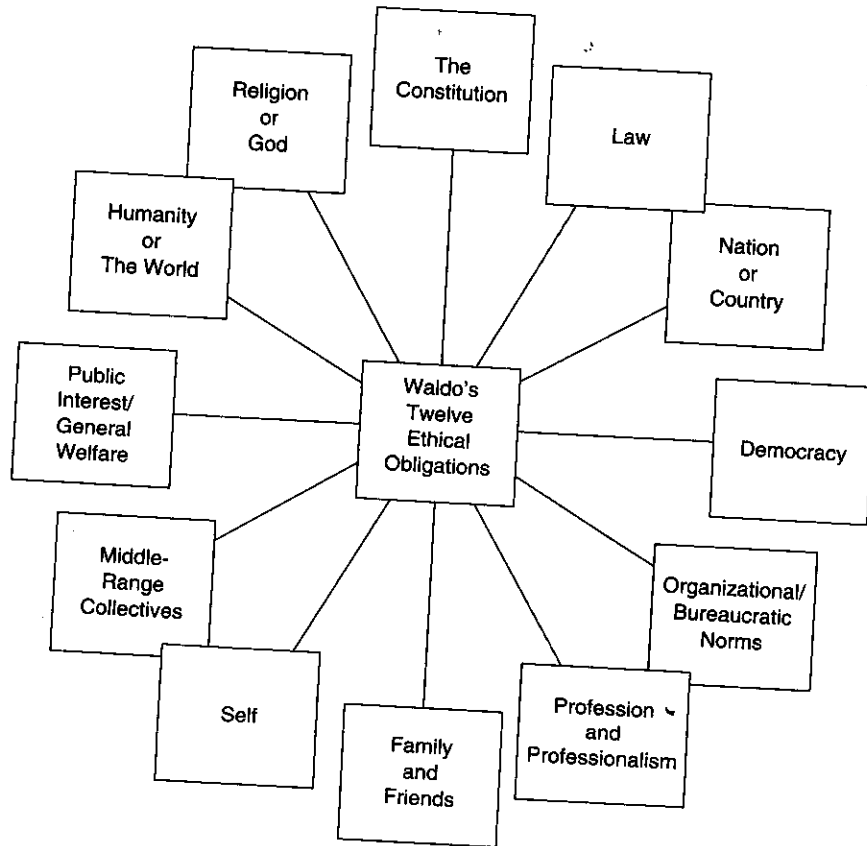


ETHICS

Ethics is the study of values and how to define right and wrong action (Van Wart 1996; Menzel 1999; Cooper 2001, 2012). Ethics is more than just thinking about right and wrong—it is doing right, not wrong. As those who study ethics like to say, ethics is not a spectator sport—it is a contact sport. Therefore, the ethical lens is, in my view, the most important lens through which to view guerrilla government, yet it is perhaps also the most difficult to think about in a concrete fashion. What constitutes ethical behavior and how do we ensure it? Who decides what is ethical and what is not?

Waldo (1988) offers a map of the ethical obligations of public servants, with special reference to the United States, that is especially applicable to the issue of guerrilla government. In his map, presented here in Figure 1.2, Waldo identifies a

Figure 1.2 Waldo's Map: Ethical Obligations of a Public Servant



## Guerrilla Government in the EPA's Seattle Regional Office

WHEN RONALD REAGAN was elected president of the United States in 1980 he sought to make dramatic changes in the federal government. Lash, Gillman, and Sheridan (1984) sum up Reagan's mission and purpose as follows:

He believed simply that government should spend less, do less, and interfere less with private enterprise. For 25 years since he began to make his living and his reputation as a conservative lecturer, Ronald Reagan had spent his time among those who argued there was too much government. He believed government was in the hands of people who "think control is better than freedom." He believed the bureaucrats had shackled American industry through regulation. "There are," Reagan said, "tens of thousands of . . . regulations I'd like to see eliminated." (xi-xii)

Lash et al. further note, "In his inaugural address Reagan said 'Government is not the solution to our problem; government is the problem'" (13).

