

FEDERAL ADMINISTRATION--CURRENT ISSUES

26 August 1954

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INDUSTRIAL COLLEGE OF THE ARMED FORCES

Washington, D. C.

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DR. HUNTER: Admiral Hague, General Niblo, and gentlemen: Professor Somers will summarize briefly this morning Federal Administration--Current Issues.

Dr. Somers was part of the great migration of World War II--that mass movement of unemployed salesmen, superannuated executives, and professorial characters who moved into Washington in great numbers in search of jobs, and experience; and, it goes without saying, in response to their country's call.

Since his return to dear old Haverford, he has served in various consultative capacities with Federal agencies; so that he is in touch with the inside news, as well as the publicity releases. He is, in sum, a man of affairs, no less than a man of words, although of necessity this morning he will have to reach us mainly through semantic channels.

So it is a great pleasure to introduce to this audience this auxiliary arm of our instructional apparatus. Dr. Somers.

DR. SOMERS: Admiral Hague, General Niblo, and gentlemen: It is a pleasure for me to be here as a utility infielder this morning. I was originally asked to talk to you, as I have in the past at the college, on certain aspects of the history of the planning and administration of industrial mobilization. Later, Colonel Bartlett asked me to change the subject, which I was very glad to do. But, after I consented to do so, I thought about the matter and got a little worried for you. You will be the first class in the last four years at the Industrial College that will not have heard me on the subject of industrial mobilization. Will you be entitled to a graduation certificate?

I have been asked to talk today about some basic issues in the administration of the Federal Government. The general outline which was sent me includes another topic, the reasons for the growth of the Federal Government. It certainly would seem like bringing coals to Newcastle to spend much time on that question with an audience like yourselves. While the story of the expansion of Government has many aspects, the central and major reason of recent years is certainly clear

to you of all people. That reason stands out so vividly in the statistics of Government that we may confine ourselves to citing a few without obvious comment.

On 1 June 1954 there were in the Federal Government a total of 2,343,000 civilian personnel. Fifty percent of these were working for the Army, Navy, and Air Force departments. This does not count any of the military personnel. (If you add the employees of the Postoffice Department and Veterans Administration, you account for almost 80 percent of all civilian personnel in the Federal Government.)

If you look at expenditures, you find that in the fiscal year 1953 about 82 percent of the Federal budget went to Defense, NSA, FOA, interest on the Federal debt, veterans, and directly related items--in short, paying for past wars and preparation to avoid or win future wars.

I don't know whether it is worthwhile going further. But perhaps one myth ought to be straightened out. One hears a great deal about the "welfare state." It doesn't matter whether you happen to approve or disapprove of a welfare state, the fact is we don't have any such state, if expenditures are used as an index. While the term is quite vague, a look at the expenditures of the Federal Government shows that about 4 percent of the Federal budget goes for what is ordinarily considered "social welfare" expenditures--public assistance, housing, and so on. And the amount is smaller today than it was in 1939.

Let us now turn to the administration of the Federal Government--I mean the conduct and management of the executive branch of the Government, the execution of the laws of the land,

Consideration of Government administration must start with the Constitution of the United States. A great many people talk about it, but not many people seem to know enough about it.

It is rather a marvelous document. It is vague about things which a constitution should be vague about, but then it is rather explicit about things which a constitution ought to be explicit about.

One of the things which the Constitution is quite explicit about is in saying that "The executive Power shall be vested in a President of the United States of America." Not part of the executive power, but the executive power. And, just in case the Constitution's words, which are clear enough, require the confirmation of the intentions of the founders,

Alexander Hamilton and James Madison made these clear, too, in the Federalist Papers. They said that a basic principle of the Constitution was the creation of a unified executive, an essential principle of management which to this day is recognized by both private and public management as an indispensable attribute of an executive.

Hamilton, in successfully selling the Constitution to the population, pointed out that "a feeble executive implies a feeble execution of the Government" and that "a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

There was not much controversy about that principle which was reratified by early action in what has come to be known to historians as the Decision of 1789, when Washington in his first term of office made clear there was to be a unified, undivided, executive, and that all Cabinet officers reported exclusively to the President of the United States.

That is what the Constitution says and intends the design of the Government to be. But that is not quite the way it works.

