

An Oral History Interview

with

ALLEN H. GARDNER

May, 1973

by

Jack Foley

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This is Jack Foley. I'm with Mr. Allen Gardner in his law offices in the American Security and Trust Building in Washington, D. C., and it's the 17th of May 1973.

FOLEY: Have you read Mrs. Garber's paper--her thesis--on the charter movement which is called "E. Brooke Lee vs. The Charter"?

GARDNER: I don't recall that I have. In fact, I don't recall ever having received it.

FOLEY: The reason I asked you this: I read it shortly after I saw you the last time. I got hold of it; I didn't know it existed. I was out at the Rockville Library and they showed me a copy, and they let me take it home, and I read it once all the way through and then several parts of it again a couple of times.

GARDNER: I do not want to say for certain that I have not seen it but I do not recall it, and I don't even recall receiving it.

FOLEY: It's a long thing. It's almost three hundred pages and very good, and I would guess (the reason I asked you is that I want you to confirm my guess) that it gives about as complete a record of the main events involved in the adoption of the Charter, from the work--the original work--of your Legislation and Legal Action Committee of the Montgomery County Civic Federation all the way up through the court battles and the weeks preceding the '48 election. And there was another one, I think, right after the '48 election, and then it goes through the record of the interim council and brings things up to about 1950. And so, for me at any rate, that paper satisfied most of my questions about the record of events and just what happened in sequence, and in our interviews I wouldn't want to duplicate because this will be put eventually into. . . .these interviews will be deposited eventually with the library--Montgomery County Library System. And I don't want to simply duplicate what is in the record--her thesis--and so my questions--and you can pause and take as much time answering as you'd like--really wouldn't require you to double check in your files to find an answer to a specific date. My interest right now is more about the personalities involved and the larger questions and any confrontation, for instance, of any sort which may have taken place between you, or the leaders of the Charter Movement, and Col. Lee and any of his people. First I'd like to. . . .At our last meeting you told me some things about yourself and background and, for the record, would you kindly tell us something about your own background--when you came to the county, the sort of work you did, what it was like back in the days when you first came.

GARDNER: Well, I moved to Montgomery County about May 1930 from D.C. and have lived there ever since. I was building a house at that time and living in a rented property until my house was completed. I

had previously gotten an A.B. and a J.D. in law and had begun the practice of law with the predecessor of the firm of which I'm presently a partner. When I first attended a Civic Association meeting in Woodside Park, I felt that it was strange that no survey had been made of the county government. I remember there was some discussion about the government and I think at some early meeting, perhaps even before I was a member, I raised the question as to whether there had ever been a study of the county government, and I was somewhat surprised to find that there had not been anything that could be really called a study of the government.

FOLEY: Excuse me, what year was this?

GARDNER: That might have been before I moved there, because I attended one or two meetings perhaps to get acquainted with the neighbors before I actually lived there. So that could have been 1929, or it could have been early in 1930, before I actually moved to Woodside Park although I was living in Montgomery County for a few months before that.

FOLEY: Were these meetings with the Woodside Park Civic Association itself or also with the Civic Federation? Or did the Federation exist at that time?

GARDNER: Yes, the Montgomery County Civic Federation had been formed some years before that, and the Association there, which was not then called the Woodside Park Civic Association but was changed to Woodside Park Civic Association, was a member body of the Civic Federation.

FOLEY: Before you went to those meetings or before you moved out to Montgomery County, did you have some idea about how the Montgomery County government was operating at that time?

GARDNER: No, I don't think I had any thought. I had bought this property in 1923 in a part of what was once called the old Noyes estate, and I held it for seven years before I built. I don't believe I took any

particular interest because I didn't live out there. In fact, a good deal of that time I was going to school as well as working in the day time.

FOLEY: Was it in your experience--from what you had read--was it a common practice for metropolitan counties, at any rate, around the country to have surveys of their government--have studies in their government available, performed?

GARDNER: I think there had been some and I can't recall now--although I have since learned of various studies made--I can't recall now just what information I had, but I do recall expressing some surprise, or feeling some surprise at least, when I think I asked some question about it and found that there had been no study of the county government. It just seemed a natural thing that people would want to know something about their government and have some study made.

FOLEY: Would you recall if it was a question about taxes or something about a function--one particular function of the government--or was it general curiosity?

GARDNER: I think it was more general.

FOLEY: So this would have been '29 or '30?

GARDNER: More likely in 1930. I could have attended a meeting in '29 and expressed some surprise, but I can't be sure about the date.

FOLEY: Before 1938 how many times was a study of the county talked about or proposed by someone in the Civic Federation or any other organization in the county?

GARDNER: Well the first that I can remember offhand--I might recall more if my memory were refreshed by papers that I have--was when I was a delegate from the Woodside Park Civic Association to the Montgomery County Civic Federation. There were two resolutions concerning the county government. I've forgotten just what the tenor of those resolutions was, but they did involve knowing more about the government, and the resolutions

raised--implied at least--some criticisms of the kind of government which we did have. And those resolutions had been on the docket of the Federation without any action, I think, for some time. I think they had been referred to the committee which I think was called the Legislation and Legal Action Committee of the Civic Federation, and when I was on that committee a sub-committee was formed, of which I was chairman, to, I believe, consider perhaps these two resolutions. At least something concerning the county government was referred to our sub-committee, I remember that.

FOLEY: Do you recall if you yourself, in previous years, had made these resolutions or if they were advanced by others?

GARDNER: They were introduced by others. I don't know whether I was a member at the time they were introduced and heard the reading of them or whether I simply saw on the agenda a reference to the nature of the resolutions. I think that the Federation. . . .

FOLEY: I think you may have been a member. As I recall reading Mrs. Garber's book, they were from around '32 or '34. If you were a member of the Civic Federation during those. . . .

GARDNER: Well I'm not sure just when I became a delegate. I was not a delegate the first year, I don't think. I don't know just when I was a delegate. [It was probably after 1934.] And I don't know whether I was actually a delegate to the Federation when these resolutions were introduced or whether I simply saw a reference to them on the agenda of the Federation. They always carried, as I recall it, an agenda of things that had not been acted on--pending matters.

FOLEY: As long as we are talking about the Civic Federation, could you describe a little bit what the Civic Federation looked like in those days--how many people were involved--were members?

GARDNER: Well I believe, when I first became a delegate, there were perhaps

forty member bodies. Each body was entitled to three delegates and three alternates, and many of the bodies were pretty well represented. In other words, while I don't suppose on an average more than three attended--although it would be possible for three regular delegates and three alternates, six of them altogether to attend a meeting, although only three would have a vote--I think probably the average would have been three or a little less than three, but there was pretty good representation. I would think that maybe one hundred might have been an average attendance and sometimes there were onlookers-- people who didn't have a seat who sat back to see what was going on if something particularly interesting were to come up.

FOLEY: Where did the Federation meet? How often did it meet?

GARDNER: The Federation met once a month during the fall, winter and spring seasons, I believe. I don't think that they met during the summer, if I recall correctly, and I think we met in an elementary school building on Old Georgetown Road, some blocks west of Wisconsin Avenue.

FOLEY: And this was your regular meeting place? You didn't float around?

GARDNER: I think that during all the time I was there we met in that particular building unless, perhaps, there could have been a time when there were alterations being made and we might have met somewhere else, but I think it was pretty regular all the time that I attended.

FOLEY: Do you remember were any of Col. Lee's . . . Was Col. Lee himself or any of his friends or any of the Democratic officeholders members of the Civic Federation during the time that you were there?

