Title
Bureaucratic responses to the administrative presidency: the Civil Rights Division under Reagan

Permalink
https://escholarship.org/uc/item/50j2k85m

Author
Golden, Marissa Martino

Publication Date
1991
BUREAUCRATIC RESPONSES TO THE ADMINISTRATIVE PRESIDENCY: 
THE CIVIL RIGHTS DIVISION UNDER REAGAN

Marissa Martino Golden
Department of Political Science 
and
Survey Research Center 
University of California, Berkeley

Working Paper 91-15
Bureaucratic Responses to the Administrative Presidency: The Civil Rights Division under Reagan

Marissa Martino Golden
Department of Political Science
and
Survey Research Center
University of California, Berkeley


Working Paper 91-15

Working Papers published by the Institute of Governmental Studies provide quick dissemination of draft reports and papers, preliminary analyses, and papers with a limited audience. The objective is to assist authors in refining their ideas by circulating research results and to stimulate discussion about public policy. Working Papers are reproduced unedited directly from the author's pages.
Abstract

Much has been made recently of Ronald Reagan's use of the administrative presidency strategy. This paper adds to that discussion by focusing attention on the bureaucratic response to Reagan's strategy and by highlighting the interaction between presidential control mechanisms and bureaucratic resources. The analysis is based on a case study of the Civil Rights Division in the Justice Department and relies heavily on interviews conducted by the author with current and former career civil servants in that agency.

The paper finds that the administrative presidency strategy was able to reduce bureaucratic discretion and autonomy relying predominantly on a single component of the strategy -- subcabinet appointments. The argument is made that this occurred in part because the resources of the bureaucracy are less formidable than previously believed and were no match for the strategically applied tools of the presidency. The paper suggests that one bureaucratic resource, the bureaucrat's power to persuade warrants further attention.
Much has been made recently of Ronald Reagan's use of the administrative presidency strategy (Nathan, 1983; Benda and Levine; Rubin; Salamon and Abramson). Although political scientists and policy analysts disagree concerning the extent of real policy change that Reagan was able to bring about (and about how to measure that change), there is considerable consensus among them that the Reagan experience challenges the conventional wisdom that presidents are unable to control the recalcitrant bureaucracy (Sanders, Rubin; Goodman and Wrightson; Salamon and Abramson). They agree that the Reagan administration consciously bypassed Congress and attempted to bring about change administratively (Mezey; Salamon and Abramson). They also agree that the Reagan presidency made unprecedented use of certain tools and resources that have come to be regarded as the administrative presidency strategy (Nathan, 1983). These include targeted and strategic use of the appointment power not only at the Cabinet but at the subcabinet level, use of the OMB as a budget-cutting tool, and the expansion and development, through a series of Executive Orders, of the Office of Information and Regulatory Affairs (OIRA) within the OMB as a central actor in regulatory clearance (Nathan; Benda and Levine; West and Cooper). Additional elements of Reagan's administrative strategy included the use of Cabinet Councils (Benda and Levine), reorganization (Benze; Durant), personnel cuts known as RIFs (Benda and Levine; Goldenberg;), executive orders (Shull) and the devolution and privatization of bureaucratic functions (Benda and Levine; Sanders).

What has received surprisingly little attention is the reaction of the bureaucracy to Reagan's assertion of presidential prerogative (but see Lowery and Rusbult; Stehr). Again, conventional wisdom - wisdom passed down from president to president, Cabinet Secretary to Cabinet Secretary, as well as political scientist to political scientist - would lead us to expect
bureaucratic resistance, foot-dragging and sabotage (Truman in Neustadt; Bell; Heclo). In the not-so-distant past the bureaucratic resources of expertise and congressional and interest group allies seemed to be able to match presidential resources. What happened to these bureaucratic tools and resources during the Reagan years? Did the bureaucracy attempt to resist control? What tactics did they use? Why didn’t they prevail? To what extent is presidential control a function not only of new and improved White House management techniques but of a vulnerable bureaucracy?

This paper addresses these previously neglected questions by focusing on the events and experiences of one federal agency, the Civil Rights Division of the Justice Department. This case allows us to explore the application of the administrative strategy in an agency where the Reagan administration had a clear policy agenda and sought to implement that agenda administratively rather than legislatively. It additionally allows us to examine the response on the part of the career civil servants in an agency where the bureaucrats could be expected to disagree with the Reagan policy agenda. Finally, the Civil Rights Division merits attention in its own right because the interactions of its appointees and career staff, and the direction of its policies are important to any of us concerned with the rights and status of blacks, women, Native Americans, institutionalized persons and other minorities in the United States.

