police responded quickly, arresting the shoplifter. A low crime city, any such event in Fargo created some attention.

provisions, such as those covering adverse actions. I wrote the Fargo manual in language our people could understand, and filled only 17 pages.

As I struggled to develop modern personnel and budget systems, and recruit a purchasing officer, other issues continued to emerge. One of many areas in which the city of Fargo was heavily criticized at the time it adopted the council manager system, was the city's property tax evaluation system that was correctly perceived as inequitable. Harlow told me to line up a small firm to equalize our property tax system, which I did. I didn't know anything about the subject matter, but I had learned from the special assessment study I did at the University of Minnesota, the importance of equitable treatment in establishing the property valuations on which tax bills were based.

So a small two-person firm was selected to begin the overhaul of our outdated system. An immediate problem emerged when the contractor insisted on my purchasing a Marchant calculator despite my insistence on a competitive purchase. I issued a request for bids on a simple incentive purchase (my first) that increased the amount of funds if a machine possessed the speed that would enable us to meet the quick deadline Harlow told the Commission he hoped to meet. After the bids came in, my tests demonstrated that only Marchant could enable the contractor to meet this deadline. This expediting of the work saved substantially more money than the additional cost of a high speed machine.

It came as no surprise that the contractor was finding a number of inequities in property valuations in the very first days. It was not clear to me how much of the problems had been caused by special influence or how much was just a result of incompetence that had grown more serious over time.

Anyway, we had all these things going at once in Fargo, and this was one more area that required some of our time. Not much individually, but it was all adding up. I marveled at Harlow's stamina and his pleasant demeanor as problems with Jester and two commissioners persisted. On the other side of the ledger, he was receiving plaudits from Mayor Dawson and increasing numbers of citizens for his leadership. The equalization project moved forward very well, creating positive publicity for Harlow. With so much change underway, I was surprised at his receiving less criticism than we had expected. Of course, equalization did produce some highly irate individuals, incensed over increases in their valuations.

Badly needed annexation was moving forward rapidly, taking a large chunk of Harlow's time. As a result, he gave me a surprising amount of freedom in working with the department heads on the budget. We were able to present the city commission<sup>5</sup> with a draft budget that slightly reduced taxes, a pleasant surprise to the public. It also confounded the critics who had warned that the manager system would expand the city bureaucracy and introduce costly new management systems that would require higher taxes. I had been singled out as an example of this unnecessary burden for the taxpayers. On the surface, it appeared that the new council-manager

---

<sup>5</sup> Before establishing the council-manager system, Fargo had used the commission form of government. After the change, the "council" members retained their seats as well as their titles of "commissioners". Not a wise choice because it implied their retention of some operational responsibilities not compatible with the new law. This complicated the task of Harlow.

system was finally getting off to a great start, thanks in large part to the young, energetic city manager who had decided he could wait no longer to introduce major reforms. However, other events were moving toward a crisis far more serious than could be seen from the outside.

### Opening the Closet Doors

In the course of installing a merit system, we established minimum standards to be met by incumbent employees in order to remain on the payroll. Over 90% met these minimal requirements, but several in the police department fell far short. I especially remember one sergeant who could neither read nor write beyond the second grade level and one patrolman who was totally illiterate. Jester refused to give these employees notice of termination with severance pay, or in the case of several, reassignment to lesser roles they could handle. I responded by barring payment of their salary after 120 days, but repeated my offer to retain them if it were possible to lower their levels of responsibility. Jester would not compromise. The reason for his loyalty to men of limited ability became clear later when matters came to a head. Harlow supported me in my disagreements with Jester, thereby intensifying my struggle with the chief.

Another of the initial high priority tasks Harlow had assigned to me was establishing a centralized purchasing system under a professional purchasing officer. The more I saw of our contract and purchasing practices during those early days, the more uneasy I became about the likelihood of a major scandal before we had reformed the system. Under the prior form of city government, the political commissioners personally oversaw the awarding of contracts for those programs for which they were responsible, and several continued to involve themselves inappropriately in contracting. Competitive bidding had been largely replaced by sole source contracts that were renewed time and again, and with no evidence of anyone having reviewed the quality of their performance. In comparing our cost of road materials with several other cities, Harlow had found ours to be suspiciously high, but no effort had been made toward competitive bidding. The various city officials who handled contracts had no training in contract administration, but did often receive “helpful” suggestions from those with influence.