GARDNER: Yes, quite a good many of them. Col. Lee was a delegate and frequently talked on the floor of the Federation, and there were a good many who were closely allied with him. I think he represented the Silver Spring Chamber of Commerce or Board of Trade, I forget which it was

called. And there were quite a good many officeholders who were delegates.

FOLEY: The Civic Federation itself, did it have representatives from the whole county or just from the down-county suburban section?

GARDNER: More from the down-county although there were some organizations that represented the upper-county. For example, the Farm Bureau was represented and that would have represented the--pretty much of the upper rural part of the county.

FOLEY: In 1938 Col. Lee himself had been (incidentally, I forgot to tell you that since I talked to you I've also interviewed Col. Lee.)

GARDNER: I remember, you said you were going to.

FOLEY: Yes. Well, he went into a sort of retirement in '34 because of money troubles and other reasons. He resigned all of his official and his party connections, and his financial affairs were back in order about 1938, and so he came out of retirement and was . . . took over the leadership of the Democratic Party in Montgomery County about the same time that you and the Legislation and Legal Action Committee of the Civic Federation began really pushing for a study of the local government. Do you remember if, at the time--just in the Federation itself--if there was any big opposition to pushing it in 1938--before you went before the County Commissioners?

GARDNER: It's a little hard to recall that. I remember calling Col. Lee one time--but I don't know just what occasioned that call--to find out what he knew about a study of the county government. I think that was pretty much on my mind. That might have been in 1938. It might have been a little before that conceivably. And I remember that he told me that there was one lady who was highly regarded and had been a member of the House of Delegates who knew a good deal about it, and because of his reference to her, I called her. I would recall her name if I heard it, but I don't offhand recall it.

FOLEY: I'm trying to remember the name. . . .

GARDNER: Lavinia Engle.

FOLEY: Right. Yes, that's the one I was trying to remember. And what did she tell you?

GARDNER: Well, she did not seem to be opposed to the idea of some changes in the government. I remember distinctly her saying that if we had a County Manager--and I can't remember that she took a stand one way or the other concerning a County Manager--that we would not want an elected County Manager because we would be likely to get a "wind bag."

FOLEY: And do I take it then that you were thinking--or some people were thinking--of a County Manager even before the?

GARDNER: Well, I don't know when the idea of a County Manager came, and at this point--without collecting the peices and putting them in a pattern--I can't be sure. We, of course, came out in 1938 for a study of the county government. I had been made Chairman I guess of the Legislation and Legal Action Committee at the first meeting perhaps. Perhaps I was appointed during the summer, and I think I was Chairman beginning with the fall convening of the Federation. And it must be that our report--the report of our sub-committee on the county government--must have preceded that, because in that report I distinctly remember that, while we did make a rather superficial report of some six thousand or more words on the county government, we recommended that it was too involved for an ordinary voluntary group to do the job, and so we recommended that some organization be employed-- I think at county expense--to make a study of the government. The report was submitted in early 1938.⁷

FOLEY: In Mrs. Garber's book she tells of the recommendation for a study of the county as becoming a political issue in that campaign.

GARDNER: I think that, if I recall correctly, that issue would have had to follow our report and the county commissioners took the position, as I recall, that they weren't going to be pushed into this. They wanted to postpone any consideration of this until after the election. At that

time the County Board was divided, I think, between different groups. There had been a fusion ticket elected, I think, in 1934; and some of the members of the fusion ticket which had opposed the old political regime changed their allegiance and went over to the old Democratic side, and I've forgotten just exactly what the score was--perhaps it was three to two in favor of the Democratic organization on the Board of Commissioners.

FOLEY: Mrs. Garber says something to that effect or that one man, either that one man was, one fusion Democrat was persuaded to jump the fence or he was persuaded to resign, and he was replaced by a regular Democrat who was in a favorable . . . (with Col. Lee). Whichever it was anyway the Board. . . .

GARDNER: I just don't have a present recollection of it.

FOLEY: Whichever it was, at the end of that fusion regime, it was actually. . . .

GARDNER: We were told by a majority vote, I think, that they were not going to do anything before the election. And so I thought the only way to do was to proceed before election and insist on it--on something being done--and we demanded a public hearing before the Board of Commissioners. They were very much opposed to hearing us, but we insisted we were going, and we had quite a group of people there--many of whom I had never seen before--and we got them pushed just before election into committing themselves to having a study, but they wouldn't cast the vote to that effect until after the election so we got them committed before election as I recall it.

FOLEY: Mrs. Garber told a story--she quotes a newspaper article saying that actually you and a number of other people--perhaps some of these others that you hadn't seen before--went out to the Court House and the commissioners were holding their regular meeting. In fact, the way she describes it, it was very cozy. The meeting chamber was very small and they just sat around a table, and there wasn't much room for spectators, and they had not put a study of the county government on their agenda for that day, and you had to demand, and I don't know whether you were making so much noise or whatever it was they finally. . . .

GARDNER: I think I had a talk on the telephone with Stedman Prescott, who was then State Senator, and I think I talked rather strongly to him. He was a delegate, as I recall it, to the Civic Federation, a State Senator, and he had a certain measure of independence, although he belonged to the Democratic organization, and I think that he gave me some sort of assurance that maybe they'd do something. However, I think it became apparent that he didn't have quite the weight that he perhaps thought he had at that time, and the vote didn't carry at first. In other words, the first reaction of the majority was not to hear us at all.

FOLEY: So did you sit in or attend the meeting?

GARDNER: We went out there and we insisted on talking, and a number of us talked. I remember that I talked and there was quite a number of others, and they listened respectfully enough. There was no wild scene as I recall it. I think it was fairly orderly.

FOLEY: So then, after the election, I remember Lewis Meriam of the Brookings Institution, for he represented the Brookings Institution. There were two other institutions, the Public Administration Service of Chicago?

GARDNER: And Griffenhagen Associates, perhaps?

FOLEY: It might have been that. However, there were three considered and Brookings finally was the only one that was really being pushed, and they gave a deadline for a decision to be made before that deadline; you know, if the deadline passed and no decision was made, then they would be withdrawing their bid, and you had to really organize things and press to make sure that the commissioners finally made their decision and gave their commitment before this deadline, I think.

GARDNER: Just before election, when they said that they would vote, I think they said they would vote to employ Brookings within something like thirty days after the election And I remember that the time went along--the end of thirty days was about up--and I called probably the Chairman--President, he was called that--of the Board of County Commissioners to remind

him that there was only another day or two left, and I think they did take action just about at the very hour of the deadline.

FOLEY: Did you start using the radio at this time?

GARDNER: Not at that time, as far as I recall.

FOLEY: In the campaign?

GARDNER: It was injected into the campaign on the radio. I remember J. Bond Smith, Attorney, who used to be across the street in the Woodward Building. I think he was perhaps the Chairman of the Democratic State Central Committee for the County. He went on the radio. This was probably after our meeting. At the meeting, I believe, they did not agree to do anything and I think some of us came out with some statements, perhaps, in the newspapers and J. Bond Smith came out, I believe, on the radio and attacked several of us; and I think in his broadcast he gave some assurance that this survey would be made--that Brookings would be employed--but I don't think that I appeared on the radio at that time. I think that, of course it got into political channels, and I have a recollection that Washington I. Cleveland--you perhaps have heard of him--he gave a radio address, and perhaps it was under the auspices of the Republican Committee, I'm not sure, before the election.

FOLEY: He was a Republican?

GARDNER: He had always been considered a Democrat, but he was quite independent, and I think perhaps the Republicans saw a chance to make hay, probably because of his statement, and he offered to make a speech. That is my recollection. I can be wrong on a lot of these things.

