

THE  
NOBLEST  
MOTIVE

*Case Studies in Public  
Administration*

*by*

LARRY STIRLING

THE NOBLEST MOTIVE

*Case Studies in Public Administration*

Author: Larry Stirling

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“THE NOBLEST MOTIVE IS THE  
PUBLIC GOOD.”

VIRGIL



# PREFACE

I was inspired by the Roman Poet Virgil's quote "The noblest motive is the public good." It became my guiding principle in bringing about public change in the 3 pillars of government: the Executive, Legislative, and Judicial branches.

While *The Noblest Motive* is my personal autobiography, it is in fact a serious text book about public administration. In it you will learn:

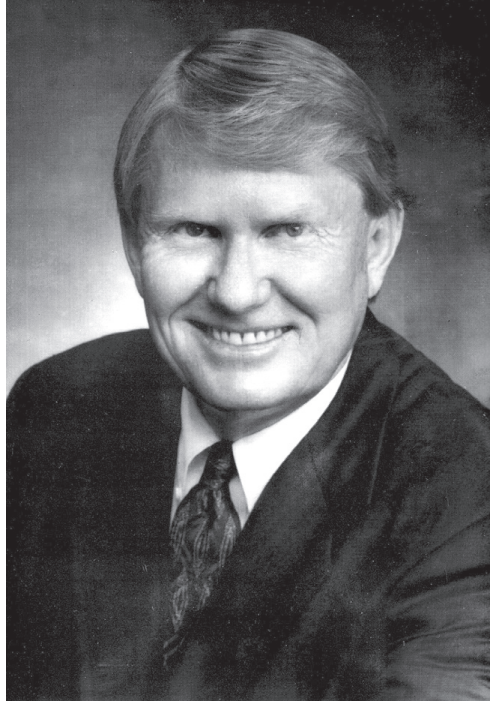
- How a college professor's simple question—*Why does my personal savings account earn more interest than my state retirement?*—led to an annual multi-billion dollar windfall for California state and local retirement funds.
- How the application of metrics effectively doubled the size of the San Diego police department to become one of the safest big cities in the country.
- How we turned wasted methane gas into a bonanza of cash for the City of San Diego.
- How two major highways were built, one immediately and another that took twenty years
- How millions of healthy new fish appeared along the Southern California coast.

- Why jurors owe my Mom thanks for jury instructions.
- How California state trial courts got radically overhauled.

Within these pages I share the science, the applicable methodologies, and thought processes behind these and a dozen other successes I was involved with. These projects and many more are discussed along with the principles that made them work...or fail. Read, enjoy, and learn from my 37 years of government work “for the public good.”

**Larry Stirling**

*San Diego*



HONORABLE LAWRENCE W. STIRLING,  
*Retired*  
A.A. A.B. J.D.

Judge Stirling is a former US Army Infantry Major; a former Member of the San Diego City Council; a former four-term member of the California State Assembly; a former member of the California State Senate; a former Municipal Court Judge, and now a Retired San Diego County Superior Court Judge

Upon retirement from the bench, Judge Stirling became the Senior Partner in the Adams-Stirling Law Firm based in Los Angeles and is admitted to practice before both the California and United States Supreme Courts.





This book is dedicated to the memory of  
Elgin L. “Rusty” Stirling

I dedicate this book to the memory of my younger brother Elgin L Stirling, Private First Class, United States Marine Corps. “Rusty,” we called him because of his freckles and red hair, was among the first U.S. Marines to land at China Beach, South Vietnam, in 1965. He was killed in action later that year near DaNang City.

All of us all who have known the grief of losing a loved one know it never goes away. It recedes yet lurks on the edges of the campfire light of our consciousness waiting for opportunities to clamp a hot, clammy fist around our hearts.

I remember his pride upon graduation at the Marine Corps Recruit Depot when the Officer in Charge said: “You Marines are dismissed!” I didn’t know it then, but by tradition, that is the first time that graduates are ever referred to as “Marines.” I remembered how he must have felt when they pinned on my lieutenant bars the first time.