A good name for almost any textbook on American Government would be, "Things are Rarely What They Seem."

I remember that during my very first visit to the Industrial College, about four years ago, I unintentionally upset a very fine audience by saying some rather harsh things about the futility of organization charts, although I did not say it as well as the point has been made by Louis Brownlow--who was chairman of the President's Committee on Administrative Management in 1937:

"The chart is an insidious enemy of formalized organization.

"...at the best, an organization chart's only a species of shorthand. Like all other kinds of shorthand, it can be read only by the person who made it. Any other person undoubtedly will give it another interpretation. Organization charts are ordinarily employed, not only as shorthand, but because the person who draws them is too vague in his notions, too cloudy in his thinking, and too restricted in his vocabulary to write down in plain language what he means. Therefore he takes refuge behind what may look like an orderly arrangement of boxes, circles, triangles, straight lines, and dotted lines; and thinks he has done a job.

"Sometimes a man who draws a chart does indeed know what he means. Generally, however, if the chart grows cold, and a period of time, say six weeks, has elapsed, he cannot explain his own chart. And at no time will any other person, except by the accident of chance, operating under the law of probability, give to it the same interpretation as it originally was given by the perpetrator of the outrage."

I presume Brownlow doesn't intend to be taken entirely literally about charts, any more than you should take some of the things that I say about them literally. However, you will probably make out the central point, namely, that the formal structure, which is what the chart is intended to picture is not necessarily, or even usually, the operational reality.

The rule book doesn't tell how the game is actually played. Much of the modern study of management is built around the importance of understanding what is called informal organization. This does not appear on organization charts--how things actually get done; who actually reports to whom, wherever he may be in the organization chart; who actually pulls the levers. I think you know well enough the formal design of Government administration. I want to talk to you about how things really operate.

We have all been brought up on certain comfortable slogans and generalizations which do not fit the facts of experience. One such generalization which contributes to enormous confusion is the notion that the American Government operates on a principle of "separation of powers." Yet, everybody who has observed the Government in action, knows that all the tumult and all the shouting which characterizes Government is based on the fact that all "power is shared," but responsibility is not. There is virtually no final power available to either the legislative or the executive branch--I will not discuss the Supreme Court today--that isn't shared by the other branch. Quite deliberately, we have set up rival units of Government, sharing power in all respects, and driven by different and often competing interests.

I don't know whether I need illustrate that. Congress is supposed to hold the legislative power, but the President has correctly come to be called the chief legislator. He has the power of the veto. He has the constitutional responsibility to propose legislation. He has the responsibility of party leadership to guide legislative action. He has been given by the Congress the tremendous legislative power, in the

Budget Act of 1921, of formulating the budget of the United States for the approval of the Congress. The President plays a critical role at all stages in the legislative process.

It is interesting that the President's speech the other day was focused on the question, How well did the 83rd Congress do? This meant, How well did they do in carrying out the President's legislative program. That is the way Congress is now judged.

And, of course, Congress has effective authority over every aspect of the executive branch. If it chooses to do so, it can through appropriations and otherwise legislate the structure of the executive branch, the number and types of personnel, and even the flow of work. It is directly involved in key personnel appointments.

There is no real separation of powers. We do have separation of responsibility. Responsibility is not the same as power. The President is held responsible by the people of the United States and by the Constitution for administration. Nobody holds Congress responsible for it. But the President doesn't have the degree of authority over the executive branch which the extent of his public accountability for it would seem to imply.

As a matter of fact, his power is quite limited. And this has been the basis of the complaints of all important studies of the administration of the executive branch of the Government during this century, including the Hoover Commission Reports of 1949; the reports of the President's Committee on Administrative Management in 1937; and the Taft Commission back in 1920.

I go into this lengthy and perhaps obvious preface because it seems to me impossible to understand anything significant about the basic issues of the executive branch of the Government and its administration if it is treated the way it is ordinarily in organization charts, as something distinct from the legislative branch. I don't believe the central dilemmas of Federal management can be adequately treated without understanding the structure and the organization of Congress, because Congress and the executive are at all points interlocking rather than separate. This is not to state it should be so, but only that it is.

The overlapping of authority without unity of responsibility dramatizes the fact of the constitutionally built-in conflict between the two branches. Folks are frequently distressed by what seems to them the petty frictions

between the President and Congress, yet conflict is the normal situation and almost inescapable when we have an energetic President.

