

AN ORAL HISTORY INTERVIEW

with

Lewis B. Sims

Public Administrator
Civic Leader

by

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and

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Contents (continued)

Page

The Post-War Planning Committee	14
Civic Federation resolution	15
700 on the Committee!	15
First meeting: ten points	15
County manager or a county supervisor?	16
Appointment of Mr. Willard Day as County Supervisor	16
Charter-Evasion Legislation of 1943	17
Building inspection and electrical inspection	17
"Local legislation"	17

(Tape 2)

Charter-Evasion Legislation of 1943 (continued)	
Increased powers of the Maryland-National Capital Park and Planning Commission	18
Mr. Sims urges Governor O'Connor not to sign	19
Mr. Gardner's reaction to Mr. Sims' speech	19
Civic Federation and Charter Committee compared	19
Influence of "the machine" on the Governor	20
Summary	20
The Lindsay Law of 1945	20
Non-partisan elections of the County Council	21
Mrs. Dinwoodey's reading of the Baltimore <u>Sun</u>	21
Mr. Gardner's investigation	21
Devious procedure	21
Significance of the Lindsay Law	22
Value and prevalence of non-partisan elections	23
1943 and 1945: Charter and the Republican Party	23
The Post-War Planning Committee of 1945	24
Proposal for a civil service system	24
Appointment of Mr. Jo V. Morgan in 1945 as Civil Service Commissioner	25
Adoption of the U.S. Civil Service system	25
The Second Campaign to have a Charter Drafted: 1946	26
Maryland's unique two-phase, four-year cycle	26
The Charterites' 1946 strategy	26
The Charterites win	27
Election of the Charter Board	27
Reactivation of the Charter Committee	27
Plummer Shearin: Executive Director	27

Contents (continued)

	Page
Drafting the 1948 Charter	28
Advisory committee: Lee, Sims, Dinwoodey	28
Missionary spirit	28
Hearings	28
Financing: general	28
Practical approach	29
County fire organization	29
Departments	29
Financing: some specifics	30
Criteria for Selecting the 1946 Slate	30
Mr. Gardner's role	30
Three Democrats, two Republicans	31
Geographical areas	31
Comparison with Board of County Commissioners	31
Meetings of the Board	31
Mrs. Werner: "Listening"	31
Role of the Political Parties in the 1946 Campaign	32
Republicans	32
"Machine" Democrats	33
Dissident Democrats	33
Col. E. Brooke Lee	33
A County Council of Seven	34
Weakness in the 1944 proposal: a council of nine	34
Mr. Sims urges a council of seven	34
At-large voting	35
Size of other councils	35
Candidates for the County Council in 1948	36
No candidates nominated by "the machine"	3
No candidates nominated by either party	36
The Charterites nominate a slate	36
Three other candidates	36
The Charter wins	36
 INTERVIEW II - (Tape 3)	
The Charter Committee Slate in 1948	37
Selecting group: Mr. Allen Gardner	37
Geographic distribution	39
Partisanship	39

Contents (continued)

	Page
General Accomplishments of the First County Council	40
New tone for the local governing body	41
Leadership of Pres. Lee	41
Appointment of the first county manager	42
Role of a manager	43
Relations with the county manager	46
Specific Accomplishments of the First County Council	47
Adoption of a road code	47
Street and road names	48
Public library system	49
Codification of local public laws	50
County Personnel Board	50
Establishment	50
Terminology	51
Philosophy	51
Appointment of a personnel assistant	51
Personnel system, 1945-1948	51
Compensation for CPB members	53
Meetings of the Board	53
Members Selected for the County Personnel Board	53
Suggestions by Mr. Sims	53
How Mr. Sims was selected	54
Mrs. Dinwoodey	55
Mr. White	55
Personnel experience of the members	55
Mr. White	55
Mrs. Dinwoodey	55
Mr. Sims	56
 (Tape 4)	
Mr. Sims' Personnel Work with the First Hoover Commission	58
Personnel Task Force	58
Cresap, McCormack, & Paget	58
Pertinence to County Personnel Board	58
County Personnel Board in March 1949	59
Patronage	59
Six-months appointments	59
Political campaigning by employees	59
Two types of sanitary inspectors	60
The Civil Service Commissioner	60
Many highly qualified employees at lower levels	61
Classification system	61
Patronage in purchasing	61
No favoritism for Charterites, March 1949 through 1954	62

Maureen Hinckle, interviewing Lewis B. Sims, in his home at 7302 Brennon Lane in Chevy Chase.

INTERVIEW 1

MRS. HINCKLE: Mr. Sims was born in Minnesota in 1909. He received an A.B. from UCLA [University of California, Los Angeles] in 1932, and a Master's degree from the University of California, Berkeley, in 1933. He served as a research assistant in 1933-1935 at the University of Chicago, and he was a Littauer fellow at Harvard University in 1937-1938. He served on the research staff of the N.Y. State Commission for Revision of the Tax Laws in the fall of 1934, and was an assistant economist for the Central Statistical Board in 1935-1937.

His background in civil service is extensive. He was an examiner for the U.S. Civil Service Commission in 1937-1938, technical assistant to the Chief of the Governments Division, Bureau of the Census in 1938-1940. He was a research specialist for the President's Committee on Civil Service Improvement in 1939-1940, and he was a research analyst for the first and second Hoover Commissions in 1948 and 1954. He served two terms as a member of the Montgomery County Personnel Board in 1949-1954. [The other members were Mrs. Edith Dinwoodey and Mr. Malcolm White.]

Since 1948 his full-time employment has been with the U.S. Public Health Service. In 1952-1953 Mr. Sims served as Visiting Professor of Political Science at UCLA, teaching "American National Administration" and a seminar in "State and Local Government." Since 1965 he has taught, at night, "Introduction to Public Administration" at the Department of Agriculture Graduate School.

Mr. Sims, I'm sure there's lots I did not include in this biographical sketch. I said you were a member of the Personnel Board, and actually you were, of course, the first chairman of the Personnel Board. There are other things I've left out.

MR. SIMS: I believe the only two things that might be added relative to my professional career, Mrs. Hinckle, are: For eight years I was assistant chief of the Governments Division of the Census Bureau. The Governments Division is the division that deals with state and local governments, particularly state and local government finance and employment. And the second thing is the fact that my line of work in the U.S. Public Health Service has been as a management analyst. People usually like to pigeonhole you and this probably helps to do that.

In the civic field, the main thing that probably should be added right now is that I was a member in the years 1967-1968 of the Montgomery County Charter Revision

Commission, which presented, after a great deal of study, a proposed charter to the County Council that would replace the 1948 charter as amended, and I was one of two members of that Commission that dissented.

MRS. HINCKLE: How large was the Commission?

MR. SIMS: The Commission was fourteen members, two members having been appointed by each member of the County Council. That's where the figure fourteen comes from. It was a commission, in my judgment, much too large for the job, and I think we would have been able to do a better job if it hadn't been that large, but of course that is a matter of opinion. Many people think that the larger the organization, the more representative it is. Thus the state legislature of New Hampshire has over 400 members. The County Council, or Board of Supervisors as it is called, of Westchester County, N.Y. has, I think, 46 members. I think this makes for an unwieldy organization, and I'm glad our present County Council here in Montgomery County has only seven.

Mrs. Hinckle, I think we might just start our interview here with a piece of philosophy that I had had, and I suppose I don't have it any more. When I first moved to this county thirty-one years ago, and began to know it really about two years after that, I began to have the feeling that I would like to do whatever I could to make this county a model county—both in terms of living conditions and in terms of government, an absolutely model county compared with others throughout the United States. It was in 1943 that I really began to try to do something. So we might go back to that time.

We (Mrs. Sims and I) built this house in the fall of 1940 and moved into it in February of 1941. We are still living in this same house, so now I begin to feel as though I'm a senior citizen so far as length of residence is concerned, and I maybe have some reason to speak.

In 1942, following the study of the Brookings Institution of 1940, a great book, about 800 pages, there started a movement to change the type of government and to improve it a great deal. The Brookings Institution offered many, many criticisms of what had been going on at that time, and it ended up with the statement: "Montgomery County has outgrown its form of government."

This study was instigated really by the Montgomery County Civic Federation, of which I was later an active member, but I had nothing to do with the origins of this Brookings Institution study. The County, as I understand it, put up five thousand dollars and Brookings put up another twenty-five thousand dollars, resulting in this thorough study, which was published in 1940.

In 1941, the Montgomery County Civic Federation really sired the Montgomery County Charter Committee, which started out to be a committee of what sounded like not very many people. It ended up, by the way, being two thousand; it really became a league for good government. So the name "committee" is something of a misnomer. The Committee became politically active in the sense that it got petitions around to get onto the ballot of November 1942 a proposal to get elected a Charter Board that would frame a charter. This issue was fought by the people then in charge of the County which was known to them as "the organization" and was known to the opponents as "the machine." Probably it was both. The ring leader in "the organization" -- or, if you like, "the machine" -- was Colonel E. Brooke Lee, who himself had been an active member of the Montgomery County Civic Federation, but had become tremendously interested in politics, and as a matter of fact, he was known throughout the county as the "county political boss." Many people disavowed the truth of that allegation, but my experience subsequently would bear out that this title was well deserved, well deserved. In 1942, the people did go to the polls and said, in effect: "There can be no harm in electing five people to draft a charter; then the people have to vote on that charter in

November 1944; why not see what they come up with?" So this was done, and the vote was fairly substantial in favor of this happening. Then according to the State Constitution and Article 11A, the Charter Board held hearings and drafted a charter, and six months later, which was required by the provision, filed this charter.

Now that's when I became acquainted with what was going on in Montgomery County. But I was learning. I was not producing anything.

MRS. HINCKLE: Were you a member of the Civic Federation?

MR. SIMS: I was a member of the Civic Federation by this time, and became chairman of its Committee on Public Finance and Budget, and in that capacity, since finance and taxes are involved in almost everything you do in county government, I found myself interested in all aspects of the county. Anyway, that was my bent. But with regard to the first Charter Board, I was learning rather than producing primarily. I attended some of the hearings; and some of the men who were older than I, but much experienced in local government, including my then Chief of the Governments Division in the Census Bureau, testified at the hearings.

The chairman of the Charter Board was a tremendously wonderful man by the name of Frederick P. Lee--and we always have to say "no relation to Col. E. Brooke Lee." At that time they were, of course, confused by many people. Frederick P. Lee, by profession a constitutional lawyer and student of government--Federal, state, and local--was the chairman of the Board and the ringleader. The other four members of the first Charter Board were Thomas M. Anderson, now a Judge of the Court of Appeals in Maryland; Earlton Brooke, who died a few years ago; Alice Hostetler, who is still active, and at that time was, I believe, President of the League of Women Voters; and Stephen James, who died a few years ago and was at

that time very active in the Montgomery County Civic Federation. Those four with Frederick P. Lee constituted the first Charter Board.

MRS. HINCKLE: It was a very distinguished Board.

MR. SIMS: It certainly was. The charter prepared by that Board was submitted to what was then called the Board of County Commissioners — now we would say the County Council — on May 4, 1943. Then, on November 7, 1944, in other words, 18 months afterwards, the people voted on that charter.

It seems strange to give the Charter Board only six months to prepare the charter and then to put it in cold storage and have it voted on 18 months later. The reason for this is that that is the state provision (constitutional requirement).

Now it is well to say what went on during those 18 months.

MRS. HINCKLE: Could they have been active for 18 months?

MR. SIMS: There wasn't much action the first 6, 8, or 10 months so far as the general public knew. But the Montgomery County Charter Committee was becoming active. And then, of course, during the late summer and early fall of 1944, the campaign went on simply tremendously, and I suppose this was a time in my life when I could say, with Longfellow, "Bliss was it in those days to be alive, but to be young was very heaven." I listened, I didn't debate, myself, at that time. I listened; I went around to the debates, much as one would go to the movies. Those were tremendous shows. The debaters on both sides were excellent, and I learned a great deal.

We thought that we could win. The debates were heated, the debates were well attended, the newspapers both in the county and in Washington were filled with the news, people were talking about it, and people seemed to understand a great deal. And this lasted for several months, from midsummer or a little later until the election November 7. You hardly had time to do anything else except talk charter and work on it, listen, put up posters, and so on.

Of course, the charter issue was non-partisan officially, so I as a Federal employee could engage in it as freely as I wished. Since at that time I had no children and since my wife was interested in it also, we just spent a great deal of time and effort.

At that time I was chairman of the Montgomery County Civic Federation's Committee on Public Finance and Budget. I was active on aspects that seemed to relate. I would be testifying on the budget before the Board of County Commissioners each of five years, because I served as chairman of that committee for five years.

I was also at that time vice-chairman of the Charter Committee's Research Committee, with John F. Willmott as chairman, and in that capacity we wrote literature and appeared on the radio. He and I would go and interview various officials around either in our Civic Federation capacity or in our Charter Research Committee capacity.

I remember making a speech, it was not a debate, before the Edgemoor Citizens Association in early September of 1944, in which I recall clearly saying that we Charter people, and those thinking as we did, ought to conduct this 1944 campaign as cleanly and as well above board as we possibly could, for two reasons. One is, "It's more fun to win that way," said I. Secondly, "We probably are going to win and we're going to have to live with these people [the "machine" people] afterwards in this wonderful county, and it's going to be a lot better if we conduct the campaign cleanly and above board." Well, as I said, this was soon after Labor Day of 1944. Little did I know what was coming.

The opposition was much more ruthless than I had expected. I suppose this reflects a lack of sophistication in my academic preparation in the field of state and local government, which now if I were teaching a course in that subject I would teach a little differently from what I learned.

You really have to be prepared for campaigning that is not fair. This I was not prepared for, and I think the Charter Committee of 1944 was not prepared for either. Let me give you some examples. First, we were at war, you will remember, and many, many soldiers and sailors and what we now would call airmen were overseas. The only absentee voting provision that Maryland had at the time was for members of the Armed Services. So the opponents to Charter in the fall of '44, unbeknownst of course to those of us who favored it, sent out a letter to all the men overseas signed by Dutch Bergman, who at that time was a well-known football coach (University of Michigan, I believe) who had come to Washington. He now is chairman of the D.C. Armory Board, by the way. This was a name that was well known to young men interested in football. The letter was also signed by one other man, whose name I don't remember. I don't think Dutch Bergman had any real knowledge about Charter; his name was "used."

This letter was sent to all the men overseas, and the gist of it was that something was being put over on them while they were away. They cited World War I, during which prohibition was installed in the United States, and said, (in effect) "Prohibition was put over on the men of World War I while they were away. Now, in your county, something is being put over on you while you are away. If this Charter is adopted, there will be a Civil Service system, which will keep almost all of you men from ever being employed in the Montgomery County government." Now this, of course, was not based on truth whatsoever.

And how did we learn about it? Well, Mr. James Bennett, then Director of the Bureau of Prisons, and his wife, Marie Bennett, subsequently President of the League of Women Voters, and at that time chairman of the Speakers Bureau of the Charter Committee, had a son overseas. He wrote to his parents and said (in effect), "Enclosed is this letter. I do not understand it, but I know it can't be true. What in the world is it all about?" It arrived too late, because the letter had been sent to the men overseas at the right time -- late, you see.