# THANK YOUS

I thank Linda, my wife of some 30 years, for her steadfast support during all those times of inevitable turmoil that accompanies the sort of effort it takes to bring about the fundamental changes I advocated and recount in this book. She was steady private strength and a public advocate throughout the travails for which I thank her.

Linda is a successful financial advisor in partnership with her talented son Greg, and together they serve many happy clients. Her beautiful granddaughter Madelyn is a straight-A student, a fine athlete like her father, and destined for great things.

Also, during those many years, both my daughter and son had to grow up in the hot penumbra of the spotlight and, too often, dangerous threats, created by their father's career. Both daughter and son got on wonderfully with their own lives and made me proud by handling their difficult situations flawlessly.

Daughter Shenandoah graduated with a master's degree in fine arts and is married to a kind and courageous man named Erik who works on classified projects in San Diego.

Son Jason is a successful law partner with a major firm specializing in mergers and acquisitions, Jason and his multi-talented wonderful wife Tina have five spectacular sons: Benjamin, Jesse, Solomon, Job, and Abraham, all of whom are a joy to be around and make a grandfather's day when he gets to spend time



with them. There are already two Eagle Scouts, five musicians, one six-piece ensemble, a movie producer and limitless other combinations in that Stirling household.

And finally, I thank Marcia Ramsland ([www.OrganizingPro.Com](http://www.OrganizingPro.Com)) for the guidance in commencing and completing this book project. Without her kind and patient direction, I could not have achieved this important goal. Thank you, Marcia.

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# INTRODUCTION

## The Beating of Jack Stirling

**M**y introduction to public administration began one morning when I was 15 years old and I saw our front door open and my mother help my father Jack Stirling to their bedroom. He had been severely beaten during the night in the San Bernardino County Jail.

Before you jump to any wrong conclusions, let me assure you, no man deserved less to be in any jail, let alone suffer a beating by a bunch of punks, than my adoptive father Jack Stirling. Jack was a World War II Navy veteran of the South Pacific. As so many thousands of other young men, he had enlisted into the US Navy upon learning about the attack on Pearl Harbor.

He tested so high in intelligence that, unlike my mother's prior two husbands, he was not sent into the maelstrom of major combat, but instead to the campus of the University of Idaho at Moscow, to be trained in the Japanese language and their military code, which we had long since cracked.

For the duration of the war, he was stationed on the tiny Johnston Atoll as part of a Pacific-wide radio-monitoring network listening in on enemy transmissions and translating them for our side to know what the Japanese were planning. Jack was decorated



for being part of the team that triangulated and located the flight of the key Japanese Admiral Isoroku Yamamoto thereby bringing his important war contributions to an end.

When he met and married my mother and adopted her three children, he changed our lives for the better in every way. He taught me everything about being a decent young man. He taught me how to drive a car. He taught me by example how to love and respect my mother. He also taught me how to wire houses and helped me begin a career in the International Brotherhood of Electrical Workers Union.

I was proud to be able to hold a “white ticket” and be able to work as a residential wireman electrician as there was plenty of work in those days. I worked with Jack as an electrician during high school, college, and even for a while after leaving active Army duty while getting started on my long-term career plans.

He never raised a hand or even a loud voice to any of us kids, even though we often deserved it. It just was not in his DNA to get angry. He was always a perfect gentleman at home and at work.

I was aghast, appalled, and finally angry to learn why he had been arrested resulting in the almost inevitable treatment that befalls the innocent when they end up in the hell holes we call county jails. His arrest occurred the previous afternoon while he was at work as the electrical superintendent on a housing tract.

The arrest warrant had been initiated by San Bernardino County Probation Department staff pursuant to their draconian policy of enforcing child-support orders. But this was not a normal child-support order.

Jack had been married previously. He had sired two boys by that marriage but also had made a huge mistake in his inherent goodness by having agreed to adopt the fatherless child of his ex-wife’s sister. That boy was the definition of a bad-to-the-bone kid.

He was like that one kid in every class that the school teacher can point to and say, “That one is going to end up in prison.” That



boy, who eventually did die during one of his many stays in state prison, sadly had murdered Jack's oldest son by pushing him out of a second-story window while all three boys were jumping up and down on a bed that was located next to the window.

