



# MANAGING GUERRILLA GOVERNMENT

## Ethical Crusaders or Insubordinate Renegades?

**T**AKEN AS A WHOLE, the stories of guerrilla government profiled in this book illustrate several common themes concerning the power of career public servants and the ethical dilemmas they face that cross policy and temporal lines. The themes also bring together implications for public policy, public management, and governance. Moving from specific cases to general themes yields several harsh realities, the discussion of which has generally been absent in the literature to date. After probing these harsh realities, I close by presenting advice offered by “the pros” concerning how to manage dissent. Questions for discussion follow.

### HARSH REALITIES OF GUERRILLA GOVERNMENT

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#### **Harsh Reality 1: Guerrilla Government Is Here to Stay.**

Ask any seasoned, long-term public servants if guerrilla government exists, and the answer is likely to be “It happens.” Ask them whether it is a good or a bad thing, and the answer will probably be “It depends.” They then are apt to launch into stories that communicate their wonder, disgust, or something in between at the guerrilla government episodes they have personally experienced or heard about.

Whether seen as good or bad, the potential role of government guerrillas in influencing policy and programs is immense. The episodes highlighted in this book capture the actions of, and the methods used by, career public servants to affect the policies and programs of their bureaucracies from outside their organizations. These episodes present a useful contrast to the stereotype of the government bureaucrat interested only in a stable job, few risks, and a dependable retirement. Stillman (2004), for example, describes the common view of career public servants as “essentially the ‘doing’ and ‘implementing’ functionaries of bureaucracy” (153) who are “removed from the public” (189): soldiers on the front line with a “head-down attitude.” While Stillman’s description may fit some career bureaucrats, the truth is that this is a Swiss cheese stereotype—one riddled with holes.

As the bureaucratic politics literature overviewed in Chapter 1 so aptly communicates, for better or for worse, bureaucrats and bureaucracies—whether the local post office, the state division of motor vehicles, or the Congressional Budget

Office—are driven by their own highly particularized and parochial views, interests, and values (Long 1949). They are endowed with certain resources, including expertise (Benveniste 1977; Lewis 1988), longevity, insider information, contacts, and responsibility (Rourke 1984). They co-opt and will continue to seek to co-opt outside groups as a means of averting threats (Selznick 2011). This is a fact of life in the open systems and open organizations of public management. While the intensity of guerrilla government activities will ebb and flow, guerrilla government itself will never completely disappear.

## Harsh Reality 2: Guerrillas Can Do It to You in Ways You'll Never Know.

Based on the episodes highlighted in this book, as well as interviews with other career public servants, Box 7.1 presents an overview of guidelines for guerrillas from guerrillas—methods used by dissatisfied public servants to address perceived wrongs and to influence their organizations' policies. These range from putting a work order at the bottom of the desk drawer and forgetting about it to slipping information to a legislative staff person to outright insubordination. Some of these are strategies that the managers of the guerrillas must be aware of, whereas others are completely hidden from view. Realistically, absent hiring a full-time private detective, public managers need to realize that they will always have limited knowledge about, and control over, the career public servants in their organizations.

Professionalized bureaucrats dominate information creation, analysis, and transmission, giving them a capacity to structure and suppress alternatives and premises (Lewis 1988). The alternatives from among which politicians and political appointees choose particular actions usually are drawn up by career public servants, who naturally build in their own professional biases and desires (Milward 1980). It is difficult for a political appointee manager to know what he or she is getting in the way of analyses from these experts, who are simultaneously claimants on scarce public resources. As one public manager put it,

They can do it to you in ways that you'll never know. [Career public servants] . . . can give you less than their best effort and it's hard to tell. Or in the worst case, if they were angry enough, they could set you up. They are very smart people—you don't want to fool with them. You need to treat them with respect in a participatory way. (O'Leary, Durant, Fiorino, and Weiland 1999, 274)

Another public manager opined,

Staff have figured out that if they don't like the decision the manager makes, they can go to the press, or Congress, or to an . . . interest group.

**BOX 7.1****GUIDELINES FOR GUERRILLAS FROM GUERRILLAS**

1. Confront the issue directly with the person involved.
2. Talk to your supervisor.
3. Go over your supervisor's head—talk to your supervisor's supervisor.
4. Contact headquarters.
5. File a lawsuit.
6. Obey your superiors in public, but disobey them in private.
7. Leak information.
8. Create, or arrange for the creation of, documentaries, scientific studies, and scientific papers to describe and analyze the situation that concerns you.
9. Cultivate positive relationships with interest groups.
10. Forge links with other outside groups: other professionals, nongovernmental organizations, and concerned citizens.
11. Build public-private partnerships.
12. Build partnerships among entities at all levels of government.
13. Ghostwrite letters, testimony, and studies for supportive interest groups.
14. Lobby for your cause (and perhaps against your agency).
15. Testify before a legislative body.
16. Cultivate members of Congress and other elected officials, as well as their staff, as allies.
17. Write to the president of the United States.
18. Fail to correct superiors' mistakes: let them fall.
19. Neglect policies and directives you disagree with—stall.
20. Fail to implement orders you think are unfair.
21. Use a National Academy of Sciences review panel or similar independent panel of experts to force scientific attention to the problem.
22. File a complaint with the Office of the Inspector General.
23. Hold clandestine meetings to plot a unified staff strategy.
24. Tie your cause to a national or regional crisis, cause, or movement.
25. Raise your own funds for your cause.
26. Directly and openly blast the head of the agency.
27. Create a social media campaign.
28. Arrange for, or go along with, a transfer to another office.
29. Refuse to go along with a transfer to another office.
30. Quit.

When that happens, you've got a real big problem. If you take the position that you are going to take on an issue that is contrary to staff recommendations, you damn well better go in and explain it with them in depth before you make the decision. Otherwise you are going to find yourself defending your decision in the press or at a congressional hearing. (O'Leary et al. 1999, 274)

Still a third manager put it this way:

I've seen a number of managers get into trouble by blowing off staff concerns and not being willing to debate the issues with them. . . . Generally they will accept the reality of making political accommodations on occasion as long as you don't get too cavalier with the facts. The important thing is you've got to be willing to sit down with them and . . . explain your decisions to them. (O'Leary et al. 1999, 273–274)

Otherwise you may be in big trouble.

### **Harsh Reality 3: All Guerrilla Activity Is Not Created Equal.**

How does one know whether a government guerrilla is a canary in a coal mine that needs to be listened to or a delusional single-issue fanatic? We all know the negative stories of guerrillas within metropolitan police departments whose views of policing are at odds with their departments' policies but who believe they are promoting the public interest in crime control. And the differences between the Claude Fergusons and the Oliver Norths of the world seem fairly obvious.

And then there are the nuts or the "misguided." One self-labeled guerrilla sent me his entire personnel file, which measured over a foot high. He is a persecuted guerrilla, he wrote, and it all started when a consultant bought him a five-dollar hamburger at McDonald's and refused reimbursement. The employee reported the incident to his superior, citing ethics rules that mandate arm's-length relationships between consultants and state employees. His superior advised him to forget it, as it was only a five-dollar hamburger and they had more important things to do with their time. Incensed, the employee filed a complaint against his superior and waged a clandestine war to get the consultant barred from future state contracts and his superior fired. His personnel file documents that he eventually filed seven separate complaints against seven separate superiors, working his way up the chain of command. When asked why he did what he did, he responded that he wanted to "do the right thing."

It is easy to laugh at a guerrilla who wages an all-out war over a five-dollar hamburger. But most cases are not so easy to judge. It is often difficult to sort out the

“ethical” guerrillas from the “unethical” guerrillas, the guided from the misguided. For example, what or who, exactly, is “the public” in these instances? Possible “masters” a public servant might have include the public as interest group, the public as consumer (of government products), the public as elected representative, the public as client (served by “street-level bureaucrats”), and the public as citizen (Frederickson 1991). Claude Ferguson’s competing obligations (Box 4.1) as well as the letters written against and in favor of his actions (Boxes 4.3 and 4.4) demonstrate the complexity of such cases.

Even when the outcome of guerrilla government activity is beneficial, the ethics of guerrilla government actions can be difficult to sort out. Did the government guerrillas profiled in this book act in a manner that can be deemed accountable and responsive to the public? Yes and no. All government organizations are to implement the will of the people as mandated by legislation enacted by elected representatives. Yet in the Nevada Four episode, for example, by not being constrained by the prevailing DOI and NDOW interpretations of congressional and state will and promoting new wetlands legislation, the Nevada Four fostered innovative policies that in the end also must be seen as the will of the people, since they eventually were enacted by Congress and approved by the people of Nevada in a referendum. Both sets of legislation were supported by the public: interest groups, consumers, elected representatives, clients, and citizens. At the same time, both sets of legislation were opposed by differing factions of the same public. Similarly, the Seattle EPA staff were there to serve the public interest, but they also were there to serve the regional administrator against whom they fought. In the same fashion, concerned citizens wrote letters to newspapers both condemning and praising Claude Ferguson.