There was never any opportunity for the proponents of the Charter and their supporters to reply and to get the message out to the men overseas that this was simply not so. So when the absentee vote came in, actually after the November 7 election, it was 3 to 1 against the Charter.

MRS. HINCKLE: Do you know the numbers of the absentee ballots?

MR. SIMS: I don't know the numbers off-hand, but I do know that even if we had won all of the absentee ballots we wouldn't quite have been successful. The actual vote on the Charter was 53% against it, and 47% for it, and there weren't enough absentee ballots to swing it in our favor. But it would have helped.

Now another tactic that the opposition used, which of course surprised us, was a letter to all the negro residents of Montgomery County, at least the negro voters—at that time they could be identified easily—and this letter said (in effect), "Back in 1863, Abraham Lincoln gave you people the citizenship. Now in this county there is a movement that would take the vote away from you, because you cannot vote for the County Manager if Charter is voted in."

MRS. HINCKLE: In a sense that was true.

MR. SIMS: Of course, neither could the white people, because people don't vote for a county manager or a city manager.

A third example of the tactics that the opposition used to defeat the proposed charter in 1944 was a meeting that was held in mid-October in the armory in Silver Spring, billed as a "Roosevelt Rally." (This was to be the fourth election of President Roosevelt.) A lot of people came, a lot of people. When the people arrived—presumably all Democrats, or people leaning toward Roosevelt at least—on the seat of every chair in the armory was some anti-Charter literature, so that the impression that the people got who didn't know very much about what the Charter

was for, was that if you were a Democrat, and if you favored the re-election of President Roosevelt, then you should vote against the Charter.

Well, as everybody knows, Roosevelt carried Montgomery County, as he did the nation, and this was an extremely effective political tactic; but it was not honest or fair. The meeting was billed as one thing, and was really for the purpose of defeating the Charter.

MRS. HINCKLE: They had to have gotten permission to give out this literature from somebody. Where is this armory where the rally was held?

MR. SIMS: This armory is in Silver Spring. It's interesting, because I've just referred to the Armory Board that was downtown, where Dutch Bergman was and still is, whereas this rally was held in Silver Spring. The gist of the meeting was really about the Charter and how terrible it would be if people voted it in.

Actually, my own impression was then, and still is, that the anti-Charterites were not really very enthusiastic about the re-election of President Roosevelt. He was of the same party, nominally, but the effort of "the machine," as we called it, during the campaign of 1944 was anti-Charter. The campaign was not for national offices, including the re-election of President Roosevelt. The effort here was overwhelmingly to defeat the Charter and was successful.

A fourth tactic used by the opposition was to get a car with a public address system on it, the voice coming out saying: "People should vote against the Charter, because if you vote this Charter in, the schools will be damaged. You cannot have any new school buildings if this Charter is adopted. Vote NO on the Charter issue."

Now, what was back of that? There was a state provision which said that the amount of debt, bonded indebtedness, of any chartered county could not be more than 7%, so at least there was some slight case for this. Soon thereafter, the

legislature raised the 7% to 10%, and there's never been any problem whatsoever about floating bonds for school buildings, and as everyone knows, schools have grown tremendously in this county, and school building has been just overwhelming in all of the years since 1944. So there was just a grain of truth in this tactic, and it was expanded unbelievably. But it did affect a lot of people who had children in school and who were fearful that their children would not have a good education if "this bad old Charter" would be adopted.

These are four examples of the techniques our opponents used.

MRS. HINCKLE: They were determined to defeat the Charter, the opposition.

MR. SIMS: The opposition was tremendously determined. Now a lot of people at that time thought that this (the Charter movement) was just a vendetta against E. Brooke Lee and his associates. The result was that many Republicans associated themselves with this movement just for that reason, but of course the main thing was that we wanted a different form of government. We wanted home rule, so that our local laws were not passed in Annapolis by the state legislature, but that our local laws were to be passed right here in Montgomery County. So we wanted home rule.

We also wanted the council-manager form of government; then we wanted all the things that go with it, such as centralized purchasing, better personnel system, honesty in government, responsiveness in government, public hearings on bills and other matters that were coming up, improvements in zoning, and a getting away from what many people regarded at the time as really "one-man government," E. Brooke Lee. So it was really a combination of folks working for better government in general and to some extent Republicans and, of course, to some extent just plain dissident Democrats.

MRS. HINCKLE: It was a non-partisan group, really.

MR. SIMS: We thought of it as non-partisan. It was tri-partisan, you might say; that is, the whole movement was tri-partisan, because we had two factions of the Democratic party involved, one opposing the Charter and the other in favor of the Charter, and then most of the Republicans were in favor of the Charter. But there were a lot of Republicans who didn't favor the Charter too. This really cannot be determined exactly.

MRS. HINCKLE: They were the silent majority of that time.

MR. SIMS: It always made me a little uncomfortable to have Brooke Lee and others say that this was a Republican move, because actually there were many more Democrats in the Montgomery County Charter Committee than there were Republicans, partially because of the general distribution at that time of partisan registration in Montgomery County. When Mrs. Sims and I moved to Montgomery County in February of 1941, the Republicans held hardly any influence at all; so if you wanted to have any influence in the government, you were smart to register Democratic so you could vote in the Democratic primary. What happened to many people was, many people--even those believing Republican-wise at the national level--registered Democratic in Montgomery County and then voted against "the machine" in the May primary, and lost, and then voted against "the machine" in November by voting Republican.

MRS. HINCKLE: That still happens, not that they're voting against "the machine," but the registration lists are still more Democratic than they ultimately vote in November, and perhaps this is a carryover from people who did come at that time and never bothered to change their registration.

MR. SIMS: I think that's true. Now frequently in the Republican primary, so far as the state government and the local government are concerned, there is some real opportunity for choice in the Republican Party. This year, of course, at the national level there isn't much reason to register Republican (in order to vote in the Republican primary), but in many years there is.

Now those were among the things that were going on in 1944. As I said before, the debaters were tremendous. Probably the best debater on the anti side was Roger Whiteford, who lived in Chevy Chase. He died a few years ago. He was Brooke Lee's personal attorney and a real capable man. He was a capable debater. Actually, by the end of the campaign I had been so much educated in this field, and I used to go to the meetings to keep track of the errors he enunciated, that I began to feel that I myself would like to debate him. This would at that time have been like David debating Goliath. But I never had a chance to find out whether I could have bested him or not. He did not debate in the '46 and '48 campaigns, but as I said, he was the leading debater on that side in '44. Another of their prominent debaters was Al Brault, of whom I have lost complete track.

MRS. HINCKLE: Did you do anything with the errors you did detect in Roger Whiteford's debates?

MR. SIMS: I can't say that I did do anything with those errors except to point them out to other people over the luncheon table or something of that kind. I did do some speaking around, but I didn't do any debating in the '44 campaign.

Well, we came close to winning, and I remember assembling in the offices of the Montgomery County Charter Committee, then on Wisconsin Avenue in Bethesda. Stella Warner was the Executive Director of the Charter Committee, and Allon Gardner, whose name I should have mentioned earlier, was President of the Charter Committee, the original ringleader. I used to call him the George Washington of the Charter Committee. I remember assembling in the offices there, and hearing over the radio the results as they came in, and toward the end it began to look as though we were losing. Then I remember Stella Warner and her daughter Stella, who was then a teenager, crying because we had been defeated. We had worked so hard. People could hardly realize how hard we had worked. I said, "Well, this is the end, this is the end."

However, I wrote a letter the next day to Allen Gardner, then president of the Montgomery Charter Committee, and I remember starting out: "Dear Allen, count me as one who is willing to start all over again." I'm a squirrel. Who's going to do this besides me?

MRS. HINCKLE: Especially when your heart must have been broken.

MR. SIMS: It takes four years to do this, because of the double cycle. First you have to get it on the ballot; that means that you have to have a campaign and be successful just to get it on the ballot. Do we want to have a charter board and have a charter drafted, Yes or No? And if you win, then you do have a charter drafted. Then you have to vote on that charter as drafted, no changes. So in Maryland, it's a four-year cycle. Maryland is the only state in the union I know of where either county home rule or city home rule requires a four-year cycle.

This was 1944, and I was considerably younger than I am in 1972, when this is being recorded. So I thought, well, I will be one of the few squirrels in the county that will be willing to start all over again. Maybe there might be some others; at least it's nice to put it on the record, I thought then.

Well, lo and behold, there were a lot of us willing to start all over again.

MRS. HINCKLE: Were there feelings of bitterness because of the tactics used by the opposition?

MR. SIMS: Yes, and by this time I was bitter too, and thought how naive I had been two months before in early September to talk to the Edgemoor Citizens Association and say, "Let's make a nice clean campaign because (a) it's more fun to win that way and (b) we're going to have to live with these people after we win."

MRS. HINCKLE: But they didn't care if they had to live with you.

MR. SIMS: They were experienced politicians and we really weren't.

MR. SIMS: I can think of hardly anything that we did that wasn't really quite right or honest. I can think of only one example, and I participated in that slightly. That was a series of 30-second and 60-second radio blurbs from the Frederick radio station, to the effect that the County wasn't being run to the satisfaction of the up-county people. I remember one of them started out saying: "Are you tired of driving in the mud? The roads of Montgomery County aren't what they should be. Vote for the Charter." Now I think probably there was about a grain of truth in that too, but probably that was not quite fair. That's the only example I can think of where we really got out and stretched the truth a bit.

In all other cases we were eager for the truth. We appealed to the educated, well-motivated people, and politically this was probably a mistake, but it would have been wonderful to have won with that kind of a campaign.

Maybe that is enough for 1944, although there is a tremendous amount more that we could say. So we did start all over again, and we had to go through the same process. In 1946 the proposition was on the ballot again.

MRS. HINCKLE: There is a little interim period between the two Charter movements.

MR. SIMS: Yes, a very interesting period. Would you like to have me elaborate what happened in it?

MRS. HINCKLE: Yes, because part of it is because of what happened in the first Charter movement.

MR. SIMS: That's right. This movement didn't just die on November 7, 1944, only to be reborn a long time later, like 18 months or so. The following month, or maybe it was early January, the Montgomery County Civic Federation went on record as favoring the appointment by the then authorities, which was the political "machine," of a post-war planning committee. Now remember that the war was—we hoped at that time—coming to an end, and it did come to an end in August of '45, so this seemed like a good idea, that the

County should have a post-war planning committee. I remember very well, being a member of the Civic Federation at the time, thinking that we should do this, and I visualized a committee of fine intelligent citizens, probably around seven.

Well, out came the committee, hundreds on it! Then more and more were added, and the committee eventually had 700 people on it. This was "the machine's" answer to the Civic Federation. It was completely unwieldy, of course; therefore "the machine" could be in charge of it. "The machine" still had, of course, the members of the Board of County Commissioners, five of them; it still had the delegation to the state legislature; it still had control of the Maryland-National Capital Park and Planning Commission; it still had control of the Washington Suburban Sanitary Commission, and the liquor control board, and anything else that anyone of us could think of. So it named a lot of these people and many others, and then welcomed anyone else that wanted to be on the committee. The result was the insiders controlled this great big Post-War Planning Committee.

At either the first or second meeting, the second I believe, at which I suppose about half of the 700 attended and a lot of others who were not members of the committee--I was a member of course--the Chairman of the committee called upon one of the prominent members of "the machine," a local attorney who was, I believe, a member of the state delegation at the time, to make a report and some recommendations. I sat there and almost fell out of my chair as did, I suppose, practically everybody else, both those who had favored the Charter and those who had opposed the Charter, because out came, as I recall, ten recommendations. One was to have a county manager. Wahoo! One was to have a merit system, a civil service system! One was to have centralized purchasing! You can go right down the list, about ten things, and those were the main ones, that we had just been advocating and that the opposition had just opposed. The point of this,

I suppose, was that they feared a renewal of effort, and they thought they could steal our fire.

Well, of course, when it came to a county manager, we thought this was just fine. There were additional meetings of the committee, and sub-committees were appointed. When we got right down to brass tacks, however, they didn't favor a county manager; they said they favored a "county supervisor." We didn't care too much about the title; the main thing was what was this appointee to do? He would be appointed, of course, by the Board of County Commissioners. There was a sub-committee appointed to study this. There was a lot of argument about this, and the main point of argument was between those who favored a strong, garden-variety county manager and those of the political "machine" who didn't want a strong, garden-variety county manager. They wanted a weak position, sort of like a chief clerk.

The result of all this was that there was set up a job called "County Supervisor;" the job was really a weak county manager. The county commissioners were still very much in charge, and behind them was the political boss, Col. E. Brooke Lee.

The first person that the commissioners (E. Brooke Lee, actually) appointed was Willard Day, who was a reputable city manager and county manager. He had been, and was at that time, county manager of Henrico County, Va., which is the county that lies immediately outside Richmond. He had a good reputation as a capable man, as a strong manager. Why he accepted the job, we proponents were somewhat puzzled about. But he did come. He didn't stay long. I never got to know him very well. I think that he didn't feel comfortable in this watered-down county manager kind of a job.

MRS. HINCKLE: Did he stay a year?

MR. SIMS: I think he stayed about a year.

MRS. HINCKLE: Was this an attempt on the part of E. Brooke Lee to pacify the bitterness that he must, in this practical way, have recognized that he had aroused by the tactics of opposing and having the Charter defeated? Was this his own way of trying to prevent the second Charter movement?

MR. SIMS: I think this was exactly that. Yes, I think he felt if they could still keep charge, but at the same time could give us a good many of the things we wanted, that then they would stay in charge.

With genuine home rule and with the council-manager form of government, I think he felt that his influence would be reduced tremendously and perhaps eliminated, which turned out to be the truth a few years later.

It would be interesting to back up here a little and take something a little out of chronology. In January 1943, the political "machine" had feared the possible adoption of the Charter, which was then being drafted, and put through what we reformers called "charter-evasion legislation." One of the things that they did was to transfer from the county government, which was elected by the people, to the Maryland-National Capital Park and Planning Commission, which was not elected, the functions of building inspection and electrical inspection. Now anyone that knows anything about local government knows that if you can control building inspection and electrical inspection, you can control a great many things in a local government.

This was put through the state legislature simply because the delegation from Montgomery County wanted it. The way the Maryland legislature works is that the delegation from one county votes "yes" on another county's requests as a reciprocal thing; it's backscratching. You have "local legislation" in the state legislature. What it means really is the local delegation is simply your local county council but located in Annapolis instead of at home. People don't get over to Annapolis very much; it's particularly true if you're from a distant county,

like Washington County or St. Mary's County or over on the Eastern Shore. Even Montgomery County people, then or today, don't get over to Annapolis anywhere near as much as they should.