FOLEY: To leap ahead to the Brookings report itself: I don't want to go into the details of that because the book is out and it is in Mrs. Garber's, and we needn't duplicate that, but Col. Lee said something very interesting to me the last time I called him. He said that, that his

side--the Commissioners and the United Democratic Organization--had been promised to include in the book itself--in the Brookings report as an appendix-- a rebuttal and well, first they had been promised that the rebuttal would appear in the book itself to be given as much respectability, you know, as the report. And then he said that they told them well, they would print it up, but they wouldn't put it in the same book, and eventually it wasn't printed at all. Now do you remember anything about that?

GARDNER: No, I never heard anything about that. Now he may be confusing that with something else. The Brookings Institution put out two reports.

They put out a pamphlet copy--which was abbreviated--and they put out the full book, and there were one or two things which were different in the pamphlet from what was in the big book, and one of them had to do--one of the differences--had to do with selection of the council at large as distinguished from selection from districts. I think that possibly the pamphlet edition may have overlooked the provision of the constitution which seemed to require that all of the electors of the county, particularly the election of any council under this so-called charter amendment to the constitution, and in the full book I think they corrected that. Now I don't know whether that is what Col. Lee was thinking about. I really never heard about any chance to rebut.

FOLEY: I've never seen it any other place--mention of that--but that's what he told me.

GARDNER: Yes.

FOLEY: Well, among, well, it seems that--and you told me yourself the last time I saw you that there was never any charge against the Col., or any of his organization, of dishonesty or graft or anything like that.

GARDNER: I never felt that Col. Lee was filling his pockets with loot. I did feel that his political control gave him certain advantages in the location of roads and things of that kind. And, of course, I think Col. Lee, as most people, enjoyed power, and I think

There was a brief break in order to change the tape.

FOLEY: You mean the tape or the recorder?

GARDNER: I mean the recording instrument.

FOLEY: The recorder is my father's. This is a Panasonic. It's Japanese.

GARDNER: Does a pretty good job?

FOLEY: Yes, very good job. I'm sorry, you were saying?

GARDNER: I was talking about Col. Lee. I think he enjoyed power--as most people I guess do--or many people do. Although he was not the Chairman of the Democratic State Central Committee, I don't believe, and he was not the Chairman of the Board of Commissioners, nevertheless it was quite customary for people who had things they wanted done--real estate men and so on--to go to Col. Lee. They would go to him to get things done, and he would decide that it should be or should not be done, and generally when he said that it was going to be done, it would be done. There was a lot of waste due to the fact that a lot of purchases were made where it would do the most good politically, there is no doubt about that.

FOLEY: You mean more money was put out for. . . .

GARDNER: Well, I mean in buying supplies. They would not take advantage of large scale purchasing, but they would buy at regular retail prices--huge amounts--and they would make the purchases where it would do the most good. I don't think that--as far as I know--there were any kickbacks although some of the contractors contributed generously to the Democratic organization. I don't think I ever accused Col. Lee of being crooked in the commonly accepted sense of the term. I think he did get personal benefits and, of course, he enjoyed the power which his position gave him.

FOLEY: I'm curious. The way the government was set up and run in those days. And I'm not asking if you had any personal ax to grind, that isn't the kind of question I have, but I'm wondering in what ways you felt the pinch of--you or your neighbors felt the--or anyone else in the Civic Federation for that matter--felt the pinch of an inadequate government, in what way?

GARDNER: I don't think that I personally felt any pinch of it. In fact, I had probably gotten some benefits because one of the Commissioners-- Lacy Shaw, who was a very friendly fellow--wanted to keep people that he thought were good citizens feeling right, and I remember that he did for me--or they did for me, somebody did for me--what was done quite regularly for a great many people. They paved part of my driveway up to a certain point. I had no particular complaint, personally, about anything. I don't think that I was ever hurt personally. I just felt that this was not the sort of government that--I thought we ought to have something a little different, that would be less political. I did feel that we should have. . . I soon felt--I don't know that I had this feeling originally--but I began to feel as I looked into it more and more that we should have a professional County Manager. I felt that we had gotten to the point where five commissioners each taking care of his own little bailiwick in the old fashioned horse and buggy way was not quite the way a modern county government ought to be handled, and I thought we ought to have a well-paid, professional manager.

FOLEY: Col. Lee's rebuttal to that sort of argument to me was that when you had a party in power you got better service--because these people had to work, you know, to keep their jobs. Their jobs were not civil service--they weren't guaranteed--you know, for future. They could be out of work in four years, and so they had to give extra special service from the commissioners on down to the people, you know, that you met through the windows, and of course with the modern, professional government everything is so impersonal, people are nasty or at best indifferent.

GARDNER: Well, I suppose there is a measure of truth in that, but the fact is that many people felt they were on the inside so they didn't

have to work any longer hours than they wanted to; and I understand that in some offices people would just walk off for part of a day/or for days/without any permission, and there was nothing could be done about it. I think there was a good deal of complaint by people who were trying to administer the government on the inside as to their inability to enforce discipline. I remember I heard quite a lot on that from a man who was once the Chief Engineer of The Maryland National Capital Park and Planning Commission. That was Irving Root. I don't actually know whether he is living today or not.

FOLEY: The Brookings report came out in 1941, and do you recall if a charter committee was set up immediately or. . . .In Mrs. Garber's story she tells about there was a committee--I forget what it was called--but, you know, it organized a series of meetings around the county to explain different parts to the people--to explain different parts of the Brookings Report.

GARDNER: I guess I resigned as Chairman of the Civic Federation Committee (on Legislation and Legal Action) about 19/39.7 Well, I guess I'll have to stop. I don't want to take all the time. But we /members of a Special Committee of Seven of the Civic Federation to promote a study of the Brookings report/ formed a conference representing a number of county organizations to try to broaden the interest in the study of the county government and. . . .

FOLEY: The League of Women Voters?

GARDNER: The League of Women Voters I guess it was, or certainly one of them. I think the Federation of Women's Clubs was an organization, maybe the Teachers' Association, and perhaps the Farm Bureau. There were quite a number of organizations engaged in this conference. I think the conference was called something like Conference on Study of Montgomery County Government, and we had a series of meetings which started, probably, in the

fall of 1941, and then Pearl Harbor came along and I guess we stopped it--or if we had any meetings after that, there were only one or two, if any.

FOLEY: According to Mrs. Garber they were stopped. More had been planned but they were cancelled because. . . .

GARDNER: Perhaps right. And then.

FOLEY: '42 was the first big election?

GARDNER: Yes, in '42 we decided in the Federation, and we had some preparatory meetings. . . . These preliminary decisions were not made by the Federation. There were smaller groups that met at luncheon to try to pool our ideas. And I think about January of 1942, perhaps, it was felt that probably the thing to do now was to bring before the--stop these meetings--bring before the Civic Federation a resolution urging that this question of a charter government be placed on the county ballot.

FOLEY: Was this for the general election or the primary?

GARDNER: It was for the. . . I think it was only for the general election. We had to circulate petitions and get ten thousand voters--or twenty percent, whichever was the less--a certain length of time before the election, and then if we--that would insure its going on the ballot--and then we had a certain length of time thereafter to circulate petitions for the nomination of people for the Charter Board. There was to be a Charter Board of five under the Home Rule Amendment to the State Constitution, and we had--I'm a little hazy there--but I do know that we got five people placed in nomination for election to the Charter Board. And then the commissioners, I think, had the right to select five. In fact, they put me on as one of their five, which was done for confusion, I guess.