The latest cases are more challenging to sort out. Many say that Manning and Snowden, who had taken oaths of allegiance to the United States, are traitors to their country. There is no reason, the argument goes, why they needed to leak millions of documents in order to dissent: there were other avenues they could have pursued. Some of the leaked data ended up in the hands of terrorists and countries that are not friendly to the United States. Manning’s and perhaps Snowden’s leaked documents can be traced to a loss of lives. (See Chapter 5 and Chapter 6 for a greater discussion.)

In contrast are those who argue that Manning and Snowden are similar to conscientious objectors, righteously exposing the truth. One political scientist maintains that Snowden in particular is a model of civil disobedience. Likening him to Thoreau, Gandhi, and King, Scheurerman (2014, 2016) maintains that Snowden’s example can help us advance liberal and democratic ideas about what it means to act ethically.

Examining this phenomenon through the lens of Waldo’s (1988) twelve competing ethical obligations, it is important to note that all of the guerrillas in these episodes clearly did not see their allegiance, accountability, and responsiveness to their organizations as their first priority. Kipling’s poem “If” (see Box 4.5) illustrates that Claude

Ferguson's main obligation was to himself. In fact, the comments of all the guerrillas profiled here make it clear that they considered organizational pressures to be barriers to their "doing the right thing." As one scholar maintains, too little emphasis has been placed on understanding the important dimensions of public employee ethics in organizational settings (Denhardt 1988).

The paradox of this situation can be seen in the fact that the Nevada Four felt they had to "embarrass the government" to achieve their goals, when they themselves were, of course, the government. The Seattle EPA staff felt they had to do an end run around the government, yet they were the government. Claude Ferguson had to sue the government, when he was in fact part of the government. Chelsea Manning felt that she needed to expose the atrocities of war inflicted by the U.S. government, yet, as a member of the U.S. Army, she was part of that government. Snowden exposed abuses of the U.S. government that he helped create. In the end, these guerrillas' commitments were not to their organizations or to the public as interest group, the public as consumer, the public as elected representative, the public as client, or the public as citizen. Rather, their commitments were to their own personal interpretations of the public interest, profession and professionalism, self, perhaps even to nation, humanity, and, for some, God.

### Who Defines What Is Ethical?

The issue then becomes, Whose ethics? Two different scholars of ethics have written that ethical behavior on behalf of a public official means acting with integrity. Fleishman (1981) defines integrity as follows:

Simply put, "integrity" means having a genuine, wholehearted disposition to do the right and just thing in all circumstances, and to shape one's actions accordingly. There is no code of conduct declaring society's view of the right course of action in every situation, so each of us must puzzle out for ourselves the moral solution to each dilemma we face. (53)

Dobel (1999) defines integrity as

a balance among the three domains of personal moral commitments and capacities, obligations of office, and political prudence. It depends upon self-conscious reflection, honesty, and the self-disciplined ability to resist temptation and act upon beliefs and commitments. Possessing integrity obligates individuals to know and address the legal, moral, and practical dimensions of an issue in making their decisions. (213)

Based on these definitions and the definitions provided in Chapter 1, did the guerrillas profiled in the episodes presented in this book act with integrity, responsibility, and ethics? Yes and no. Assuming that they had a wholehearted disposition to do the right and just thing in all circumstances, made their decisions based on self-conscious reflection, honesty, and a resistance to temptation, and acted upon their beliefs and

commitments, the answer is yes. Yet many actions of individual guerrillas crossed the line to unethical behavior. An example is the Nevada Four inviting a senator to tour the refuge and then telling their superiors that he had requested the tour. Clearly this was crossing the line. Implying that selenium toxicosis might be the cause of the massive fish kill without having fully analyzed the issue was unprofessional at best, unethical at worst. Manning's exposing Afghan informants and putting their lives in danger could easily be seen as unethical. Snowden deceiving others in order to obtain access to documents for which he did not have permission or clearance was wrong.

To some, however, the guerrillas' actions are examples of brilliant entrepreneurship (Doig and Hargrove 1987; Ricucci 1995). In the eyes of particular interest groups, consumers, clients, and citizens, some guerrillas are heroic bureaucrats (Couto 1991). Some are seen as policy entrepreneurs, as illuminated by Lewis (1980) and Kingdon (2010). A member of the Sierra Club touted the Nevada Four's actions as the highest service to our country. Claude Ferguson won many national environmental awards for his actions. The displaced director of management in the Seattle regional office of the EPA eventually was promoted to the Senior Executive Service and made deputy regional administrator. Activist Daniel Ellsberg praised Bradley Manning and Edward Snowden as heroes: Both have been nominated for the Nobel Peace Prize.

To others, however, the actions of some of the guerrillas constitute outrageous insubordination. While Ferguson received many letters of support, he and the local newspapers received numerous letters from residents who were aghast that he would assertively argue for what they perceived to be his own policy preferences (see Boxes 4.3 and 4.4). To some, the career public servants in the EPA's Seattle regional office during the Reagan administration were the embodiment of stubborn and misguided institutionalization: long-timers who represented a culture different from that of the new political leaders voted in by the American people. Some believe that Manning deserved to be court-martialed and imprisoned for life for betraying her country. Many think that Edward Snowden should stay in Russia. It is indeed a part of the paradox that this same "deviant" behavior of the guerrillas can be looked at as the savvy use of public management tools, such as the cultivation of the press and alliances with interest groups.

But suppose these guerrillas were antiblack, anti-Muslim skinheads who used these tools to undermine federal civil rights actions? What if they were religious-right fundamentalists dedicated to halting the teaching of evolution in public schools? Obviously, in such cases, the guerrillas' shrewd use of the same public management tools would most likely be seen as manipulative, troublesome, and, to most, unethical. In fact, one of the Nevada Four who reviewed a draft of this book expressed a fear that it could become "guidance to midlevel bureaucrats whose political motivation and personal ambition exceed ethical and legal standards and requirements" (personal correspondence with author).

The stories of guerrilla government told in this book are examples of what one scholar of administrative ethics calls "the problem of ambiguity" (Rohr 1989). These

government guerrillas, like most public servants, have many masters, competing ethical obligations, and multiple directions of accountability. To some they are brilliant entrepreneurs. To others they are deviant insubordinates.

What can we take, then, from these episodes in the way of ethical insight? At the very least, important questions emerge that potential government guerrillas should ask themselves before they decide to go the guerrilla government route. Every potential guerrilla should ask himself or herself the following questions:

1. Am I correct? More than a sincere belief is needed.
2. Is the feared damage immediate, permanent, and irreversible? Are safety and health issues involved? Or is there time for a longer view and a more open strategy?
3. Am I adhering to the rule of law?
4. Is there a legitimate conflict of laws?
5. Is this an area that is purely and legitimately discretionary?
6. Have all reasonable alternative avenues been pursued?
7. Would it be more ethical to dissent publicly to my supervisor?
8. Would it be more ethical to promote transparency rather than work clandestinely?
9. Would it be more ethical to work with sympathetic legislators before turning to media and outside groups?
10. Is public whistle-blowing a preferable route?

This will remain a difficult area of public management to sort out. It is a fact that all guerrilla activity is not created equal. How a public manager decides which behavior is legitimate and which crosses unacceptable boundaries could be the most important question of that individual's career.

#### **Harsh Reality 4: The Combination of Big Data, Hyper Social Media, and Contracting Is Likely to Increase Incidents of Guerrilla Government.**

The Manning and Snowden cases provide new challenges to the ways one might look at guerrilla government. Manning and Snowden both were college dropouts and low-level employees. Both are considered computer “geniuses” who initially largely worked alone as guerrillas. They have been called part of the “post terror generation” (Snowden 2015) with a gamer's view of the world (Reitman 2013). They both wanted to beat the bad guys—the U.S. government—through the Internet where “the rules do not apply” (Reitman 2013). They both expressed shock at finding information that they thought the world deserved to see.

In contrast, the cases of the Nevada Four, the Hoosier National Forest, and the Seattle EPA office during the Reagan administration all concerned either highly educated or highly placed government administrators, long-term career public servants who described themselves as “banging their heads against the wall” for years, unable to change government policy. They all had a sophisticated knowledge of their subject matter, often the biophysical sciences—but a lack of political knowledge.

One notable and very important factor in the Manning and Snowden cases is the sheer enormity of data they stumbled upon and the relatively easy access they had to those data. This raises several important questions for those committed to public service to ponder: Has the administrative state become the “national surveillance state” (Balkan and Levinson 2006; Balkan 2008)? Have surveillance tools become the new tools of government? Have we created a “culture of intrusion” where we have become “privacy complacent” (Reitman 2013)? (See Kernaghan [2014] for a discussion of value conflicts inherent in big data. See Roman [2015] for a discussion of e-government ethics.)