How is this conflict built in? The President may be of a different party affiliation than the majority of either or both houses of Congress. This possibility is greatly enhanced by the peculiar device of mid-term elections, wherein all the House of Representatives and a third of the Senate conduct campaigns independent of the President's program. Similarly, even in a Presidential year, two-thirds of the upper chamber are not subject to selection.

The President is chosen by the total electorate of the Nation, but neither the Congress as a whole nor individual Congressmen are voted upon by the whole people. Congressmen are elected by, and consider themselves obligated to, local constituencies frequently dominated by local special interests.

The viewpoints derived from representation of a national constituency and a local and specialized constituency are frequently quite diverse.

Furthermore, the American electoral system grants considerable overrepresentation to rural interests in Congress. In contrast, the Nation, to which the President is accountable, is now dominantly urban.

The Government was deliberately not unified, structurally or politically, at the top. This was part of the checks and balances theory. It therefore should be no surprise that harmonious, tandem action by Presidents and Congress is so difficult to obtain.

Now, the Constitution, as I said before, provides, "The executive Power shall be vested in a President of the United States of America." The American people learned under the Articles of Confederation that a legislature could not govern. They tried to provide a unified executive which would derive enduring strength from political props independent of the legislature. The independently elected Chief Executive is one of the most important contributions of the American people to the art of Government.

During the nineteenth century it was for the most part possible to neglect the constitutional prescription of a strong unified executive without courting disaster. But even then President Lincoln showed us that in times of national crisis, survival may depend upon an undivided and vigorously employed executive authority.

Technological advance, economic growth and complexity, and increased world interdependence have rapidly expanded the volume, the importance, the speed, and the complexity of Government activities. Everywhere, they have tended to make the executive the core of modern Government. Everywhere it is being recognized that the viability and stability of modern Government is in large measure a reflection of the effectiveness of the executive, a conclusion to which M. Mendes-France has recently added impressive evidence. Action, performance, and initiative are inescapable in the domain of administrative authority, for the simple reason that there is no other place for them to be put.

As the American executive is clearly focused in the President, and as he is now the product of national popular election, the Presidency has become the center of responsibility in our Government. Americans look to the legislature to see that the President does not get out of hand, but they hold the President accountable for the success or failure of an administration and for the entire governmental program. Notwithstanding the great constitutional barriers to giving him real authority, the President is expected to formulate a legislative program; and he will not be considered a successful President unless he can make Congress adopt that program. He is held accountable for the effectiveness and the integrity of the Administration and the decisions within the bureaucracy. As one wag has put it, the President is expected to make a "mesh" of things.

The President's formal authority, however, is in no way commensurate with such expectations. The extent to which Presidents can satisfy such expectations exhibits the degree of public support they are able to muster through personal popularity or public interest in a particular issue. As Chief of State, as a sort of symbolic embodiment of government itself, the President's informal sources of power are far greater than the formal.

But it is in the realm of the organization and personnel of the Government and internal coordination of administration that the power and influence of the President have been the weakest and least adequate to fulfill his Executive responsibilities or to satisfy the criteria of public accountability. He lacks adequate authority to determine the internal organization and structure of the executive branch.

Large portions of the executive functions of the Government have been removed from the President's reach entirely, on the theory that they are quasi-judicial or quasi-legislative. Direct statutory authority

to conduct programs is sometimes vested in subordinate officials, sometimes several layers down in the hierarchy, thereby breaking organizational lines of control and responsibility.

Appropriations are legislated in such detailed form as to deny the President and his department heads the necessary discretion for effective administration. The Chief Executive of the United States does not have an item veto, which encourages the multitude of riders in appropriation bills which hog-tie administration. Over 30 State governors do have the power of item veto.

The discharge of his principal subordinates is the sole important constitutional power which he can exercise independently.

Recently, sources of political strength through which strong Presidents have been able to supply the necessary degree of unity and responsibility, despite legal obstacles, have been further abridged. The twenty-second amendment to the Constitution will severely curtail opportunities for Presidential leadership at least during the latter half of a second term.