The window broke, cut the boy's arm so badly that he bled out on the ground before he could be saved. He died bleeding in Jack's arms. Jack never told me that story. The other brother did but only at Jack's funeral decades later.

But that was all in the future. This arrest was because this bad kid had gotten himself committed to juvenile hall. And it was the policy of that county to bill the custodial parent for stays in juvenile hall. And if the bill didn't get paid, someone was going to go to jail.

I read recently that the policy was still in effect right up until recent times. Most parents of problem children cannot afford the extra charge, and counties end up spinning their wheels harassing hapless poor people who are already struggling with miscreant juveniles like Jack's bad adoptee. It is a mindless policy. A juvenile hall stay is to protect the public at large, and that is where the burden of the stay ought to fall.

The problem for Jack was that the Probation Department had sent the bill to the custodial parent, his ex-wife. She did not pay it nor had she bothered to alert him to the invoice, so neither he nor my mother knew of the outstanding debt. That triggered the arrest warrant and the arrest.

No amount of protest by Jack to the arresting deputies could stay their action as they had their orders. And it was too late in the afternoon to get financial help from anyone. These were the days before credit cards. Jack called my mother from jail.

They had paid the normal child support, but they lived on a budget and had five kids to support, three at home and two via child support. There was no cash lying around to go pay the Probation Department, and their office was closed for the day anyway.



My mother had to start calling friends and ask for personal loans that evening. How humiliating. Then she had to wait until the Probation Department opened the next morning to pay the bill, and only then could she get my father out of jail.

Not only was this an outrageous policy then, as we will see in later chapters, but issuing arrest warrants for various court fines continues to be public policy to this very day.

We thought we left debtors' prisons behind when we gained independence from England, but all through our nation, people are arrested for failing to pay child support and worse for failing to pay traffic fines and an array of other court-ordered "pecuniary" penalties. These are essentially civil-collection matters and should be treated as such. Arresting an American citizen to collect a debt is insane. (More about this subject during the chapter on courts.)

When I learned why my beloved father had been arrested, though I was only 15 years old, I was outraged. But I also saw something that to me should have been obvious to any official, and that was the perverse aspects of the applicable public policy.

First and foremost, Jack had paid that month's child support as he always had. My parents were punctilious about doing so. I had seen the stamped and addressed envelopes sitting next to the door every month waiting for the outgoing mail for many years.

Thus, the custodial mother had her money, but she didn't have the child to support. She was actually money ahead with the boy in juvenile hall. This amounted to a perverse incentive. Public policy should avoid perverse incentives and instead engineer motivations aligned in the public interest—in this situation, a well-behaving child.

The County should have deducted the juvenile hall charges first from the mother, and then, if there was a short fall, they should have advised the "provider" that the difference needed to be made up. Basic justice should also have dictated that the other



parent be given actual notice about non-payment before an arrest warrant was issued. In addition, it seemed so obvious then, as it should seem obvious to all public officials now, that trying to collect money by putting people in jail is counterproductive.

First, it costs money to go through the exercise. Instead of gaining money, the government is spending money to send police officers on bill-collecting missions. My experience as a police operations analyst, and later as a judge, was that the police don't like being "bill collectors," and that, for the most part, they simply don't bother, making it a moot remedy anyway.

Second, by arresting someone for not paying their bills, you just about guarantee they are going to get fired for failing to show up at work. Fortunately, in Jack's case, "C" McGee Electric knew better and went to a great deal of trouble to find out what happened, and so Jack kept his job.

But what about everyone else? Doesn't the employer have a right to expect the employee to be on the job and not be in trouble with the police? Arresting people for debts seems a sure-fire way to reduce their ability to pay their debts, thus defeating the very purpose of the arrest, which is to collect money.

The San Bernardino County Probation Department was then located nearly across the street from the gang-infested Sturges Junior High, where I had attended school for many miserable months before Jack moved us out of that sorry neighborhood. Angry as I was, I rode my bike several miles from Del Rosa to their office in the downtown area and knocked on the bullet-proof glass windows to get someone's attention.