Another important factor of the Manning and Snowden cases concerns the use of social media on a global scale. Social media have become both a source of data for the NSA and a source of power of government guerrillas. “Going viral” is now a badge of honor to many. Furthermore, on social media, the guerrilla controls his or her image and message with the focus often being on the heroic individual. Complicating this issue is the fact that there is relatively easy entry and access to social media, without filters and quality control. As one commentator put it,

Rewind the clock 50 years and such campaigns would have been nearly unimaginable, yet today all it would take is a few employees to generate a massive online campaign that could quickly generate hundreds of thousands of followers and widespread press coverage. This should serve as a stark reminder, yet again . . . of the power of viral campaigns. . . . Here, instead of enforcing control over messaging . . . the agencies have lost control over their messaging. (Leetaru 2017)

Moreover, the Snowden case yields important questions about contractors and guerrilla government. More than 500,000 private contractors have top-secret clearance in the United States, and oftentimes other private contractors conduct the background checks on these contractors. As a contractor, Snowden had greater access to top-secret documents than he had as a career bureaucrat. Are some contractors more likely to “go guerrilla” than career public servants?

Big data plus social media plus contracting may equal the perfect guerrilla government storm. It is a fact of modern life that our governments are collecting more data at every level, and electronic access to those data is difficult to regulate. Tied in with this is the relatively easy entry and access to social media, without filters and quality control, to disseminate those data. Finally, guerrilla government activity might be more easily implemented by contractors than career civil servants under certain circumstances.

### **Harsh Reality 5: Most Public Organizations Are Inadequately Equipped to Deal Effectively With Guerrilla Government.**

As seen in the episodes in this book, at least four primary conditions tend to yield situations that encourage the festering of guerrilla government activities. These may occur alone or in combination:

- When internal opportunities for voicing one's dissent are limited or decline
- When the perceived cost of voicing one's opposition is greater than the perceived cost of engaging in guerrilla government activities
- When the issues involved are personalized or the subject of deeply held values
- When quitting one's job or leaving one's agency is seen as having a destructive (rather than salutary) effect on the policies of concern.

Some of these conditions can be addressed through the application of key ideas found in conflict resolution theory. The conflict resolution literature asks whether there is an alternative avenue—perhaps an internal organizational channel—available through which government guerrillas can be brought back into their organizations, despite their inherent mistrust of regular channels (Brower and Abolafia 1997). Is there a way to use their energy for the common good? Is there a way to resolve small conflicts before they escalate into guerrilla warfare?

Contrasted to the idea of Hirschman (1970) and his followers that the four primary options available to disgruntled employees are exit, voice, loyalty, and neglect, the conflict resolution literature offers its own view of four options available to disillusioned employees: avoidance, collaboration, higher authority, and unilateral power play (Slaike and Hasson 1998). "Avoidance" means no action is taken to resolve the conflict. "Collaboration" can be an individual initiative, negotiation among the parties themselves, or mediation by a third party. "Higher authority" is referral up the line of supervision or chain of command, internal appeals, formal investigation, or litigation. "Unilateral power play" can include behind-the-scenes maneuvering, physical violence, or strikes. The guerrilla government approach examined in this study is a combination of collaboration, unilateral power play, and higher authority.

In this context, problem solving may be a better term to use in the public sector than conflict resolution, because conflicts—especially public bureaucratic conflicts—are not contests to be won but rather shared problems to be solved (Ury, Brett, and Goldberg 1993). Moreover, public bureaucratic conflicts need to be dealt with at the earliest possible point in time. Carpenter and Kennedy (2001) discuss the "spiral of unmanaged conflict" (11) that begins when one or more parties choose not to acknowledge that a problem exists. Activities escalate as groups attempt to gain recognition for their concerns, and eventually more effort, time, and money are devoted to winning than to solving the problem. As a conflict rises up, the spiral becomes something like a tornado, with sides forming, positions hardening, communication stopping, and

perceptions becoming distorted. Eventually the dispute goes beyond the program and perhaps beyond the organization. The press may get involved, a legislative body may become involved, and, in the worst cases, all-out war may be declared. The lesson of the spiral is not that it is inevitable but that it is predictable if nothing is done to address the conflict.

Any sort of short-term effort to address guerrilla government challenges must be combined with long-term designs to transform the entire conflict system of an organization by addressing its structural roots. This has been called an “underdog” approach rather than the conventional “top dog” orientation (Costantino and Merchant 1996). It embraces prevention and avoidance as well as resolution and settlement.

“Dispute system design” is a phrase coined by Ury et al. (1993) to describe an organization’s effort to diagnose and improve the way it manages conflict. A systems approach to dispute system design, which identifies those subsystems that make up the whole and examines how well they collectively interact in order to discover how to improve them, is important. Much of this branch of conflict resolution theory builds on the work of the open-systems theorists profiled in Chapter 1, who view organizations as open—not closed. Parts of organizations are dynamically interrelated with each other and with entities in their environment. Open-systems thinking encourages an emphasis on the whole and the interaction of the parts, not on the parts themselves. In addition, open-systems thinking requires the organization to be responsive to external changes.

Only in the past twenty-five years have large organizations, especially large public organizations, begun to create conflict management systems. It is a relatively new idea that an organization’s conflict management system is intricately involved in the effectiveness of the entire organization. Many early attempts at creating conflict management systems in organizations yielded offices that were walled off from the rest of their organizations, such as legal offices and personnel offices. One envisions a lonely office door labeled “Dissenters Enter Here.”

The Society of Professionals in Dispute Resolution (now the Association for Conflict Resolution) combined the best practices in this area to form now classic recommendations for integrated conflict management system design. These include encouraging employees and managers (such as the guerrillas profiled here) to voice concerns and constructive dissent early, integrating collaborative problem-solving approaches into the culture of the organization, encouraging direct negotiation among the parties in a dispute, and aligning conflict management practices with each other and with the mission, vision, and values of the organization. Many of these suggestions are amazingly close to the advice given by the professional managers I interviewed, which is presented in the last half of this chapter. From this work come five essential characteristics of integrated conflict management systems that still are applicable and relevant to guerrilla government today:

1. Options for addressing all types of problems are available to all people in the workplace, including employees, supervisors, professionals, and managers.

2. A culture that welcomes dissent and encourages resolution of conflict at the lowest level through direct negotiation is created.
3. Multiple access points and persons who are easily identified as knowledgeable and trustworthy for approaching with advice about a conflict or the system are provided. Examples include ombudsmen who help parties find ways to work within the system and experts who coach employees and managers regarding collaborative methods.
4. Multiple options for addressing conflicts, including rights-based (such as when legal or contractual rights have been violated) and interest-based (such as negotiation and mediation) processes exist.
5. A systemic structure that coordinates and supports the multiple access points and multiple options and integrates effective conflict management practices into daily organizational operations is provided. (Society of Professionals in Dispute Resolution 2001)

The point is to create and promote a workplace climate in which disputes are constructively addressed and resolved. Our public organizations need to learn how to tap into the potentially insightful, creative ideas and energy of dissenters in order to make constructive changes in their systems when appropriate. This was my thinking when I refused to “fire the bastard!” and is in keeping with much of the literature in organization theory and management. Slater and Bennis (1990), for example, long ago espoused more democratic organizations that have the following characteristics:

- Full and free communication, regardless of rank and power
- A reliance on consensus, rather than the more customary forms of coercion or compromise, to manage conflict
- The idea that influence is based on technical competence and knowledge rather than on the vagaries of personal whims or prerogatives of power
- An atmosphere that permits and even encourages emotional expression as well as task-oriented acts
- A basically human bias, one that accepts the inevitability of conflict between the organization and the individual and is willing to cope with and mediate this conflict on rational grounds.

This is one of the few areas of public management where the literature and theory are ahead of the day-to-day practice. There is a need for sweeping reform of public organizations concerning institutional processes and procedures for dealing with angry dissenters. Only when such reform has taken place will we see the instances of guerrilla government decrease.

## Harsh Reality 6: The Tensions Inherent in Guerrilla Government Will Never Be Resolved.

The dilemma of guerrilla government is truly a public policy paradox: There is a need for accountability and control in our government organizations, but that same accountability and control can stifle innovation and positive change. Put another way, there is a need in government for career bureaucrats who are policy innovators and risk takers, but at the same time, there is a need for career bureaucrats who are policy sustainers. Hence, the actions of the government guerrillas presented in this book are manifestations of the complex environment in which our public managers function, and every public manager needs to be aware of this.

Inherent in this paradox are many perennial clashing public management tensions and issues. These tensions include the need for control versus the perceived need to disobey, the need for a centralizing hierarchy versus the need for local autonomy, and built-in tensions in the organizational structures and missions of organizations themselves. In the Snowden case, there are several unique tensions. These include national security versus civil liberties, privacy and transparency versus public safety, and the need for greater NSA restraint versus the need for security and diplomatic advantage. Also at tension were the “overreaching and intrusive federal government” versus “the methods and intentions of Mr. Snowden . . . who did not just innocently stumble upon a treasure trove of documents detailing surveillance” (Byman and Wittes 2014). Finally, at tension is the desire for efficient government versus needed changes to reign in the NSA that will make the agency “less agile” (Byman and Wittes 2014).