Another example of what we then called charter-evasion legislation—legislation that would still stay in effect even though the Charter might be voted in, in November 1944—was a law that Brooke Lee and the county delegation got passed in the winter of 1943. This was only two or three months after the Charter Board had been elected in November 1942. At this time I was a fairly new member of the Montgomery County Civic Federation but, as I recall, already was chairman of the Committee on Public Finance and Budget in 1943.

This law was a far-reaching law. It provided for a tremendous increase in the powers of the Maryland-National Capital Park and Planning Commission. In addition to building inspection and electrical inspection, this law provided that the Executive Vice President of the Commission, who was—who do you suppose?—E. Brooke Lee, serving part-time, could, at any time that he wished, declare that the job required full-time and that the salary would be upped accordingly. We, of course, thought that this wasn't really a good ideal

It also gave additional powers to the Park and Planning Commission. It provided that, if the Commission wanted to, it could appoint policemen for the parks. We objected to that; we said we have county police. It strengthened the Park and Planning Commission tremendously. Both the Senate and the House of Delegates enacted this law because the Montgomery County delegation said they wanted it.

We Charterites didn't hear about it for quite a while, and I don't know if anybody testified on this and against it or not. It seems to me that we did, but we didn't realize probably the significance of it. I believe we did testify against it in the Silver Spring Armory, but we didn't realize how significant it really would be. So after the Senate and the House of Delegates had passed this

bill, but before the Governor signed it, we really became alarmed at the provisions.

The Civic Federation went on record as opposing it and also opposing some other legislation, and I was designated to talk on this particular subject at a hearing before Governor O'Connor over in the House of Delegates chamber in Annapolis. I remember several of us went over, and the others testified on their bills asking the Governor not to sign the bills. My role was to testify against this bill and to ask the Governor not to sign it.

At this time I suppose I would have been classified as a freshman in the Civic Federation, and I was, I now know, more vigorous in my testimony than the Civic Federation actually expected, and a few people let me know this. I remember that I was extremely vigorous. I hadn't memorized what I wanted to say and I hadn't written it out in detail, but I had made a pretty good outline of what I wanted to say. I recall clearly now that I said what I wanted to say with great vigor and made a plea to the Governor to "save us" from this practically disastrous idea. This, of course, resulted in some mild criticism from some members of the Civic Federation.

But I remember much more clearly what happened immediately after my testimony. A man whom I knew very slightly, a man who was probably fifteen years older than I, a man who was President of the Montgomery County Charter Committee, a Mr. Allen Gardner, rushed over to me and said, "Call me Allen!" I was thrilled. Here was a young man apparently who had done something that pleased the "George Washington" of the Montgomery County Charter Committee tremendously. So I sort of felt I was on my way, and the slight criticism that I received for being too vigorous as a member of the Civic Federation sort of faded away.

Now if I had been speaking as a member of the Charter Committee, no one could have objected to my vigor. The Civic Federation is also non-partisan, but it

regards itself as scholarly and representative; and though it takes stands on things it doesn't wage campaigns, whereas the Charter Committee was really waging a campaign. I remember this very well.

I wish that I could report that I was successful, that the Governor didn't sign the bill, but no, he did sign the bill.

MRS. HINCKLE: He was probably an old friend of Brooke Lee.

MR. SIMS: Gov. O'Connor was in touch closely with Brooke Lee. Not so much as a succeeding Governor, Gov. Preston Lane, who was a real pal of E. Brooke Lee from World War I days. But Gov. O'Connor was influenced tremendously.

MRS. HINCKLE: Theodore McKeldin might have not signed it.

MR. SIMS: Yes, now if McKeldin had been Governor--McKeldin was elected Governor in 1950 and re-elected in 1954. Of course he was of the opposite party. This is a case where we would have been helped, because the local Democratic machine here in our county was in charge. It paid for the Governor or other Democrats of the state to pay attention to the machine Democrats in charge of Montgomery County--not to the dissident Democrats, and surely not to the Republicans.

So we lost on that bill; we lost on the building inspection; we lost on electrical inspection; and we did not get what we thought we were going to get in the county manager, or in the Post-war Planning Committee. So again it was uphill.

Another piece of legislation that we lost on is perhaps even more interesting. This is the Lindsay Law--of 1945. Hardly anybody knows about this now, but people should know about it. This is the kind of tactics that were employed.

It became clear (in the winter of 1945) that the Charter Committee might make another attempt at home rule, and one of the provisions of the first charter was

that we should have non-partisan elections of the County Council. This is something that made great sense to me. I grew up in southern California, and non-partisan elections are taken for granted at the local level. People out there don't even know which party the mayor or a city councilman belongs to, because what difference does it make whether you're a Democrat or a Republican so far as the services are concerned? People who have grown up in communities where there's always been the two national parties operating locally--this is not understandable to them.

The first charter provided for non-partisan elections. This would, if adopted, have made the Democratic political machine here difficult to operate.

One day a very good friend of mine who had worked closely with us, Mrs. Edith Dinwoodey, and with whom I later served for six years on the County Personnel Board, read in the Baltimore Sun, to which she subscribed (I also subscribed in the winter of 1943 and the winter of 1945, because you got better reporting there)-- she read in very fine print that a bill had been introduced by Sen. Lindsay of Baltimore County that had to do with elections in any chartered county. She became a little suspicious that maybe we should know some more about this. She telephoned Allan Gardner, who was then President of the Charter Committee, and was a practicing attorney, and said in effect, "Allen, isn't this something that might be of interest to us?" He said, "I think it might be; I'll look it up and see what this bill is."

It turned out that our county delegation, in order to keep all of this quiet, had asked the senator from another county, namely Baltimore County, and this man was Sen. Lindsay, just as a courtesy to introduce this bill so that people in Montgomery County wouldn't be alerted in the least bit. It would take a person like Mr. Gardner or Mrs. Dinwoodey or some other....

MRS. HINCKLE: Like yourself!

MR. SIMS: Conceivably myself—though I missed this—although I, too, used to read all that fine print. Maybe I didn't read it; or maybe if I did, it didn't ring any bell. At this particular time there was no other county that had home rule. And of the 23 counties, Montgomery was the only one even trying to get home rule, and only one other had ever tried to get home rule, namely Baltimore County, which lost in 1920. So if Sen. Lindsay was introducing a bill having to do with chartered counties, maybe this had something to do with Montgomery County, thought Edith Dinwoodey. Allen Gardner looked it up and sure enough, it did have. But even when you read the bill, unless you knew a lot about this, you still wouldn't have any idea that it might be pertinent. The bill simply said that any chartered county must elect its county council on the same basis that the members of the state legislature are elected. That sounded perfectly innocuous. Why, of course. But what did it mean? It meant that the county council in a chartered county would have to be elected on a partisan basis, because the delegates and the state senators are elected on a partisan basis.

This bill was deviously introduced, I would say, in the dead of night—I don't know if that is literally true—and indirectly, by a man from another county. It was thrown (assigned) to the finance committee in each of the two houses, again so that people wouldn't be alerted to what this was all about. And it passed both houses and was signed by the Governor.

The result is that today the Lindsay Law is still on the statute books, and I suppose it will stay on the statute books. The movement for non-partisanship in Montgomery County has, I am sure, passed. People don't understand it very well; and if they haven't had experience with it, they don't believe in it.

MRS. HINCKLE: In Rockville, they have non-partisan elections.

MR. SIMS: Yes, in Rockville they do, and in other communities around in Montgomery County—the local governments. The school board—that is, the Board of Education—in Montgomery County, which is the only elected school board in Maryland, is elected on a non-partisan basis. Federal employees can serve, which they do; they can campaign for these people, which I have done (in one year extremely vigorously), and you can do anything you want to. I still see no disadvantage in this system, and I can see plenty of advantages to it. I can see plenty of disadvantages to having our local government, County Council, elected on a partisan basis.

This (the introduction and passage of the Lindsay Law) is an example of what we "good citizens" were up against in those early days.

MRS. HINCKLE: That was referred to as "storm cellar legislation," wasn't it? Were there other pieces of storm cellar legislation in the 1945 period?

MR. SIMS: I use the term "charter-evasion legislation" for the legislation which was put through in '43. This Lindsay Law (1945) was after the election of '44, and I don't recall any other example. It was the same type of thing, to do things that really aren't true, to take the blood out of the charter movement.

MRS. HINCKLE: Did the Republican Party achieve successes—get revitalized somewhat in this period? Did they benefit from the bitter experiences of this period?

MR. SIMS: Yes, they did, I think; because in 1946 the Board of County Commissioners that were elected (five people), were predominantly Republican, and Brooke Johns was the first Chairman (or President) of the then Commissioners. So it may be that the charter movement helped the Republicans at that time. Surely this wasn't the purpose of it—the Montgomery County Charter Committee.

MRS. HINCKLE: April 22, 1972. We're leading into the second Charter campaign of 1946. Before we go into that, Mr. Sims will want to add a few words about the Post-war Planning Committee.

MR. SIMS: Yes, two weeks ago when you and I were talking about the Post-war Planning Committee that the Civic Federation recommended in late 1944, I pointed out that the Civic Federation had expected to have named by the then Board of County Commissioners, a committee of 5 or 7 or 15, but to our great surprise, there were hundreds and hundreds named to the committee, and it kept growing until it ended up with about 700 members. At the very first meeting of this committee, at which I suppose about half of this 700 attended, the meeting being held in Silver Spring, the chairman, Col. [E.] Brooke Lee, called upon Jimmy Gill to come in with a report. I said earlier that Jimmy Gill presented a 10-point program to improve Montgomery County. How surprised we were that all of these ten points were things that the Charterites had been favoring! I think you and I discussed briefly the matter of county home rule, which of course was uppermost, and then the county manager idea and centralized purchasing. One thing that you and I didn't discuss at all was one that turned out later to be closest to my heart—that was a proposal for a civil service system.

Prior to this time, Montgomery County had had no merit system at all. Spoils were rampant, and this was one of the big criticisms that the Charterites had made. For example, even in campaigns, the employees of the County were not only permitted to campaign, but were asked to campaign in many cases. Sometimes policemen, in uniform, would go around and rap on doors and ring doorbells, as they did in 1944, and say to the lady of the house, "Now you're not going to vote for this bad old charter are you?" "Oh, of course not," says the lady, "of course not."

MRS. HINCKLE: Terrified!

MR. SIMS: Policemen, in some cases, were given six-months temporary appointments, so if their political record was nice and clean for those six months, then they would be given another six-months appointment. Just this past week, we saw on the television a program about Mayor Daley of Chicago, where the same system works today. Fortunately we have passed that point in Montgomery County.

Now what the Jimmy Gill report recommended in the case of civil service was that we should have a system and there should be some kind of commissioner—or three commissioners (I can't remember that aspect of the recommendation). But the upshot of it was that a civil service commission, just one commissioner, was set up. It was not full-time. I suppose at the start maybe half-time, and then later less than that, I think. This was a person (Mr. Jo V. Morgan), a man who had been active in the political machine. It was only a nominal thing. At least that's the way we looked at it. But he did hire a lady, a full-time employee, who in effect was the civil service commissioner. Mr. Morgan knew practically nothing about personnel or civil service so far as we could tell. The lady that was hired by him went down to the United States Civil Service Commission, which was then located at 7th and F Streets, and found out what the United States Civil Service was. She brought it home to Montgomery County and practically installed it—with its various grades and various categories of service. She even used the same category terminology—one series "Clerical, Administrative, and Fiscal" ("CAF" as we used to say), one "Professional and Scientific ("P"), and "Custodial" ("CU"), and it seems to me there was one other series. We just had here a miniature U.S. Civil Service system installed with really no professional thought given to it at all. This was in late 1945.

I happen to have considerable interest in this because, unexpectedly, I later was appointed to the genuine County Personnel Board under the charter that was

adopted in the fall of 1948. I had been interested in personnel as a sort of a sideline of mine in the field of good government for several years. At any rate, this is one of the ten things that the Jimmy Gill committee came in with before the Post-war Planning Committee. We will have some occasion later to refer to those early days when I come to talk about my service on the County Personnel Board.

Now probably it's time to go to the second charter campaign, which took place in 1956. Rather few people understand, even in Maryland, that in order to get a home rule charter, you have to go through two phases: First, you have to get a motion on the ballot for the people to decide whether or not they want to have a charter drafted, and if they say no, you start over again two years later; if they say yes, then you proceed to elect a charter board of five people, and these five people draft a charter within six months, and then eighteen months later, the charter, as drafted--no changes--is voted up or down. If it's voted down, you have to do the whole thing over again. So we call it a four-year cycle, whereas in most states you don't have this long drawn-out process of getting a home rule charter.

The Montgomery County voters turned the first charter down in 1944 by a vote of 15,683 against 14,048 in favor; in other words, the charter lost by 53% to 47%.

We started in again in 1945 and 1946 to have another charter. The leaders at this time were still essentially the same, at the highest levels anyway, but of course we were much more experienced by this time. Our main tactic in 1946 was "Well, this is just to see whether or not we want to have a charter drafted. Who could possibly object to that?" The anti-charterites had good reason to object to having it considered again, but the people who had moved into the county, who had not known very much about it, were pretty much won over by the idea that "Let's just see what somebody draws up."

So the vote in 1946 was favorable. There were 13,062 voting in favor of having a charter drafted and 10,003 against. This on a percentage basis is 57% in favor and 43% against.

The people, in voting on having a charter drafted, at the same time voted on the people to do the drafting. The people that were voted to do the drafting were Col. Norman B. Ames, who was a retired Colonel in the Army and a Professor of Engineering at George Washington University; he had been a very active member of the Charter Committee. The other four—he was the chairman—were Howard P. Bailey, George Rusk Canby, William C. Hanson, and James J. Hayden. Mr. Hayden was Dean of the National Law School and turned out to be, in the 1948 campaign, probably the most prominent debator. I believe it would be correct to say that Col. Ames and Dean Hayden were the most active on the Board. Again, this board held hearings and drafted the charter that was put before the voters in the fall of '48.

The Montgomery County Charter Committee was again activated. Whereas Stella Werner had been Executive Director in the campaigns of '42 and '44 (later she was on the County Council), by this time a young man who had been brought in to help her in the 1944 campaign, a young man from North Carolina who had been a political scientist and was at the time, in 1944, a law school student here in the District of Columbia, was made Executive Director. This was Plummer Shearin. He is now one of the most able judges of the Montgomery County Circuit Court that we've ever had. He was brought in to our Charter Committee staff as a stenographer (1), which always amuses me. It turned out that because of his education and interest and vitality, he did much more than that. He was the staff assistant and, as I said, succeeded Mrs. Werner as Executive Director of the Charter Committee.

MRS. HINCKLE: He was then a law student?

MR. SIMS: He was then a law student, yes, and was nearing completion of his law school work (at George Washington University). There was a lot of new blood, of course, as there always is; and we did have the experience of the previous campaigns and we had the experience of the first county Charter Board, the chairman of which was Frederick P. Lee.