FOLEY: Do you know how many. . . .?

GARDNER: I don't know. I doubt it was intended as a harmony action--I think it was done more to confuse, and I didn't think I could be a candidate for the Charter Board anyhow on anybody's ticket.

FOLEY: Why was that?

GARDNER: Well I didn't think that in my position as the President of the Charter Committee that I should be a candidate. I thought it should be somebody else. I was handling this organization. I had all I could do and I felt it should fall to other people. Besides I didn't like the idea of somebody who was in control of an organization that was functioning something like a political organization naming himself. I didn't feel that was quite the way to do it. I thought we ought to go outside and get people we thought were all right.

FOLEY: That was also the year Col. Lee ran for Congress?

GARDNER: It was, yes.

FOLEY: Now, of course, he was running throughout the whole Sixth District and not just in Montgomery County?

GARDNER: That's right.

FOLEY: He lost Montgomery County in the election which was probably a surprise to everyone, but do you recall how closely--or were the two campaigns tied very closely at all--the congressional campaign of Col. Lee and the campaign against charter?

GARDNER: Not by the Charter Committee. I'm sure it's true that a great many people who didn't like Col. Lee went along with the Charter Committee--not so much because they felt that we needed a change in government, perhaps, as it was they felt this was something that would hurt Col. Lee. I'm sure there were some of those people--and one of our candidates for the Charter Board, Stephen James, now deceased, who had always been reasonably friendly with Col. Lee--came out shortly before the election in November

and indicated that he was supporting Col. Lee for Congress. Well, that created quite a stir because he had not been present at the Charter Committee meeting, I think, when this came up but we had, as I recall, taken the position that none of our candidates should get interested and mixed up in other campaigns-- campaigns of other people for other offices--we should stick to the one thing. But it is true that, while the Charter Committee tried to keep itself absolutely clear and we had to, not only because we wanted to, but under the Hatch Act since so many of our workers were federal employees we had to avoid any connection with congressional politics. So there is no question, I think, that some of the people used the Charter Committee as a sort of vehicle to hurt Col. Lee.

FOLEY: Were the Commissioners. . . .were there. . . .was there a commissioner election in 1942 at the same time because there was a new slate of commissioners elected in 1946?

GARDNER: Every four years--quadrennial.

FOLEY: So there was one in '42?

GARDNER: Yes, that is right.

FOLEY: Well, so the Charter Board won that election and they went on to write up the charter. . . .?

GARDNER: Our candidates won.

FOLEY: Your candidates won?

GARDNER: Mr. James, incidentally, because of infuriation of some of the people who were supporting the charter--because, I think, they didn't like Col. Lee--voted, gave more votes to the other candidate than they did to Mr. James. I mean the four other candidates got a lot more votes than Mr. James did.

FOLEY: I was just looking again at the original charter yesterday and the one that this Board drew up. Now it was drawn up and presented in the papers and there was a deadline of May 3rd or May 30th or

something like that May 3, 1943, was correct date⁷ by which time it had to be submitted.

GARDNER: I think it was six months after the election.

FOLEY: Yes, and the charter that appeared in the newspapers was, well, a series of meetings were to be held afterward and they invited everyone to submit their criticisms?

GARDNER: That is right.

FOLEY: Do you recall if there were any changes made on the original charter from the first draft to the final draft after it was made public?

GARDNER: I think there were. However, after the six months was up, the final draft had to be submitted in that time, so that any changes were made in intervening drafts.

FOLEY: Right.

GARDNER: I can't remember whether there was an intervening draft. I rather think there was not. I rather think that the Charter Board requested statements from people on various points. I rather think they did not have an interim draft but requested that the people give their views on certain points in which they were interested.

FOLEY: Well, in your file--would you refer to your record--I think it was the Bethesda Record, I think it was, or the Bethesda Journal--the forerunner of the Record--printed a full page--printed the draft--and this was the first public draft, and it was published in May so there were--there was only a matter of two weeks or so before the final draft should be presented--the final draft.

GARDNER: Well, that may be. Later written addition: A full preliminary draft was released and published in the April 16, 1943, issue of the Bethesda Journal.⁷

FOLEY: Criticism was invited you know.

GARDNER: That would have been an intervening draft then before the six months was up. It may well have been. I didn't recall that.

FOLEY: I imagine that anything submitted would have been minor. Major proposals were in that draft for the big elected council--the Manager, the Department of Finance, the non-partisan election and all that. Incidentally, one of the charges made against it in '44--one of the charges made and later dropped in '44--was that according to some provision of the charter (and I looked for it and I couldn't find it) once the charter was adopted, it could never be repealed.

GARDNER: Oh well, that was--yes, I remember hearing about that--that was designed to scare the people. There was not in the constitution any specific provision for repeal of the charter, but the courts have a way of doing the flexible thing where there is a gap in the law, and I have no doubt that if a county had a charter and had a wish to repeal it that some way would have been found to do so.

FOLEY: All right then, the charge was made not so much by what was stated in the charter itself but by the fact that the constitution had no. . . .

GARDNER: No provision for repeal. [Later written addition: There was no provision in the Charter concerning repeal.]

FOLEY: Yes. The charter narrowly lost in '44. Now, according to Mrs. Garber, one of the most effective weapons that the committee to defeat the charter used was a little pamphlet they called, "Charter with Comments." Do you recall that?

GARDNER: I recall a number of them. I presume I saved them--put them in my file. I don't recall the name. I do recall some pamphlets that came out.

FOLEY: Why do you think the charter lost the first time round? It was pretty narrow. . . .

GARDNER: Well, I think that it was a new idea, the war was on, something was made of the fact that this was no time to change the government with the boys away from home in the service, and they did one pretty dirty trick. They got out something essentially in the name of some negro voters indicating that they were trying to take away the right of suffrage,

which was given to them by Abraham Lincoln, and I'm sure that that had quite an effect. Because I know on election day I went around--and if we'd gotten on to this a little earlier we could perhaps have done something--but there were a lot of negroes who voted--and some of them were drunk--who voted against the charter, and I'm sure because certain of their leaders were persuaded that they should do so. There were a lot of reasons.

FOLEY: The negro vote was not a substantial block at that time, was it?

GARDNER: Not large except that it was probably--if I were guessing, I would guess that it was three to one against us--just a wild, unsupported guess.

FOLEY: Do you think that charge swayed some white voters to vote against the charter at that time?

GARDNER: Do you mean the charge that the negroes would lose their vote? I doubt it; I really don't believe it did.

FOLEY: I've been running fairly quickly over these first two elections. It seems to me in everything I've read and everything I've researched that the big election was 1946, not so much '48 as '46.

GARDNER: That's right. I think they gave up in '48.

FOLEY: '48 was more or less a shoe-in even though there was a committee. I know Samuel Bogley and a few others who made a dying effort to have it stopped, but they were blocked in their efforts.

GARDNER: I remember Bud Noyes who was a pretty good sort of person--was an organization man--I think he worked against us in '46.

FOLEY: Is this Alfred Noyes?

GARDNER: Alfred Noyes. I remember he called me at my home, congratulating me, he said the people had spoken.

FOLEY: Do you recall any personal public confrontations between yourself and Mr. Lee--Col. Lee--over the matter of the charter in any of those elections?

GARDNER: I don't know that there was. You mean a confrontation like a radio

debate?

FOLEY: A radio debate or on a stage in an elementary school, wherever political meetings were held, or even private confrontations?