To whom are these career public servants accountable? To whom are they to be responsive? Whose ethical standards are they to follow to gauge whether their own behaviors are responsible?

Embedded in the cornerstones of public management are the concepts of hierarchical control and accountability. In the case of a large bureaucracy such as the U.S. Army, the Department of Agriculture, the Department of the Interior, the Environmental Protection Agency, or even a small state or local agency with a meager staff, it would be difficult to argue that there is not a valid need for control of employees and obedience to the policies and procedures dictated from the top of the organization. If all employees in such an organization actively disobeyed orders and made policy decisions based on their own personal agendas and interests, no matter how heartfelt, chaos would reign and the organization might fail to exist as a coherent whole. The public interest clearly would not be served.

At the same time, even if we acknowledge the potential dark side of guerrilla government (see, e.g., Adams and Balfour 2014), it is clear that the major force driving all of the career bureaucrats studied in this book was neither disobedience for the sake of disobedience nor pure self-interest. Rather, all of them expressed being driven by outrage at the perceived actual or potential harm caused by their organizations’ policies. All expressed being driven by a personal sense of what is right.

Just as it is difficult to argue that there is not a need for obedience by employees, it is difficult to argue *overall* that acting on one's strongly held personal and spiritual beliefs *in certain contexts* is improper. In fact, if there is a violation of the U.S. Constitution involved, at least one court has held that an employee has a right to disobey the policies in question. In *Harley v. Schuylkill County* (476 F. Supp. 191, 1979), which is still good law today, a Pennsylvania court held that the right to refuse to violate another's federal constitutional rights was a right secured by the Constitution. But since there apparently were no violations of constitutional rights involved in the episodes presented in this book, the world is fuzzier and the paradox and tensions remain.

Thus, on one hand, the career public servants who practice guerrilla government techniques may be seen as refreshing entrepreneurial winds of change in the tradition of those profiled in Doig and Hargrove's (1987) collection—activist, caring public servants with a personal commitment to protecting the environment. The Nevada Four's idea to seek donations of water rights for the wetlands, for example, changed the rules of the game and opened up a new world of policy options. On the other hand, government guerrillas may be seen as threats to accountability, control, and hierarchy, since they take actions against the wishes of their superiors. There is a need for employees who are committed personally to the policy issues affecting or affected by an organization; at the same time, there is a need for unified policy direction and action as well as for standard operating procedures. In addition, as Kaufman points out in *The Forest Ranger* (1960), there is, at times, a need for hierarchy to counterbalance possible co-optation of public servants by local communities. These tensions can never be fully resolved.

Complicating the issue, however, is the fact, as stated by a Washington, D.C., superior of one of the guerrillas profiled here, that the ideas and desires of the guerrillas most likely never would have been implemented had the guerrillas continued to work solely through their own bureaucracies. The reasons are threefold. First, the contrary and competing missions of most public organizations yield a situation where most major policy decisions are compromises. As Lewis (1988, 162) points out, high-level attention to a particular problem or issue typically is scarce, and prolonged consideration of a singular policy area is rare. Contrasted to this are the "prolonged attention subsystems" of professional bureaucrats that give them the capacity to initiate, fixate, and innovate (169). This is the status quo in most public organizations. While the airing of disparate views may be encouraged, for political reasons, most public servants almost never totally obtain what they desire in terms of programmatic changes and resources. The tension here is between the realistic need for compromise in a large bureaucracy and the capacity of bureaucrats to initiate and innovate, which is unequalled in the U.S. political system.

Second, tied in with this are the sometimes-competing missions within the suborganizations themselves (Downs 1993). In the Fish and Wildlife Service, for example, the tasks of protecting endangered species and saving wetlands sometimes pull the organization in different directions, with the wetlands tending to get short shrift. Similarly, the Forest Service has the authority to manage the national forests

for recreation, grazing, wildlife, fisheries, and wilderness preservation, in addition to timber and watershed purposes.

Third, the guerrillas would never have had the power bases inside their organizations that they were able to establish outside their organizations. By reaching out beyond their organizational boundaries and creating networks, the guerrillas expanded their power bases and possible routes to success.

How can these different views of “correct” public servant behavior be reconciled? How can these government guerrillas simultaneously be dedicated employees and not comply with the norms so carefully laid out by their organizations? How can we absorb the government guerrillas of the world into our vision of public organizations without merely dismissing these public servants as aberrations, radicals, outliers, or zealous nuts?

One clue lies in the work of David E. Mason, who studies nonprofit organizations and management and writes about the expressive behavior of employees. Many of Mason’s ideas are applicable to public servants. As Mason (1996) defines it, expressive behavior is “action for direct rather than for indirect gratification” (xi); it fosters “activity for its own sake, looking only to itself for justification; participation for the sake of participation; work for the sake of work” (2). Contrasted to expressive behavior is instrumental behavior, which entails producing an output that is external to the organization. An action can be both instrumental to an organization (e.g., timber management) and expressive to an individual (e.g., protecting the environment). An action can also be instrumental to an individual (e.g., earning a paycheck) while simultaneously being expressive to that same individual (e.g., bonding with fellow workers). While there is nothing new about organizations fulfilling both expressive and instrumental needs, or individuals working for both instrumental and expressive purposes, it is safe to say that the leaders of most public programs give little attention to these issues in their organizations.

The environmental government guerrillas in the stories presented here acted for expressive, rather than instrumental, reasons. When a sense of integrity was the driving force, it was their own personal sense of integrity—not one manufactured by the organization—that took over. This is the expressive dimension. Yet managers—especially managers of public organizations—rarely want to discuss the expressive dimension of their organizations. They are encouraged, instead, to discuss options in terms of efficiency only, in terms of management only, in terms of budget only. While efficiency, management, and budget are of paramount importance, so too is the expressive dimension, which often manifests itself in issues of dissent, voice, and openness or lack of openness to new ideas.

While unbridled expressive behavior in an organizational context could lead to negative consequences, expressive activity *that is congruent with the core values of the organization* is important for several reasons. First, the opportunity for expressive activity attracts and motivates participants to work for instrumental purposes. Second, fulfilling the expressive needs of employees should yield better decision making as employees are made a legitimate part of the decision-making process. Third, expressive

activity tends to encourage bottom-up communication, horizontal communication, and communication within the broad network of individuals interested in a certain policy domain. Finally, people need expressive activity as an end in itself.

The common view of public organizations is limited in that it often fails to accept or take into consideration the number of individuals who seek such employment opportunities for expressive as well as instrumental reasons (Perry, Hondeghem, and Wise 2010; Brewer, Selden, and Facer 2000). Examples include individuals who seek careers at NASA because they have deeply felt commitment to the future of space-flight, individuals who seek careers in social welfare agencies because they want to alleviate poverty, and individuals who seek careers in state health departments because of a deep commitment to preventive health care practices. Simultaneously promoting expressive and instrumental objectives in our public agencies, when appropriate, is one step toward addressing the tensions inherent in guerrilla government. Taking that step will remain an important public management challenge for the leaders of those organizations.

## ADVICE FROM THE PROS

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As I was putting the finishing touches on a previous edition of this book, my phone rang again. This time the call was from a government guerrilla named Doug Kerr, a conservation officer with the New York Department of Environmental Conservation. He, too, had heard about the book I was writing, and he had a story to tell. He showed up at my office the next week (in uniform, gun in holster) and allowed me to interview him for eight hours. Against the wishes of his superiors, he documented fraud and violation of environmental laws in the laying of the Iroquois natural gas pipeline from Canada to New York City in the 1990s. His tip to the U.S. attorney yielded a lengthy lawsuit against the pipeline company that culminated in jail sentences for several company managers as well as one of the largest environmental fines in the history of the United States, second only to the fine paid by Exxon as a result of the *Exxon Valdez* oil spill off the coast of Alaska.

I followed up with interviews of the attorneys who won the case, an agent from the Federal Bureau of Investigation who investigated the pipeline company, and a concerned citizen who rallied other landowners against the pipeline company. All supported Doug Kerr's story in our lengthy interviews. Yet while not disputing the facts of Kerr's collection of evidence, tip, and unflagging commitment to the case, the attorneys and the FBI agent then dismissed the significance of Kerr's guerrilla activities. "Happens all the time," they told me. "Not that big a deal. Everyday bureaucratic activity."