But I had no training, either. I had no idea of how to set up such an operation. So while we were waiting results of our nationwide advertising in the “help wanted” sections of scores of publications, I took advantage of Ridley’s offer to help, absorbing more of his time than was appropriate for someone so busy. We succeeded in attracting a very competent man, Don Blasé, who had the background we needed. He moved quickly, and during the first two months of his tenure, he saved nearly as much money as we had provided in the budget for the yearly cost of his operation, an achievement met with a great lack of enthusiasm by two of the city commissioners. In fact, he was coming under heavy criticism by these two commissioners and by Jester. One Friday afternoon after an especially bitter encounter that Blasé had with the chief, I walked home with him to see how he was reacting to this pressure. I also wanted to assure him he had strong support from both Harlow and me. By now, I fancied myself as something of an expert on how to battle the police chief. However, our conversation indicated that my offer of help was not needed. In fact, I was impressed by Don’s apparent capacity to take pressure in stride, his telling me that criticism and threats came with the territory and he ignored it like water sliding off the proverbial duck’s back.



Monday morning I could not locate him and called his wife who was surprised to learn he was not at the office. About 11:00 a.m., she called back weeping, to say that neither she nor I would see Don again. Because of the constant pressures, including new threats he had not shared with me, Don had reached the point at which he could take no more, and had left for the bus depot that morning to join the army. So much for water off a duck's back! I rushed to the depot just in time to see him wave out the bus window as it departed. We never heard from him.

On Harlow's instructions, I conducted another nationwide search and found an even more skilled purchasing officer. After six weeks, he saved an amount equal to nearly two year's cost of his office, an amazing performance, I thought. One reason for his success was that he slashed the cost of chemicals for city water purification through the simple introduction of competitive bidding to replace the customary sole source award to one of the city commissioners. As one would expect, this commissioner was one of the two who constantly criticized both purchasing agents and found fault with my recruitment, saying we would have saved money by recruiting locally, no doubt expecting to have his contract renewed in the customary lack of competition. We were fortunate that Blasé had already started the process, and the new man had finished negotiating a fixed-price bid from an outside vendor down to an excellent price. This turned out to be a pyric victory.

After the city budget was adopted, and the new fiscal year had begun, I devoted one afternoon to running the city's Fourth of July soapbox derby. In the midst of the competition I was urgently summoned to the city hall by our junior finance clerk who had learned of an unscheduled meeting of the City Commission. I arrived just after Harlow, who was also uninvited to the meeting. The sole purpose of the unscheduled closed session was to amend the budget they had recently passed in open session by deleting funds for the central purchasing operation.<sup>6</sup> Despite Harlow's pleading for at least one month of severance pay, the purchasing officer's salary was terminated that day. He survived, just barely, by quickly getting a job as a fast-order cook in a tiny restaurant outside Fargo, but the Commission's action precluded our hiring another procurement officer. This episode was quite alarming to our employees, making some of them fear that continued support of the manager could well jeopardize their own careers.

Other events indicated we might be nearing an explosion, but one surprising phone call gave me cause for a bit of optimism. On a Friday afternoon in early August of 1949, Jester called to ask me to join him for coffee. I never take coffee breaks, but did not hesitate to take this one. To my amazement, in a very friendly tone, Jester said that on Monday he was leaving for two weeks' vacation and he would appreciate it if I would look after the department during his absence! No reference to our disagreements. Now, of all the people in the city hall, it seemed to me that I was the last one to whom he would entrust his department. Completely puzzled, I nonetheless agreed to do so, and we went over several problem areas in which he said he would appreciate my help. Had Jester finally decided to join Harlow's leadership team?