Reagan appointed Anne Gorsuch administrator of the U.S. Environmental Protection Agency. In her testimony before the Senate Committee on Environment and Public Works during her confirmation hearing, Gorsuch stated: "The President is committed to regulatory reform and . . . I share [that] commitment. . . . There is no greater opportunity to effectuate that goal than the one ahead at EPA" (U.S. Senate, 96th Cong., 2d Sess., 1980). Reagan and Gorsuch implemented that quest by handpicking regional administrators for the EPA who had beliefs that matched theirs. One of these was Gorsuch's good friend John Spencer. His appointment and the later appointment of Robie Russell serve as examples of both the subtle and sophisticated power of guerrilla government and some conditions under which guerrilla government might emerge.

### JOHN SPENCER AND THE REIGN OF TERROR, 1981-1983

On August 3, 1981, John R. Spencer became the administrator of the EPA's Seattle regional office, which oversees Region 10, encompassing Alaska, Idaho, Oregon, and Washington State. Prior to his EPA appointment Spencer worked as the executive manager of municipal utilities in Anchorage, Alaska. He also was a former city attorney as well as a former vice president of RCA Alaska Communications, Inc. Upon his appointment, he assured the public that he would foster a "pragmatic response" to pollution problems and called for an end to "regulation for regulation's sake" (UPI, April 2, 1983). To top EPA career public servants in Region 10 he announced that his approach would be "management by stark terror."<sup>1</sup>

Spencer's tenure as EPA Region 10 administrator will long be remembered for several of the actions he took. First, he announced plans to buy, with taxpayers' money, an official membership for the EPA in the Chamber of Commerce (UPI, November 6, 1981), an organization active in lobbying before both the EPA and state environmental agencies (Clines and Weinraub 1981). He was repeatedly told by career staff in the Region 10 Management Division that this expenditure was not allowable under federal guidelines, but he continued to pursue the matter. Only after U.S. Representative Toby Moffett (D-Connecticut) blasted the move as raising "serious conflict-of-interest questions affecting the entire agency's decision-making processes" and environmentalists objected that the EPA was "paying to get in bed with big business" (UPI, November 12, 1981) did Spencer drop the idea.

According to career public servants in the Region 10 office at the time, Spencer also allegedly took some trips at public expense that were not clearly related to government activities. It appeared that Spencer made some of these trips to conclude personal business from his previous job in Alaska. He also asked for a personal driver to be assigned to him on a full-time basis and sought modifications to the EPA office building without first getting the approval of the General Services Administration as mandated by federal law. A staff member filed an anonymous complaint with the EPA Inspector General's Office concerning these alleged improprieties. (The Office of the Inspector General conducts audits, investigations, and evaluations of agency activities in an effort to improve agency performance and prevent fraud and abuse.)

When the director of the Management Division (see Box 3:1 for his résumé) heard about the complaint to the Inspector General's Office, he did nothing, contrary to Spencer's wishes. As the director told me:

He [Spencer] held me responsible for . . . [the complaint to the inspector general]. I didn't know who did it and I didn't want to know who did it. I viewed that as being a privilege and a duty of government employees when they see wrongdoing to turn it in. So I made no effort to find out who did this. Although

he never spoke to me directly about it, I was told indirectly that he was unhappy and felt that if I wanted to I could control . . . [employees who were going to the inspector general]. Somehow . . . [I was supposed to be able to] prevent the staff from parading his embarrassment by turning him in to the inspector general. My response was, I did nothing. Needless to say, there was a fair amount of tension between him and I.

**Box 3.1** *Résumé of a Government Guerrilla*

1998–Present  
Retired  
Occasional adjunct professor

1992–1998  
Special Assistant  
Chair, Quality Improvement Board  
U.S. Environmental Protection Agency  
Washington, DC

1992–1998  
Visiting Scholar, Indiana University  
School of Public and Environmental Affairs  
Bloomington, Indiana  
Corecipient: Undergraduate Adjunct Faculty of the Year Award

1990–1992  
Deputy Regional Administrator  
U.S. Environmental Protection Agency  
Chicago, Illinois  
Recipient: Presidential Rank Award, Meritorious Executive 1991

1984–1990  
Director, Environmental Services Division  
U.S. Environmental Protection Agency  
Seattle, Washington

1981–1984  
Deputy Director, Environmental Services Division  
U.S. Environmental Protection Agency  
Seattle, Washington