GARDNER: There was this sort of a confrontation during one of the election campaigns. It probably was in 1946, somebody, perhaps The Evening Star, asked Blair Lee--son of Col. Lee--to write a statement--lengthy statement--against the charter and asked me to write a statement for it, and that was published. And then in the '44 election The Star had a number of questions which were run about once a week for several weeks before the election--several issues or points to be discussed--and the Citizens Committee to Defeat Charter, as it was called in '44, I believe, and the charter committee answered these questions which were printed in the papers. Well those were confrontations in print. There were a few debates in the county at different times. I don't think that Col. Lee, so far as I know, personally participated. There were a few debates between different people. At one time, I know, I debated Roger Whiteford, who was Col. Lee's attorney. I debated him, I think, in Takoma Park. That was quite an interesting meeting, and I can't recall for sure just when that occurred.

FOLEY: I just remembered: Following the 1944 election, and charter had lost, and according to Mrs. Garber almost immediately Jim Gill, who was leader of the Democratic delegation to Annapolis, proposed to Col. Lee, who had already been named Chairman of the first Board Planning Commission--or Planning Committee--proposed a number of changes in the county government. He felt that times needed a change or something like. . .for some reason he had this idea that some changes may be called for.

GARDNER: I remember that. I wouldn't have recalled that it was. . .Jimmy Gill was--he was almost a neighbor of mine across Georgia Avenue--he was in the delegation, as a State Senator, did you say?

FOLEY: No, I think he was--must have been--a Delegate.

GARDNER: Well I think he chairmaned a meeting. I've always felt that Col. Lee

started this. He felt that enough had happened, we had come close to winning in 1944, and so there were some proposals made which I think immediately tended to improve the government. They appointed a man who had been County Manager in Henrico County, outside Richmond.

FOLEY: Willard Day?

GARDNER: Willard Day. He was appointed, and I think the government improved somewhat--and I think various things were done to improve it--but I remember that in spite of everything Willard Day was on our side.

I think he felt that not enough had been done, and we felt that this was an effort to save what they could and that we would be ill advised to swallow their plan. We thought we ought to keep on fighting. Our fight had already improved the government somewhat, and we felt if we kept on with the fight it would improve it some more.

FOLEY: I am curious about. . . I'd like to get your perspective on one of Col. Lee's--his political strategies which he used--well his harmony, his harmony meetings and his harmony committee.

GARDNER: Victory Democrat?

FOLEY: Well that was a particular slate in 1950, but his usual strategy was to get all factions opposed to him--put these people on his team--you know like what happened to you in the '42 race for the Charter Board. Now starting in January of '45 he expanded this postwar planning committee with all sorts of sub-committees.

GARDNER: Oh, yes.

FOLEY: They had a couple of hundred people involved.

GARDNER: Yes, they had quite a lot of charter people. We had the first meeting--Jo V. Morgan, I think, was Chairman of the meeting--and I think we had a meeting in the County Building in Bethesda. And I think I was about the first one that walked into the room that evening, and Jo Morgan said, "Well, you're the last person I ever expected to see here." Yet he

made these proposals presented in the committee's name on various points.

FOLEY: Do you remember the politics of this particular period? It was a huge big committee and then the subcommittees.

GARDNER: Well, it worked out so that the charter people were always on the losing side.

FOLEY: Were you in any committees with Col. Lee himself, do you recall?

GARDNER: I think I actually was, come to think of it. I can't remember what it was though.

FOLEY: Do you remember vividly at all any of the negotiations or transactions or the . . .

GARDNER: I don't think it amounted to a whole lot. I don't have a clear recollection because we didn't treat it too seriously in that period. We went along, we attended meetings but we never thought much would come of it, and I don't have a clear-cut recollection of it. I remember I was present at that first--I think it was the first--meeting when Jo Morgan presided. Col. Lee tried to be very gracious, and he was smiling toward me and saying, "You can put in some things"--or something like that. I remember that quite well.

FOLEY: During this time, I take it, you were the President or. . .

GARDNER: President.

FOLEY: President of the Charter Committee until '47--until actually the battle was won?

GARDNER: I resigned--let's see, my mother became sick and died in '47, and I felt I had given all the time I could under all the circumstances, and so I resigned sometime after the '46 election.

FOLEY: But by that time I think it became the battle--the war had been won and just the last battle needed to be fought?

GARDNER: Yes, I think Col. Lee himself was quite unhappy with some of this

fighting. I think that this is based on some information which came to me, which may have been inaccurate, but I had heard that Roger Whiteford was the one who persuaded him to continue the battle, that he wanted to give in more and Roger Whiteford was very insistent that they should fight it.

FOLEY: That's an interesting piece of information. About a year ago, when I first met Mrs. Scharf, and we talked about this oral history project, she let me listen to a tape by Henry Bain who was active in Democratic politics in the last ten years--or fifteen years--and he says that in September '46, just to kick off the '46 campaign for the Democrats, they had one of their big congresses at BCC and he said that they were told--he got stories--that there was a sort of rank-and-file revolt against Col. Lee because he seemed to be soft on charter and he didn't stand to lose any jobs, and most of the rank and file in the Democratic Congress were the county office-holders, and so they revolted against his leadership and insisted on a more--on a stronger line. You know, adamant line against charter.

GARDNER: That could be.

FOLEY: He denied that there was any revolt but he did say that Roger Whiteford, you know, and a couple of others were very philosophical-ly opposed to charter. . . .

GARDNER: Yes, that's right.

FOLEY: In their congress they had to, etc.

GARDNER: Yes, Roger Whiteford had a good mind, and Col. Lee had a fair mind. There are a lot worse people than Brooke Lee. Roger Whiteford was very keen.

FOLEY: I've gone a lot faster through these questions than I had intended to. Can you recall. . . .can you tell me a little bit about the results of the cyclone-cellar legislation? That was the name given to the County Supervisor and the beginnings of the civil service.

GARDNER: Cyclone-cellar?

FOLEY: Whatever it was called.

GARDNER: I think there was some reference to cyclone-cellar legislation.

FOLEY: Because right after he lost the election in '42 for Congress, Col. Lee was appointed Park Commissioner by the Park and Planning Commission.

GARDNER: I was also selected Chairman of the nominating committee in 1950 to

select the council on a quadrennial basis. Of course, the first council was in office only two years, so that we could get back on the regular quadrennial basis, which they always had in the past. I was on, too, in '49 early and in '50 I was chairman of two nominating committees. And that was the last of my biggest work. I did do some work as late as '53, and perhaps a little in '54. Mrs. Bennett became chairman of the nominating committee, I believe, in 1954.

FOLEY: Were you ever at any time, before or since, active in any of the parties? Well, I think I know the answer before the charter movement, but have you been active since?

GARDNER: No, not really active. I did in one campaign [1936] give a few talks one evening. It isn't any secret but that was done before the charter movement. I was a liberal in college, but shortly after that I became a conservative, and I've always been a conservative. In the 1936 election--Landon vs. Roosevelt--I guess I gave a few talks for Landon [in lower Maryland], but to be part of the organization in the county--I don't recall offhand whether I was telephoning to get people to vote. I may have talked to a few neighbors, but to be a part of a political organization--I never held any post.

FOLEY: Were you a Republican?

GARDNER: I was a registered Democrat for a long time. I voted--well, let's see, the first election in '30, when I first moved in the county--I couldn't vote in '30--it must have been '34. . .that's when the fusionists ran--I think I voted for mostly democratic organization people.

FOLEY: In '34?