The following Monday morning, I had a knock at my door. It was a policeman. Behind him was another, and then another. In fact, a line of 45 policemen extending down the stairs were there to

---

<sup>6</sup> We were caught by total surprise because the new fiscal year had begun. However, North Dakota law provided a short time after the beginning of the new year in which to amend the budget, a rarely used provision.

see me about problems they were having with Jester, their chief. The policemen knew that Harlow was busy and they were not sure he would find time to listen to their complaints. On the contrary, they thought, I would be interested in their problems because I was in Jester's position and enthusiastic about getting involved in city's issues, and I had been already known as a problem solver. Clearly, I was not in the position to resolve these problems because of their major magnitude, and I thought it required the personal attention of the city manager—not by a person in my position. I alerted Harlow who met with them instead. I did not have time to stay and participate at the meeting because I was heavily involved in a very controversial tax equalization issue involving two city commissioners.

### Chaos at City Hall

Early Monday morning when Jester had just returned to work, Harlow summoned him to his office, together with the city attorney and me. Without any preliminary conversation, he calmly informed Jester that he was reorganizing the police department and there would no longer be a position in the department for him. He gave only a very brief set of reasons for this drastic action. He then handed Jester an envelope containing his reasons for the firing, but immediately proceeded to terminate the meeting before Jester could read them. Harlow said he would inform the mayor, and I was to notify the other commissioners and the chairman of the Civil Service Commission, Larry Hamm. Jester was thunderstruck, as was I. He weakly inquired if he was being reduced to captain, upon which Harlow said again he would not be in the department. Jester pleaded to be retained at least as a sergeant, or even a patrolman, because he had a family and no other source of income. Firmly, Harlow said no, and quickly ended the meeting. Disturbed as I had been with Jester, the abruptness of this drastic action, and the likely severe consequences to Harlow, made me very uneasy. After all, my last session with Jester at the coffee break indicated that Jester was finally coming around, though this may have been a ploy to neutralize me while he was gone.

Several hours later an angry phone calls began to stream in as word of the action spread. Harlow's meeting with Mayor Dawson did not go well. The City Commission met the next morning, expressing great anger as they talked informally before convening the formal session. They were surprisingly polite and deliberate in pressing Harlow on why they had no advance warning. Further, none of the five members thought his rationale justified such drastic action. The city attorney assured the Commission that the city manager had the authority to fire the chief, though the Commissioners were not fully convinced. The meeting concluded with instructions for Harlow and Jester to try to work things out. Harlow refused to do so, explaining that the manager's authority to hire and fire employees was a fundamental element of the council manager form of government the citizens of Fargo had chosen.

Jester appealed his firing and the District court ordered his being restored to his post for reasons I no longer recall. For about six agonizing weeks the Commission struggled to sort out the respective roles of the manager and Commission regarding department heads that the legislature had intended. Apart from legal issues, the Commission grew firmer in its belief that the arbitrary firing, combined with his failure to inform them of such a serious problem called for his dismissal. At one meeting the Commission by a three to two vote asked Harlow to resign, which he refused to do. Uncertain as to whether the Commission could fire Harlow prior to the public

hearing, to which the law entitled him, the Commission became mired in acrimonious debate, and the city hall was filled with tension. The continued presence of Jester was especially awkward. The day before Harlow's hearing, the Commission suspended Harlow, designating the aging city clerk to be the acting manager. This elderly director had been an active state treasurer years earlier and was widely respected, but he was now very seldom seen outside the large vault that held our city records. The next day this quiet man startled everyone by persuading the Commission to let him accept Jester's resignation.

Fargo was in total confusion by this prolonged series of dramatic events. In general, citizens did not quite know what to make of it all. However, the anti-city manager forces were elated at their unexpected good fortune. Under the state constitution Harlow was entitled to a hearing before the city commission within 30 days if he wished. Everyone I knew had advised against Harlow asking for a hearing because it was thought there would be no way the commission would reverse its desire to oust him. Harlow would be exposed to more public criticism with a negative impact on his reputation and impose further strain on his family. Nevertheless, he engaged the best-known lawyer in the state and announced immediately that he would appeal regardless of the terrible odds.<sup>7</sup>

## My Decision

Far in the background of the major public debate about Harlow that had descended on the city, I went home that night faced with a decision as to what I should do; a decision that could have a great impact on my whole career, even whether I would have one. I strongly disagreed with the Commission's list of charges against Harlow. They were primarily that he was acting like a dictator and failed to cooperate with the Commission (see Appendix A). The central purchasing struggle was cited. Hence, I saw for myself three principal options.