Little wonder that William Allen White, who understood the Presidency, could say in much less hectic days: "The devil invented the Presidency by combining all the futile despairs of Sisyphus with the agony of Tantalus and shaking in a jigger of the nervous irritation of a man with ants in his pants."

Congress' role in administration is supposed to be that of an overseer. Through its powers of investigation, control of the purse strings, its creation of the laws under which the executive must perform, including, if it pleases, detailed procedures of administration as well as agency structure, and its ability to determine which of the appointed officials, members of the President's official family, will require senatorial confirmation, Congress has an arsenal of control adequate for authoritative surveillance over every aspect of executive life.

The reasons for powers of congressional surveillance are sometimes misunderstood.

The Congress is often pictured as the representative of the people whose job it is to control the Executive so that the people's liberties are protected, much as if the Congress were a board of directors and the President a hired manager. The design of American Government

is quite different. The American President is elected by the people of the United States, and is as much their representative and accountable to them as is the Congress. The President's powers are granted directly to him under the Constitution in the same way that Congress receives its powers. The President is not a creature of the Congress.

However, powers granted for checks and balances can be used not only to stop or negate administration, they may destroy responsibility, as the founders so well understood and feared. While Congress can readily prevent executive management, it cannot undertake the task itself. It can divide up the executive branch and parcel out pieces to individual committee chairmen, but it cannot organize itself into an administrative hierarchy for integrated management. Thus, when central management authority is denied to the President it goes by default. There is no other place in the Government where it can be located.

Congress' tendency to fragment the executive branch arises from its own inherent fragmentation. It consists of two completely independent houses, of virtually equal power. We have already talked about the local character of the accountability of individual Congressmen. The individual Congressman is not regarded as a representative of the national interest, but a delegate from a particular community to defend its special interests. The tradition of insistence that a Congressman reside in the community he represents is itself significant.

In large measure that is what has made Congress mainly a negative force. The committees are virtually independent forces, which Congress as a whole rarely undertakes to control or coordinate. Chairmen and members are not selected on the basis of adherence to a party's policies but by seniority. You can be the chairman of a most important committee even if you intend to oppose the policy of the Administration which is in the hands of your own party.

Since the committees are permanent, they develop characteristics of private power domains. Agriculture committees wish to maintain full control over agricultural activities, including the Department of Agriculture. The subcommittee on veterans' affairs does not wish to permit the Veterans Administration to get into other hands.

The composition of the committees tends to be unrepresentative of either the public or Congress as a whole. Their interests are narrow. However wise they may be in their attempt to do their jobs within the compass of their responsibility, objectives of different committees may

overlap or conflict. Desirable means to attain one end may not prove compatible with the means to attain the other objective. But coordination is not the responsibility of individual committees.

Woodrow Wilson said, before he ascended to the Presidency: "I know not how better to describe our form of Government in a single phrase than by calling it a government by the chairmen of the Standing Committees of Congress."

If there was such a thing as an organized Congress as a whole, it would have a positive interest, like that of the President in seeing a higher degree of government coordination and central management. But this would conflict with direct control of the committees over their separate fiefs. Don K. Price, one of the most acute students of American Government, has observed that it is hard to get reasonable unity in the United States less because Congressmen are against the President than because they are against one another. The great barrier to cooperation lies in Congress' inability to so organize itself to prevent the yielding of its powers to autonomous committees, each of which for its own purposes is bigger than the so-called body as a whole. Unless both organizations--the executive branch and the Congress--are organized into unified bodies, they cannot find themselves in a posture to cooperate, and central management or coordination of administration is virtually prohibited.

We have in recent years had several highly expert and thorough investigations into the administration of the executive branch, including the studies of the President's Committee on Administrative Management, released in 1937, and the extensive reports of the first Hoover Commission which came out in 1949. These great studies agree that the central source of our administrative difficulties lies in our failure to respect the sound constitutional doctrine of a unified executive. Both stressed the theme that efficiency, as well as accountability, depends on the establishment of clear responsibility in an effective Chief Executive as the center of energy, direction, and administrative management. He must have a clear line of managerial control down through the operating departments, along with the assistance of adequate managerial and staff agencies.

The temper of both studies was indicated by Paul Appleby in an appraisal of the Hoover Commission reports.