GARDNER: In '34. Maybe I wouldn't have if I had known more about it, but I don't know, I tried to vote for the ones that I thought--a couple of other people, who had been here longer pointed out who were the

best people, and I was registered at first Republican and then when they tried to purge Tydings, I registered Democratic, and I stayed Democrat for a long time. I was for Tydings. I voted for him constantly, I think, and for a lot of others. I thought the Republican Party was a pretty disreputable party in the State of Maryland as a whole, and I voted for many of the Democratic candidates--not for President, but there is no real sound relationship between Democratic vis-a-vis Republican politics at the state level, and at the national level, so what I did at the national level had no relation really ✓ to what I did at the state level.

FOLEY: That reminds me of the story of 1944. That would seem to be that the Democrats in 1944 were trading votes.

GARDNER: There's no doubt about it.

FOLEY: Was it secret, or was it out in the open?

GARDNER: I think it was out in the open. I had a call from the Chairman of the Republican State Central Committee. I can't recall the details of it now--it's been a long time. . . .Did I say '34?

FOLEY: '44.

GARDNER: '44, yes, indicating that they would be glad to, I think, try to support charter if we would support Republicans or some such thing as that, but I wouldn't have any of it as I didn't think the two ought to be mixed. I was trying to keep our own program--but that is what I thought nationally--I was trying to keep our own program separate from the national part.

FOLEY: I heard that there were Democrats that were leading people in the Democratic organization itself who were trading votes for Dewey for votes against charter.

GARDNER: Oh, I'm sure of it--a great many of them, and I remember they had quite a dressed-up organization. They had neat looking badges

"Citizens Committee to Defeat Charter" at the '44 election and they were well organized, and I heard--hearsay--statements of people would be talking about the Presidential election and somebody would say, "To Hell with the President. We're here to protect our vote." "Our jobs," I mean, "We're here to protect our jobs." It was statements like that, I think. Mrs. Werner--if you ever interview her--would know about that. I think she heard them first hand.

FOLEY: I tried to get hold of Mrs. Werner. She's writing a book. I think she is being interviewed by someone else.

GARDNER: I've never had time to write a book on this. I've been thinking of writing a book on something completely unrelated.

FOLEY: Going back to what I had asked you before on the cyclone-cellar legislation: Col. Lee was ensconced in the Park & Planning Commission and there was some--through the legal channels--legislation, some county government powers were transferred to Park & Planning, do you recall?

GARDNER: You bring something to mind I hadn't thought about for a long time.

FOLEY: Something about building inspectors?

GARDNER: There was a Lindsay Bill. Well, I don't recall about that offhand, there's a lot of this I have forgotten. It might come back to me.

There was a Lindsay Bill passed which we didn't know about until sometime after the passage which, I think, was designed to provide that in no county--I probably have it partially wrong--with a charter could they have nonpartisan elections. We wanted a nonpartisan election, and there was a Lindsay Bill, which I guess was passed at the instigation of Col. Lee. He was from another part of the state. It's there on the books. I can't. . . .

FOLEY: It survived a couple of court tests?

GARDNER: Yes, I guess it did. I always thought that was a debatable question. I always felt that. . . .I didn't think that the first test. . . .I didn't think there was any question about the attack

on the charter--direct attack on the charter--I felt was completely wrong, and we were sustained. On the other hand I felt that we had a very strong ✓ argument that partisan elections were permissible. We had. . . .I did a little research on it and I found some decisions from other states under similar circumstances that gave us a good deal of support, I thought. But it was--it was debatable--and the courts ruled against it.

FOLEY: Do you recall. . . .getting back to that Park & Planning. . . . do you recall if any significant county power was transferred at that time?

GARDNER: I'm afraid offhand I do not. I do know this, that we felt that many of the functions that were under the Park & Planning should be under the county government, but I don't recall offhand that there had been a transfer. To some extent at least, I think it was a case of our wishing to bring under the county government functions that had for some time been with the Park & Planning.

FOLEY: I am going to jump way in the future. I'll come back to the end of the '40's, but in '68 a new charter was adopted in Montgomery County.

GARDNER: That is, certain amendments.

FOLEY: Oh, they were amendments, they were not a new charter?

GARDNER: No, just amendments.

FOLEY: What amendments? One was County Executive. Were there any any others--elected executives?

GARDNER: Well, that was the major one. There have been one or two other amendments from time to time, but I think that was, perhaps, probably the major one--elected County Executive--the very thing that Lavinia Engle said we didn't want.

FOLEY: Was the movement for County Executive anything like the organization that you had. . . .

GARDNER: No, no, no, it didn't begin to touch it. There was never a battle since I've been in the county that approached the battle that existed over the charter. I mean it was far more severe and aggressive and expensive, I think, than any of the battles within the Democratic organization. They've had some big battles in the primaries-- Democratic primaries--but I don't think there's ever been anything approaching the battle between the charter people and its opponents.

FOLEY: In the past few months I've made an intensive survey of politics in the '50's--Democratic politics in the '50's--and I went through my father's files--he was active in Democratic politics from 1950 to 1962.

GARDNER: Yes, he was in Congress?

FOLEY: He was in Congress from '58 to '60.

GARDNER: Is he living now?

FOLEY: Yes. He is working right across the street, in the Washington Building.

GARDNER: Oh, yes, yes. I should meet him sometime.

FOLEY: And I don't know that much about politics in the '60's--after '62. My impression is that, of course, there was--in '62 there was a big change in government--or seemed to be a big change. The most of the Republicans and Conservative Democrats who were elected in 1962 were bounced in 1966, and most of the people they beat in '62 are now in office.

GARDNER: Well, that wasn't the quadrennial election for county.

FOLEY: Yes, '62 was.

GARDNER: Was it?

FOLEY: Yes.

GARDNER: Well, let's see, we elected '42, '46, '50 right? '56, '60, '64, '68. . .No, no, there's something. . . .Let's see '42 was the quadrennial election, I know that. '46. . . .

FOLEY: '50.

GARDNER: '50. We did have the interim election council. That didn't interfere with the quadrennial in '50. '50, '54, '58, '62, '66 and '70.

FOLEY: Well in my survey there was a lot of excitement in those days through the people active in the Democratic party, and also in the Republican Party around '58--'58 to '62, '64. But it seems to me that the major story of politics in Montgomery County is the charter--that there was nothing like it before and nothing like it since.

GARDNER: I think that's true.

FOLEY: And, you know I told you before, I believe, that I'm writing a thesis about the development of politics, economics in Montgomery County from WWII to about 1962, and one of my problems is. . .well, originally I was going to tell the whole story of charter until I came across Mrs. Garber's book, and her book is. . . .

GARDNER: Covers it so fully?

FOLEY: Covers it so fully--it's about plus 300 pages and I intended only a chapter, and I could never see it being a 300-page chapter--but no, I was thinking--you know most people even in Herman Melville's days probably didn't care that much about whaling, and shortly after he wrote Moby Dick, oil was discovered in Pennsylvania and put whaling out of business. And, of course, nowadays what whaling there is is completely marginal, and yet in Moby Dick he was able to write about this. He was able to put whaling together in a book so that--so that people who have no interest at all in whaling can be fascinated. Now this is--I am faced with the same problem, in a way, in writing about. . . .

GARDNER: Charter's in the past, but nevertheless it's an interesting episode.

FOLEY: It is an interesting episode, and yet I'm wondering how one can tell a story about charter which would be interesting to people who are not themselves engaged in a charter movement like they would be in other counties in Maryland. What do you think the story of charter has to say to Americans at large or. . . .?