The new Charter Board appointed an advisory committee, consisting of Mr. Frederick P. Lee, Mrs. Edith Dinwoodey, and me, so this is how I got into the second go-around real, real much. I had no idea I would be this active in the second go-around. In the first go-around, I had been primarily a listener, and campaigner, and researcher, and nailer-upper of posters, things of that kind. Now I was more in the middle—and enjoying it tremendously. One thing that the son of Brooke Lee [This was Blair Lee, a member of my Public Finance and Budget Committee in 1944 and 1945. He now is Lieutenant Governor of Maryland.] said to me and some others one time was, "The real big advantage you Charterites have over the rest of us is that you're so excited about it, you so sincerely believe in what you're doing." That was a good analysis. We were almost like missionaries; we really believed in what we were doing.

The new Charter Board, as I said, held hearings around the county in appropriate places. I went to several of them myself, testified at one. It was always an interesting show to me to hear what other people had to say.

One of the problems in gaining good government or in keeping good government is a universal one, and that is financing. How in the world can you get people to contribute money to something that is just a good idea when they have no ax to grind, no property to rezone, no contract to get, no patronage to dispense? So far as I know, all the rest of the Charterites were almost precisely the way I was—we had no ax to grind, we simply wanted good government. Idealists, yes, of course.

MRS. HINCKLE: Practical, too.

MR. SIMS: This time we did try to be practical, more practical than before. We had learned a great deal, particularly in the '44 campaign when we were campaigning against "practical" politicians. We, at that time, were not practical; we got more practical as time went on.

One of the things that had been left out of the charter in 1944, to my surprise—this is just an example, just to show how practical we got—was any provision for a county-wide fire department. I thought, of course, that sounds like a good idea, but little did I know in '42 and '43 and '44, and in '48 as a matter of fact, that the county volunteer firemen are a special breed. For the most part they're a wonderful bunch of fellows and they do a great deal of great service. They're volunteers, they're unpaid—there are some that are paid too—but they have a point of view that is worthy of consideration, and also they're very powerful. I didn't realize in '42, '43, and '44 that they should be reckoned with, so I just cavalierly said, yes, it would be a good idea to have a county-wide fire department. But Frederick P. Lee knew better and so did some of the others, so this was not in the first charter. Needless to say, it was not in the second charter either. It isn't really today, though with the growth of the county, we have gained some more county control over the fire situation, and so far as I can tell the volunteer firemen think this is all right. We've gone some in that direction, but we don't have what you have in many cities, a genuine 100% paid fire department, and apparently this is working out satisfactorily. That was an example of where Fred Lee was practical in '44 and I would not have been; but in '46 and '48 all of us got to be more practical.

Another example is this: In the first charter, the departments of the county were established in the charter; and in the second charter the departments, with the exception of finance and one other, I believe, and the county attorney's

office, were not established. That was to be left up to the new council when it was elected.

MRS. HINCKLE: How was the movement financed?

MR. SIMS: The Charter Committee was financed simply by contributions, not door to door, but just whom did you know? When you appeared at meetings, they would ask you. I remember the first time I made a contribution. It was \$40, which I thought at that time was a substantial amount of money to me, and I thought, Well, if other people do something like this, this is great. Well, as I recall, it was only something like six months or so until I was asked for another \$40 contribution, and I remember thinking, My, what's this noise?—because I was so new to the county and so new to the way that things worked here. Obviously, if I was interested enough to give \$40 at one time, I was a mighty good candidate for another \$40, which it turned out that I was.

MRS. HINCKLE: Did they operate on a shoestring then, pretty much?

MR. SIMS: Oh, yes, very much on a shoestring. Most people have no idea how much it costs even to make a mailing to every household. Now, of course, there are radio and TV expenses and bulletins and things of this kind. I'll have more to say about that when I come to a campaign that subsequently I was much involved in, where we ran it on a tenth of a shoestring! The financing of the Charter Committee was just by those people who were interested in it.

The Charter Board then was elected, and these five people were the Charter Committee's slate.

MRS. HINCKLE: What were the criteria for the selection of the slate?

MR. SIMS: I can't be too specific, except to give some general ideas, Mrs. Hinckle. Again, Mr. Gardner had quite a bit to do with selecting this group. One thing, which I wouldn't have thought of, was to

be careful about partisan politics, so I'm sure that three of the five were Democrats and two were Republicans; that's about as nearly split as you can get.

MRS. HINCKLE: Canby was a farmer, wasn't he?

MR. SIMS: Yes, that's another factor. The county as a whole was pretty well represented. Mr. Canby was a farmer, but he was also a banker. He lived far up-county. Mr. Hanson owned a farm at least, and lived up-county. Dean Hayden lived in Chevy Chase. Mr. Bailey lived in Silver Spring. And Col. Ames lived in Bethesda. So you can see the county was pretty well represented, favorably represented. In terms of population, of course, it was not, but neither was the old Board of County Commissioners.

Geographically, we had one Commissioner from each of those five commissioner districts, which meant in those days that three of the commissioners came from the relatively rural sections of the county and that two came from down-county, suburban, heavily populated areas of the county—one from Bethesda-Chevy Chase, roughly, and one from Silver Spring-Takoma Park, roughly. This didn't actually make any great difference in the Board of County Commissioners. And why didn't it? Because the Board of County Commissioners didn't normally vote just the way they individually wanted, because we had a county political machine in this county.

Mrs. Werner likes to tell the story about when she sat out listening to the Board of County Commissioners' meetings. They were officially public, but nobody, absolutely nobody, would be there except Mrs. Werner. She wrote a column in a local newspaper called The Record, which was then published in Bethesda, and the title of her column was simply one word, "Listening." And that's what she was doing; she was out there listening. She would not have any occasion to say a word, because this was a meeting of the Board of County Commissioners. The fact that she was there, of course, affected their conduct. She used to say that it would be necessary, every so often, for the President of the Board of County

Commissioners, as he was called, to recess the meeting while one of the commissioners went out and made a telephone call to the county boss (Col. E. Brooke Lee) to see how they should vote on a matter. Then they would all reassemble, and he would pound the gavel, he would call for the vote, and they would all vote a certain way, as the telephone message had indicated. Mrs. Werner would record what had happened at the meeting and put it in her "Listening" column.

Mrs. Werner also had a weekly radio program, at the end of the day, around 6 o'clock as I recall, of the weekly meetings of the Board, and I remember hearing this in the car coming home from work downtown. I was always eager to learn what she had to say as a reporter of each meeting. But nobody else was there. For a long, long time she was the only one that came.

You'd think that some citizen would come, some other newspaper reporter would come. Subsequently other newspapers did begin to send reporters, and some citizens did begin to attend, particularly ladies from the League of Women Voters; but in those earlier days this was not the case.

MRS. HINCKLE: What was the position of the two major parties in relation to the Charter?

MR. SIMS: As I recall, the two major parties didn't take a position on the Charter in 1946. Yes, they did too; both parties were against.

I remember campaigning at my precinct, which was then the firehouse on Connecticut Avenue across from the Chevy Chase Women's Club, and I remember there was a poster put up there by anti-Charterites saying, "Republicans and Democrats against Charter," making it appear to anybody coming in to vote in congressional elections in 1946, which was also a county election and also the state-wide election, that both Republicans and Democrats were opposed to having a charter drafted.

MRS. HINCKLE: Were they really officially opposed or were they neutral?

MR. SIMS: This I'm not quite sure. There were lots of Republicans on both sides of the fence and lots of Democrats on both sides; but certainly this particular poster was giving the impression that everybody was against a charter. I think that generally speaking most Republicans probably were slightly against the charter idea because they thought they might get in too (might get elected to county office). Of course, the "machine" Democrats were considerably against the charter idea because the "machine" Democrats primarily were the faction in power. Now the dissident Democrats tended very much to favor the idea of a charter, whether they knew much about it or not. Many Republicans favored having a charter drafted because they thought they might have a chance to oust the political people that were in, who were Democrats. Whether or not the Republicans actually took a stand officially in 1946, I am not sure.

MRS. HINCKLE: What about other opposition groups? What did Brooke Lee do at this time?

MR. SIMS: In 1946 there was an anti-charter fight again. The political machine said, "Only two years ago we voted down a charter. The people don't want it. Why should we go through this again and waste a lot of money and time?" In other words, they didn't want to take a chance it would be accepted. It did come close in '44, namely 53% to 47%. When you get that close, anything could happen. So they figured, "Why take a chance? Just vote against it in '46; don't have a charter drafted, then they wouldn't have any trouble."

They didn't win that one, and as I mentioned a while ago, the 1946 vote was 57% in favor of having a charter drafted and only 48% against. Our argument, "Well let's just see what they come up with," turned out to be pretty good strategy.

This good charter board was elected. They were hard workers, they held the hearings as I mentioned, and we three on the advisory committee were real active.

Of the three of us, Fred Lee was the most active. Being a legal scholar, political scientist, excellent citizen that he was, he devoted a tremendous amount of time in the fall of '46 and the winter and spring of '47 to helping the Charter Board. I have in my files many memos that we submitted to the Charter Board, mostly written by Fred Lee. Mrs. Dinwoodey and I would go over drafts of them and so on.

I've mentioned about how the second charter differed from the first one in that the departments were not spelled out nearly so specifically. Another important point of difference was to overcome a criticism of the 1944 charter and that was that if you have a County Council of nine members, five of them elected by residency districts and four of them without regard to residency districts, you could end up, mathematically, with five members of the Council all coming from one of the five councilmanic districts.

The district that was always picked on was Bethesda-Chevy Chase, because that's where most of the support for the charter idea came from, and also where the anti-Charterites liked to say lived "rich, educated, and refined" people—those are the three words Col. Lee liked to use in running us down. I think a lot of us were refined, some of us were educated, but not very many of us, so far as I know, were rich, and that was one of our big problems. But it was pointed out in the '44 campaign vigorously that this prospective council of nine members could be run from Bethesda-Chevy Chase. "Folks, do you want that kind of charter? Do you want that kind of government?" It was real effective.

So some of us met—after the defeat of the '44 charter and after the '46 election—down at the old Cosmos Club downtown, and we got to talking about this particular problem, and I remember pointing out that there was an easy mathematical way out of this situation: Just have a council of seven, five elected by residency districts and two at large. That way not even Bethesda-Chevy Chase

could have a majority on the council. The most it could possibly get would be three out of the seven. This turned out to be accepted, and it's what we have had every since, and as a matter of fact, the Board of Education is elected by the same method. I have to correct myself just a little bit on this "ever since" business. Since the "one man, one vote" decision of the Supreme Court (Baker vs. Carr, 1962), we have elected our council wholly at-large without any respect to residency districts.

But I think this council-of-seven was a good idea. I don't mean to have the old-fashioned ward election, where you have somebody elected from one ward or one councilmanic district and nobody else gets a chance to vote on that candidate. There are some people who do favor this. This is the way our Congress is formed, for example. Each representative comes from a single-member district. Chicago has this ward system. Many cities have the single-member-district form of council. They say this has the advantage of somebody being on the council "that you can go to with your problems." I discount this almost 100%. When we come to the Charter Revision Commission (1967 and 1968), I'll have something more to say about that.

MRS. HINCKLE: At this particular point, you knew you could get the upper county to vote for the charter if you put this provision into the charter. Is this the reason you did propose the seven-member council?

MR. SIMS: The up-county and also the eastern part of the county, Silver Spring and Takoma Park, which were then growing very rapidly. They really did have a point. This change did assuage their fears and took that argument clear away from them.

As a matter of fact, what's so wonderful about nine members on the council instead of seven anyway? Some people even said it ought to be eleven. Chicago has 50! If you get a very large council, it begins to become unwieldy. Prince George's County right now has eleven on its council. I noticed on TV this past week, one member of the present council in Prince George's County is saying the council is

too large and it ought to be nine or possibly seven. So I think that the seven has worked out rather well here. Even under our present form of government (adopted in 1968), there are seven members of the council.

Now we come to 1948, I guess. The charter was drafted and put in "cold storage" six months after the election of '46, and that gave eighteen months for a campaign to take place. This is as a result of state law; this was not part of the Charter Board's idea at all. The eighteen months is really longer than you need, and the six months is shorter than you need to frame it, but that's the way the law states.

In 1948 the question arose, If you do get the charter adopted, who is going to be on the first County Council of seven members? Then an interesting thing happened here. By this time the Democratic political organization decided they would not fight this. They would fight adoption of the charter, but if the charter is elected, is voted in, then, they said, "Let the Charterites have the first County Council. If we can defeat the charter, fine, but if we can't, let the Charterites run the county the first time around." So the Charterites put up seven candidates for the council, and the "machine" didn't put up anybody.

Neither party actually put up anybody. There were only three other candidates that ran at all, and they ran of their own volition. They all got very few votes.

So the charter was adopted, and the council that was nominated by the Charterites did get elected. The vote in 1948 was 17,318 in favor and only 13,652 against, or 56% for and 44% against.

INTERVIEW 2 Charter and Council Manager Government

MRS. SCHARF: You've told us that the Charter Committee slate for the first County Council was successful at the polls with very small opposition. What were the criteria for the choice of those candidates for the first council as nominated by the Charter Committee?

MR. SIMS: First, Mrs. Scharf, I probably ought to say that the ringleader in the choice of these seven people was Mr. Allen Gardner of Silver Spring, a prominent attorney and the founder of the Montgomery County Charter Committee, and prior to that time the chairman of the Committee on Legislation and Legal Action of the Montgomery County Civic Federation. He was the chairman of a committee that interviewed a good many people and made the selection of these seven candidates.

Of course the President of the Council (he turned out to be the President of the Council) was Fred Lee, of Bethesda. He was not nominated as the president, he was simply nominated as a member; but he became the president by unanimous choice of the other six, because he was so obviously the leader of the group. He had been chairman of the first Charter Board and was the chairman of the advisory committee to the second Charter Board. He probably was the best informed person about Montgomery County government in the entire county, with the possible exception of Col. E. Brooke Lee (no connection), who came up through the political side, whereas Mr. Frederick P. Lee came up through the civic side.

The other council members who were nominated and elected were, in no particular order, but we will honor the one lady, let's say, first, Mrs. Dorothy Himstead, of Bethesda. She had been lots of things, but probably most famous was her role as President of the League of Women Voters, and I have talked about her on previous occasions. She not only was President of the Montgomery County League of Women Voters, she was married to the Executive Director of the American Association of University Professors [Dr. Ralph Himstead], and she herself was the daughter

of the President of Northwestern University [Dr. Walter Dill Scott], a very bright lady, a very good civic worker, and obviously the type person who should be considered for the County Council. Perhaps the most interesting thing about her election was that never before had a lady served on the Board of County Commissioners, so this was a landmark. There have been ladies since then. In fact, there has never been an all-male council in the 21 years of our council form of government.

Another person on the first County Council was Dr. Lewis Meriam, who at that time was Vice President of the Brookings Institution and the author of, at least the director and editor of, the monumental study (by the Brookings Institution) of Montgomery County, the report having been published in 1940. Dr. Meriam (long-time resident of Kensington), certainly was an obvious candidate for the first council.

Another man that was nominated and elected was Mr. Tom Kelly, who had been County Attorney in the county and was well known, lived up-county, and had a great following among all sorts of people.