*(Continued)*

**Box 3.1** (Continued)

1980-1981  
Director, Management Division  
U.S. Environmental Protection Agency  
Seattle, Washington

1979-1980  
Chief, Resources Management Branch  
U.S. Environmental Protection Agency  
Seattle, Washington

1977-1979  
Chief, Air Compliance Branch  
U.S. Environmental Protection Agency  
Seattle, Washington

1972-1977  
Chief, Surveillance Branch  
U.S. Environmental Protection Agency  
Seattle, Washington

1971-1972  
Microbiologist  
U.S. Environmental Protection Agency  
Seattle, Washington

1969-1971  
Microbiologist  
U.S. Department of the Interior  
Portland, Oregon

1967-1969  
Microbiologist  
U.S. Department of the Interior  
Pacific Northwest Water Laboratory  
Corvallis, Oregon

1966-1967  
Microbiologist  
U.S. Department of the Interior  
Vessel Pollution Study  
San Diego, California

1964-1966  
Microbiologist  
U.S. Public Health Service  
Division of Water Supply and Pollution Control  
Atlanta, Georgia

1961-1964  
Biological Sciences Assistant  
U.S. Army Environmental Hygiene Agency  
Edgewood Arsenal, Maryland

1960-1961  
Junior Microbiologist  
State of California Department of Public Health  
Berkeley, California

When that same director of the Management Division, a man whose appointment to the Senior Executive Service was nearly complete prior to Spencer's arrival, repeatedly told Spencer that procedures needed to be followed and public funds could not be used for personal trips or for a personal driver, Spencer retaliated by transferring the director to a new position he had created for him in another division and refused to finalize his SES appointment:

He called me into his office and told me that he wasn't comfortable in doing business with me and he wanted to reassign me. I asked him why. His answer was that he just was uncomfortable doing business with me. . . . [I was later told that he] wanted to make an example of one of his division directors to show the rest of his staff that he had the ability to fire somebody. I think that would be consistent with his "management by stark terror" idea. Show the staff that you have the ability and the will to remove somebody if they displease you.

From that day on, throughout Spencer's tenure, the former director of the Management Division was excluded from most senior management meetings.

Next, Spencer lobbied the Army Corps of Engineers, on behalf of a yacht club of which he was a member, for rapid approval of a dredging permit. Spencer mailed the yacht club's application to the corps, attaching a cover letter written on EPA stationery and signed by him as regional administrator, asking the corps to issue a permit the same week. He wrote a second letter the following month, emphasizing that "quick action is imperative" (UPI, March 9, 1983). The letters became part of the public record, and when environmentalists later discovered them, they quickly went to the press. The yacht club eventually withdrew the request and replaced it with another, which was denied because of concerns expressed by the Washington State Department of Game.

Spencer also was criticized for not enforcing the law as vigorously as possible. An example is the case of the Western Processing Company of Kent, Washington, which continually delayed the cleanup of hazardous waste (UPI, April 2, 1983). The EPA could have assessed penalties against the company of up to \$5,000 per day for failure to implement an EPA cleanup order, but it did not. "For the time being," Spencer was quoted as saying, "with the promise of cooperation from Western Processing, EPA will forgo litigation" (BNA *Environment Reporter*, September 24, 1982), despite the fact that EPA officials said the chemicals at the site had the potential to threaten the city of Kent's water supplies (UPI, April 29, 1983).

Similarly, Spencer, whose nomination to the EPA post was shepherded by Senator Ted Stevens (R-Alaska), tentatively approved wastewater treatment exemptions for two large Alaska pulp mills during his tenure (UPI, November 29, 1984). According to EPA staff who analyzed the application, the exemptions clearly were not warranted under the law. The approval was eventually overturned by Spencer's successor, Ernesta Barnes.

In the same pulp mill case, Spencer ordered EPA staff to release confidential information provided by ITT-Rayonier, operator of pulp mills at Port Angeles and Hoquiam, to two of ITT-Rayonier's competitors (UPI, August 9, 1983). One former EPA employee described the situation:

The engineer [who drafted the report containing confidential business information] took the report, as demanded [by Spencer] to the regional administrator . . . and the regional administrator wasn't in his office. He was gone for the day, and the engineer asked what to do with the report and he was instructed to give it to a person who was waiting in the regional administrator's office. When he went into the office he recognized the person as being associated with . . . [the competitor's] mill . . . So the engineer . . . refused to give him the report.