GARDNER: Well, it's hard to say. You get down to the study of human nature, don't you? That's basically what it is. When I went into this movement I expected it was going to lose; I didn't anticipate winning. I didn't think we would win it, but I thought nevertheless that we shouldn't think just of winning, that if we made a respectable showing we would improve the government. And I felt that people that are only thinking of winning are too much inclined to be thinking selfishly of jobs. They're

not thinking of the constructive good they can do for government, and I felt that, if we wouldn't think so much of winning as such but think in terms of improving the government, [it would be worth while.] It was an interesting thing. To me it was a challenge to see what we could do. As a kid I remember, before I was able to do very much reasoning, I had the idea that everybody knew what was right in voting. There was a wrong way to vote and a right way to vote, and I was afraid I was violating the law maybe--although I didn't know much about law then--and when I put this. . . .The town hall in our little town was the place where people voted, and I went on and plastered in great big letters of snow--which they had in early November--"VOTE RIGHT"--"VOTE" on the top line--right below it, I think it was "RIGHT" in great big letters, and it was quite an education for me that everybody seemed to agree with it. I thought that I was taking sides.

FOLEY: Where was this? Where did you grow up?

GARDNER: This was in the northern part of Pennsylvania, northwest of Williamsport, a little country town, a county that has more deer than they have people, in the Allegheny Mountains. And I often thought about that and I just thought that it was a job that I had to do--a sort of challenge and if we could make some progress, it would be an interesting experience to see what we could do. To me it was, to some extent, an experiment seeing whether we could improve government.

FOLEY: In view of your thought in the beginning that winning was really not necessary, not so important, so long as you improved the government, why didn't you quit in '45 when the post-war Planning Commission pushed through the Legislature these ameliorations?

GARDNER: Well, we didn't think that they had gone far enough. We thought that they were stopping very far short of what was needed to be done. In fact, Willard Day, as I think I mentioned, seemed to think that they weren't going nearly far enough.

FOLEY: Well, did you feel by that time, did you have a feeling that you could win if you just stuck it out?

GARDNER: I suppose that gradually I thought that we could if we stuck it out.

FOLEY: This may seem afield but something you said a while ago got my interest. You said that in college you had been liberal but then shortly after you left college you turned conservative. What did you mean when you said that?

GARDNER: Well, I had some professors in college. . .

FOLEY: Where did you go to college, incidentally?

GARDNER: George Washington. I did it the hard way. I worked in the day time and went to college at night.

FOLEY: Was it during the 20's? Or before that?

GARDNER: Yes. Well you don't do it in four years when you go to school at night. I think I started in 1919 and I think I got my A.B. in 1924 and my LL.B. in 1927. That is the way I recall it. You asked me a question there and I haven't quite answered you.

FOLEY: What you meant by you were liberal in college and conservative shortly after.

GARDNER: Well in the arts and sciences, liberal arts course, there were quite a few professors--some professors at least--who were quite liberal and I remember that I was for La Follette--although I couldn't vote being in the District--I was for La Follette for President in 1944--24. But as of today, I wouldn't think of voting for La Follette any more.

FOLEY: I'm not familiar with what he stood for in that day.

GARDNER: Well he probably was not very far from the--maybe we have gone so far in the liberal direction--maybe he would be pretty much in line with the mainstream of the Democratic Party today but John W. Davis. . . There were three candidates, John W. Davis and Collidge,

and La Follette on the Independent ticket, and John W. Davis was doubtless more conservative than Nixon is today although he was Democratic so it's changed a great deal. The charter government has changed a great deal. Many things have been done since charter that I heartily disapprove of.

FOLEY: For instance?

GARDNER: Well I think they are spending far too much money for silly subsidization of housing. There are a lot of people I think, in Silver Spring for example, who are being given subsidized housing because they claim they have no resources. They have deeded or given all of their property to their children. They are able to spend a great amount of money on personal beautification, but they get cheap subsidized housing just because they take a position that they have no money, but they are able to live better than most anybody.

FOLEY: Are you talking about low-cost housing?

GARDNER: Yes.

FOLEY: You said--I'm confused a little bit on what you said just a second ago--that they say they have no money but they have actually given their deeds property to their children?

GARDNER: I've heard reports that they spend an awful lot of money on themselves--more than most people can afford for personal beautification--and yet they live in this low-cost housing, and that they have probably gone on record to the effect that they have no assets--or very small assets.

FOLEY: Would it be black families and white families alike, or mostly white or mostly black?

GARDNER: Well I suppose that I may have heard more about white families, but I think it applies probably to both.

FOLEY: Well any other aspects? I know that you don't care that much for having an elected executive.

GARDNER: No, I believe that Lavinia Engle was right. I do believe. . .I don't think they paid enough. They made one bad selection and I warned--I guess he was the President of the Council at the time--about it when they appointed a man from Portsmouth, Ohio,--I forgot his name--manager.

FOLEY: The first manager was McNayr?

GARDNER: Yes.

FOLEY: The second one was Melvin Reese. I don't recall. . .

GARDNER: Well, there was a man in there and he had a rather unsavory reputation. He wasn't crooked but he apparently owed everybody. I don't remember all that was wrong about him. He was a rather decent fellow to me but I heard from a friend who came from Portsmouth that this fellow was no good, and I passed it on to the, I think it was, the President of the Council at that time who was given the job of, well not necessarily making selection but starting the process in motion of making selection.

FOLEY: Was this in the '60's or in the early '50's?

GARDNER: No, this was back--I think it was in the first half of the '50's. It was after McNayr had left and he said they were going to be very careful, but they appointed this man and some things developed, as I feared they would. I think that this selection had a lot to do with the organization coming back in and winning. It was perhaps in the '54 election. I can't be sure. It could have happened before that.

FOLEY: What sort of things developed?

GARDNER: I can't remember what happened but he got a rather bad name. I don't think he was personally crooked or anything of that kind, but

he had a rather bad reputation back in Portsmouth, owing everybody. I can't recall. It's passed out of my mind. I never knew him personally. I did hear him talk. He made a good enough impression to hear him talk, as many people do, and I think that was one of the things that caused some of the trouble. It showed lack of care. And then Plummer Shearin--who is now a judge, as you know--he was. . .we got him. He worked for the charter committee. That's where he got his start, through an advertisement. I wrote the ad; I wrote a long ad.

FOLEY: He succeeded you as President, didn't he?

GARDNER: No, he was never President. He was paid; I was never paid. For me everything was out; I contributed; I never got anything. No, he was paid and then he went on and became clerk or something to the County Council, later he worked in the Office of the County Attorney and then he became a judge. And he was sent out to Ohio, I think, when the thing developed about this new county manager. He was sent out to Portsmouth, Ohio, to check into some things that had been reported about him, and he told me privately some things that he found out. He was trying to get my idea on what to do. The things he found out he didn't like, and I said there was only one thing to do and it's to tell the whole story. And, well, I don't remember what happened after that or the details of it.

FOLEY: Do you remember if the second manager lasted very long?

GARDNER: Well this man I am talking about didn't last very long, but whether he was the second--Irving McNayr was the first, and I can't tell you whether he was the immediate successor or not. He may have been the first successor to McNayr.

FOLEY: Back. . .one of the charges of the charter committee against the Democratic organization was bossism and by 1946 or 1947--by the

time you resigned--you actually were in control of a very effective political organization yourself. If you had so wanted to, you could have probably supplanted Col. Lee as the political boss of Montgomery County.