MRS. SCHARF: Mr. Sims, was Mr. Kelly a farm owner?

MR. SIMS: Yes. A farm owner, he had a beautiful farm up towards Poolesville, and he was well liked by both Republicans and Democrats and had good county service—later was a circuit judge. He was a severely crippled man, but not above the neck, for sure, likeable and well motivated.

Another man was a person who up until that time I had not heard of, Mr. Douglas Bradshaw, of Silver Spring, who was an attorney and a well qualified man for the job. His actual civic or political background I don't really know. I knew him fairly well after he was on the council, but I didn't know him at all beforehand.

This leaves two men to be accounted for, neither of whom had I known at all, and neither of whom had I ever heard of, but both of them turned out to be useful members of the council, Mr. Selby and Mr. Ligon, from up-county. It probably would not have even occurred to me, I being so much younger and less experienced than Mr. Gardner particularly, to have selected these two men, but of course they represented the business community and the business community by all means should be represented. These two men were fairly well off financially and brought to the council advice and knowledge about business and commercial affairs which some of the others would not have been as well qualified for.

This made a well-rounded council from the standpoint of general background, interest, and knowledge.

There are two other factors that should be mentioned. One is the geographic distribution. According to the first charter, the people had to come from the various commissioner or councilmanic districts. There were five councilmanic districts, which corresponded exactly to the old five commissioner districts, so that five of these came from those districts though elected at-large. Then two others could come from any place in the county and were elected at-large. Actually one came from Bethesda-Chevy Chase, and one from Silver Spring-Takoma Park-Kensington.

The other function that should be clearly mentioned is the partisan one. Were they all Democrats? All Republicans? No indeed. It would be nice to have had them half and half, but with an odd number like seven you can't have them half and half. Mr. Gardner and his committee selected council members as close to half and half as you can get, namely, four of one party and three of the other party. There were four Democrats and three Republicans selected, which made a lot of sense at that time because the Democratic Party had the larger registration in the county.

I was told on several occasions by different members of the first council that not one single decision was ever made by the council on the basis of party membership. I think that is very significant, and I think anyone studying the history of this county ought to be impressed with this fact, because it illustrates that you don't have to give any attention, in my judgment, to membership in a national political party if you're settling local issues. Now I know there are some people that have contrary views to that, but I don't suppose that I hold many views any more strongly than this one, that local government should be based on local issues and should have no reference to attitudes toward wars or tariffs or things of that kind. Local government is primarily, if not exclusively, for the benefit of local citizens. Local government is for services, and there is no Republican way of laying a street or a Democratic way of looking after the health of people. I am proud that this first council made no decisions of any kind based upon their membership in political parties.

Now we might turn to the question of accomplishments of this first council. Would this be a good time to do that, Mrs. Scharf?

MRS. SCHARF: Oh, yes. Was this first council the success that was envisioned for it?

MR. SIMS: I used to say, I still do, that this council was blue-ribboned and quilt-edged; and I've also said that I cannot imagine any better local governing body in any county or city or other local government in the United States than this first County Council. It was simply the best you could find. The devotion to their tasks was incredible. The time that they spent was incredible. The motivation, particularly on the part of those who had been in on the early workings of this (and these would be primarily President Lee, Dorothy Himstead, and Lewis Meriam, but to a great extent Tom Kelly also) was just great.

So what did this council do? First of all, they set a tone for the local governing body that had never been set before. It was about as great a contrast as you could get, if you compare the old county commissioners, which were selected by the county political machine and sent around like chessmen. I remember in one four-year term we had three different presidents of the Board of County Commissioners because the political machine just moved the president around from one place to another, such as the Washington Suburban Sanitary Commission, and back. So the new tone was just great. There was no hint of dishonesty or dealing, no hint of rezoning of property to benefit either the members themselves or anybody else. These seven people were simply there to facilitate fine honest local government and to improve the services to the citizens.

The second thing I should mention was the leadership by President Fred Lee. He served both of the two years as president. This seemed sensible to me; it seemed sensible to all the other six members of the council. And I'm sure it must have seemed sensible to Fred Lee himself, though he had already given an unbelievable amount of time. But he clearly was the leader of the council and an excellent chairman.

The leadership that he set, also, I should have thought, would have established a precedent that council members would select among themselves the person most obvious as the leader. This did not take place after the first County Council. In fact, it has been traditional ever since for the presidency of the council to rotate. This is not in the Charter. It was not in the plan of anybody. Who originated it I do not know, but I remember in the second council the first president was selected, and lo and behold at the close of the first year somebody else on the council was selected. That established the precedent of rotating. Ever since then we have had a different president of the council every single year.

MRS. SCHARF: Is that good?

MR. SIMS: I think it's terrible.

MRS. SCHARF: I would think so. The leadership abruptly changes too often.

MR. SIMS: Of course, you can luck out. You can happen to have a person who had had great experience and familiarity with the government and could slide into the presidency as nicely as can be, but this doesn't really happen too often. We have been fortunate a few times, but I think this is clearly the exception. This accomplishment, of the most logical person being selected as the President, and that same person serving as long as he is willing to serve, I would classify as an accomplishment of the first County Council, even though the idea fell to the ground. At least we have some history to point to, and some day maybe we can get back to this kind of thing.

The next thing I would mention as an accomplishment of the first County Council was the appointment of the first county manager. I've referred to this earlier, but I probably ought to mention it here in this connection. The first county manager appointed was Mr. Irving G. McNayr, who had been the so-called county supervisor--in other words a sort of weak county manager type--under the old Board of County Commissioners. [Mr. McNayr had succeeded Mr. Willard Day. Barely 30, he held a master's degree in public administration from the University of Alabama. Mr. Sims lists the appointment as an "accomplishment" because it set a precedent--a man educated in public administration, with local management experience.] At least he was there. He knew a lot about the County, he was professionally educated in the field of public administration, he was vigorous. He was a logical candidate at least, and many thought the logical appointee. He had taken some strong positions on things, even though his own post was a weak one, and the result was that he had made some enemies and a lot of friends. The Council was divided on his appointment, but they did appoint Mr. McNayr as the first county manager--by a vote of 4 to 3. It's interesting to note that the three who voted

against him went right around to his office immediately afterwards and said openly that they had voted against him, but that they had been outvoted, and now the seven would work together, and they would work with Mr. McNayr as hard as they could to make this first county government under the council-manager form of government successful.

MRS. SCHARF: Did they give reasons for their "no" vote?

MR. SIMS: As I understand it, they did. Some thought that the position he took on some things was not to their liking; others thought he was unduly outspoken, particularly for a man occupying not even the position of county manager but only county supervisor. In fact, I remember myself, when I was a delegate to the Montgomery County Civic Federation, Mr. McNayr had come to a meeting to address us. I forget what the subject was, but he came right out appearing before the assembled Civic Federation and took a position on something. I, having been educated in the field of public administration also, and being a little older, thought I was free to say to him after the meeting that I was a bit surprised that he would be this outspoken. He didn't back down at all, but said to me—and I think there were two or three others standing around—that he really knew about this particular matter and the County Commissioners didn't. There again, I was surprised that he would be this frank. But this was Mac, and a lot of people liked this, and a lot of people didn't. I think that had something to do with the negative vote of three of the members. But he was appointed. He was extremely well-motivated, he was a hard worker, and I think on the whole you'd have to say he made a success.

MRS. SCHARF: Would you say that this is the ideal role for the county manager, or is he supposed to keep his opinions to himself and carry orders out?

MR. SIMS: There's been a big change in this respect in the history of the council-manager movement. In the early days, that being 1913,

and from there on to about the end of World War II, the philosophy was that any city manager—in our case the county manager—was simply a servant of his council and was to do their bidding. He didn't have strong opinions, or if he did have them he didn't exercise them, didn't make them known—because he was only the employee, the top employee to be sure, but he was only the employee of his council. In fact, if he did take any position of leadership in many communities, he kept it kind of a secret. I remember a friend of mine who had a Ph.D. in public administration and was the city manager of Portland, Maine, saying to me with a glint in his eye, "I get along fine with my council. Do you know what I do? I tell them, 'Council members, you tell me what to do and I do it.' And we just get along fine." And then he added, "Actually, I give them all sorts of suggestions; they hardly realize it."

This was 25 years ago. Now the philosophy is quite a bit different and I think probably should be. It makes it difficult for the manager, but unless the council is extremely strong, extremely well-qualified, extremely knowledgeable, and unless they know what they want, then they depend on the manager to bring in new ideas, to bring in maybe alternative ideas and say, "Here is a problem and I have two possible solutions, Council members, solution A and solution B. Of the two, if you want me to, I will tell you which is my preference, but at least here are two solutions." So, depending on the council, the manager may tell them what his choice is or may not. In the long run now, I think this is probably a good idea, even if the council is fairly strong, because we don't want the manager just to be a strong routine man, we want him to be an idea man. If the council doesn't like what the manager recommends to them, then of course the manager has to go along with the council.

MRS. SCHARF: If a manager is too creative or forceful in recommendations, is his survival jeopardized?

MR. SIMS: Yes, it is. This is true of a political person also, one elected to a high political office. If he takes strong stands on things, some people for sure will like them and some people for sure will not like them. I think this is true in general administrative life too.

MRS. SCHARF: I've noticed this in school superintendents.

MR. SIMS: That's a good example, isn't it? I think we have to recognize that if you want to get qualified people at high levels, you do want their views on things. In the case of the council-manager form of government the one thing you do have to remember is that once the council has made a clear decision about something, then the manager proceeds to carry out the wishes of the council—unless, of course, he feels so strongly about it that he simply can't do this, and so he looks for another job.

This is true in general administrative life. Take, for example, the Federal Government. If a bureau chief decides on a certain thing, and he's talked it over with his subordinates, the division chiefs, and a division chief simply cannot accept the bureau chief's direction, the division chief can resign. He can keep appealing, but if the bureau chief has made a final decision about it, then the division chief must obey.

This doesn't seem to me to be inconsistent with anything, but it is different from what the council-manager form of government said in all the literature and in all the experience from 1913 until roughly 1946. So really, all the time of our experience—20 years—here in Montgomery County with the council-manager form of government, we were in an era (nationally) when the manager should be a strong person.

Our first county manager himself (Irving McNayr) was a strong person, and we had a strong person one other time. One manager stayed a very short time; the council didn't want him and let him go. Then we had one county manager, the most recent one, Mason Butcher (an engineer), who was not strong enough to suit the

council. (Mr. Butcher, by the way, died just a few weeks ago, out in his native Nebraska.) He was a man who came up through the ranks and really didn't want to be the county manager, but an earlier council appointed him because they felt at that time that they wanted a local man—he'd been acting county manager for a while [Mr. Butcher's regular position at that time was chief of the Department of Public Works.]—and they turned down dozens and dozens of applications, I understand. That is a long answer, Mrs. Scharf, to your question, I guess.

It is important to get it on the record that the philosophy of the council-manager form of government changed about 1946, and our whole council-manager experience in this particular county was in this modern era. But it didn't actually operate that way in the last half of its life, and this may have something to do with the fact that it was changed. I'll have a lot to say about that in a little while in this interview.

Another accomplishment of the first County Council was its relations with the county manager, Mr. McNayr. This is rather two-sided. One side is that the relations after the 4-3 vote were very amicable and good. The other side is illustrated by this incident: One night Mr. McNayr said to me when he was serving as our executive secretary ("our" meaning the County Personnel Board, because I was on the first County Personnel Board), "You know, Lew, we don't really have the council-manager form of government in Montgomery County." I was simply taken aback. Here was a man who knew, as did I, what the council-manager form of government was, from our education and experience, and here we were living with it and it was only about a year old; and he, the county manager, was saying we really don't have the council-manager form of government! What could he possibly mean by this? "Well," he said, "the Council is so strong, particularly the president of the Council, that really I just do what they say." So he really did understand the council-manager form of government. Actually, when we recall that this council

was the first council, was so extremely good, I have to say, "Okay, let Mr. McNayr say this, and let it be true that it was not a strong manager in terms of the position." But it should have been at the beginning of the second council. And it was. Mr. McNayr's position was much stronger under the second council than it was under the first council.

MRS. SCHARF: Wouldn't this be what you'd expect with a council hand-picked and tailored to the concept of the council-manager, home rule government?

MR. SIMS: This first council launched the philosophy of council-manager government—in a sense, yes; in a sense, no. These seven highly motivated councilmen did expect the first county manager, Mr. McNayr, to carry on the detailed day-to-day managerial work and to provide them with pertinent information and advice—much of it derived from the permanent bureaucracy which he supervised. However, these first seven councilmen took almost complete control of policy, including both the initiation of general policy and the formulation of specific policy, relying less on the county manager than is common practice in the typical well-run council-manager government.

MRS. SCHARF: What were some of the accomplishments, Lew, of the first County Council?

MR. SIMS: I can think of several specific accomplishments or achievements of the first County Council—in addition to the general accomplishments—that should be mentioned. First was the adoption of a road code in Montgomery County. Montgomery County was growing so fast, and has continued to grow ever since, that it is well that the first County Council decided that we should have a legalized, formal code establishing standards for streets and roads in the county. This was one of Fred Lee's strong interests.

With a great deal of controversy about this matter, hearings being held by the County Council, a road code was finally established. This determined not only for downcounty but also for upcounty the width of streets and roads, the

quality of materials, the depth of concrete if it was to be concrete, whether or not curbs were to go in, whether or not sidewalks were to go in. Eventually the road code was established, and this has turned out to be a good thing.

Of course, the builders of streets and roads for the most part were less eager about having these standards than many citizens were, and there were problems. There were delays in the building of streets and roads, because the County didn't have enough inspectors at first to get out and inspect a street when it was a certain percentage of the way along. The road builder would be unhappy if the inspectors couldn't be there and his work was delayed. There were problems, but gradually they were worked out. Needless to say, the County had to employ more inspectors than it had before. This now is working out pretty well, but it was difficult at first.

Another specific accomplishment of the first County Council, somewhat related to this, was the clarification of the street names and the road names, particularly upcounty. There sometimes was more than one name for the same road, depending upon the history of it and other factors. In addition, upcounty the roads didn't have any names on them, so you didn't even know the name of the road you were on. If someone told you to go somewhere and turn left on such-and-such a road, you wouldn't know even if that was there, even if you had a map, unless you were an extremely good map reader. So street names and road names on signs were put up all over the county.

I remember even downcounty the street names were up on relatively short wooden posts in many cases, and the street name itself was on a piece of wood and sometimes printed only by a stencil. Soon after the County Council came in, the short posts were replaced by much taller ones of steel, and the street name was printed on a steel plate. This was true all over the lower county and all over the upper county.

The people were brought together a great deal more; they knew where they were. This was a visual accomplishment that made me feel kind of good—and wasn't terribly expensive.

Another specific accomplishment which now I would clearly cite, though I was worried about it at first, was that the first County Council decided to have a public library system and to establish a Department of County Libraries. Prior to that time we had a library in Bethesda, one in Kensington, one in Takoma Park, etc. Some of these were municipal libraries, but the one in Bethesda was governed by just a committee.