The engineer went back to his office to discuss the matter with his colleagues. They decided to stamp the notice "Confidential Business Information" throughout the report, "so there would be no doubt about what parts of it legally were not disclosable," and then they hand delivered it to the regional administrator's home. The staff members suspected that Spencer gave the report to the competing mill anyway, but they waited to act on their suspicions.

Spencer's name also showed up in a report concerning alleged political uses of Superfund moneys by Susan Baldyga, a special assistant to fired EPA assistant administrator Rita Lavelle, who had forged "sweetheart deals" with industry and had lied to Congress. U.S. Representative Norm Dicks (D-Washington) publicly charged Spencer with participating in a plan allegedly fostered by the Reagan administration to use \$1.6 billion of Superfund money "to help re-elect Republicans" (UPI, March 23, 1983). Spencer strongly denied the allegations, but he resigned as regional administrator less than two weeks later, soon after

Anne Gorsuch and eighteen other high-level EPA officials were fired or resigned.<sup>2</sup> Many of the Seattle EPA regional office staff vowed never again to tolerate a regional administrator like Spencer or to cooperate with a "reign of terror." The stage had been set for more extreme guerrilla government activity.

Gorsuch resigned under a cloud of controversy. She had slashed the EPA budget, destroyed morale at the agency, and alienated Congress by refusing to provide an investigation committee with documents concerning the agency's controversial Superfund program. Further, Gorsuch had targeted particular career EPA staff and advisory board members to be fired, hired, or promoted because of their political leanings. The Senior Executives Association (SEA) asked the Office of Special Counsel of the Merit Systems Protection Board to begin an investigation of these actions. Gorsuch's "hit list," which was released by a congressional committee investigating the activities at the EPA, included comments about individuals such as "bleeding heart liberal" and "invidious environmental extremist" (BNA *Environment Reporter*, April 7, 1983).

"This kind of abuse of the merit system represents a gross violation of the Civil Service Reform Act," said SEA president Jean Courtourier in a press release. "If uncorrected, [it] would have a chilling effect on the career Senior Executive Service. . . . This type of political shenanigans threatens the very basis of the career merit system" (BNA *Environment Reporter*, April 7, 1983).

Spencer, the first of the Reagan-era regional administrators to resign, went to work for Riedel International, Inc., a firm involved in maritime construction, transportation, and environmental cleanup, as senior vice president. He quit his EPA job after only eighteen months. Before he left the EPA, Riedel International was awarded an EPA contract to clean up the hazardous Western Processing plant. The contract was not awarded in a competitive bidding process, said Jim Willman, chief of the EPA's Region 10 emergency response team, because cleanup at the Western site constituted an "emergency" (UPI, April 20, 1983).

The week Spencer announced his resignation, EPA career staff members went to the inspector general again. One described the situation:

He [Spencer] came around to announce that he was going to leave. He had secured a job in private industry. So it really was that I had a dilemma in my mind at that point: Should I do anything about my suspicions that he had given confidential business information to this company or not? And after thinking about it for a period of time, I decided that I should call the Inspector General's Office and share my concerns with them.

My reasons, to be candid with you, were that I really believed that this individual was not the kind of person to be in public service. I wanted to raise a cloud over his candidacy. Even though he was leaving, it was unlikely that anybody would do anything, but I wanted there to be something on the record that might indicate there was a question about his performance in the event that he was ever considered for public office again.



Spencer's actions were investigated by the EPA's Office of the Inspector General, in consultation with the Office of the U.S. Attorney General. In a report issued August 8, 1983, the investigators concluded that while Spencer engaged in improprieties, there was "insufficient evidence to warrant criminal action" (U.S. Environmental Protection Agency 1983). On August 9, 1983, UPI reported that "Paul E. Olson, EPA's assistant inspector general, said prosecution wasn't warranted because no harm was done—[there was insufficient evidence to conclude that] the confidential information was . . . released and the marina never got the dredging permit." EPA career staff were stunned and disappointed at the mild report from the Inspector General's Office.