The paper is organized into four sections. The first section discusses the method employed in the study. The second describes the nature of the policy changes which the Reagan administration sought to bring about through the Civil Rights Division. The third explores the process of control over Civil Rights by the Reagan administration. And the fourth examines, based on in-depth interviews with current and former career civil servants in the Civil Rights Division, the response of the bureaucracy to this challenge to its
autonomy and discretion. It identifies the tactics and strategies used by the career staff -- their use of exit, voice and loyalty -- and reveals their limitations. In short, this section focuses on the attitudes and behavior of the career Civil Rights attorneys -- what they did when faced with presidential control efforts. The paper concludes that while overall change in civil rights policy outcomes is difficult to measure, from an institutional perspective it is clear that the discretion and autonomy of the career civil service can be greatly reduced by presidential control mechanisms and that the resources we traditionally expect the bureaucracy to employ in its own defense are not as formidable as we have previously believed.

Method and Data

The current paper is a case study of the Civil Rights Division under the Reagan administration. It is based primarily on government documents such as agency Annual Reports and congressional hearings as well as newspaper accounts, secondary sources, especially from the legal field, and a series of in-depth interviews supplemented by a questionnaire.

The principal source of data is the interviews. These interviews do not constitute a random sample of Division employees. Instead, the sample was selected to attain a mix of rank and file line attorneys and senior career personnel (though most of those interviewed were at least GS-13s) and of current and former Division members. Both current and former career attorneys were interviewed to control for possible differences between those who left the agency during the Reagan years and those who remained. Congressional staff from the relevant oversight committees and interest group representatives from civil rights groups were also interviewed. A total of seventeen anonymous and confidential interviews were conducted primarily in Washington, DC between January 22 and February 2, 1990. The
questions in the interview schedule focused on appointee/career relations, bureaucratic behavior in response to presidential control efforts and assessments of the extent of actual policy change in the agency. Survey questions focused on the influence of various actors over agency policy and on the personal political beliefs of the respondents. The Appendix contains the actual question wording for selected items as well as selected frequency distributions. While the sample size in this study is too small for statistical analysis these frequencies will be referred to throughout the paper. The open-ended interview questions are used primarily to chronicle bureaucratic responses to Reagan's attempt at control. In this respect the number of interviews is more than sufficient especially given the consistency of responses.

In short, the case study method and the varied data utilized provide a thorough account of eight years of the application of the administrative presidency strategy and eight years of bureaucratic reactions to that strategy.

**The Civil Rights Division under Reagan**

The Civil Rights Division is a subdepartment agency housed within the Department of Justice. The Justice Department, which was established in 1870, is headed by the Attorney General, a Cabinet post. The Civil Rights Division was elevated to the status of a Division in 1957 and is headed by an Assistant Attorney General for Civil Rights, a politically appointed position requiring Senate confirmation. In terms of its location within the Department it is comparable to the Tax Division, Antitrust Division and Criminal Division all of which are also headed by appointed Assistant Attorney Generals (See Figure 1A).

The Division gets its enforcement responsibilities from the Civil

Responsibility for these statutes is shared by a host of other agencies including the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights in the Department of Education (OCR), and the U.S. Commission on Civil Rights (which is an advisory, fact-finding agency only) but the Civil Rights Division shoulders primary responsibility for a number of enforcement activities. Enforcement is carried out through investigations, negotiation, the filing of suits and the filing of amicus curiae briefs.

At present the Division's approximately 150 attorneys are divided into functional units called Sections. Thus there is a Voting Section, an Educational Opportunities Section, an Appellate Section and others for a total of eight sections (See Figure 1B). Prior to 1969 the Division was organized into geographic sections with different sections being responsible for the enforcement of all civil rights laws in different regions of the country. The functional sections have been changed a number of times since 1969 but the overall effect is increased specialization on the part of the career attorneys; they have become experts not just in civil rights law but in educational rights, voting rights, etc. (Figure 1C show's the Division's organization under Carter). Each Section is headed by a Section Chief who is typically a career person. Section chiefs are usually the highest ranking career civil servants in the agency.

Ronald Reagan arrived in Washington with a clear agenda for policy change. His policy goals in the area of civil rights, while not as prominent on his agenda as regulatory reform or abortion, were clear and were forcefully
expressed not only in his speeches and press briefings but in the Special Analyses prepared by OMB that accompanied the budget to Capitol Hill. At the forefront of this agenda Reagan sought to change the remedies of affirmative action quotas and timetables, and school busing used by the government and the courts in discrimination cases. In early 1982, the President stated that, "this administration is unalterably opposed to the forced busing of schoolchildren" (Weekly compilation, Feb. 26, 1982). With respect to issues of affirmative action quotas and timetables, the president's record reveals comments such as, "What we are opposed to is . . . a quota system" (Public papers, Sept. 5, 1984) and " . . . I am against quotas." (Weekly compilation, January 19, 1982).