My initial reaction to the plan to fire Harlow was to resign in protest. I thought Harlow was the best thing that had happened in Fargo for years. The way in which he stood up to enormous pressure, his steadfast opposition to the smallest compromise with integrity, and his tremendous drive to reform antiquated city systems on behalf of the citizens, were impressive. And not many people seemed to be coming to his defense. Even fewer encouraged him to fight back. He could certainly use some support.

But on reflection, the situation seemed not that clear cut. I was pleased that Harlow had the courage to fire Jester, but I did have reservations about the seemingly precipitous way in which the matter was handled. Of special concern was his failure to alert the mayor who had given him such strong support on nearly every issue since his arrival. The mayor had been given no opportunity to think about how he or the commission should react before he was besieged with questions from the media. To be caught by surprise by the person he had defended so vigorously was a major public embarrassment. When Harlow later asked me if I supported his action, I told him I supported the firing, but I then disappointed him by going on to say that I thought he

---

<sup>7</sup> His lawyer also strongly advised against a hearing, saying, "These tinhorn politicians are too stupid to know what they are doing, and they will never change their vote."

should have laid better groundwork before his sudden firing and he should have alerted the mayor before announcing the action. Harlow thought that he would have been prevented from firing Jester had he done so. I felt differently, but Harlow may have been right.<sup>8</sup> A more significant factor to consider was the fact that, along with everyone else, I assumed his appeal would be denied, threatening our new initiatives toward honest and effective government. My sudden departure could place these gains in greater jeopardy, although my staying on would probably not have salvaged most of them.

A third consideration against leaving the city was the fact that I had no other employment lined up and no bank account. And I was not sure how marketable a young man roughly one year out of college, and involved in a major controversy, might be. Yet at the time, early in my career, this problem did not seem to worry me, and I gave little thought to it.

Before I arrived home twenty minutes later, I had decided to resign in protest as soon as I finished tidying up some loose ends prior to his hearing.

### Harlow's Hearing

During the weeks leading up to Harlow's hearing, momentum built toward the Commission sustaining its firing of Harlow. Articles in the Fargo Forum and radio comments continued, alleging that he was arrogant and insubordinate, as well as being a highly divisive and disruptive element in the community. Before the hearing day arrived, a Forum headline screamed "HARLOW MUST GO!" in huge print.

Strangely, Harlow still said almost nothing to me about his meeting with the policemen, and I remained in the dark about important facts that led to his precipitous action. Jester understandably thought I had taken advantage of his absence and engineered his demise, unleashing a torrent of invective toward me from several of his supporters. I kept a low profile, but tidied up all the loose ends I could in those areas of management for which I was directly responsible. The day before Harlow's hearing, a police sergeant informed me that there would be a large number of police families at the hearing.

The next morning, I called the mayor to advise him there were strong indications that far more people were interested in attending the hearing that evening than could be accommodated in the small Commission conference room with a capacity of less than 20 visitors. I cautioned that if the firing were sustained, the Commission would be charged with having held a star-chamber proceeding that would cause considerable resentment in the community. Basically a public spirited man, the mayor then authorized me to change the site, which I did with help from several admirers of Harlow. We secured permission from the county to use the county courthouse. I

---

<sup>8</sup> In later positions in Washington, while advising Congress of my actions that I suspected some would try to block, I followed the practice of first laying groundwork except when immediate action had to be taken. But I took the formal action without advance notice while embargoing their disclosure of the action for one or two hours giving the members an opportunity to study my rationale for the action and prepare a response to their constituents that suggested they were well informed regardless of whether they agreed. I spent almost as much time working with most opposition leaders as with our supporters. It was too late to block my action, but this courtesy avoided their being caught by surprise, and gave them time to prepare their response to the press and their constituents.

then notified the radio stations, and proceeded to rapidly install an elaborate public address system inside the courthouse and on the grounds in preparation for the possibility that a large number would be drawn to the hearing.