EPA staff had been taken aback by Spencer. Never before had they had a regional administrator with whom they clashed so much. One EPA employee put it this way:

The whole organization, I think, was surprised by the degree to which they had been traumatized by this guy. Morale was pretty bad, fear was among people, and the trust level was practically zero. I think that under his [Spencer's] administration not many of the staff trusted him . . . and those who cooperated with him, I think their credibility . . . had been severely damaged.

As a new regional administrator was about to be appointed, EPA Region 10 staff geared up for a fight. They had learned from their negative dealings with Spencer and felt they had been too easy on him. Those who had confronted Spencer directly had been reassigned or demoted. Those who had appealed to the next person in the chain of command had been placed on Gorsuch's hit list. Some no longer trusted the Inspector General's Office. Staff initially were hesitant to leak information to the press, viewing such action as unprofessional. It was better to resolve things internally, they thought. As a result of the Spencer experience, however, EPA Region 10 staff members became more open to guerrilla activities, including leaking information to the press.

They braced themselves for more intense battles and informally talked about how to survive the next regional administrator through more intensive "guerrilla warfare." One guerrilla phrased his ambivalence in this way:

[The situation] created a dilemma I think on the part of the public servant. You are there to serve the R.A. [regional administrator]—you are there to serve the political appointee—and so forming these [guerrilla government] coalitions or whatever you want to call it—to resist what you perceive to be improper decisions or improper behavior—you are really treading on a very fine line there.

Many EPA staff concluded that one course of action available to them was to not protect political appointees. "Let them go forward and suffer the consequences," said one staff member. "Let them make some dumb decision and maybe that will shorten their careers." To the staff members' surprise, however, no such tactics were needed—at least for the next three years.

## ERNESTA BARNES, 1983-1986: GUERRILLA ACTIVITY WANES

On June 8, 1983, Seattle banker Ernesta Barnes was appointed the next administrator of the Seattle regional office by newly appointed returning EPA administrator William Ruckelshaus. She said that the appointment was a "great honor" and emphasized that her skill was working with people (UPI, June 8, 1983). Environmentalists were "wary" (UPI, June 8, 1983). Prior to working at the Seattle Trust and Savings Bank, Barnes was director of public service for the Municipality of Metropolitan Seattle (METRO), which operates the county transit system and manages water quality for Seattle. Before that, Barnes was director of the budget for the University of Washington and founder of the Sound Savings and Loan Association, a business owned and organized by women.

Ruckelshaus announced that he and his regional administrators would foster an "open process" with the public and would act "in the public interest" (UPI, June 9, 1983). Barnes herself announced that she would act as "vigorous[ly] as the existing laws allow" (UPI, June 8, 1983). By most accounts Barnes did just that, establishing herself as a model regional administrator. One of her first highly symbolic and savvy actions was to promote the former director of the Management Division who had been fired by Spencer to the position of deputy regional administrator. This action immediately won her the approval of career EPA employees. The new deputy regional administrator described his view of his promotion:

And low and behold she selected me for the job [of deputy regional administrator]. I'm not certain why, but I think one of the reasons may have been that she felt that I had integrity in the way I handled the situation with the former regional administrator and I had credibility with the staff. So I wound up one station higher in the organization than I had ever aspired to before.

Barnes served as regional administrator for three years. Among the items that stand out in her record of service are her successes in increasing the number of EPA staff in areas of critical concern in the Northwest (UPI, December 13, 1984) and in greatly improving morale in the agency. She never hesitated to defend EPA staff when she thought they were right, maintaining—often under fire—that they acted "firmly and responsibly in correcting problems" (UPI, August 23, 1984). She reversed John Spencer's previous approval of wastewater treatment exemptions for the two Alaska pulp mills (UPI, September 19, 1984).<sup>3</sup> She campaigned vigorously to make the American people realize the economic impact of pollution (UPI, August 11, 1984),<sup>4</sup> penalized local governments that failed to follow environmental laws (UPI, August 15, 1983; September 19, 1983; July 25, 1984; September 5, 1984; September 12, 1984; February 22, 1985), and did not hesitate to criticize inadequate state pollution programs (BNA *Environment Reporter*, October 21, 1983).