I demanded to know why they had arrested my dad and told them he had been beaten to a pulp and couldn't work as a result of their stupidity. A young probation officer took pity on me and came out from behind the glass and sat down with me in the waiting area and listened to my gripe. He perked up when I pointed out to him



that leaving the child support money with the mother while the kid was in “juvey” was a perverse incentive. In the end, he simply said he agreed with me.

By the time I got home, my folks were smiling. Someone from the Probation Department had called. Based on my visit, they had agreed to adjust the bill so that his ex-wife would have her child support deducted day-for-day while the child was out of her custody in juvenile hall and from now on that would henceforth become Department policy.

My life was golden in the Stirling household for a couple of days. The experience, moreover, changed my life. The injustice of the policy and my ability to address it and have a positive public impact gave me a wonderful sense of purpose and set me on a career course that became the title of this book.

But this is not a moot subject. It was and still is common practice throughout the country, including here in San Diego, to issue arrest warrants for failing to appear to pay a traffic fine (see California Vehicle Code Section 40508 a/b) and for dozens of other pecuniary reasons, or financial obligations, to the court.

This is not rational. The civil-collections process is firm but fair, yet it does not rely on the jail as the first step in the collection process, only the rarely-used last.

In addition, the civil system has an important procedure known as the judgment-debtor’s examination (JDX), which examines not only what the defendant owes, but equally important from the point of view of basic justice, what they can afford to pay.

I was appalled to learn, when I was appointed to the bench, that the local courts had issued more than 400,000 arrest warrants for failing to pay traffic fines and 85,000 others for failing to pay trolley fares!

I discuss the solution in my chapter on courts, a solution that has since been implemented statewide known as the civil

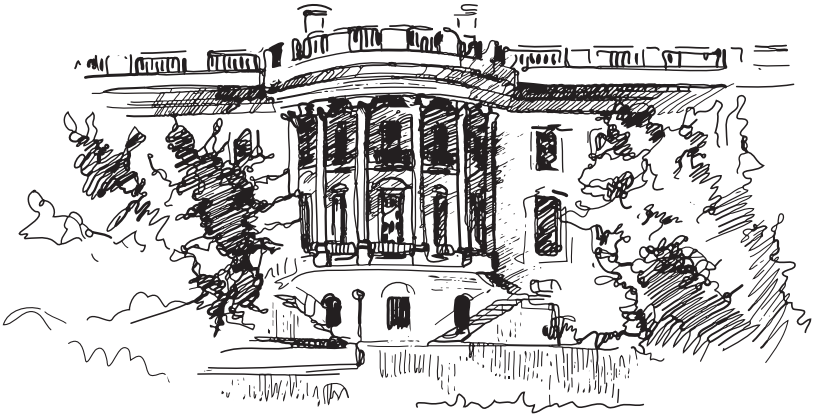


assessment. Instead of issuing yet another laughable arrest warrant, judges issue a civil assessment that results in a referral to a civil collections agency.

*Readers Digest Magazine* was so impressed with my solution, they did an article on the issue entitled “The Fugitives Among Us.”







# I

## EXECUTIVE BRANCH

---

*1965-1976*



# 1

## Grandfather Predicts Army Unit Command

**I**n 1950, the North Koreans executed a surprise attack on the South for which the United States was unprepared. The result was that World War II veterans, like my maternal grandfather Lyman M. Groves, were called back into service. I was eight years old at the time and living with him and my grandmother on Vine Street in Akron, Ohio.

“Daddy Groves,” as I called him, was a Chief Warrant Officer 4<sup>th</sup> Grade in the Ohio National Guard and had already earned four service bars (sixteen years of active duty) and his Combat Infantry Badge from his combat experience in WWII and subsequent career as a career Guardsman.

On this day, he had gathered several other Guardsmen to share a ride in his new, wine-colored Packard to “muster” at the Guard Armory in Cleveland. Thence, they would load onto a troop ship on Lake Erie and travel up the St. Lawrence, down the coast,



through the Panama Canal, and eventually arrive in Pusan to help the troops of Task Force Smith previously dispatched from Japan who were being mercilessly overrun.