Now the County Council was going to have a county-wide library system. I remember thinking at the time (I was on the County Personnel Board and I was hearing the news) and I was dismayed. I thought this would not be popular with the citizens of Montgomery County; this would be cited by the old political machine as a lavish and unnecessary expenditure by these people who were "cultured, refined, and rich." I'm happy to say that I was wrong in this respect. The library system has proven to be very successful, and really it isn't terribly expensive. A library system is nothing compared with—especially schools—but also with health, welfare, and streets and the other local governmental functions; and it does lend an air of class to the community.

I remember how the first director of public libraries, Mr. Moreland, was selected by the County Council. He had formerly been on the staff of the District of Columbia library system and had gone elsewhere to a distant state, and he was interested in coming back to metropolitan Washington. When this job was opened, he came down and made a presentation to the County Council which was tremendously good. He had a visual presentation, and he talked convincingly. He was selected over all the other candidates. Some of them were very good, but Mr. Moreland was absolutely outstanding. He served for many years in this position, about sixteen

I believe, and he made Montgomery County into one of the most patronized library systems anywhere in the United States, in terms of circulation figures.

Another specific accomplishment I would name, one that lawyers would appreciate, and citizens benefit from indirectly, is the first codification of the local public laws of Montgomery County. This was done under the general supervision of the first county attorney, David Macdonald, and specifically by one of the assistant county attorneys, now a circuit judge in Montgomery County, Plummer Shearin, who had been the second executive director of the Montgomery County Charter Committee. This will remain a monument to Plummer Shearin forever, I'm sure. He didn't do this just on a five-day-a-week, forty-hour basis, either. He really put his heart and his time into it.

Those were illustrative of the accomplishments of that first County Council. I suppose somebody else would cite others. These weren't necessarily the main ones, but they certainly were ones that should be cited. Others that could be cited would include the establishment of a genuine budget system, in which the first county manager, Mr. McNayr, played a big role.

This leads us into the next topic that should be discussed, and if I may be permitted to say so, I would regard this as an accomplishment of the first County Council. That is the establishment of the first County Personnel Board. The legal basis for it appears in the first county charter. I was on the first board, and was elected by the other two members, without my either voting for or against, as the first chairman. Like the first County Council, we pitched right in, and I believe I can say that we made it click.

Let's back up a little and say what the Board is and how we were appointed. At this time the people who were opposing county home rule and were opposing the council-manager form of government and were opposing the merit system in the county were also giving the raspberry to what they called "civil service." In previous

years in other places, it was even referred to as "snivil service." It occurred to Fred Lee and others in forming the first charter, which was defeated, and the second charter, which was adopted, that instead of calling it the "civil service commission," it would be better to call it the "county personnel board." And so it was, but of course it was a civil service commission.

Even to this day, civil service commissions in states and cities and counties oftentimes are sort of negative or old-fashioned, and they are sort of set apart from good management. They try to prevent bad things from happening, but they don't try to facilitate good things happening. We came into the position of members of the County Personnel Board with the opposite philosophy: that we would try to facilitate good things happening, and we would cooperate as strongly as we could with both the County Council on the one hand and the county manager on the other hand.

Furthermore, the charter that was adopted provided specifically that the county manager should be the executive secretary to the County Personnel Board. This was a Fred Lee idea, I might add, and it worked out in great shape. The county manager was there at our first meetings all the time, just as the charter provided. After a short while we found that we needed somebody to do a lot of the office work, however, so we appointed a county personnel assistant, who was the personnel assistant both to the Board and to the county manager.

Now, what was the system that we inherited? When the first county charter was defeated in the fall of 1944, as I have said previously, the political machine came in, in the winter of 1945 and proposed ten improvements in the county government. Mr. Sims discussed this in more detail in his interview of April 6, 1972.] This surprised all of us who had been urging these very things, and one of them was to establish a merit system. The merit system that was established under a tax attorney by the name of Jo V. Morgan (who served on a part-time basis) was modeled

after the United States Civil Service system, which had not at that time really been reformed enough, though it had been reformed a great deal during the war [World War II] and immediately after. This was almost immediately after the war, and the general improvements made by the Civil Service Commission of the United States Government had not been adopted very much elsewhere and had not really quite settled down at the national level. Mr. Morgan went down to what was then 7th and F streets, which is now a great portrait gallery, but that's where the Civil Service Commission was located in those days, and he picked up a lot of information and modeled the Montgomery County system after the national system. He then hired a full-time lady assistant who also, I assume, visited the U. S. Civil Service Commission.

This is the system that we found in March 1949, operating not even as well as this would sound in Montgomery County. The exterior of the system looked like the national civil service system, which wasn't as good as it ought to be. Inside, it was real routine and adjusted to fit individual situations—twisted, that is.

The person who was by now the Civil Service Commissioner (just one commissioner, not three) was a retired major from the U.S. Army and really didn't know very much about personnel work. We offered the job of personnel assistant to this man, and he served in this capacity for an extremely short time. He was unhappy, of course, because he had been the Civil Service Commissioner and now he had the title of Personnel Assistant, a mature man of probably mid-50's. He could tell very soon that he was not doing the kind of work that we wanted him to do, and I'm sure he was not able to do the kind of work we wanted him to do. I don't know what his background had been in the Army. He resigned, and this left the door open for us to look for somebody who could really do what we needed to have to be done.

We three were serving part-time, though that was a lot more than it might sound. We couldn't depend on the county manager to be a full-time executive secretary to the County Personnel Board.

MRS. SCHARF: Did you have compensation at this time?

MR. SIMS: We had compensation of \$10 per person per meeting, not to exceed \$600 in any one calendar year. We didn't take office until March (and I'll say in a minute how we were appointed). We ran out of money in October of that year because we had to have so many meetings. The result was that we served the following months of the calendar year 1949 without pay. It didn't make a bit of difference as to how much time we put in; we put in exactly the same amount of time.

We met every Wednesday night, and we also met almost every Saturday morning, and frequently we would work into part of Saturday afternoon also. The Council was invariably there on Saturdays, so we saw the Council a great deal and frequently went to lunch with the Council and the county manager. There were very few restaurants at that time, so this meant we had to get into a few cars and drive up what we now call the Rockville Pike to have lunch. We all enjoyed this very much because then we got better acquainted.

This may be the proper time to say how did we three people get appointed to the County Personnel Board. After the Council was elected (November 7, 1948), the first thing they had to do was talk about appointing the county manager and get things rolling. Then in February of 1949, Mr. Fred Lee called me on the telephone and asked me if I would have any suggestions of people who might be suitable for the County Personnel Board. I said, "Well, Fred, I would have, why sure, but I would like to have a couple of days." So I quickly set to work to get up some names that would be appropriate. I called people, but I had some people's names in my mind almost immediately. I remember sending Mr. Lee ten names, and I tried to make them geographically distributed around and various other qualifications. I didn't know that any one of them would be able and willing to serve or would not be willing to serve, but I was fairly sure that all of them would be fairly well

qualified. I also attached to each name a thumbnail sketch of the person and a little appraisal of this person's qualifications.

About a day or two after Mr. Lee got the letter from me, he telephoned me and thanked me and then said, "Lew, is there any reason you couldn't serve on the County Personnel Board?" "Oh, yes, Fred," I said, "there is. You know I'm a Federal employee and would not be eligible." He said, "I think that you are eligible. Are you familiar with the Federal Personnel Manual?" "Oh, yes, volumes and volumes." "Well," he said, "if you will look at volume such and such, chapter such and such, there is a footnote; the print is pretty small, and it's not real clear exactly what it means, but I believe you'd be eligible, if you get certain clearances. If you are eligible, would you be interested?" I replied, (I'm sure quickly, not the least bit modestly), "Oh, surely!" — or words to that effect. "I would be interested!" I think I felt complimented—and also delighted with the possible opportunity to serve again, and this time officially, not just as a civic citizen.

The very next morning, I hotfooted it around to the personnel office (of the U.S. Public Health Service), you can be sure. I looked up this citation, and just as Fred Lee said, the footnote was not quite clear. One thing it did say had to be done was to get the approval of your immediate supervisor and then up the line in some way. I mentioned it to my immediate supervisor, who lived in the county and was well motivated toward good government. He was delighted with this possibility. Then I talked with the Department director of personnel (this was the Department of Health, Education, and Welfare). He didn't live in Montgomery County, but he, of course, was interested in good personnel. And I had known him, fortunately. He would certainly not stand in the way. Even though the footnote was not quite clear, we proceeded, and nobody ever challenged it, so I guess it was perfectly all right.

I telephoned Fred Lee and told him everything was all right. I was appointed, and I didn't know who the other two people were going to be until we assembled in Rockville on a certain day in March 1949.

One person was a person whom I had known extremely well, Edith Dinwoodey (of Chevy Chase), who had served on the advisory committee to the second charter board. I was delighted with this appointment. The other member of the Board was a person whom I had never seen before and whom I had never even heard of. This was Malcolm White from way upcounty [Sunshine]. Malcolm White had grown up in the District of Columbia, but he had moved to the county about the time I had or a little before, and he ran a beautiful farm in far-north Montgomery County. Only one farm is between his and the Patuxent River, which is the boundary line between Montgomery County and Howard County. We three soon got together (immediately after being sworn in).

MRS. SCHARF: Were you three experienced in some field related to personnel?

MR. SIMS: Well, I'll start with Malcolm White. He was experienced in a practical way, because he hired men to help him on the farm and had supervised men in his career. He was a high school graduate, no more than that, but obviously an intelligent, practical man, and this was the reason, of course, that the County Council had appointed him to the Board. Also, geographical representation was a factor. They wanted somebody not from the down-county area. How this man's name came to the attention of the Council I don't know, but I imagine it came through Mr. Selby and Mr. Ligon, two of the members of the Council, both of them from upcounty.

Mrs. Dinwoodey had worked for the U.S. Civil Service Commission in the Research Division before I had known her, so she had some personnel ability and knowledge. Really her main qualifications were that she had had much civic experience in Montgomery County—League of Women Voters, Charter Committee, and all the rest. She was obviously intelligent and extremely well motivated, and also a good writer,

and a person who would speak up strongly for her views, and she was able to cooperate. Just the kind of person you want on a group.

As far as I was concerned, I had worked at the U.S. Civil Service Commission under Leonard D. White, one of the Civil Service Commissioners, under whom I had been a graduate student at the University of Chicago. He was a professor of public administration there—and the first reform Commissioner of the U.S. Civil Service Commission. At that time it was one of the best examples of the old-fashioned, old-line kind of government agencies that you could imagine. As a matter of fact, I didn't even stay there very long. I didn't think it provided the atmosphere that I was looking for. So, though I got promoted, I did transfer later to another agency where my knowledge and interest in state and local government was put into effect. I was Assistant Chief of the State and Local Government Division in the Census Bureau for eight years.

All this time I had had an interest in personnel, from the first time that I came to the Federal Government, which was in 1935. At that time a lot of us young men were coming with bells ringing and trumpets blowing, thinking we were going to save the Federal Government and the nation. I don't suppose we had as much influence as we thought we were having, but it was a great time for a highly motivated political scientist to come to Washington. [As Longfellow said in connection with an earlier period, "Bliss was it to be alive, but to be young was very heaven."] So I came in 1935 to "help save," as did many others, and the Civil Service Commission did not provide the environment I was looking for in the Federal Government. The Census Bureau, in the field of state and local government, did, and there I handled the personnel aspect for our division—recruitment, promotion, and all the other things. I was not a personnelist in the sense of being paid for doing personnel work, but it was an active sideline.

I had recently come to the Public Health Service when the opportunity to serve on the County Personnel Board took place.

Meanwhile, in the summer of 1948 I had really had a taste of personnel work. This was when I was on the Personnel Task Force of the first Hoover Commission. I can hardly imagine a better experience for what later was mine on the County Personnel Board.

Lewis B. Sims, interviewed by Helen Scharf, June 3, 1972

MRS. SCHARF: Lew, at the end of the last tape, you were telling of your experience in personnel work which made you interested and valuable on that first Personnel Board. Would you like to tell us what you were doing on that first Hoover Commission that had to do with personnel?

MR. SIMS: Yes. In the summer of 1948, the first Hoover Commission (named after Mr. Herbert Hoover, former President of the United States), [Mr. Hoover was chairman of both the first and second commissions, 1948-1949 and 1954-1955. The official name each time was the Commission on Organization of the Executive Branch of the Government.] was hard at work, and I was then employed in the Federal Government [Mr. Sims was then working in the Census Bureau, as Assistant Chief of the Governments Division.] The Personnel Task Force, one of the many task forces of the Hoover Commission, functioned by means of the appointment of a committee of very responsible, well-known people in private enterprise and government and academic life. This committee met and decided that the way it wanted to carry on its study was to hire a private management firm, which it did. This was a firm called Cresap, McCormack, and Paget, with the central office in New York.

The outcome of this was that I was hired, and I spent the whole summer of 1948 working for the Task Force on Personnel of the first Hoover Commission.

MRS. SCHARF: Was this an experience that proved very useful in the setting up of the new Personnel Board?

MR. SIMS: It was incredibly fortunate in that what we had done, working in the first Hoover Commission, led directly into what we were going to try to do in the county. It was only a few months from the time I finished my work with the Personnel Task Force of the Hoover Commission until the first charter was adopted and thereafter the Personnel Board came into existence, and I went on it with great vigor and opportunity. This was an opportunity.

MRS. SCHARF: It was exciting to put your ideas to work?

MR. SIMS: "Exciting" is the right word. Here were all these ideas that we had worked out, and I was able, in effect, to put them to work. A great many things that we installed in the County were an outgrowth of the Tennessee Valley Authority experience, where Tom Morris had been employed a few years before that.

MRS. SCHARF: Lew, before you get into some of the specific things you did on that Personnel Board, would you tell us a bit about what you tried to do with the situation on personnel? The need for a really thoughtful collection of personnel was one of the many purposes of the Charter Board, wasn't it?

MR. SIMS: That's right.

MRS. SCHARF: What were the conditions that you found in our Montgomery County personnel? March 1949

MR. SIMS: One thing that we had been saying during all these years prior to the election of 1948 was that there was too much old-fashioned, garden-variety politics in the county system. Patronage, a great deal of appointing of people who may or may not be qualified, varied of course. And also we heard, and it was true, that many people were appointed on a six-months basis so that if they didn't "play on the political team" properly, they wouldn't be re-appointed—this including even policemen. So when we got in there, we really expected to find conditions worse than we actually found them. That doesn't mean that we found excellent conditions, by any means, but they really weren't quite as bad as we thought. But we found some funny things going on.

A good many of the policemen had these six-months appointments. And then, of course, they had to get out and do political hack work during the campaigns, often-times even in uniform. We put a stop to that immediately.

We found some people highly qualified—to our surprise, dedicated employees. And then we found, on the contrary, people who really weren't worth anything to the County. One example was a sanitary inspector whose interest was shooting rifles.