Barnes fostered a get-tough policy on cleaning up Puget Sound, cracking down on nonpoint sources of pollution (BNA *Environment Reporter*, August 23, 1985), forcing sewage treatment plants to upgrade, and denying requests for waivers of pollution laws (UPI, August 8, 1984). She declared, "How can anyone not want to clean up Puget Sound?" (Turner 1984) and "I don't feel awkward about defending the Clean Water Act" (Stanfield 1985). She forged alliances with the U.S. Attorney's Office in order to strengthen EPA enforcement efforts (Green 1985), forged alliances with states to regulate federal government polluters (UPI, February 6, 1986),<sup>5</sup> and boasted that her office had "embraced the law" (BNA *Environment Reporter*, November 1, 1985). She forced a settlement of the Western Processing plant problem that her predecessor had failed to address (UPI, June 19, 1984). She reprimanded the U.S. Department of Defense for its mishandling of a shipment of transformers containing PCBs (polychlorinated biphenyls) (UPI, March 15, 1984) and barred contractors who failed to comply with wage agreements from participating in projects funded by the EPA (UPI, January 16, 1984). Barnes, together with Ruckelshaus, launched an enormous public participation program to help determine whether the ASARCO plant in Tacoma should be shut down because of arsenic emissions (Kalikow 1984; Barringer 1983; UPI, September 9, 1983). One reporter wrote: "At the EPA, Regional Administrator Ernesta Barnes is given credit for pushing the agency past a time when it relied on a conciliatory attitude toward business—'take a polluter to lunch,' as environmentalists dubbed it" (UPI, March 31, 1985).

Barnes stepped down as Region 10 administrator in March 1986 and became the president and chief executive officer of Pacific Celebration '89, a not-for-profit corporation created by Washington State to promote trade, tourism, and cultural exchange during the state's centennial year of 1989. When she left the EPA, newspapers called her "highly respected" (UPI, November 29, 1984). One leader of Friends of the Earth, an environmental organization, reported, "She's been fair and we've had access to her" (UPI, November 29, 1984). When Barnes's deputy administrator was named acting regional administrator upon Barnes's resignation, guerrilla activity was largely nonexistent in the EPA's Seattle regional office.

#### ROBIE RUSSELL, 1986-1990: GUERRILLA GOVERNMENT IS TRIGGERED AGAIN

On June 17, 1986, Robie Russell, a senior deputy attorney general from Idaho, was named to succeed Ernesta Barnes, and guerrilla government emerged once again in the EPA Region 10 office. Russell previously had held the position of acting chief of the Natural Resources Division at the attorney general's office, where he had responsibilities for public lands, water resources, environmental protection, parks and recreation, fish and game, and agricultural issues. A former Republican Party county chairman, he also had worked as an attorney at the law firm of Bielenberg, Anderson and Walker in Moscow, Idaho.

By all accounts, Robie Russell's tenure at the EPA started out like Ernesta Barnes's tenure. While there was some skepticism among EPA staff and the regulated industries, most were supportive of him. His earliest press releases seemed to echo Barnes's sentiments. He talked about the "fine staff of dedicated people" at Region 10 and his preferred "management [style of] . . . example and consensus." "When people are reaching their objectives they should have the opportunity to participate," Russell said. The new administrator also said that he would not hesitate to use enforcement when necessary and expressed support for the new civil investigator the regional office had just hired. "In the broadest sense of the word I'm an environmentalist," he quipped (Gilbreath 1986).

Russell's early actions as administrator also were reminiscent of actions taken by Barnes. In a strongly worded letter he warned a local pollution authority that it could lose federal money if it did not strengthen its approach to controlling toxics discharged into Puget Sound (UPI, November 4, 1986). He filed legal action against nine companies accused of violating Superfund laws, warning them that they could not "simply walk away from the mess they helped create" (UPI, November 21, 1986). He urged states in the Northwest to forge a pact to deal with common hazardous waste challenges, chastising those who held NIMBY (not in my backyard) attitudes (Flash 1987) and inviting them to a regional conference to discuss hazardous waste issues with local governments, industry representatives, and environmentalists from Washington, Oregon, Idaho, and Alaska (UPI, April 23, 1987).