So, it was a melancholy moment when this fine man, who was ready to get into his car with his comrades and drive away, instead called me to him and took me into his arms in a big hug. And then he held me at arm's length and said these words to me: "Larry, someday, you will be an Army Company Commander in Korea, and when you are, I want you to find the first sergeant and say these words to him, 'First Sergeant, carry on!'" He then drove away to that awful war. We never talked again as he died soon after returning home more than a year later.

There were so many variables in that prediction that the odds of it coming true were preposterous. Most people don't see military service at all. But even if they do, there are four or five other services besides the Army in which to serve. Even if in the Army, nine out of ten members are enlisted and not officers and therefore not eligible to be company commanders.

And even if I attained officer status, company-commander positions are designated for captains. One does not usually gain the rank of captain unless he or she has made the Army a career, something I had never considered. Most reserve officers top-out at lieutenant. And lieutenants lead platoons—the next lower unit level.

Even then, not just any captains, but mostly just a small percentage of "red hots" the Army brass deems worthy of ever higher command, which, in normal times, is almost always "Regular Army" (career) officers, not Reserve commissioned officers like myself. Fulfilling the prediction was, simply stated, highly unlikely.

Soon after CWO Groves left for Korea, I joined my mother and her second husband in Southern California. Her second husband was an interesting veteran of all the major Naval battles of the



South Pacific. When later my mother married the wonderful Jack Stirling, he was also a Navy veteran of the South Pacific War, so the only war heroes I was ever close to were Navy men.

As time went on, I graduated from San Diego State and joined friends working construction in Anchorage, Alaska, until I sorted out what I wanted to do in life. While in Alaska, my mother called and sadly informed me that my younger brother, a US Marine, had been killed in action near DaNang City in South Vietnam.

In anger and remorse, I decided the time had come to join the military as all my male ancestors had done. Since I had not participated in the Reserve Officer Training Program in college, the only officer program open to me was the Army's "college-option" plan, which I could sign up for at nearby Ft. Richardson, Alaska, an Army base, which is what I did.

Therefore, the first variable of my grandfather's prediction was met: the Army became my service of choice out of the sheer happenstance. I happened to be working near an Army post with the only officer program open to me.

The "college-option" program tests your mettle by requiring candidates to first endure basic training and then advanced infantry training. Those were the days of the draftee Army. In addition, this was 1965, and the war in Vietnam was just heating up.

The Army was not yet ready for it. Its facilities were ramshackle, its mothballed WWII barracks had coal-fired infrastructures that did not work well, if at all. There was not enough training "cadre," e.g., drill sergeants, veteran officers to maintain order, or competent class instructors. Contrary to the image of rigorous training and tough drill sergeants one usually sees in movies, my experience and that of my few fellow college-option candidates was instead chaotic at best.

Since we were older and better educated than the other two hundred recruits in the unit, we were put in charge of them. Most of them were draftees taken from their homes and on their way to



a deadly war they wanted no part of. They were miserable, and we felt their misery with our own.

Instead of being able to learn to be soldiers ourselves, it was our job to try to train and discipline these draftees. Difficult as that was, doing so helped us develop leadership skills under truly adverse conditions that paid off later.

Just contemplate for a moment the challenge of commanding a large group of men, each of whom is armed with a machine gun, ammunition and hand grenades. I would think it would be easier to fly a plane. At least it wouldn't shoot back. Racial tensions were rampant. The cumulative six months of winter and training were brutally tough precisely because the Army was NOT prepared to train and educate its draftees, and they left too much of it up to chance.

That had to show up as severe operational and morale problems in Vietnam. However, it turned us college-option candidates into tough-as-nails infantry men and later as officers, as one had to be to survive both the training and the leadership obligations.

After surviving the difficulties of basic and advanced infantry training, we were sent to Ft. Benning, Georgia, for Infantry Officers' Candidate School. That was a first-class operation. Everything that one could expect in expert leadership and discipline by the "cadre" was there. And our supervising tactical officers were top-of-the-line infantry lieutenants. The instruction, training, and equipment were all excellent.