So as a sanitary inspector, he would back his car up to where he knew some rats were and run exhaust smoke into the holes. I guess not the carbon monoxide, because that would have killed the rats, but just the smoke was enough to get in there; out would come the rats, and he would get off about 30 or 40 or 50 feet and shoot rat by rat! Well, anybody that knows anything about public health and sanitation knows you can't get very many rats that way. But he enjoyed shooting the rats. He got paid as a sanitary inspector and shot the rats for fun. He owned a private business in addition, and I guess that's where his main income was, but this was something he did as a sanitary inspector.

We found six sanitary inspectors. As a matter of fact, my recollection is that three of them were rather well qualified and three of them were not. So we announced an examination which required a bachelor's degree from a recognized university with a major in, as I recall, engineering, or chemistry, or biology, or some related subject, and then some appropriate experience. The result was that three of the six qualified of course, and the other three did not, including the example I just cited. We recruited enough to replace these, and as the county grew, we recruited others. This was just one example.

We found, of course, the Civil Service Commissioner himself not really qualified to do this work, and we made him our "Personnel Assistant," which didn't sound anywhere near as good, prestige-wise, as "Civil Service Commissioner," just one Commissioner. So after a while he resigned, and we replaced him with a first-class man, who by the way, left us and went back to the Federal Government after a year or year and a half. We recruited another one and he was a cracker-jack also. He went on to better things. And then we recruited our next one, and that's Mr. John Gaquin, and he is still there. Now, he has had 21 years of experience.

Well, to proceed with what else we found there. I lived downcounty and have lived only "downcounty," as we used to say. You hardly hear this expression anymore, or "upcounty," but in those days, there clearly was a "downcounty" and an

"upcounty." And we found that most of the employees, such as typists, clerks, and the general run of employees, lived upcounty, and they were glad to come to Rockville to work. They didn't want to go clear downtown to Washington to work. So the result of all this was that the salary scales were much lower than in the Federal Government, or in private enterprise downtown. And yet we were getting fairly good people, particularly in the clerical and typing and stenographic areas and also in the blue-collar areas.

These people, of course, knew on which side of the bread the butter appeared, and at election time many of them got out and campaigned. Well, we put a stop to all that kind of campaigning. And I think most of the employees, overwhelmingly I would say, were delighted with the change. Now they didn't have to campaign to hold their jobs.

We found some people that were not very well qualified. We found some funny business with the classification system that had been installed. Here they had, for example, the clerical, administrative, and fiscal—the "CAF"—system, as was employed in the U.S. Civil Service at that time. And there were a lot of grades. I recall about 40 grades. There would be Grade "18A" and "22B." This was so that somebody could be just given a certain salary, between what really were two grades. So if you added up all the numerical grades and put all the A's and the B's in, there were, as I recall, more than 40 different grades. And when you looked into it more carefully, you found that some of these people were just there because they knew somebody, so each was being "taken care of."

Of course, this was in an era in the county when patronage in terms of jobs was the system. Also, patronage in terms of contracts was the system. There wasn't any centralized purchasing. Patronage in the sense of just buying small things, like gasoline or pharmaceuticals or materials, also was passed around. I recall one time Mr. John Willmott and I interviewing the then Director of Finance,

Mr. Alex Hancock, who was one of the better officials, by the way, of the County. When we proposed—or said we would like to propose in the forthcoming charter—centralized purchasing, Mr. Hancock said, "Oh, you couldn't do that, you have to pass the contracts around." And then he sort of caught himself as though he thought he shouldn't maybe have said that, and I doubt that he should have said that. But that was the system. And of course, Montgomery County is not unique in this respect. The contracts, the favors in general, were passed around.

This was true of jobs also. So we put a stop to the favoritisms. As a matter of fact, in the six years that I served on the County Personnel Board, 1949 through 1954, there was never one single case brought to the Board by someone who wanted somebody appointed or somebody made eligible. Not one single case in six years! I think this sort of speaks for itself. The old political machine might well have said, "Well, now that the Charterites have won—and the Charterites were always referred to by Brooke Lee and Co. as a "party"—won't the Charterites now put pressure on the County Personnel Board to get their people rated eligible and probably appointed?" No, that just didn't happen in the case of the County Personnel Board. We didn't care whether the applicant had been a Charterite or an anti-Charterite or knew nothing about the Charter. It was simply merit.

MRS. SCHARF: Does this say something to us about the kind of person who identified with the Charter movement?

MR. SIMS: I think it does. As a matter of fact, the son of Col. Brooke Lee, namely, Blair Lee, who by the way now is Lieutenant Governor of the State of Maryland, was on my committee when I was chairman of the Committee on Public Finance and Budget of the Montgomery County Civic Federation, and a good member he was too—I remember his saying at one of our committee meetings "The thing that really makes these Charterites go is that they so believe in what they are doing." And I thought to myself, "That's right, that's right!" So I think the lack of pressure by Charterites on us on the County Personnel Board does

speaking well for the type of person that was interested in good government, and was working hard for the Charter. They didn't put pressure on us. Sometimes somebody would be brought to our attention; but even that was very rare and then it would be dropped at that point. If this person was a good person, fine; if he wasn't, fine. But no follow-ups.

MRS. SCHARF: Could you tell me a bit about how the three-member Board worked? Did you set up policies and procedures, or did you actually do any of the interviewing and choosing or preparation?

MR. SIMS: Yes. We prepared some written tests, although we felt that this written testing is overdone in most civil service systems. The written tests are fine where you can really test people that way. And of course, "performance" testing, such as typewriting, stenography, running various kinds of machines, this is all very appropriate. But in many cases, particularly at the higher grades, written testing is not too good. The recent college graduate in engineering can probably write a better written examination than a person who has been out of college twenty years. And the same thing is probably true of other disciplines, such as law or medicine or nursing.

We did a lot of the formulating of principles and "policies." That is what we spent a great deal of our time on.

So far as the recruiting is concerned, we did a lot of that ourselves too. For example, the three members of the County Personnel Board interviewed every applicant for policeman. At first I thought maybe we were going overboard on this, because it did take time. We had to go to Rockville and work on our own time after money ran out in October 1949, because we were paid \$10 a meeting not to exceed \$600 a year⁷. But we thought that the policemen are really the showcase for a county government so far as the public employment is concerned. We thought it was worth our time to put this extra emphasis on interviewing the applicants for police. (Of course, they had to pass a written test, they had to file their

papers, applications, and all the things that go with an application. And they had to meet certain physical requirements.) Then in addition to the three of us members of the County Personnel Board, we would have also the Personnel Assistant sit with us; and when the interview was over in each case, we would independently rate the applicant, all four of us.

After a little experience, we were surprised to find that the four of us tended to be very similar in our appraisal of the applicant. Once in a while there would be a difference of opinion, and then we would discuss it. But frequently we would be almost identical.

For a while, I didn't attend these police interview sessions too regularly because I found that the others were in such close agreement that I would probably be agreeing too. The reason I didn't attend as regularly as the others was that we had some very small children at that time and Mrs. Sims was interested in having me home a bit more on Saturday mornings. But I think that we didn't suffer too much from my missing some of the police interview meetings.

MRS. SCHARF: Lew, is that a practice that is possible to pursue in 1972, either of you on the Personnel Board doing much of the interviewing?

MR. SIMS: It's hard really now for me to say. Our county has grown so much in terms of population, and of course the number of county employees is way up from what it was at that time; so whether three members now could spend enough time to do this interviewing, I would kind of wonder. Also we have to remember that at this period of our county's history, the County Council and the County Personnel Board and other officials were so dedicated to what they were doing—what if it did take a tremendous amount of time? It was worth it. We really had a religious fervor about it. Now, I wonder whether you could get people who would have this much enthusiasm.

On the other hand, we do know that in recent years we have had many, many county councilmen, just to take one example, that have had that kind of enthusiasm

and have devoted unbelievable amounts of time, so I am not sure I can answer your question, Helen, in one way or another. Of course, it would be more difficult today than it was at that time to interview every county policeman.

MRS. SCHARF: Perhaps you would like to, at this point, tell us some of those principles or policies that you evolved.

MR. SIMS: Yes. This is fairly easy to do because we, in the period of six years that I was on the Board, had three editions of the Regulations of the County Personnel Board. Full title is Regulations of the County Personnel Board Governing General Employees. "General employees" excluded department heads, part-time employees, employees paid on an hourly basis, etc. The first two editions were semi-printed (multilithed) and the third edition came out in a handy booklet form in nice, clear print. The third edition was the 1954 edition, and I was just looking over this booklet the other day and counted twenty principles, or actually we called them "progressive, practical personnel policies," that we embodied in our Regulations see pages iii and iv of the Foreword. And I might just cite a few of them to give examples.

The first one of course is controversial, but I'm still a strong believer in that one, and that is: Prohibition against certain political activity of employees. This is what is commonly referred to as the Little Hatch Act, based on the Federal Government's Hatch Act (1939). This particular policy was adopted for two reasons: first, to preserve the political neutrality of the employees so they didn't have to campaign any more—they could do what they wanted to and they were protected; and secondly, to protect them from being exploited financially or otherwise for partisan political purposes. And I suppose one could add a third reason, which we didn't, and that is to make the public servants be really public servants, so that the county taxpayers are protected from this kind of pressure.

MRS. SCHARF: Lew, would you say that the prohibition was against recognized party activity, recognized political party activity. What about a situation like the School Board where there are no party labels involved?

MRS. SCHARF: Would you prohibit the teachers from participating in a campaign?
 (continued) This is just a personal feeling that you would have had about it.
 I'm curious.

MR. SIMS: This, of course, was aimed at the political parties, Democratic and Republican. And I certainly think that County employees or Federal employees ought not to participate actively and obviously and flamboyantly in Republican or Democratic politics. But the kind of example I think you are citing, Helen, is a policy issue, politics in that sense, is that right?

MRS. SCHARF: Yes.

MR. SIMS: Such as whether they should have one kind of a regulation or policy, or not? I think I would not object to that particularly, but outright Republican or Democratic politics I think are not appropriate for public employees to engage in.

I know the argument against this kind of policy is that public employees shouldn't be "second-class citizens." Well, I don't even like that expression. Certain people have to behave in a different way from other people, and if they don't want to behave in a different way, then they need to get another line of work. For example, the clergy we expect to behave in a different way from the rest of the people. And if a person does not feel comfortable in that respect, then probably he should not be a clergyman. I think the same thing is true of a teacher or a County employee or a Federal Government employee. He will have to live with certain restrictions if he wants to have all the advantages. And I think the net of it all is that the public, the taxpayer, gets his money's worth rather than to have the old-fashioned, garden-variety politics that we find in all sorts of cities today. Chicago, of course, and Boston are just two examples. But you can find it in many, many counties and states throughout the United States.

MRS. SCHARF: In other words, the dangers of the temptations of reward for activity are probably detrimental to good service?

MR. SIMS: That's exactly what we had in this county. When you would have a policeman going up to the door of a house in our county (this was in 1948 and prior) and saying to the lady of the house, "Now you aren't going to vote for this charter, are you?" the lady was intimidated. This was the kind of thing that happened a great deal. Or, you wouldn't get a building permit if you didn't do a certain thing. This kind of business is not what we want in good government, and I think we have pretty much gotten away from that kind of thing so far as the public employees are concerned. Well, that is one policy that we put in.

The second policy that I'll mention is the second one in the booklet, and that's Positive recruitment directed toward the best sources of personnel. We went out and beat the bushes to get the quality of people that we wanted.

MRS. SCHARF: Wasn't this at that time rather contrary to the feeling that the person who lives here and pays his taxes here is the person who should have first chance at the job? By virtue of his residence, he earns the right to be the county or the state employee, a parochial sort of approach, perhaps?

MR. SIMS: That's right. That's a point of view that a lot of people have, that a public job is something special and nice to have and so the expression is, "Local jobs for local boys."

MRS. SCHARF: This was a departure.

MR. SIMS: This was a departure from the "local jobs for local boys" philosophy. Prior to 1949, very few employees except at the highest levels came from outside the County. Even the higher employees in many cases were local people. So we got away from that--not just to get somebody from the outside of course, but to get the best people, and if they're not in the County, then you go somewhere else. And we advertised nation-wide for lots of jobs: sanitarians, engineers, nurses, to pull in the kind that were hard to get.

Another principle that we put into effect was Continuous recruitment and examination to determine the eligibility of new applicants without delay. The old philosophy of civil service was that you announce the job, and the announcement would be open for a short while. Then it would be closed. So if you didn't file, or if you didn't file on time, you didn't even get considered. You might be the best person, but you didn't get in at all. We kept the registers open. This is the way the Tennessee Valley Authority does it also. In many cases now, the Federal Government has "open continuous" registers.

Another thing that we installed, another policy, was Emphasis on the oral examination as a means of evaluating personal characteristics and capacities not assessable by written examination. And I think this oral examination paid off, particularly with regard to the police.

Another principle and policy was Rating of applicants by category instead of by numerical score. The categories that we used, and this is still in effect, I think, were: Outstanding, Well Qualified, and Qualified, and of course, Not Qualified; we had three categories that were passing.

Then we would certify first from the Outstanding category of people. So if we had eight people in the Outstanding category, we would certify all eight of them to the department head. Why certify only three? Why not certify those other five? This famous age-old "rule of three," meaning the top three people, may deprive you of a very much better person who was fourth, fifth, sixth, or seventh. We didn't think then—I don't think now—that you really can distinguish between, let's say, a junior engineer 92.3 and a junior engineer 92.2.

MRS. SCHARF: Besides, the personal characteristics aren't going to surface that quickly.

MR. SIMS: That's right. The U.S. Civil Service Commission does this to this day. And if you get a tie—suppose that you had two engineers each with 92.2 on the total examination—then the Civil Service Commission

would certify first the one who applied first; it's a way of breaking a tie, in other words. So you might get him as your third best, if the other two had still higher scores; the fourth man, having gotten precisely the same score as the third man, isn't on the list (that is, the certificate)! We felt this is really trying to cut the thing too thin. We didn't see any objection to letting the department head consider eight people instead of only three—fourteen people if he wanted to— if there were fourteen people that were Outstanding, which is not very likely. There might be only three or four. All right, let him look at them.

And we would also let him see the Well Qualified names if he wanted to, and if he could justify taking somebody from the Well Qualified group, instead of the Outstanding group, if he could justify that, I said, then we would allow that also. Now this was unusual. Suppose you had four Outstandings and seven Well Qualifieds, and he didn't really feel comfortable with any of the four Outstandings. He might find a fine person in the Well Qualifieds.

This, of course, runs some risk. The department head conceivably could have a favorite. But we didn't find that this got us into any trouble really at all.

We got out our Employee Bulletins occasionally, and we tried to keep track of the people who had become educated. I don't know whether this now is being done or not. The more you get on the payroll, the harder it is to do this kind of thing.