An unexpected consequence of this last minute relocation of the hearing was that one of the radio stations announced the change in news bulletins every fifteen minutes all afternoon, stirring up a growing wave of interest. The sight of the public address system being installed also added interest. By the time the hearing convened at 7:00 p.m., over 4,000 citizens crowded in and around the courthouse.

Arranging the public address system was my last official duty. I then turned in a brief letter of resignation as an act of protest at the firing of Harlow that I was absolutely sure would occur that evening. I also turned over to Harlow's lawyer an outline of my oral statement for the hearing in which I attacked the police chief's opposition to establishing the merit system and central purchasing. I prepared to be Harlow's sole defense witness. My decision to resign, I would explain, was based largely on the importance of openness and integrity in government, both of which I believed to be in serious jeopardy by the Commission's action. I was eager, and proud, to defend him.<sup>9</sup>

Harlow's lawyer began the hearing quickly with two short sentences. "Mr. Harlow denies each and every charge. What is your evidence?" The commissioners were caught off guard by suddenly finding themselves on the defensive. They responded weakly and with hesitation. The mayor's voice unexpectedly broke into a falsetto as he struggled to express himself, causing audience tittering that further undid his composure.

Harlow then began his defense, confident and well organized. He laid out a surprising web of favoritism and petty corruption in the police department that was orchestrated by Jester, much of which Harlow learned about from that morning in which I had moved the police from my door to Harlow's office. He included far more specific allegations than had been in his letter dismissing Jester, and was much more damaging. For example, it was the practice that non-violent prisoners were fed at city expense in the back room of a restaurant across the alley from the city hall. Harlow revealed that Jester had instructed the police escorting the prisoners to turn in a voucher each day for twice the number of meals that were actually served. Jester pocketed the difference and apparently shared a small amount with two patrolman involved in the scheme. One of these was an illiterate officer who could not meet the minimum qualifications for his job, as I had insisted upon earlier; this explained one of the reasons Jester was so threatened by my installing a personnel system based on merit.

There were other practices that further alienated the audience. His secret quota system for issuing traffic tickets was against the city policy, yet it was one he vigorously enforced. The poor dispatcher who had a basement office even had a quota although the only way he could see the street was by standing on a chair and peering out a small basement window. It also turned out that despite the fact that the police department had a shortage of ammunition in the post-war

---

<sup>9</sup> I had not informed Harlow of my plans to testify, for fear he would have told me not to endanger my job, and possibly my career, by doing so.

days, Jester was able to supply important business men with free ammunition during the hunting season.

Next, inappropriate purchasing was unveiled. His effort to block my establishment of a merit system for city employees brought audible groans from the audience, especially when Harlow expanded on the fact that some police could scarcely read or write and had no way to recognize occasions when they were being instructed to perform illegal duties. Finally, Jester's boastful claims that he had driven prostitution out of Fargo seemed less than impressive when Harlow revealed that the peak number of known prostitutes had been one.

As Harlow paraded these incidents one after another in explaining his reasons for firing the chief, the audience became more and more hostile toward Jester and the Commission.<sup>10</sup> As I listened to the mounting evidence, some of which I had not been aware, I could better understand why he did not want to take any chance of the Commission blocking his firing by premature disclosure of his intentions, particularly since some incidents involved highly questionable involvement of two of the commissioners. His presentation was so persuasive that my comments would have been an anti-climax that would have detracted from his comments. To my disappointment, there was no need for me to testify.

Victory!