"It is not widely enough recognized that the reality of responsible government is dependent upon the ability of the President to control the executive branch. It is not widely enough recognized that, in spite of all the popular talk about 'presidential power', the Chief Executive is, of all chiefs of important modern States, weakest with respect to his executive government."

The Hoover Commission warned,

"Authority is diffused, lines of authority are confused."
 "The line of command and supervision from the President down through his department heads to every employee, and the line of responsibility from each employee of the executive branch up to the President, has been weakened, or actually broken, in many places and in many ways."

You will find illustrations for such conclusions in the Commission's reports and in your own experience in Government.

To maximize their own powers, congressional committees frequently tend to split off from control of the executive branch the bureaus in which they have special interests. In a few cases independent agencies of various kinds may be established. More frequently, the devices are (1) to give direct statutory authority to bureau chiefs, bypassing both President and heads of departments; (2) to spell out detailed administrative procedures by law; (3) to appropriate funds in excessive detail; (4) to plant "sympathetic" personnel in key positions.

Such procedures do violence to the spirit of the Constitution because they rupture the responsibility of the executive and prevent its internal coordination. Responsibility becomes so diffused that in a sense it ceases to exist. As Chester Barnard, a foremost practitioner and student of executive management, has pointed out, the breakdown in responsibility stifles initiative and furnishes "incontrovertible alibis for not doing what the specific situation calls for."

Effective hiring, firing, and accountability for personnel is split off from control of the executive together with determination of administrative method and even program responsibility. Units and agencies are encouraged to ride off in their own separate directions.

Such processes encourage direct dealings between executive bureaus (rather than their politically responsible leaders) and congressional committees, as if the system of government required that bureaus report directly to committees of Congress rather than to their own chiefs and, through them, to Congress.

There is a normal propensity toward autonomy in all governmental units which such relations vastly accelerate. The United States Corps of Engineers, for example, which neither the Secretary of the Army nor the President of the United States has been able to control, likes to refer to itself as "the engineer consultants to, and contractors for, the Congress of the United States," almost a left-handed way of saying they have gone into business for themselves. The Hoover Commission pointed out that this is encouraged by the Corps' statutory responsibility for preparing river development plans. The Secretary of the Army is not responsible for its selection of projects.

As Don K. Price describes it,

"Typically, the executive bureau and the congressional committee find themselves natural allies, with the purpose of guarding their common specialty against coordination . . . the real issue is then between the executive bureau and the congressional committee, on the one hand, and on the other hand, the Congress as a whole and the President."

The Hoover Commission thus urged, and small progress has been made in this direction, that we

"establish a clear line of control from the President to these department and agency heads and from them to their subordinates with correlative responsibility from these officials to the President, cutting through the barriers which have in many cases made bureaus and agencies practically independent of the Chief Executive."

The second basic complaint of the Commission was that the "President and the head of departments lack the tools to frame programs and policies and to supervise their execution." It urged,

"Give the President and each department head strong staff services which should exist only to make executive work more effective, and which the President or department head should be free to organize at his discretion."

Only recently have we recognized that while executive accountability is ultimately centered in a solitary individual, the Presidency is an institution whose tangible and intangible attributes provide the means through which the President may carry out his constitutional obligations. In addition to the symbols and traditions of office, the Presidency is an organization, a group enterprise with strong elements of continuity and permanence despite the periodic change of Presidents who are in charge of the enterprise and determine its character. It furnishes the managerial assistance and the staff tools for executive coordination and control. To meet similar needs, organized central staff services have grown up in the offices of departmental secretaries.

Central management staffs are not designed to take over or perform any of the functions of individual departments or other operating units; such facilities do not in any way reduce or modify the responsibility of the heads of individual departments or bureaus. In the case of the Presidency, they deal with problems which cut across the entire national Government, or in the case of a department, the whole of that organization, and which are not the primary or peculiar responsibility of any particular unit. They handle such activities as budget and personnel management, organization and procedures, planning, program coordination, and related staff functions. They are, in short, the instruments through which a responsible administrator can coordinate and control a large number of separate enterprises without undertaking to operate them himself.

The first historic landmark at the presidential level was the Budget and Accounting Act of 1921. For the first time suitable means were provided by which the President could properly discharge the responsibilities of an executive with regard to the expenditures and fiscal affairs of the agencies.