Another policy was Constant review of pay scales and appropriate adjustments to meet changing conditions. I had not realized when we went on the Board that we would have the pay scales constantly changing, as much as they were. This was one of the places where we spent more time than I had anticipated. But this was an era when we were adjusting to the post-war period: the Federal Government was raising salaries; private enterprise was raising salaries. There was also great demand for the school teachers to be raised.

MRS. SCHARF: The fact that we were in a region of multiple jurisdictions added to this problem.

MR. SIMS: That's right. Oh, we were in competition with Arlington County, for example. Not only for the county employees on the merit principle but for school teachers, and we were also in competition with the Federal Government, and everything was going up. Meanwhile, we were trying to improve the quality of our personnel. So the pay scales did go up.

I suppose we spent more time on the police than on any other single discipline. But the nurses also demanded a lot of our attention, and the social workers and the county employees generally. But the police had at that time an active organization--still do--so just as we would think that now we had got things fixed up, about two months later we would be asked to review the police pay scale once again. And oftentimes, there was real justification; so we were spending a lot of our time on this.

I recall one time I was going out to the county seat for a meeting of the Board, and I was eating an apple in my left hand and shifting gears on the old gear-shift car with my right hand, and I didn't make a stop in a residential area that I should have. In no time a police car'drove up along side of me, and I knew what he had in mind, because I knew that I had made an infraction. He gave me a ticket and I dutifully paid it. I didn't tell him that I was on the Personnel Board and that we were going out that evening to meet on a new higher pay scale for police!

MRS. SCHARF: Sort of gratifying to the Personnel Board.

MR. SIMS: That was the only time that I ever was given a ticket all those six years I was on the County Personnel Board. Each one of my two colleagues also was given a ticket by the police during their period of service. But in all three cases, we were careful not to divulge that

we were on the County Personnel Board. I don't imagine that that kind of thing happens in many places. It would be so easy just to point out who you are and...

MRS. SCHARF: ...Not bear the pain of paying a fine.

MR. SIMS: I really didn't want to have anyone ever say that we had used our "influence" whatsoever. In fact, one member of the County Personnel Board, Mr. Malcolm White, claimed that he did not make the infraction that he was accused of. But rather than to protest it and to point out that he was a member of the Board, he just paid the fine.

Well, there are of course other policies that we had, but these are examples of what we were trying to do, and I understand most of these policies are still in effect.

MRS. SCHARF: Let's just think back not only to your experience on the Personnel Board, but to your observation of the council-manager form of government, then and on into the years. Do you want to evaluate the council-manager form of government--did it live up to your expectations?

MR. SIMS: I would say that on the whole it did. The first county manager that we had (January 1949 to April 1953) was a professionally trained man, Irving G. McNayr, and he had the right philosophy and the dedication to be a good county manager. And he was. As a matter of fact, his career since being county manager of our county has been illustrious, and his additional county and city manager positions have paid more than we were able to pay him here. So we started off rather well, I thought.

The next county manager, Edward Beall (September 1953 to March 1954), was probably a fairly good manager, but something happened. I don't know just what it was, but the Council asked him to leave. He wasn't here long.

We had two other managers LThere were three long periods when the County was "between" managers and a department head served as "Acting" County Manager: April 1953-September 1953, Mr. Alex Hancock, Department of Finance; March 1954-February 19

and again March 18, 1960-August 23, 1960, Mr. Mason Butcher, Department of Public Works.⁷ The third one, Melvin L. Reese (February 1955 to March 18, 1960), was actually a pretty good manager, although I was concerned when he was appointed by the Council—that was after I was off the Personnel Board—that technically he didn't meet the specifications of the Charter, because he had not had municipal management experience. He had had Federal management experience. He was an able man. He also has gone on to additional city and county manager work at still higher salaries.

Then the fourth county manager that we had, Mr. Mason Butcher (August 23, 1960 to December 7, 1970), was in that job for ten years. Mr. Butcher was an engineer by education and much interested in our county. He had come up from the Department of Public Works, first as chief of one of the divisions and then head of the Department of Public Works. He really didn't want to be county manager, and I understand that the Council, when Mr. Butcher was appointed, had many, many applications. But then the Council wanted Mr. Butcher and almost implored him to accept the appointment. And he did. But he didn't really want that particular position. And I think that this may have contributed to the demise of the council-manager system in our county.

MRS. SCHARF: Before we get into that, I do want to ask one question about the Lindsay Law that took away from the charter movement the ability to have non-partisan elections at the local level. As you look back over the history since 1948, was that a great handicap to our local government?

MR. SIMS: My own opinion of that is, "Yes, indeed!" I wish very much that we could have non-partisan elections. By "non-partisan" we have to be sure what we mean by this. This means non-Democratic, non-Republican. If you have partisan elections in the sense of two or more groups that favor certain local issues or are opposed to certain local issues, in other words, if the local parties are based on local issues, that's fine. If it's based upon foreign relations

and the popularity of the President of the United States and things of this kind, I don't see that these have any bearing upon county government.

MRS. SCHARF: Or a philosophy of government.

MR. SIMS: That's right. One can easily be much more conservative at one level than at another. It's perfectly conceivable to me that a person might be conservative at the Federal level and yet want to spend substantially for local police protection and good schools and fine libraries and parks and playgrounds. Or vice versa. So even the conservative-liberal issue doesn't seem necessarily to apply if you are talking about nationwide political parties and local political parties. Or you can have mixtures of one kind or another.

I think that the non-partisan election of our Board of Education has worked out fairly satisfactorily. Sure, we have issues—but they are local issues. And a person can decide for himself on the local matter. I don't even know which national party our members of our Board of Education belong to. I don't even try to look it up.

MRS. SCHARF: Do you feel that the control, the strength, the rewards that go with a political party in relationship to its members works a disadvantage or not?

MR. SIMS: Yes, I think the disadvantages outweigh the advantages by considerable particularly when it becomes obvious. Everybody knows—if you have partisan elections—everybody knows who belongs to which party.

And this just sets up a divisive environment.

MRS. SCHARF: You implied that understanding on the part of the manager and his role and enthusiasm for it is part of the formula for success of council-manager government. Often we heard criticism of our council-manager government for its lack of recognized and on-going leadership, pointed to the rotation of the chairman annually. Have you any comments on that?

MR. SIMS: Yes. The first County Council, which was in office only two years, had as its president both years Mr. Frederick P. Lee. And the reason was that he was obviously the man for the job. Whereas, beginning with the second County Council, the policy of rotation began, and we have it today. To me, this makes no sense at all.

You are not going to be a great leader if you are in office only one year. And furthermore, if you are going to rotate, this means that four out of the seven are going to have a shot at this, the presidency. Well, the chances are almost for sure that one, two, or three of those will not be very good leaders. Probably the first one selected during that 4-year term is a leader or he would not be selected by the other six. But after that takes place, then somebody else and somebody else and somebody else, so by the time you get down to the fourth one, it's unlikely that that person is too much of a leader.

MRS. SCHARF: Why did they do this? Why has this persisted for 25 years?

MR. SIMS: This is a very good question, and it has never occurred to me to try to find out what actually happened. But there are people alive now that could probably tell us. In the second County Council, Mr. Monarch was the first president, and I thought, well, he will now be the president as Mr. Fred Lee was for the first Council. But toward the end of the first year, lo and behold, they elected somebody else! And that started the rotation. Why this second County Council did that, I do not know. But this would make an interesting little research project—to go around and talk to all seven, if they are all around, to find out what each one of them thought about this. I wouldn't be surprised if two or three or four of them maybe didn't think much about it one way or the other. But somebody proposed it and it was just accepted. I think this was a great mistake.

MRS. SCHARF: This has been done on the School Board too in recent years, certainly since it's been an elected School Board. I don't know the answer for it there—except to pass the goodies around, I guess.

MR. SIMS: I think that's part of it. And I think also the fact that the elected School Board came in after the County Council—just two years later, as I recall—may have been influenced. They probably said, "Well, I guess they are doing it on the County Council; I guess this is the thing to do."

MRS. SCHARF: Now, you mention the fact that council-manager government somewhere along the line lost a little popularity or favor, and we certainly have the history of what's happened since to point to the fact that changes occurred. Would you like to elaborate on what you think brought that about?

MR. SIMS: Yes, I guess so. In some communities—both cities and counties—the council-manager system is not favored by minorities. They feel that the council-manager form of government was based originally upon the business-type of government, where you have a board of managers or a board of directors in a business and they appoint a president or they appoint a general manager. This is done, obviously, because it's more efficient to do it that way. But some minorities feel that the efficiency that you get out of this is not worth what they think may not be sufficient representation. But I don't believe that this was much of a factor in our county.

I think in our county it was the dissatisfaction of many members of the County Council that preceded our present form with the then county manager, Mr. Butcher. What they were looking for was more vigor, more leadership, from the county manager himself. And it seems to me that if this is what they wanted, they should have told Mr. Butcher that this is what they wanted. And then if they didn't get what they wanted, then they could get another manager.

This is one of the beauties of the council-manager form of government. If they didn't get what they wanted, why didn't they make a change?

MRS. SCHARF: Well, now there was a Charter Review Committee appointed by the Council in 1962. They--that Council--had some reason for doing this. Do you think it was that Council that also probably felt the lack of leadership on the part of their manager?

MR. SIMS: It was in that Council and also the Council afterwards. We had two successive Councils which felt this way.

MRS. SCHARF: Do you think that the PAS [Public Administration Service] report that came out in perhaps 1962 or '63 prompted this?

MR. SIMS: I think it had something to do with it. The PAS Report was the Public Administration Service report. It was a big, thick report.

The Public Administration Service is located in Chicago, and this is a fairly respectable research organization. They pointed out that we didn't have enough "leadership" in the officials of the County and recommended that the president of the Council be made more responsible, more authoritative, and as I recall, even suggested that he be full-time. I believe they also suggested that he be elected to that position, which is another way of doing it, rather than to have the Council members themselves select the president. This had some arguments for and against.

I still am in favor of the councilmen electing the best member among themselves. I think they actually know more about it than the voters themselves do, but the arguments are fairly even back and forth.

We had this kind of leadership for sure in the first Council with Fred Lee. We had some kind of leadership in succeeding Councils, some of which was very bad leadership. So I am turned off just a little bit by this tremendous use of the term "leadership." If it's leadership for good, that's fine, but you can have leadership for bad too. So how can you insure good leadership? I don't think just by electing somebody as the leader you are for sure going to have great leadership.

MRS. SCHARF: Perhaps another way of looking at that is identity of policy; perhaps the leader is the person who is supposed to be the spokesman for certain kinds of policy.

MR. SIMS: Yes. Now this is one of the things that worries me. Actually, instead of being good, this is one of the things that worries me. I don't think we should try to elect our leader, because I don't think that the people know enough about any one person to be able to vote intelligently on one single solitary individual, and he as the "leader." Whereas, I think they can vote fairly intelligently on a group of seven and then those seven can select among themselves their leader.

And they can also, if they need to, they can also select their top administrative official and pay him a very fine salary, which we have done in this county. Our county manager had a good salary all the way along.

Now of course, we have gone to the other system: We elect the so-called leader and pay him more than the county manager! and then he turns right around and gets a manager (chief administrative officer) to help him! So we have two very high paid people in the county at the present time on the managerial side, one of whom is a professional manager and one of whom is a "leader."

Another trouble with that system is that the so-called leader by definition has to be a resident of the county, whereas when you appoint somebody, you can appoint him from anywhere. To make the arithmetic easy: We have a population in this country of something over 200 million, and that's the reservoir for a professional manager if you have the council-manager form of government--whereas the reservoir for our "leader" is merely the population of the county, which is now, say, only three-quarters of one million.

MRS. SCHARF: Now, we have the elected-executive-council form of government. We are very surprised that we don't have team cooperation between those two branches of the government. We assign perhaps to it the reason of different parties for the elected executive and the council. But you served on the Charter Revision Commission of 1967-68. You did not go along with the rest of the group in favor of what we now have. Would you like to list general comments on the situation that we have found ourselves in now? Or perhaps you'd rather start with why you did not accept the provisions of the Charter Revision Commission, of which you were a member.

MR. SIMS: Right. I think I will start at the very end and then start over again. The very end is, What do we have today? We have today in this county almost precisely what I feared we would have. This is what I predicted. Or at least it might be this bad. I didn't think it would be quite this bad, actually, but it could happen this bad, and sure enough, it has happened.

I heard on the television fairly early in the era of this new system that we have, this question near the end of an interview of Mr. Gleason, the present County Executive: "Well, Mr. Gleason, is the trouble that you've been having with the Council partisan? Or is it personal?" And I remember saying out loud to my wife, "Neither, it's the structure!" Sure, the partisanship plays a little role, I am sure. The personal aspect I think plays a little role. But it's the structure. You have a built-in hostility between the two sides of government — the Council which is elected by the people, and the County Executive which is also elected by the people.

I am still amazed that this Charter Revision Commission of 14 (of which I was a member) and the council that was in office previously favored this system and called it a "new system" to adapt to the "modern conditions" of Montgomery County, when it is nothing but the old-fashioned mayor-council form of government, such as we have in Baltimore City, Chicago, New York, Los Angeles. These are cities that are not well governed and everybody knows they are not well governed, but this is the form of government that they have. [Three other Maryland counties operate under this outmoded form: Baltimore County, Anne Arundel County, and Prince George's County. All have experienced great difficulties, especially Baltimore County under Messrs. Birmingham, Agnew, and Anderson, in succession.] They didn't cite Cincinnati for example, or San Diego, or Henrico County and Fairfax County, Virginia, or Arlington County across the river. They didn't cite all the local jurisdictions that we

have right here in metropolitan Washington that have the council-manager form of government, including Rockville, by the way. [There are 15 members of the Metropolitan Washington Council of Governments--8 cities, 6 counties, and the District of Columbia. Of the 14 cities and counties, 12 have the council-manager form or other appointed-executive form: cities of Alexandria, Bowie, College Park, Fairfax, Falls Church, Greenbelt, Rockville, and Takoma Park; counties of Arlington, Fairfax, Loudon, and Prince William. Only 2 of the 14 jurisdictions have the elected-executive form: Montgomery County and Prince George's County.] But they called this a "new form" of government, a "modern form" of government to fit "modern times" in Montgomery County! I think some of them honestly believed that. And then I think others (on the Commission and the Council) were simply politically ambitious and thought they had a good chance to be this county executive.

The charter that was finally adopted gives the elected county executive so much power that I call him the County Emperor!

MRS. SCHARF: You don't think the veto powers of the council are adequate to control that?

MR. SIMS: No, as a matter of fact, we start, of course, with the veto by the county executive. Now, I think I'm probably a bit extreme in this regard, but I really doubt the value of the executive veto at any level of government--Federal, state, or local. Why should one person veto the acts of 7, or 435, or whatever the number is? And then why require that the legislative body, in order to override the veto, have some substantial majority? In the case of our Congress, it's 2/3 of course (66.7%). In the case of our county council here, it's 5 votes, 5 out of 7 (71.4%). Well, of course, 4 out of 7 is a majority, so if you're going to have anything more than a majority, you have to go at least to 5.