Assuming, contrary to the views of the attorney and the detective, that guerrilla government activity is significant and should be a last (or near-last) resort of dissenters, what else might be done to reduce it, in addition to attention to dispute

system design, organization dynamics, and integrating the expressive and instrumental objectives of organizations when appropriate? One possible answer lies in the training of new political appointees entering government for the first time at significant organization levels. A mandatory multiday training course is necessary, during which new appointees would learn about their own subordination to the rule of law, the constitutional requirements of their positions, the nature of legislative oversight, the desirability of working with career employees, and what it takes to lead in public agencies. As this book has demonstrated, guerrilla activity is sometimes promoted by foolish moves on the part of political appointees who think they have a mandate based on rhetoric uttered by a president while on the campaign trail and who think that career public administrators should be, and will be, the robotic implementers of the will of their superiors. Political appointees, as well as other high-level administrators, need to know that their capacity to destroy new ideas is as great as their capacity to create them. Each of the environmental episodes presented here shows how organizations can stifle good ideas and energy coming up from the staff. Ernesta Barnes in the Seattle EPA episode is a counterexample: She made a major difference, stemming guerrilla activity by actively embracing the guerrillas in her organization.

Of course, there will always be times when public managers will have to quash negative guerrilla government. Examples include, but are not limited to, when rights are in danger of being violated, laws are broken, or people may get hurt. Yet scholars who have studied empirically whether career public servants “work, shirk, or sabotage” have found that bureaucrats in the United States largely are highly principled, hardworking, responsive, and functioning (Brehm and Gates 1997, 195–202; see also Feldman 1989; Golden 2000; Goodsell 2014; Wood and Waterman 1991, 1994). Hence, when there are incidents of guerrilla government, managers need to view them as potentially serious messages that should be heard (Brower and Abolafia 1997). Thus, part of the training of political appointees, as well as other public managers, should be the communication of the conclusion that their first line of defense can no longer be dismissing government guerrillas as mere zealots or troublemakers. This perspective acknowledges the central importance of dissent in organizations.

I surveyed members of the National Academy of Public Administration (NAPA), an independent, nonpartisan organization chartered by Congress to assist federal, state, and local governments in improving their effectiveness, efficiency, and accountability; alumni of the Maxwell School of Syracuse University; and some of the veteran managers on the NASA Return to Flight Task Group I served on. I asked them about the value of dissent in organizations. Of the 216 current and former managers who responded, 213 indicated that dissent, when managed properly, is not only positive but also essential to a healthy organization. Box 7.2 contains a sampling of the comments from my respondents concerning the value of dissent in organizations and in our society as a whole.

## BOX 7.2

### WHAT IS THE VALUE OF DISSENT IN ORGANIZATIONS AND TO SOCIETY AS A WHOLE?

"If managed properly, dissent can create an energy that can be cultivated for positive change or results within an organization."

—*First deputy commissioner, New York City Taxi and Limousine Commission*

"In a technical organization, especially one where human lives are at risk, and that organization has the full responsibility for design, manufacturing, testing, and operation, dissent is an absolute essential element. Without it failure is assured."

—*Former deputy director to Admiral Rickover, Nuclear Navy Program*

"Dissent allows the organization to define and get a grasp on the complexity of issues. Public organizations serve people with different interests, so there should be dissent/debate if the organization is keeping its mandate and really considering multiple viewpoints, especially concerning minority viewpoints and perspectives. Vulnerable populations do not have adequate representation, so public organizations often have responsibility to voice these issues in public realm."

—*Program manager, U.S. Agency for International Development, Afghanistan*

"Dissent requires issues to be discussed, and often new information is discovered during this dialogue. Dissent also keeps projects, laws, etc. from being implemented in the heat of the moment. If managed well, dissenting individuals can also become enfranchised and envision a positive role for themselves in the government processes rather than sitting outside and throwing rocks."

—*Former local government manager*

"The truth is best recognized by evaluating all perspectives."

—*City attorney*

"Good 'followship' [the necessary parallel condition to good leadership], consist[s] of not only doing one's duty (i.e., what you are told), but also in helping keep 'the ship and its captain' on track. That requires dissenting from the vector leadership has taken. That dissent need not be destructive (as in mutiny); instead it must be in an organizational culture (fostered from the top) that actively solicits alternative views. To look reality squarely in the eye (as Jack Welch wrote) requires a selfless devotion to seeking what that truth is. Dissent is one important mechanism assuring that."

—*Former manager, Department of Defense*

"It actually moves us further and faster when people are rigorously thinking about what the best decision is and the best way to get there. I would be concerned if there wasn't dissent."

—*Managing director of recruitment, Teach for America*

"Dissent can be a constructive way to vet alternative views and the reasons for them that may lead to either honing of existing views or adjusting current positions

or thinking if the evidence or logic so suggest. The dissent may also provide better insight into the size and intensity of the opposition.”

—*Senior fellow, Caliber Associates; former assistant secretary, planning and evaluation, U.S. Department of Health, Education, and Welfare; former assistant director, U.S. Office of Management and Budget; former deputy county executive, Fairfax County, Virginia*

“Dissent in an organization is healthy. A dissenting organization is like that of a healthy family. It is not perfect, quiet, reserved, or without its faults. It is at its best when it is functionally dysfunctional—a group of dynamic personalities thinking separately and working together as one. A healthy organization is not a group of people thinking as one and agreeing on everything but is one that disagrees often, loudly, and with devotion.”

—*Deputy center director, National Aeronautics and Space Administration*

“Dissent yields better thinking about problems; better thinking in and among the bosses; higher levels of work satisfaction among more employees (I am heard); higher levels of ownership around decisions (I had input and they actually took my idea!); faster reaction to change of any sort (no mushroom theory); more trust and openness in conversations. Gets to problem solution faster; may be a better solution.”

—*Vice president for safety, BPI International*

“Dissent is important because it (1) results in different views being expressed, more openness, greater communication, higher-quality discourse, and broader thinking; (2) results in greater trust; (3) results in a more positive workplace that people want to be a part of; (4) results in people in the organization that are more committed to the mission and the leadership; (5) results in successful organizational outcomes.”

—*Director of research, Space Security Center*

“If there is no dissent in public organizations, then assumptions, theories, and proposed courses of action will not be rigorously thought through before critical strategic as well as tactical decisions are made. In my experience, the voices one learned to listen to most closely were those who had the courage to speak out in dissent to whatever consensus might be forming or to a preferred outcome that had been articulated by senior officials. Even if the eventual decision or direction was the same as it would have been without the dissent being voiced, the dissent served to force a reexamination of the logic, facts, and circumstances on which a consensus was being forged and thus, at the very minimum, made the basis for the decision stronger. Of course it is a guesstimate, but I would suggest that at least one-third of the time that there were strong, sustained, rigorous, and informed dissents, the decision or the direction was altered as a result.”

—*Former senior procurement executive, U.S. Department of the Interior*

“Dissent generates ideas that those in leadership positions may not have considered. It can also provide management with the ‘pulse’ of the organization.”

—*Contracting officer, U.S. Environmental Protection Agency*

*(Continued)*

(Continued)

"Dissent can bring the dynamic tension to organizations that is necessary to think clearly about all the positives and negatives of a course of action. It is critical to arriving at a well-thought-through decision."

—*Public management consultant*

"Dissent can alert an organization to potential problems with its plans or direction. It can force leaders to a more careful assessment of their thinking and help them see problems they may not have anticipated. Smart leaders will create open channels that allow dissension to be expressed and its merits considered before dissenters are driven to take possibly harmful action."

—*Director of credit programs for a large private university*

"Dissent, by definition, comes from below. Dissent from above is an order or direction. Dissent is a sign of a positive work environment and positive organizational empowerment. Maximization of each employee's potential within the framework of the organizational needs requires that employees be empowered to make decisions, solve problems, provide feedback, and, probably most importantly, dissent. Often, managers forget that the wheels of the organization are greased by the lower-echelon employees. These employees have insight into the logistics, administrative functioning, personnel issues, and corporate culture that managers, by definition, are not privy to. Dissent allows for these issues to be brought forward to the management team prior to poor decisions being made or bad policy being enacted."

—*Litigation manager for a large federal agency*

"Dissent enables managers to learn about problems or misunderstandings that exist in the organization. These matters may relate to specific programs, personnel, or organization culture/structure. Dissent, if sensibly communicated and openly received, can lead to corrective action or, on occasion, fundamental change."

—*Dean, school of public and international affairs*

"Embracing dissent means inviting diversity of opinion from the people around you," Sean O'Keefe, former administrator of NASA, former secretary of the U.S. Navy, and former chairman and CEO of EADS North America, told me when we talked. "My first rule is to never surround myself with people who are just like me. My second rule is to always insist upon someone voicing the dissenting opinion. Always."

Thus, instead of discussing guerrillas as problematic and plotting how to get rid of them, we can think of a guerrilla as a messenger coming to tell a manager something important about the organization, its policies, and its way of operating. In the old days, if a king received a message he didn't like, he would sometimes have the messenger killed. This is denying the message or raging against it. The real challenge is to see if we can listen to government guerrillas' messages, sift through the canaries and the zealots, really hear them and take what they say to heart—that is, make the connection to the broader reality of the public management and public policy challenges at hand.