The President was made responsible for transmitting to Congress a consolidated financial program in the form of a single executive budget (although the Congress did not commit itself to pass a consolidated appropriation bill) and provision was made for a central budgetary agency. The head of the Bureau of the Budget was made directly responsible to the President, although the agency was formally located in the Treasury. The President's increased ability to organize and control the executive budget simultaneously increased the ability of Congress to come to grips with the complexities of its appropriation responsibilities.

The next and decisive landmark was the establishment in 1939 of the Executive Office of the President. Although staff assistance had

been growing up around the President, at last here was official recognition of the need for formal organization and institutionalization of the central management machinery of the Government. Since then the Executive Office has grown in status and importance as one of our foremost assets for the management of constitutional government. It has been widely noted that the availability of the Executive Office was a decisive factor in the effective management of World War II without doing violence to the Constitution.

Many important changes have taken place in the organization of the Executive Office of the President during its 15 years of formal existence. It is now made up of approximately 1,100 employees (exclusive of personnel of the Central Intelligence Agency and those who care for the Executive Mansion and grounds). If this appears an impressive figure, it may be mentioned that the Office of the Secretary of Defense is half again as large and the Office of the Postmaster General is even larger. In addition to the White House Office, which includes the President's secretaries, aides, and administrative assistants, the main units are the Bureau of the Budget, which has always been the institutional core of the Executive Office, responsible not only for the executive budget but also for administrative organization and methods, the Council of Economic Advisers, and the Office of Defense Mobilization. The National Security Council is a Cabinet level interagency coordinating committee with formal status in the Executive Office.

The Executive Office has, from the beginning, had provision for fiscal and budgetary management and for planning. (The National Resources Planning Board was an original unit of the Office; it was eliminated during the war.) On the other hand, there has never been included in the Executive Office a real central management arm for personnel, obviously one of the core elements of administrative management.

Until 1953 there existed a Liaison Office for Personnel Management, a token of President Roosevelt's unsuccessful attempt to obtain a bona fide office of personnel management. It was a makeshift arrangement, providing that one of the President's administrative assistants should act as "contact" with the Civil Service Commission. For some time it was considered only a part-time job. In 1953, in accordance with a Hoover Commission recommendation, the Liaison Office was superseded by a Personnel Adviser to the President in the person of the Chairman of the Civil Service Commission.

The concept of an Executive Office of the President is relatively recent, dating back to the studies of the President's Committee on Administrative Management which focused its recommendations around the theme that effective administration depends on the establishment of clear responsibility in an effective chief executive at the center and that "the President needs help!"

The Hoover Commission's approach to problems of the Executive Office was generally similar to that of the Committee on Administrative Management. It too recognized that the effectiveness of the Government of the United States rested on the ability of the Chief Executive to provide "firm direction to the departments and agencies" and orderly "organization for development and execution of policy." It found the President still dangerously "handicapped" for the performance of his responsibilities. In its first report the Commission submitted specific recommendations and valuable conceptual principles regarding the Office. It said that the President must be boss of his own office and "should be given complete freedom to adjust the internal relationships." It also said, "Statutory authority over the operating departments should not be vested in any staff or staff agency of the President's Office."

It appears that Congress does not intend to follow these recommendations. In 1951, for example, it legislated that a director for Mutual Security, who would serve as coordinator in this entire field, should be located in the Executive Office and that the same man who held this post should be the administrator of a large operating agency, the Mutual Security Agency. Congress thereby flew in the face of the Hoover Commission precepts and violated other elementary principles of organization by making a single official both protagonist and umpire in inter-agency disputes. However, in 1953 this position was eliminated from the Executive Office.

The Hoover Commission enunciated the principles that multiheaded bodies, in the nature of full-time boards, could not serve effectively as Presidential staff, and that the heads of staff agencies in the President's Office "should be appointed by the President without confirmation by the Senate, except the Civil Service Commission." It specifically pointed to the Council of Economic Advisers as an example of violation of both principles, and recommended that it be replaced by an Office of the Economic Adviser with a single head. This was not done. However, in 1953, a real improvement was made by centering general internal authority in the hands of the Chairman of the Council.