By the end of March 1987 (less than a year into his term as regional administrator), however, Russell's honeymoon was over. Local media announced that a "veteran" engineer had quit his EPA job in anger, a disgusted branch chief was seeking to be "loaned" to another agency, and a resentful section supervisor had been involuntarily transferred to a different job (UPI, March 23, 1987). All alleged that Russell had taken too soft a stance on two important cases: one involving proposed oil drilling in the Arctic National Wildlife Refuge and one involving dredging in the U.S. Navy port in Everett, Washington.

Russell began making his most important decisions in closed-door meetings with only his division heads present. Most of the time he did not even include his deputy administrator—the same career administrator who had served as deputy under Ernesta Barnes. The deputy responded by holding a series of clandestine guerrilla government-style meetings with the division directors prior to their meetings with Russell. The group would agree on unified staff recommendations and then present these to Russell in the closed-door meetings. The deputy described the process as follows:

I wasn't invited to come to the meetings. . . . So the way we dealt with that was I would meet privately with the division directors before their meeting with the R.A. and they would brief me on the issue and I would tell my feelings about the issue and expect them to articulate a staff position. . . . That's how I kept my oar in the water. We would often discuss what we needed to do in order to try to steer the R.A. back on a path that we felt . . . we were most comfortable with.

I felt pretty awkward in this situation, almost like I was being kind of conniving with the division directors in plotting a strategy behind his back."

Staff members were also concerned that some who had performed the analyses forwarded to the administrator had been cut out of the decision-making process by Russell, that Russell was deleting negative comments in reports before the reports were released to the public, and that those who dared to question the administrator were being ostracized. A UPI report quoted Russell's response to these allegations:

The only difference is I've asked the division directors to get in there and be involved, rather than dealing on every issue direct. There haven't been any big dramatic changes in the agency. I'll never be Ernesta. I should be measured by my own performance. My management style isn't inconsistent with the way the agency is set up. What the hell is the problem? There is no problem. You have people who have gotten used to doing things in a certain way, and now it's being done differently. (UPI, March 23, 1987)

Some EPA staff concluded that all-out guerrilla warfare was inevitable.

After publicly blasting an environmental impact statement from the U.S. Department of the Interior for not adequately analyzing possible negative effects on wildlife and the environment of a proposed oil development in the Arctic National Wildlife Refuge (UPI, June 12, 1987; *Inside Energy*, June 15, 1987), Russell abruptly backed off and gave his support to the project (Dolan 1987). In June 1987, Russell had announced that an EPA analysis concluded that the DOI document was "incomplete in its presentation of scientific data" and did not adequately address the majority of the EPA's concerns in the areas of air quality impacts, demands on fresh-water supplies, and effects on marine fish populations (*Inside Energy*, June 15, 1987). One month later, in July 1987, Russell seemed to reverse himself when he testified before a U.S. House of Representatives panel considering the proposal that the "EPA does not oppose the environmentally acceptable development of the Arctic National Wildlife Refuge" (Dolan 1987; Woutat 1987). The action infuriated both environmentalists and the EPA staff members who had worked on the EPA analysis.

In November 1987, Russell was blasted by the press, who had been tipped off by an EPA staff member, for spending too much time in his home state of Idaho. One news account concluded:

EPA records show that so far this year Robie G. Russell has spent all or part of 43 days on official travel in Idaho, three times the 13 days he has spent on official travel in Oregon, Alaska, and in Washington outside the EPA's regional office in Seattle. (UPI, November 3, 1987)

Russell shrugged off the criticism, explaining that he was "more in tune" with Idaho environmental issues and had been asked to the state more often than the other states in his region. When accused of using government moneys to fund private trips to Idaho, Russell said he "occasionally" mixed business with pleasure, but such actions

also supported staff allegations that Russell or one of his immediate employees asked a local hotel to disguise food and bartender bills paid for with EPA funds as room rental. Concerned senior EPA staff took up a collection and paid the \$311 bill (U.S. Environmental Protection Agency 1990a).