Public managers need to use the opportunity of hearing guerrillas' messages to observe, be open, and learn, rather than jumping automatically into rejection and

judging, thinking that they have somehow failed or that the organization is broken or does not work because dissent has been voiced. To the contrary, Kingdon (2010, 20) sees the “free-form process” triggered by bureaucratic entrepreneurs as promoting creativity and an opportunity for new and innovative ideas to emerge. These entrepreneurs act as brokers, negotiating among people, yielding couplings that might never have occurred in more structured settings.

Many managers look at organizations as machines, such as automobiles. A “problem” like guerrilla government happens, and it must be “fixed.” Call in the consultants, find out who the guerrillas are, and make them go away by firing them, cutting them out of the process, or ostracizing them. Or worse, the consultants come up with some magic quick fix. But organizations are not machines, and guerrilla government is not just a “people problem.” It is a set of inevitable tensions between bureaucracy and democracy and needs to be addressed in every organization.

The perspective of this book, then, is that some guerrillas just might be creative assets to the public organizations for which they work. Thirty years later, I’m glad I didn’t “Fire the bastard!” But my boss wasn’t totally misguided, for he clearly perceived the potential dark side of guerrilla government. Several of the respondents to my survey of managers pointed out the negatives of unbridled dissent. For example, a president of Baruch College who is also an expert on national security issues and a member of NAPA commented, “The negative aspects of dissent relate primarily to the corrosive effect they can have on the morale and discipline of an organization. In the national security world, dissent may be tolerated up to a point, but once an action is approved, additional dissent can upset carefully developed plans and, in extremis, can place people’s lives in jeopardy.”

The former director of EPA National Environmental Performance Track and a NAPA member said, “Often dissent that I have seen is the work of one or a few disgruntled employees who are using it to either give their lives meaning or to protect themselves against action for poor performance or behavior problems. It is an irritant to other people and may even damage morale.” Other negative aspects of dissent mentioned by the leaders and managers who responded to my survey included the following: Dissent can become a preoccupying force that distracts from the central mission of the organization, dissent can slow organization efficiency, dissent can lead to hurt feelings, dissent can be corrosive and destructive, and dissent can siphon off some of the organization’s human capital to address whatever challenges the dissent may raise.

Given the potential negatives of dissent, is there a way that an organization can harness the creativity of guerrillas without engendering total chaos and allowing the dark side of guerrilla government to take over? In addition to the suggestions offered thus far in this book, the public managers I interviewed offered new insights, detailed below. Many reinforce the suggestions mentioned earlier.

### **Cultivate Organization Culture**

Many of the managers who responded to my survey noted the importance of creating an organization culture that accepts, welcomes, and encourages candid dialogue and debate. They emphasized the need to cultivate a questioning attitude by encouraging staff to challenge the assumptions and actions of the organization.

The majority agreed that dissent, when managed well, can foster innovation and creativity. In particular, dissent can help generate multiple options that an organization might not normally consider. Managers should think of dissent as an opportunity to discuss alternative notions of how to achieve a goal. Cultivating the creative aspects behind dissent can lead to greater participation, higher job satisfaction, and ultimately better work product, the managers told me.

Organizations can avoid groupthink through diversity of thought and intellectual curiosity. Communicate that the staff can raise concerns without fear of retribution. Communicate that employees are expected and encouraged to offer innovative ideas to help solve problems. Communicate that differing opinions are welcome and respected. Send a clear message from the top that different points of view are valued. Acknowledge dissent and acknowledge that there is validity in the dissent. Communicate to all sides that they have been listened to.

A leader creates such a culture through what he or she says to employees, writes in newsletters and reports, communicates on the organization's website, and says in speeches; through the way he or she phrases goals, slogans, and mission statements; and, most important, through his or her actions on a daily basis. "Think of creating a positive organization culture the same way you think about raising a healthy, productive child from birth," wrote an organization psychologist. "Just as everything you say and do to a child counts from the day the child is born, so too does everything you say and do about an organization and people in that organization count every day that you are a leader."

Train supervisors to respond to employee questions in a measured, open, honest manner. Communicate that healthy conflict is a natural result of diversity of expertise and experience. Teach people to listen. Teach people to solve conflict. Be a consensus builder and a collaborator. Send a message that those who raise dissenting views, even if they ultimately do not change the outcome of the decision, will continue to be equally valued members of the team.

"Create an atmosphere where dissent is not seen as antagonistic or nonsupportive of the initiative being considered," suggested a local government mayor and a member of NAPA. "I wouldn't even call it dissent. Dissent implies revolution. Progress need not mean total revolt. Call it discussion." A NASA deputy center director put it another way:

Open and clear dialogue is paramount for a productive dissent-based exchange of views and ideas. A healthy spirited debate that contests and challenges ideas and practices leads to a better understanding of their potential. It has to be a fundamental principle of these discussions that once an idea has surfaced that the organization or group must hear and listen to it (hence, two ears and one mouth) and deal with it responsibly and respectfully.

An assistant town manager advised, "Clearly communicate that you are receptive to input from all employees, thereby improving communication and participation in decision making. Then follow through and do it." But "don't forget that above all else you are a leader," said another seasoned manager:

Leadership is often confused with micromanaging in a very directive fashion. Organizations seem less tolerant of dissent than in past years. An example is Donald Trump—the obnoxious boss who has become the benchmark hero. Managers need to listen, show patience, coach individuals and teams, invest in more than one strategy toward solutions, and convey a willingness to change trajectory.

A hospital administrator insisted that a good leader can use dissent as a valuable tool:

It can be the catalyst for change, improvement, and may even turn the dissenting individual into a lead member of a team. The assumption here is that the organization has high ethical standards that are recognized by staff and that such standards are applied without exception. I have often found that productivity is enhanced when there is dissent at an open or department meeting. Rather than being defensive, a good manager may acknowledge diverse opinions and engage the group.

Finally, these leaders emphasized that once a decision is made, managers need to complete the loop and communicate the reasons for the decision. Acknowledge consideration of other options that were suggested and explain why they were not chosen.

## Listen

More than half of the managers who responded to my survey cited listening as one of the most important ways to manage dissent. This means listening not only to the actual words being said but also to what is behind the language of dissent. This involves communicating that one is looking for the best solution, then tuning into the underlying reasons for, or root problems of, the dissent. As a former director of the New York State Ethics Commission put it this way:

The hallmark of a strong leader is to be a good listener. Not just hear the dissent, but probe it, evaluate it, challenge the underpinnings (without discarding it out of hand), and make a reasoned decision on whether the dissent has a viable position. The value of simply paying attention to dissent should not be underestimated. If the members of the organization know that the leader is comfortable with his/her leadership position, so to allow (even embrace) differing points of view, dissent can breed loyalty and a stronger organization. Obviously, the converse is also very true.

A Department of Defense conservation team leader suggested that managers slowly build up trust by listening, but do it as early as possible. “Ask those lower in the chain to contribute to policy development. Actually demonstrate that you’re willing to listen by making changes based on input. . . . Seek input before it boils up to dissent, but is viewed rather as productive objections. I really think that it is key to act before one gets to the point of dissent; at that point the stakes are higher, the battle lines drawn.”

The founding director of the Indiana Conflict Resolution Institute and one of the evaluators of the U.S. Postal Service REDRESS dispute system emphasized that managers need to learn to *just listen*. The REDRESS program was initiated in response to people “going postal”—increased incidents of violence, aggression, anger, and conflict in the postal service. Researchers found that postal service managers, when approached by a dissenting employee, felt it was their duty to stick up for the organization and rebut, point by point, every negative statement made by the accuser. Dispute resolution experts taught the managers to *just listen*. This, coupled with a proactive mediation program, yielded a documented drop in aggression, conflict, and complaints at the U.S. Postal Service.

The generalizable lesson here for managers is not to act defensively when approached by a potential guerrilla and to not feel the need to immediately cite chapter and verse of the applicable regulation in defense of the organization. Instead, they need to *listen*. Not only will this open up channels of communication, but also by simply listening, a manager can learn valuable information that may in fact improve the workings of the organization and at the very least will give the manager a better sense of the guerrilla’s perspective. Managers also need the authority to settle disputes at their infancy in order to process and resolve early the conflicts that impel guerrilla activity.

The head of the department of access and preservation at a large university research library offered,

A leader can make dissent productive by *listening* to the voices of dissent, finding out what is at the root of their dissent, looking for and listening to people in the organization who are angry (the loyal opposition), for an angry voice insinuates that an individual still cares about the organization. Productive dissent forestalls “coercive harmony” (a term coined by anthropologist Laura Nader), when the abnormal becomes normal, when “harmony coerced is freedom lost.”