GARDNER: Well there is a distinction between bossism and an effective party organization. We always made the distinction on this basis. If you're not trying to get anything out of it, we think it is all right to have an effective political organization as long as it is done honestly and as long as you are not trying to get something. We always had a rule that nobody on the charter committee was supposed to be trying to get anything for himself. It wasn't always true. We found some people were in there trying to get what they could for themselves. I could give some illustrations. We tried to stop it all we could when we found out about it. That, to me, is a distinction--a sharp distinction--between bossism in the usual sense of the term and an effective political organization. I was urged by the first Council to apply for County Attorney, but I said that I wouldn't think of such a thing. It would be entirely distasteful, aside from not wanting to leave the firm here. It would be entirely distasteful to me to profit by getting a job from the organization that I had helped to get into office.

FOLEY: It was more of taste for you because, of course, many of the people in the charter organization became the first council.

GARDNER: Well now there's a distinction. I always made a sharp distinction between being almost totally unpaid. . .They didn't get much at first; they didn't want much. I made a sharp distinction between the people who were the Council members who were working for a pittance--Fred Lee, for example, was worth many, many times what he ever received. I made a sharp distinction between people like that and career people that had good jobs.

FOLEY: Why don't we end it right here for the time being?

CARDNER: Well, I don't know whether I covered it the way you wanted it or not. I just had to recall the best I could some things that I hadn't thought much about for many years.

[Later written addition: I have been requested to add anything which would discuss specifically what was wrong with the former commissioner brand of county government and which might be improved by the proposed charter. In the summer of 1946 before the fall charter campaign I wrote an article of this kind as a sort of master plan for the public information part of our efforts. I cannot find a copy of this article which was the basis for a number of frequent releases, each covering one or more points of the so-called "Master plan." In the absence of a copy of the full article I am attaching photocopies, one each, of two releases, one for October 10, 1946, and the other for about October 15, 1946. These give some idea of what I thought was wrong about the government which we then had. They follow immediately below this written addition of January 27, 1974.]

STATEMENT FROM

THE MONTGOMERY COUNTY CHARTER COMMITTEE

7240 Wisconsin Avenue, Bethesda 14, Maryland Phone: Oliver 1776

FOR RELEASE THURSDAY NOON, Oct. 10, 1946

The Montgomery County Charter Committee today charged its political opponents with "willful misrepresentation of the facts" and asserted that the attacks on the charter board are a "smoke screen thrown up to obscure the waste, mismanagement and low political morality existing in the county government today."

The committee's statement maintains that "The incumbent political organization has tried to give the impression that the election of a Charter Board in the coming November elections would alter the form of government without consent of the people. The fact is that the five-man Board would hold public hearings and then draft a charter for consideration by the voters in 1948. Opponents of the charter obviously fear these public hearings and the public acceptance which the hearings would bring about."

The statement continues:

"In their second misrepresentation, members of the opposing faction attack charter as a 'new and untried form of government.' The fact is that a large number of cities and communities in the United States now operate successfully under similar governments. Montgomery County voters are merely asking for the same rights as those which the city of Baltimore already enjoys under the Maryland Constitution.

"The third falsification charges that charter is a political weapon of the Republican Party. The fact is that the Charter Committee is non-partisan, with both Democrats and Republicans on its board of directors. More of the board members are Democrats than Republicans, in recognition of the fact that there

are more registered Democrats than Republicans in the county. Of the candidates for election to the charter board, three are Democrats and two Republicans.

"It should be noted that the county political organization has forfeited all rights to be known as a legitimate political party. It has employed typical machine techniques in dispensing spoils for its own selfish local purposes. While parading under a Democratic label, it has sometimes traded off Democratic state or national candidates in order to be more certain of winning county elections which are the bread and butter of its existence. An example is the attempt in 1944 of certain county machine agents to enlist Republican opposition to the Charter then before the voters by offering machine support of the Republican Presidential candidate. The machine is neither Democratic nor Republican. It has no interest in the proper working of a two-party system.

"The fourth charge, too obviously untrue to need an answer, is the undercover claim made by political machine workers that the Charter means Communism. This is on a par with the deliberate falsehood circulated in 1944 by the same politicians who told the colored voters that Charter was a white man's scheme to take away their vote.

"In these willful misrepresentations of the facts, the objective voter can come to only one conclusion: Members of the political machine in control of Montgomery County government are at a loss to find any sound objections to the election of a Charter Board and must descend to sly untruths and blatant demagoguery.

"These untruths are obviously nothing more than a smoke screen, thrown up to obscure the waste, mismanagement and low political morality existing in the county government today.

"It would take a book as long as the Brookings Institution's famous report

on the Montgomery County government to cover all of the types of bad government, but included among them are:

"Use of borrowed money to pay current expenses.

"Use of payrollers to do election work during office hours.

"Extracting political campaign contributions from county employees and then raising their salaries to reimburse them for the contributions.

"Use of public property and county employees for the benefit of favored persons in construction and other work.

"Construction and maintenance of public roads on a political basis. This includes extravagant construction on seldom-used roads for political favorites, neglect of more important roads, lack of road planning, and superficial, uneconomical surfacing before county elections.

"Political appointments of incompetent persons in certain key positions.

"Creation of unnecessary offices.

"Overpayment of certain part-time workers.

"Awarding contracts in return for political service.

"Use of county advertising to try to coerce county newspapers into favorable publicity.

"Improper care and maintenance of many school properties due to political interference in the appointment of custodial employees (this is not a reflection on the Superintendent of Schools nor the educational staff whose administration is nonpolitical).

"Lax discipline in certain offices caused by political interference and political appointments.

"Lack of foresight in planning capital improvements resulting in excessive expenditures to acquire properties and in injustice to the citizens affected.

"Secrecy at Annapolis in passing unwise and unwanted local legislation.

"Payment of fees and salaries for political influence.

"Transfer of important functions out of the county government to bi-county commissions to avoid control by the people.

"The Charter Committee does not charge that Montgomery County has the worst government in the country. It does charge, however, that it is very far from the best. Montgomery citizens want the best!"

MONTGOMERY COUNTY CHARTER COMMITTEEFor Immediate Release

102/157/46

The Montgomery County Charter Committee in a statement issued today charged that the county political machine apparently has no defense against the Committee's charges of bad county government practices, and does not wish to discuss them.

Instead of denying those charges, the machine challenges the Charter Committee to prove its case before a grand jury. If the Charter Committee told its case to a grand jury it would be prohibited by law from giving the facts to the voters. The voters are entitled to the facts.

Machine politicians well know that it is possible to have many instances of governmental waste, mismanagement, and low political morality within the law. A grand jury's principal function is to consider violation of the criminal laws.

One of the many charges made by the Charter Committee was that employees on the pay roll did political campaign work during office hours.

The facts are that several county employees were engaged during office hours in Rockville last spring just before the June 24 primaries in preparing campaign literature for mailing. Certain employees of the Park and Planning Commission did the same thing at the same time in Silver Spring. The same practice is going on now. The Committee does not intend to give the names of these rank and file employees who only did what they were told to do. But if asked to do so the Committee will give the name of the person chiefly responsible.

The Committee will be even more definite in one specific case among others for the reason that the person involved is himself one of the active machine politicians. This person was recently made a county road supervisor. He is

now running for the office of County Commissioner. He is being paid as a road supervisor but his day-time work consists largely of campaigning -- a job for which he appears to be better fitted than for road supervisor.

These are not isolated cases. The machine has done this sort of thing for its own benefit and at public expense for many years. It is substantiated by no less an authority than the Brookings Institution in its nonpartisan survey of the Montgomery County Government.

The machine knows these facts for it has brought about these conditions. Its pretense of ignorance is not convincing.

The Committee will issue further details on other questionable practices in the near future.