The second report was more scathing. It concluded that Russell had improperly blocked his own staff's efforts to clean up a Superfund site in his home state of Idaho. A summary of the report stated:

As a result, the smelter complex was allowed to deteriorate to the point that it was declared a public health hazard, . . . prompt action was not taken to protect the public from contamination resulting from salvage operations, and partners in the Bunker Limited Partnership moved company assets to other corporations through stock and property transfers, which is expected to complicate attempts to recover cleanup costs. (Dietrich 1990b)

Among other consequences, railroad ties covered with lead dust were sold throughout the Spokane area to nurseries for use in landscaping. Worse, eight years after the smelter was closed, 8 of every 275 children in the area still had unsafe levels of lead in their blood. (Lead poisoning causes nerve and blood disorders that can affect IQ and even cause death at times.) The *Seattle Times* concluded: "The blistering audit is the first official confirmation of EPA employee complaints that Russell discouraged enforcement of pollution regulations in his native Idaho" (Dietrich 1990b). Further, the inspector general wrote in the summary accompanying the report, "Nearly every Region 10 employee who we interviewed about the Bunker Hill site expressed fear of retaliation [from Russell]" (U.S. Environmental Protection Agency 1990b).

The EPA guerrillas were ecstatic. Their guerrilla government activities had paid off. They had successfully stemmed the reign of terror started years earlier by John Spencer. Future regional administrators would know that they were a force to be reckoned with.

A division director who had collaborated with guerrillas in the Russell case and had been punished by Russell with a poor performance appraisal was treated differently after Russell's departure. EPA career managers who knew the real story saw to it that he received a superior performance bonus in a subsequent appraisal cycle. He ultimately became the deputy regional administrator for Region 10.

## EPILOGUE

I recently received this interesting correspondence from one of the guerrillas in the EPA Seattle regional office, who, after twenty-three years of reflection, has this to say about guerrilla government:

There is another dimension to my story which you may want to explore further. In my case engaging in guerrilla government exacted a personal cost to my self-esteem which nags at me to this day. Some people engaging in guerrilla

In response to the criticism, Russell issued a defensive press release pointing out that he had the full support of William Reilly, the administrator of the EPA. Further, he emphasized that he had tried to "bring balance" to the administration of environmental laws and regulations. At the same time he acknowledged his critics, saying:

I can see where some environmentalists might not care for my record. I can understand where some businessmen might not care for my record. And, there may be people within my own agency who also don't agree with the course that I have followed. (UPI, August 15, 1989)

On January 29, 1990, after three and a half years in the Seattle EPA office, Robie Russell announced that he was resigning as regional administrator to consider a run for the U.S. Senate or for the position of attorney general of Idaho. (In fact he ended up doing neither; he joined a Seattle law firm.) Many speculated that the real reason for Russell's resignation was the retirement of his "godfather," Senator James McClure of Idaho. EPA career staff held parties to celebrate.

Additional audits by the Inspector General's Office were under way, prompted by complaints from EPA guerrillas, and according to one newspaper article, EPA "employees . . . lined up outside the audit team's door to provide it with information" (Dietrich 1990a). Complaints ranged from caustic allegations that Russell purchased photos with EPA funds after he had announced his resignation to sharp allegations that Russell or one of his immediate employees asked a local hotel to disguise food and bartender bills paid for with EPA funds as room rental (Wilson 1990)<sup>6</sup> to devastating allegations that Russell had promoted violations of environmental laws. One newspaper summed up their concerns:

Some EPA employees complained Russell failed to back tough enforcement, sabotaged cleanup efforts that would have hurt industry in his native Idaho and was the target of a still-unreleased audit critical of his performance. . . . Employees lobbied [William] Reilly last year to replace Russell, starting an in-house survey with generally blistering comments about their boss, some of which were mailed to the [Seattle] Times. . . . "It has nothing to do with the fact he was a Reagan appointee," one employee said commenting on staff unhappiness. "Reagan appointed Ernesta Barnes before Robie and she was an excellent administrator. We just felt there was a lack of objective decision-making in the agency." (Wilson 1990)

Russell again defended his record by maintaining that he brought "badly needed balance" to the EPA. Environmentalists maintained that he had "stifled a lot of good effort and energy that . . . [had] been coming up from his staff" and vowed to seek a replacement who "has a commitment to environmental preservation" (Wilson 1990).

After Russell announced his resignation, the Inspector General's Office issued two additional reports on his actions while he was Region 10 administrator. The first report gave him a symbolic slap on the wrist by charging him \$110 for photographs of himself ordered after he had announced his resignation. The report