One manager wrote that a leader in an organization “needs to be a listener and not one whose fixation on the ultimate organizational goal makes him or her lose sight of common sense, humanity, or common norms.” Another anonymous manager gave these concrete tips: “When a member is dissenting, ask, ‘How could your view make a better outcome?’—as contrasted to, ‘I don’t agree.’ Encourage everyone to offer opinions by going all around the group and asking for individual input from each and every individual.”

Others who recommended listening in an open, honest fashion also cautioned managers not to “take it personally.” Know that some form of dissent is a normal organizational dynamic. Appreciate the challenge as an opportunity to grow, an opportunity to build a team, and an opportunity to gather data in order to make the best decision possible. “By accepting dissent as a product of the organization’s current culture and not interpreting it as a personal indictment, a leader can intellectually process the causes of the dissent without becoming emotionally sidetracked,” emphasized the assistant director of the Washington Commission for National and Community Service.

A manager at the National Oceanic and Atmospheric Administration summed up his advice concerning managing dissent as follows: “Listen to it. Consider it. Understand it. Translate it for others so all can understand it. Be respectful while debating and reformulate it into a more easily acceptable presentation to the organization if it turns out to be beneficial, yet still unpalatable to the organization.”

## Understand the Formal and Informal Organization

The majority of managers who responded to my survey emphasized that leaders must understand the organization both formally and informally. The informal organization, generally, is that which may not manifest itself on an organization chart or in official documents. Examples include histories and connections between and among employees, traditions, power bases, and how the organization has learned to cope with challenges. Cooper (2012) explains the importance of this concept for ethical decision making:

Complying with the organization’s informal norms and procedures is ordinarily required of a responsible public administrator. These are the specific organizational means for structuring and maintaining work that is consistent with the organization’s legitimate mission. Because not everything can be written down formally, and recognizing that informally evolved norms give cohesion and identity to an organization, these unofficial patterns of practice play an essential role.

However, at times these controls may subvert the mission or detract from its achievement, as in goal displacement. A truly responsible administrator will bear an obligation to propose changes when they become problematic for the wishes of the public, inconsistent with professional judgment, or in conflict with personal conscience. It is irresponsible to simply ignore or circumvent inappropriate norms and procedures on the one hand, or reluctantly comply with them on the other. (256–257)

The informal organization may be more difficult to identify, but it is often the environment within which dissent grows and develops. Dissent coming from the informal organization may be solely a sign of some disgruntled employees, or it may be a legitimate, telltale sign of a significant issue within the organization. Dissent becomes productive when the members of the organization recognize and believe that the leaders are honestly concerned about them and are willing to work on making positive changes. At the same time, dissenters must also recognize that the structure of some organizations (such as military and paramilitary organizations) will prevent certain types of changes.

A former upper-level staff person of a large international nonprofit environmental group advised,

Listen to the informal organization. Listen to the members/followers/staff and let them know that they are heard. In addition, ask a trusted staff person to have their ear to the ground of the informal organization to give you feedback.

Prevent needless arguments right away with communication, and make sure there is clear communication about what the dissent is over, especially if it is about current organizational policy. In my experience the members/followers/staff didn't understand the policy, and once they did their demands were pretty much reduced to nothing. It was all misunderstanding. But the whole incident highlighted formal and informal flaws in the organizational structure and allowed us to implement better communication strategies.

## Separate the People From the Problem

More than half of those who responded to my survey emphasized the need to approach the issues on the merits and people as human beings. Fisher and Ury reinforce this in their best-selling book *Getting to Yes* (2011), where they advise separating the relationship from the substance, dealing directly with the people problem, and striving to solve the problem at hand collaboratively.

A contracting officer at the EPA put it this way:

Leaders must listen beyond the words and tone of the dissenters, as sometimes their message is simply delivered the wrong way, and the message itself is valid. Leaders must try to understand where the dissenters are coming from; this shows respect for people, and that can go a long way. When leaders handle dissent with respect, professional courtesy, and, when necessary, the decision to "agree to disagree," people at least know they have been heard, which sends powerful messages that the employees can speak out and will be heard.

The director of operations for the city of Syracuse, New York, commented,

The most important thing regarding managing dissent is to make sure the dissenting opinion is what is addressed and not the person delivering it. Also, creating an atmosphere of "I mean you no harm" is critical to establishing an environment where the free flow of ideas is possible.

## Create Multiple Channels for Dissent

Many of the more seasoned leaders who responded to my survey emphasized that it is important to realize that dissent happens in every organization. Therefore, if leaders and managers create a process that allows for dissent, employees will feel they can express their views, and disagreements will be channeled into something productive. If dissent is stifled, it will only cause resentment. Set up a regular process to receive dissent. Be accessible. Have an open-door policy. Insist that employees come to you first. Make evaluation a two-way street, with managers evaluating those they supervise and employees evaluating their supervisors. Allow employees to dissent in civil discourse in group meetings or in private through memos or conversations; some people who have great ideas that challenge the status quo do not like to display their ideas publicly.

The director of the Office of Resource Management for the U.S. Department of Energy advised, “Set up a regular process to receive dissent. Lay the ground rules for civil discourse. Actively listen to it. Act upon it and follow up to ensure that there was action.”

The chief of corrections for the state of Tennessee wrote,

Listen to your people. They are the number one asset of an organization. Do this by getting out and about. Talking with employees individually and in groups. Know their jobs, frustrations, and things that motivate them. Obviously every idea or complaint cannot be acted on or resolved, but many people feel better once they have had an opportunity to “talk to the boss.” A manager must take steps to act on the issues in a timely manner. Sometimes sitting two employees or groups of employees down who appear to have conflict can be positive. When facilitated, the employees can air out their differences, learn a little about each other and their jobs, and create a more positive work environment.

A business manager emphasized,

Never shoot messengers. Good findings come from dissent. Penalizing the messenger on the basis of the message will encourage dissent going underground—where the organization won’t benefit and the dissent metastasizes into destructive dissent. Don’t penalize risk taking. Dissent manifests itself in taking risks. Holding people up to 100 percent success thresholds will encourage timidity. . . . Ask for critical appraisals of work, style, approach, direction. A clear and consistent message from leadership about wanting open critical thinking about every aspect of the leader’s role is essential. Guarantee the anonymity of critics. The universal assumption is that critics are sought for the sole purpose of disciplining them. Leaders must accept this as a natural condition. Therefore, any mechanism for soliciting the honest dissent of staff must absolutely guarantee anonymity.

### **Create Dissent Boundaries and Know When to Stop**

“Dissent is important,” former NASA head Sean O’Keefe told me, “but a leader has to know when to say ‘enough.’ If taken too far, dissent can be like pulling the thread of a sweater too long and hard . . . eventually the sweater unravels.” To illustrate this point, O’Keefe talked about his order to his staff and his promise to Congress after the *Columbia* space shuttle disaster. He ordered the implementation of every one of the fifteen items labeled by the *Columbia* Accident Investigation Board (CAIB) as necessary before another space shuttle was launched. Dozens of discussions took place among staff members about their being forced to comply with all fifteen points, and there were plenty of dissenters. Some wanted to implement a few items, but not all.

Many argued about the wisdom of the CAIB recommendations themselves. But in the end, O'Keefe determined that in order to ensure a safer space shuttle program, he had to order that all fifteen items be implemented. End of discussion.

Both O'Keefe and Dan Crippen, former director of the Congressional Budget Office (CBO), emphasized how helpful peer review was to them in bringing dissent between and among professionals in their organizations to a close. O'Keefe used formal groups, like the National Science Foundation and the statutorily mandated NASA Aerospace Safety Advisory Committee, as well as informal groups such as the Return to Flight Task Group (assembled as required under the Federal Advisory Committee Act) to render expert opinions. Crippen hired a professor of international economics and finance to help him sort out the diversity of analyses and opinions he was receiving from CBO staff. Crippen also had many CBO analyses and publications sent to experts outside the organization for examination before they were widely disseminated.

The development manager at the Arts and Business Council of Chicago suggested,

Accept dissent as a productive and positive part of the decision-making process. From the start the manager should make two things clear: (1) I am willing to hear all thoughts on a matter either publicly or privately; (2) do not, under any circumstances, voice dissent publicly without first speaking with me about your concerns. I believe that this up-front, honest dialogue helps to keep all the positive aspects of dissent, while keeping many of the negative aspects under as much control as is possible.

An anonymous manager put it another way:

While managers need to create avenues for dissent, they also need to create boundaries that limit how dissent is offered—so as to keep the focus on the reason for the dissent and the action. If these boundaries are not created, the discussion quickly changes to one of process and not substance when someone dissents in a manner that might be considered improper. Another way to keep dissent productive is to require managers to seek dissent. For example, if a report requires agreement between an entire team or across teams, requiring the manager to seek formal approval across the board before moving forward might ensure that various perspectives are heard.