The evaluation methodologies, both in class and back in the company area, were designed to instill in each person a sense of responsibility for the tasks assigned: honesty, honor, loyalty, personal appearance, and every virtue one could ask in an "officer and a gentleman."

On graduation day, when I was allowed to pin on those second lieutenant bars, I could not have been prouder. The second



condition of Daddy Groves prediction had been fulfilled: I was an officer. But there was still a long way to meet that first sergeant.

In the Army, or any military, junior officers have little control over their first assignments. I was surprised when I was kept at Ft. Benning and assigned to the faculty of the prestigious Infantry School, and not sent to one of the many Ft. Swampy's throughout the country or one of the dozens of outlying courses at Benning, like map reading.

Instead, I was assigned as an instructor of instructors, and an inspector of instruction based inside the plush, modern, air-conditioned Infantry School Building itself, which was a welcome respite from the prior year of physical misery. It was part of my job to go around throughout the base and inspect instructors of all ranks and write reports on how they were doing. It was a remarkable assignment with a lot of prestige.

But nothing about the job prepared me for combat platoon leader, let alone company commander. Thus, it was a surprise when the *Army Times Newspaper* reported that I had been ordered to a base in Korea. The US Government was keeping quiet the fact that we had 50,000 soldiers of the 2d and 7<sup>th</sup> Infantry Divisions stationed along the western portion of the Demilitarized Zone (DMZ), and those troops regularly skirmished with the North Koreans who continually sent infiltrators into the south to harass and kill as many people as they could.

The war in Vietnam put a major drain on the US Army, so the units in Korea suffered from significant shortages in every personnel category, including officers. That was the context when I landed at Kempo Air Base, south of Seoul, Korea, late one muggy night. I was still a second lieutenant and hoping that I would at least get a platoon with one of the infantry divisions on the line. It was too much to hope for an executive officer's job because my experience at Benning did not qualify me for it.



After a series of very painful shots were administered, myself and a class of eight other lieutenants were ordered to board the back of an open “deuce-and-a-half” (two-and-a-half) ton truck, and we were sent out into a terribly smelly hot night. It was odorous in those days because the Koreans fertilized their rice paddies with human feces. After a long, bumpy ride, made more uncomfortable because of where the shots had been entered into our bodies, we arrived at Camp Red Cloud, Uijongbu, Korea.

We were martialed into the office of Col. Joseph A. Tringali, who was to be our commanding officer. His purpose in meeting us was to hand out assignments. He did so in alphabetical order, and as an “S,” I was last to be assigned. The earlier assignments were heartbreaking. “Adams, you will be postal officer. Baker, you will be vector-abatement officer. Chasen, you will be library officer,” and so forth. My heart sank. These are what are called in the Army “ash-and-trash” assignments or DLJOs: dirty-little-jobs officers.

But then Col. Tringali turned to me, still Second Lieutenant Stirling, and said: “And Larry, we want you to take over the company.” As I mentioned, company commander is normally a captain’s assignment, but the Army in Korea was short of offices, so it turned out that officers were being assigned above their pay grades all over the country. Still, I was stunned.

Daddy Groves’s totally improbable forecast from some twenty years earlier had come true, and what he had told me all those years ago suddenly came rushing back to me, as we said in the Army, “lima charlie” : loud and clear!

After receiving my surprise assignment as a company commander, I asked for directions to the company headquarters, which turned out to be a standard Quonset hut just a block away. Once there, as Daddy Groves abjured me so long ago, I asked to see the first sergeant, who, since it was late at night, had already left for the day.