At the end of Harlow's statement, the mayor had decided it would not be prudent to fire Harlow that night, but would defer action until a regular commission meeting the following week. By then, the effect of Harlow's comments would have faded somewhat, and they could deliberate Harlow's future under less pressure. At this announcement, the crowd took over, loudly objecting. The several thousand citizens crowded in and around the building were so incensed by what they had heard that they refused to let the mayor and Commission out of the building until they had promised to reinstate Harlow, even if the formal action confirming the decision was deferred until a properly convened Commission meeting after public notice could take place. These proceedings were rebroadcast throughout the night by North Dakota radio, and became a classic in local government cases where citizen actions had made a direct impact on government decisions. After the crowd departed, Harlow and I, with our wives, walked to the Osco Drug Store where we celebrated his victory with milk shakes<sup>11</sup>. To its credit, the morning Fargo Forum supported the Commission reversal saying, "Mr. Harlow made a magnificent showing, a masterful argument, and got results."

During his time in office, Harlow had alienated important elements of the city's establishment, especially those who had benefited from favoritism in their tax bills, better service, and receiving sole source city contracts, but he had won the hearts of the people. His vindication was an amazing victory for good government and an inspiring example of personal courage.

---

<sup>10</sup> Jester chose not to attend, no doubt recognizing that he would have little to offer by way of a credible defense.

<sup>11</sup> Harlow was now to have his job back, but in the midst of the victory celebration, I hesitated to tell him that I had resigned and was without a job. The next morning, the city clerk told me not to worry because he had torn up my resignation letter.

However, it became clear immediately that the breach between Harlow and the three commissioners who wanted him fired was too great to repair, and he left to become executive director of the Minnesota Little Hoover Commission. I stayed for a few months and was permitted to finish my work establishing the merit system, though the central procurement issue was off limits. I turned out a modernized city report that received national recognition. But Fargo was not the same without Harlow.

Harlow later served as city manager in several other cities, and wrote two books. "Without fear or favor" is well known among city managers as a story of his career in battling corruption<sup>12</sup>.

Harlow's courageous performance in Fargo taught me important lessons in public administration. The first lesson was his demonstration of the importance of integrity in public service above all else. It is something on which one can never compromise, even at the risk of losing one's job. It is important to note that by taking the stand on integrity that cost Harlow his job, he saved his career.

Second, Harlow believed most strongly that advancing the mission of city government was even more important than advancing himself. At the same time, I have noted through my own career that those in public service who place success of their organization ahead of their own success tend to be the ones who become most successful personally, as well as contributing more to the public, though there are exceptions.

Third was how skillfully Harlow led employees to perform at the utmost level of their ability, and to inspire them to go the extra mile in responding to the citizens for whom governments exist. And fourth was his lesson in openness and in reaching out to everyone. The city hall offices and their records were open to all citizens with a legitimate interest, not a common practice in those days. He extended the same courtesies, and argued the same case, to opponents of his initiatives that he did to his supporters.

As his representative, I went into every nook and corner of the city where there were concerns about city issues and actions. Wealth and power gave people no advantage whatsoever in addressing those citizen concerns. By the time of his hearing, Harlow had earned the trust of the bulk of Fargo's citizens, a characteristic that is of incalculable value to a leader. Later, through the dark Watergate days in Washington, I owed so much to this Fargo experience that had burned into my mind the importance of regarding trust as "The Coin of the Realm". Under Harlow, I developed a moral compass that guided me throughout my work.

It is difficult to conceive of a more effective introduction to a public service career than the one Harlow provided me in Fargo. I have been forever grateful for that opportunity. Harlow believed in the "sink or swim" approach to developing young people for the public service, and gave me only very brief, limited instructions, probably a risky practice when relying on one fresh out of

---

<sup>12</sup> I was pleased to write the forward to this book.

college. But the personal and professional example he set day after day taught me basic concepts that enabled me to accomplish a great deal without much instruction.

Finally, I also became comfortable with taking significant personal risks that are often necessary to meet the more difficult challenges public leaders encounter in pursuit of good government. As described at the beginning of this chapter, upon completing my university classwork, I had been very fortunate in securing a risk-free internship with the eminent city manager (Cookingham) in Kansas City, But that changed suddenly with a last minute phone call from Dr. Short's about another opening in Fargo, even though he regarded the risk as too high to recommend it, Fargo ended up teaching me that risk is often an unavoidable challenge one has to accept to make significant progress.