The director of the Office of Solid Waste Management in Lehigh County, Pennsylvania, wrote, "Harness the dissenters . . . listen to the dissent issue, analyze the current situation, assess how the dissent would change current operations/issues. Allowing the dissent to continue without genuine acknowledgment will escalate the dissension." This means leading by setting the stage, creating rules for dissenters, and enforcing them. Also, managers should encourage dissenting individuals to provide more background and research to back up their opinions.

The former city manager of Bellevue, Washington, recommended that managers lead by “principles” established well in advance of a decision point. Request coworkers/managers/staff to brainstorm or create a vision in the area of question (a range of options from which the manager/decision maker can select, presumably with a broad set of objectives). Insist that any dissent is quickly responded to, resolved, and proceed with the outcome—without further discussion (with prejudice) of any type.

A sheriff’s commander in Ventura, California, opined,

In all that a leader does, a positive and respectful environment must be maintained. Allowing dissent to occur, within the boundaries set by respect and civility toward the opinions and backgrounds of others within the organization, can bring ideas to the forefront for consideration.

A former EPA division director added,

A leader can be open to differing views and give people an outlet to express their opinions. An open atmosphere where dissent is possible if done right is good for an organization. At the same time, a leader should not let people take advantage of the situation by using dissent as a distraction from personal or performance problems. Tolerance for different views should be balanced with holding people accountable for their actions and making decisions on issues, no matter what the dissenters say.

Finally, a former undersecretary of the U.S. Navy added this to the discussion:

Encourage dissent, value dissent, have the ego to deal with dissent, but don’t make dissent a nonproductive value. A leader who seeks dissent and welcomes alternative opinions is good. But a leader who values those more than the message being conveyed sends the wrong message . . . both in terms of his/her leadership capabilities to discern the truth and his/her ability to sort through the complexities. A leader needs to seek, sort, and decide. The decisions made will convey to others how productive dissent is.

## CONCLUSION

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I spent a Sunday at NASA headquarters in Washington, D.C., working with a group that was finalizing the report of the Return to Flight Task Group (RTF TG) after the *Columbia* space shuttle accident. We spent the morning perfecting the executive summary and then broke for lunch. At lunch I sat across from Dan Crippen. “I’m working on a book on managing dissent in public organizations. How did you manage dissent while director of the Congressional Budget Office?” I asked Crippen. “You’ll see this afternoon,” Crippen said, with a strange look on his face.

That afternoon I found myself in a meeting with Crippen and six NASA staff members. Half the staff were career civil servants, and the other half were contract employees. Crippen asked the executive secretary of the RTF TG to leave the room. The executive secretary left and never came back that day. The professional editor of our report explained that the two former astronauts who chaired the RTF TG were insisting that only positive insights, analyses, and observations about NASA be included in the task group's final report. It wasn't a question of telling mistruths but a question of not telling the whole story. A group of RTF TG members and NASA staff, led by Crippen, felt a need to tell the whole story "because it is the right thing to do." Crippen and others repeatedly asked the task group chairs to include dissenting opinions in the final report. They were repeatedly rebuffed. The plan was to write a dissenting report, publish it, and launch it on the NASA website, against the wishes of the RTF TG cochairs. Was I with them or against them?

What ensued was a two-hour meeting devoted to plotting how to publish a supplemental dissenting report. I went around the room and asked pointed questions:

**O'Leary:** How can you get such a report published without the cochairs' signature?

**Editor:** I don't need their signature. The NASA printer will publish anything I bring them and we still have money in the budget.

**O'Leary:** Why do you want to do this?

**Editor:** Because it is the right thing to do. The American public deserves to know the whole truth. When I was an editor of the CAIB (*Columbia* Accident Investigation Board) report, Admiral Gehman allowed any and all dissent to be voiced and printed. He asked for people to challenge him. He insisted on a diversity of views. He probed for the hard questions. I learned from him the right way to manage dissent.

**O'Leary:** You could get in trouble.

**Editor:** This is the right thing to do. I don't care if I get in trouble. What can they do to me once it's printed—yell at me? Besides, I'm a contract employee and I won't be around NASA for long.

**O'Leary:** What about the other five staff members?

At this point, Crippen joined the conversation.

**Crippen:** We'll protect the "gold badges," the civil servants. The contract employees are moving on to other assignments in ten days. I'll even go to bat for the gold badges inside NASA if needed. This is the right thing to do. The public deserves the truth. I have

repeatedly voiced my objections publicly and privately to our cochairs. I have met with the new NASA administrator and several other top NASA officials, telling them that this is coming. Each has responded that they'd rather have the truth come out than suppress dissent. We don't want another *Columbia* or *Challenger* disaster.

**O'Leary:** [to the other staff]: Why are you doing this?

The staff then took turns telling stories about the need to bring to light problems with NASA's management and NASA's seeming inability to learn from past mistakes. "NASA is in denial," one staff member said. "The agency needs to be confronted with the truth."

In stumbled the chief public relations officer of the RTF TG, who was briefed on the purpose of our meeting. He obviously was surprised, but he then ended up coaching the group on the challenges of such an approach, how to avoid the appearance of "sour grapes," and different avenues we could pursue. "This is an art, not a science," he said. "Are you sure you've exhausted all other appropriate channels? Try again to have these viewpoints allowed in the final report, then if rejected follow through with your plan. But I know nothing about this meeting. Be sure to get the dissent on the record at the public meeting tomorrow so it doesn't look like sour grapes after the fact. Did I mention that I know nothing about this meeting?"

He refused to launch the dissenting report on the website without appropriate permission, but this did not deter the group. He emphasized that while he could not help us formally, he would help us informally. He closed by saying again that if anyone asked, he knew nothing about our meeting.

The group then outlined what would go into the dissenting report, divided up responsibilities, and exchanged personal e-mail addresses. No e-mails among us were to be sent on or to NASA accounts. I looked at Crippen. "This is what my book is about," I said. "I know," he responded with a grin. "Remember what I said to you at lunch today?"

Like the two former astronauts who headed up the RTF TG, leaders can easily become imprisoned in, and blinded by, their own thoughts and feelings about dissent because they are locked into their own "worlds." They may be concerned solely with the particulars of their own careers, their own programs, or their own experiences. In the day-to-day grind of public service, managers' overwhelming preoccupation with what comes across their desks may lead them to ignore another more fundamental level of reality. When managers fail to see the whole picture, when they neglect the perspective of open systems and dissent through open communications, they see only one side of the dissent issue: it is a "problem," dissenters are a "pain," "a thorn in my side," "an annoyance to deal with."

We all want our public organizations to be open to new ideas, yet many good ideas go undeveloped in these organizations because they deviate from the normal ways of

doing things. Our public programs need to be pushed out of their safety zones—those places of mental and physical routine and normalcy—so that those who run them can start to think differently. Organizational denial, when present, needs to be confronted.

As a public manager with a staff of fifty, I used to laugh whenever someone advocated turning our agency into a “learning organization” because there was simply no time to stop running, no time to pause, no time to think, and no time to reflect. I was working seventy-hour weeks, which I likened to playing tennis at the net day in and day out. There was no time to take the long view, to play tennis at the baseline, and certainly no time to get off the court and think about the action. Public employees need enough time to understand the totality of the issues they are addressing. In our highly pressurized work environments, with their pushes and pulls from many constituencies and multiple directions, this can be difficult.

Leaders should encourage divergent thinking, not quash it. An organization culture that welcomes what Sean O’Keefe calls “diversity thinking” is essential. Researchers have concluded that new ideas often come from managers’ contacts outside their immediate work groups. Hence the building of networks, both formal and informal, should be encouraged when appropriate.

Early, cautious evidence derived from studies of networks indicates that “working through network structures provides a way of dealing with ‘wicked problems’ by bringing about systemic change. In the process, innovation and change in traditional methods of operation come to the fore” (Keast, Mandell, Brown, and Woolcock 2004, 370). The networks manifested in the episodes in this book offered “reality checks” for ideas that had been incubating in the far recesses of government offices. The networks also allowed ideas to cross-pollinate. Last, the networks helped employees break out of status quo thinking.

Finally, government leaders need to invest in whole-organization dispute systems. The challenges of guerrilla government will never cease to exist. Like the returning waves of the ocean, they will ebb and flow. The waves may be changed, lessened, or softened by dispute management systems, but they will remain a fact of life for all public managers. Having multiple internal organizational outlets for potential and actual guerrillas and their ideas will only strengthen our public agencies. The survival and vibrancy of our public organizations depend on it.

As it turned out, when the NASA RTF TG had its last meeting, the day after the secret meeting with Crippen and the staff, several outraged members publicly voiced loud opposition to the idea of a “sanitized,” “whitewashed” report. The dissenting views spilled over into the public meeting, and the two cochairs were forced to retreat from their insistence on a purely positive report. Yet, because only part of the information that had concerned the dissenters was allowed in the final report, Crippen and the rest of us were still secretly debating whether we would write and publish a smaller dissenting report on the items that remained. Whether we did so is for me to know and for you to find out.