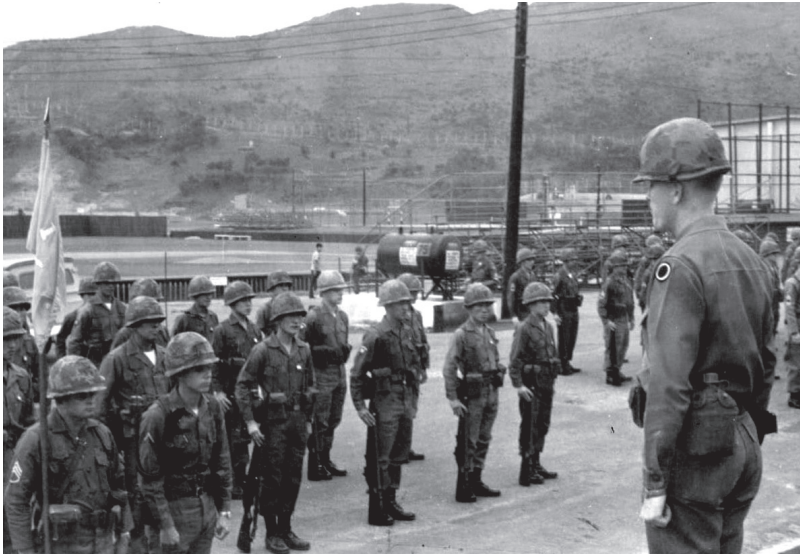


This is an official company-commander photograph.  
Initials mean: Commanding Officer, Headquarters and  
Headquarters Company, First U. S. Corps (Group)

First Sergeant Robert L. Carter was 6 feet, 4 inches tall. He was a handsome veteran of both WWII and the Korean Conflict before the Armistice, and he displayed a doubled Combat Infantry Badge on his tunic. He was not anyone to trifle with, even for an experienced captain, let alone a nearly new second lieutenant. But after he saluted, I said: “First Sergeant, I have a message from my grandfather.” He asked: “What’s that, sir?” I said: “Carry on!” He gave me a huge grin, another salute, and said, “Yes, sir!”



And that was that. For the entire year, First Sergeant Carter and I were a perfect team. “The Company” turned out to be the 550-man binational headquarters company of the First US Army Corps who oversaw the defense of the entire Korean DMZ, both the American and Korean sectors.



This is a picture of me addressing a partial company formation about to leave on a field operation.

Needless to say, it was a big job, but thanks to First Sergeant Carter and Korean First Sergeant Kwak Jong Mo, everything ran smoothly the whole year.

I can't help but think that all happened because of the magic advice given to me by my prescient grandfather all those years before.

The military experience isn't for everyone. I learned a great deal from my twenty-year Army career that I transferred to solve problems in my civilian career. The Army doesn't only teach management basics like chain of command, scope of responsibility,

honesty, and how to find the problem and fix it, but I also learned numerous other key concepts such as “territorial imperative,” which the military has mastered.



I was honored by the Corps Commander upon  
leaving the Company one year later.

Here are a couple of examples. If you can give your employees a sense of territory or ownership, like a company area, then they will feel responsible and you can hold them responsible. You will see that idea applied in the reorganization of the San Diego Police Department with all the new police substations built at my suggestion.

The same was true with a later reorganization of the San Diego City Parks Department. At my suggestion, our City Council reorganized the City Parks Department into an area-management



organization and away from the prior, weak “process-management” system that it had long been using.

I suggested the motto on SDPD patrol cars based on the wide use of mottos by the military to inspire members and to educate the public. I got the idea of blue lights for our police cars from the military police.

I learned the idea of “force multiplication” from my years with the 12<sup>th</sup> Special Forces Company. You can see that notion also applied in the Adopt-A-Highway Program, the Unified Auditing idea, and the La Mesa/Spring Valley School Districts AM/PM program (neither of which were my ideas, but I readily implemented them once I learned about them.)

I successfully urged the city manager to adopt the Army’s staff-study format as the City of San Diego’s Report to the City Council process to substantially upgrade the quality of staff work available to the City’s upper management and to the City Council itself.

But mostly, the military instills a sense of professionalism and dedication to the mission of the organization, which is why surveys repeatedly show that, among government organizations, the military constantly ranks as the most respected.

I ended my military career more than twenty years later with the rank of Infantry Major. While I could have continued to higher rank, the many projects we are about to discuss gained first priority in my life, leaving little room for the required military commitments. But I remain forever grateful for all the military mentors for the experiences I was privileged to gain during those two decades.



I completed twenty years in the Army and left as an Infantry Major.