A great deal of time typically goes into reducing risks as managers plan major management reforms. This certainly is necessary. But I caution against becoming so risk adverse that managers either avoid making the tough choices required for change that makes a difference or move with such timidity that nothing gets done. Public service leadership is not for the faint hearted. It is a field that offers much that I found both exhilarating and fulfilling. But most leaders also experience events that can be brutal. Because of Fargo, I have placed a little less emphasis on avoiding risk than most people do, and I have placed greater emphasis on developing strategies to overcome risks. To some this is perhaps a distinction without a difference, but for me it constitutes a different mindset that projects action more than caution and uncertainty.

We experienced a mix of success and failures in Fargo, but the success side of the ledger was clearly longer than the failures despite unfavorable odds. Why did this happen? The principal reason seems obvious; a remarkably competent and courageous leader; Harlow. Under his guidance my work, largely unseen by the media, until Harlow's hearing, was helping this impressive leader lay a broad foundation for good management in Fargo. It was also laying a sound foundation that served me well through a most interesting career. In particular, Fargo began the teaching of basic management concepts that I found to have enduring value through my work in many federal agencies and handling presidential assignments. However, their value has always depended on how effectively we adapted their application to constantly changing circumstances. No two situations are the same.

The greatest reward for victory was seeing the smiles of those citizens of Fargo who had recognized that to gain the honest, effective government they deserved, they had to get rid of corruption and mismanagement. Observing a strong city manager lead the reforms provided a great learning experience. The position of Budget and Personnel Officer was not designed as an internship but to serve as the city manager's principal agent for reform. I saw this as a remarkable opportunity to practice the fundamentals of good management even though acceptance might lead me into a political meat grinder and then having to scramble for some kind of job elsewhere. I was not optimistic about the outcome, but I thought it was so important to help this experienced professional in what he was trying to do for the people of Fargo that I just could not say no. One of the wisest decisions I ever made was to ignore the risks Dr. Short warned me about concerning the Fargo controversies, and choose Harlow as my first boss.



## Appendix A

The following language is taken from the Morning Edition of the Fargo Forum (undated but before October 13, 1949)

### POLICE CHIEF IS FIRED BY CITY MANAGER

“Six reasons, of which “any one or more . . . is deemed sufficient cause for dismissal,” were presented by City Manager LeRoy F. Harlow in a letter of dismissal Monday to Fargo Police Chief Lloyd G. Jester.

Contents of the dismissal letter were made available to The Fargo Forum last night by the ousted chief shortly before 9 o'clock.

In his letter to Jester, Harlow said, “As police chief of the Fargo police department you have:

“1. Willfully failed to co-operate with other administrative personnel of the city administration, and aspersed the character and reputation of such administrative personnel with a resulting loss of efficiency of the administrative service of the city government;

“2. Conducted yourself personally, and in writing, in a manner unbecoming a police officer, by the use of hard, profane, violent and or insulting language to your subordinates, to the city manager, and to private citizens;

“3. Oppressed your subordinates, the members of the Fargo police department, by the issuance and enforcement of verbal and written orders which:

(a) Prohibited police officers from conversing, whether upon a chance meeting or as prearranged and whether on duty or off duty, and with certain citizens of this city;

(b) Prohibited police officers from discussing outside the police department the contents of a general information bulletin, which contents were declared elsewhere in the bulletin to be not secret;

(c) Served as veiled and open threats of dismissal of police officers who failed to issue to the public so called “citations” or tickets, in sufficient number, when such number was not stated and when the duties and period of work of certain officers made compliance virtually impossible;

(d) Stated that the city manager had indicated dissatisfaction with the performance of certain officers, and had expressed a desire that certain actions be take, when as a matter of fact the city manager had at no time expressed himself to you or to any other person;

“4. Willfully and knowingly disobeyed a direct order from the city manager by ordering and/or permitting (billing) charges for intoxicating beverages to be made against city appropriations by your subordinates;

“5. Failed to exercise the prudent judgment required of a police chief in your relations with the administrative officers and heads of other political subdivisions and institutions, despite the necessity of close cooperation and harmonious working relationships if the public interest is to be properly served;

“6. Failed as chief of the Fargo police department to prevent the morale of the city’s principal law enforcement agency, the Fargo police department, from reaching a point which is so low as to endanger this city and to interfere with the proper and necessary enforcement of law and order.”