The Commission took cognizance of the lack of organization within the Executive Office, pointing out especially that there is no place in the Office where the President can look for a current summary of principal issues on staff work or assignments to departments and agencies. Its recommendation to meet this deficiency indicated that it is much easier to determine what is wrong than to reach agreement upon a solution. The compromise proposal was a new staff secretary whose prescribed functions suggested a high-class clerk for clearing and assembling papers for the President. President Eisenhower improved on this proposal by creating sort of a chief of staff (although not with the authority which that term may imply) in the form of an assistant to the President.

While many of the crucial issues of coherent organization and internal staff relationships in the Executive Office remain unresolved, President Eisenhower has strengthened the staff services of the Executive Office and made intensive use of them. We are approaching the time when the President of the United States may for the first time be equipped with the staff machinery and manpower to run an orderly Government. One of the most interesting recent innovations, worth more study than it has yet received, is the greater use of interlocking Cabinet-level committees as policymaking instruments and the increasing use of secretariats.

Proper staffing of the Presidency will not alone provide a solution of the President's organization problems. Departmental organization is also vitally important. Three issues stand out:

1. The existence of commissions executing some of our most important statutes, claiming virtual independence of the Chief Executive, mocks attempts at meaningful coordination of Government policy and administration. The independent agencies are generally regulatory in nature. Regulation is essentially political, concerned with the formulation of public policies. Independence of the Executive and, in some cases, even of the legislature, makes these agencies essentially irresponsible. One of the leading scholars in this field has pointed out that there is indeed "very great danger in any doctrine that pretends we can preserve democracy and still vest economic powers in a governmental agency that is not clearly subject to officials who in turn are responsible to the people."

2. There are entirely too many agencies for effective direction from the top. According to the Hoover Commission:

"At the present time there are 65 departments, administrations, agencies, boards and commissions engaged in executive work, all of which report directly to the President--if they report to anyone. This number does not include the 'independent' regulatory agencies in their quasi-judicial or quasi-legislative functions. It is manifestly impossible for the President to give adequate supervision to so many agencies."

The Hoover Commission, like its predecessor Committee on Administrative Management, made useful recommendations for an orderly combining of agencies to reduce the total number. It is now clear that for the most part, Congress cannot heed such recommendations.

Recently, interesting proposals have been made for creation of a new echelon of command, between the departmental and Executive Office levels, through grouping of departments and agencies with particularly related activities. If modeled after the integrated structure of the Department of Defense in which are combined three administrative departments, as distinguished from its predecessor the National Military Establishment which had statutory authority only of a holding-company character and proved to have no basis of strength, such redesigning may have administrative merit. But, in any event, it is unlikely to appeal to congressional committees.

3. Authority within departments is diffused and uncertain, partly because, as we have already indicated, of statutes through which Congress has too frequently spelled out the internal organization of departments and agencies and has given authority directly to subordinate officers. In part, the situation is due to the informal power relationships which align bureaus and agencies more closely with congressional committees than with their organizational superiors.

But all of these difficulties inevitably return us to our original thesis. It is insufficiently recognized that the proper organization and functioning of the executive branch is greatly dependent upon the internal organization and management of the legislature. As long as Congress is disorganized, it will continue to promote the disorganization of the executive branch. As long as the executive branch is fragmented, it will be difficult if not impossible for the Congress to hold it accountable. Only by strengthening the control of the Chief Executive, with whom it can deal in direct and unitary fashion, can the Congress ever assure itself effective surveillance of the accountability of the bureaucracy.

The principle of a unified executive is always important for efficient government and it is always true here that "the reality of responsible government is dependent upon the ability of the President to control the executive branch." But in a time of cold war especially, we can afford to neglect this elementary principle of effective government only at grave and fool-hardy risk.

DR. HUNTER: Dr. Somers is now ready for your questions.

QUESTION: Two years ago I heard a very prominent businessman make the statement that when an organization chart was thought necessary, he knew that the company was not organized efficiently and producing properly. Since that time he has joined the Government, and he has detailed organization charts in his office now. If they are no good, what is the best substitute for them?

DR. SOMERS: I presume the reasons Mr. Brownlow, whom I quoted a few moments ago on organization charts, made his attack on them, and the reason I said some things the way I did, is not because we really believe you can get along without organizational design, but because the tendency to substitute a chart for real organization or to assume that all organizational relations can be accurately shown on a chart is so very misleading as to be dangerous.