# # #

## CHAPTER QUESTIONS

1. Please select a task of Mr. Ink's work as a management intern in Fargo: procurement policy development, collaboration with city commissioners, establishment of merit pay system, supporting Harlow in implementing his new management strategies. Describe the short and long term consequences of Mr. Ink's management approach to this task.
2. What were the practical obstacles of Mr. Ink's approach on decision making related to the development of a new procurement policy, establishment of a merit pay system, or building transparency and openness in the local government? Choose one obstacle to discuss.
3. What are the facts of this case that are relevant to the modern local government intern? To a midcareer professional in state or federal government?
4. What are possible strategies to solving the challenges Dwight faced if it were happening today?
5. Dwight is asked to investigate the personal situation of an employee that seems to be living beyond the means of his civil service salary. Is this an appropriate task for a management intern today? What procedures should be followed today?
6. What are the ethical issues that Mr. Ink had to address during his internship in Fargo?
7. How would the ICMA code of ethics guide city manager Harlow's relationship with the city commissioners?, To what degree are the conflicts based on ethics versus Harlow's personal values? Explain your position.
8. What actions should public servants take when they disagree with a decision of their supervisors? What could be acceptable grounds for disobedience?
9. Do public servants have a right or responsibility to behave unethically for a good cause (for instance, the police chief who was protecting his employees from being fired because they would lose their pensions, etc.)? Explain your position.

<begin text box 2.1>

### **The Council-Manager Form of Local Government**

Born out of the Progressive Reform Movement at the beginning of the 20th century, the council-manager system of local government is one of the few original American contributions to political theory. In 1908, Staunton, Virginia, instituted the first position legally defining, by ordinance, the broad authority and responsibility associated with today's professional local government manager. Sumter, South Carolina, was the first city to adopt a charter incorporating the basic principles of council-manager government in 1912. Westmount, Quebec, introduced the form to Canada in 1913. The first large city to adopt the plan was Dayton, Ohio, in 1914. The first counties to adopt it in the 1930s were Arlington County, Virginia; and Durham and Robeson counties in North Carolina. Since its establishment, the council-manager form has become the most popular form of government in the United States in communities with populations of 5,000 or greater. The form also is popular in Canada, Australia, the Netherlands, New Zealand, the United Kingdom, Honduras, Chile, and Brazil. For more than 97 years, council-manager government has responded to the changing needs of citizens and their communities.

Nearly 100 years old, the council-manager form of government has proven its adaptability; today it is the most popular choice of structure among U.S. communities with populations of 2,500 or greater. Council-manager government, however, was not always an option. In the late 19th and early 20th centuries, there was widespread corruption, graft, and nepotism among U.S. cities. The stories of New York City's Tammany Hall and Kansas City's Pendergast machine are only two examples of the misuse of local government power during this time. By the early 20th century, reformers were looking for ways to return control of municipal government to citizens. Those reformers advocated the council-manager structure of government to eliminate the corruption found in many cities. With its emphasis on professional training and accountability, the council-manager form of government was first formally adopted in 1912 (following appointment of the first manager in 1908), and was subsequently adopted by a number of cities in the 1920s and 1930s. It took years to diffuse the power entrenched in turn-of-the-century city political machines and special interests. Today, however, citizens throughout the U.S. have resumed control by adopting or retaining council-manager government in their community and enjoying representative democracy at its best.

In 1908, there was one city manager city; in 1928, there were 335 cities under the council-manager form. By the end of the World War II, more than 600 cities were recognized as having the form. By 2011, about 54% of municipalities with a population between 5,000 and 249,999 residents are governed under the council-manager structure (2,773 out of 5,165).

**Sources:** *ICMA Municipal Year Book*, 2011. Historical background from ICMA website and <http://bookstore.icma.org/freedocs/10286.pdf>

<end text box 2.1>