If they are used as a general guide and exhibited only to knowledgeable persons with explanations of their limitations, they are of course indispensable. They may also be a description of a goal. They should be approached with the mental note: "This is the formal organization. This isn't necessarily the way we work." You do have to know the formal organization to start with, but it may only be the point of departure.

It is a matter of degree. You need to have some diagram. Personally, I prefer a written description to an organization chart. You can write qualifications in that but it is very difficult to indicate on an organization chart.

QUESTION: You covered only two branches of the Government. Each of the three branches, I am told and I understand, exercises checks and balances on one another. Do you feel that the Supreme Court is not exercising proper check and balance on the legislative branch in legislating independent agencies and doing other actions that are contrary to the Constitution?

DR. SOMERS: I am not a lawyer and probably not as familiar with the Supreme Court as I ought to be. But, I don't believe the Supreme Court is quite as independent as is often supposed. They too must keep their ears to the political ground. They read the election returns.

In any event, the legislative difficulties which I have described are not unconstitutional in any sense which would permit the Court to intercede. They stem from perfectly proper constitutional powers of the legislature. The problem lies in the spirit and temper of the actions. As I have been reiterating, it is not the formal aspects, but the informal.

The activities lead to bad administration and are not in accordance with the spirit of the Constitution, but they are rarely illegal.

QUESTION: How much flexibility would you give the President in organization? Conceivably, if he had full flexibility, he could make a shambles of the country.

DR. SOMERS: Yes, the President could. So could the Congress. He can now. But that is inherent in having government at all. Teddy Roosevelt used to point out that you can't give anybody the power to do good unless you also give him the power to do harm. The principle also applies to a commanding general in the field. He can make a shambles, but you have to give him adequate command authority, because otherwise he cannot do any good. If you are going to give him command, you have to place confidence in him.

I have not questioned the need for appropriate control over the President, and I would not reduce Congress' basic powers. The question is whether you believe that control or surveillance means usurping the task itself--taking it over or preventing the President from doing his job. I think that is something different from control.

My own view--and I think this is true of the majority of authorities in this field--is that the only clear way that Congress as a whole can exercise effective authority over the executive branch is by effectively organizing itself and by unifying the executive. With the executive fragment, Congress can't control it. They can cripple it. But if the President had control of the executive branch, and since Congress could control the President, Congress could then control the executive branch.

QUESTION: Would you express any particular point which you consider, any major reason, for any optimism in the present condition of partial control that the President has; also any things he needs to be rid of that partial control.

DR. SOMERS: The reason I am so concerned about this problem is not theoretical. After all, looking at the whole picture historically, we have done very well. There may be under ordinary circumstances important arguments to say that our difficulties are worth the price. If we get poor administration, yet we have a better democracy because we maintain counterbalancing social forces. So long as the powers of our society are thinly spread and divided, there are certainly no dangers of any monopoly of power. A pluralistic society is essential for a viable democracy.

I believe in this, but it is not a whole answer. In midtwentieth century, largely because of our international affairs but also because of the quickened tempo and complexity of domestic affairs, the necessity for quick and decisive decision-making is great. The only place where we are capable of quick and decisive decision-making and action is in the executive branch. The legislative branch is not a center for action and cannot be. I do not seek a centralization of power. I hope for a better understanding of the roles of our respective branches of Government. And it is my conviction that if the President is permitted to do his proper job better, the Congress will thereby also become more effective.

Congress appears to have recognized this fact in connection with the budget. The development of the executive budget has actually given Congress more real control of the budget than it had before.

But this does not answer your question. I am not entirely optimistic because I think a great deal of the problem is inherent in the structure of the Government. It goes back to a time when it was justified and entirely rational, and when one couldn't envisage a period like the present. I have hope that the development of stronger parties ready to take fuller responsibility for the Government could help pull the two branches together.

I think that the excellent studies we have been getting from the Hoover Commission and similar commissions have been very helpful. Our understanding has improved after each study and some progress has been made. Americans, because of such studies and their observations of the frequent crises of the modern world, appear to be

becoming more receptive to reexamination of the suitability of old institutional arrangements.

DR. HUNTER: Dr. Somers, on behalf of the Commandant and all of us, thank you for another very stimulating and enlightening discussion.

(9 Dec 1954--250)S/gmh