While Reagan's pronouncements were not detailed, there is little doubt that the subsequent administrative implementation of his agenda was consistent with his policy goals. Career attorneys at the Civil Rights Division while attributing little day-to-day influence over agency policy to the president, credited Reagan, the Heritage Foundation and the Federalist Society with developing the agenda and setting the tone upon which the changes in Division policy were based.

The amount of policy change varied from section to section. Those sections which dealt with remedies such as busing, and quotas and timetables, mainly the employment and educational opportunities sections, experienced significant changes. Others such as the Criminal Section actually experienced an increase in activity because of a Department-wide "tough stance on crime" policy and, some career attorneys have argued, because of an increase in racism and the number of racially motivated criminal and violent acts during the Reagan years. A detailed review of activities in each of these civil rights domains is beyond the scope of this paper as is a quantitative assessment of the differences between the activities prior to and subsequent
to Reagan's election to the presidency. The remainder of this section simply highlights some of the changes which were brought about by the administrative presidency strategy and to which the career civil rights attorneys responded.

In pending education cases the Division refused to seek busing (or other mandatory student reassignment plans) as a remedy to achieve school desegregation whereas in the past that had been a common court-approved remedy. It also refused to seek system-wide remedies for desegregation if only a portion of a school district had been intentionally segregated (Bawden and Palmer). Instead the Division sought new types of remedies, principally voluntary desegregation and the use of magnet schools. Magnet schools feature special programs such as enhanced academic programs for gifted students that will allegedly "have a positive desegregative impact by drawing students, irrespective of race to a particular curriculum" (Justice Department Report, 1988). In addition, few new school desegregation cases were initiated during the Reagan years and some pending investigations were abandoned (Govan; Washington Council). These policy changes were implemented even when it meant that the Division had to reverse itself in court from an earlier position. This happened with respect to cases involving school districts in Seattle, Chicago and Baton Rouge. These reversals occurred early in the administration's tenure and by the later years there were no longer pending cases from the Carter administration. Instead the later years were characterized by fewer investigations and new suits and an increase in the use of the newer remedies of voluntary desegregation and magnet schools.

The Housing Section is authorized under Title VIII of the Civil Rights Act of 1968 (also known as the Fair Housing Act) to go to court whenever there is a "pattern and practice" of housing discrimination (Amaker). Prior to
the Reagan administration the section averaged 32 cases per year (Amaker). During the Reagan years the greatest number of fair housing cases filed in any given year was in 1985 when 18 cases were filed and in the early years of the Reagan administration no cases were filed in 1981, 2 in 1982 and 5 in 1983 (Govan). In addition, the Yonkers case initiated under Carter had been intended to establish a mechanism for combining housing and school desegregation cases in areas where the two types of discrimination were linked as they often are because segregated housing often leads to segregated neighborhood schools. Although the Reagan Civil Rights Division continued the government's participation in the Yonkers case, it did not initiate any new combined housing/education cases. Amaker reports that there were new limitations placed on the types of housing cases that the Division could initiate. These changes in the types of cases pursued by the Housing Section and in the criteria applied to them might account for the decline in the number of new cases. Amaker describes these changes:

With the passing of the torch at the Justice Department in 1981, it was announced that the department would no longer take these zoning cases to court and if any were taken, the effect theory would not be used. Division attorneys were asked not to use this approach in any new litigation and to abandon arguments based on this principle in pending litigation. (Amaker, 1988, p.98).

The enforcement of civil rights in the employment area is where the administration's opposition to the use of timetables and quotas is most visible. The Civil Rights Division is limited under Title VII of the Civil Rights Act to litigation against the discriminatory employment practices of public employers such as state and local governments while it is the EEOC and OFCCP who handle suits brought against private employers. Under Reagan, the Employment Section sent out fifty letters to employers with
whom the Division had previously entered into consent decrees. These consent decrees had been signed in the past by all of the relevant parties and the employers (mainly municipalities) had already implemented or begun to implement the terms of the decrees. The letters, sent out in January 1985, notified these parties that the consent decrees were to be reopened and modified because the Justice Department no longer believed in some of the terms required in these decrees (those requiring goals and timetables). The Division instead sought for those existing decrees and all new decrees to contain requirements for employers to improve "recruitment" efforts to increase the applicant pool of women and minorities as an alternative to requiring quotas and timetables in hiring and promotion (Justice Department, Annual Report, 1982; 1985). The Division also, contrary to agency precedent, supported white plaintiffs in a number of reverse discrimination cases -- another way of challenging the use of quotas and timetables.

The Reagan administration was not opposed to the prosecution of voting rights violations nor was it opposed to the monitoring of state, county and local submissions under Section 5 of the Voting Rights Act. As a result, there was less change in major policy goals and orientation in this area than in others. However, under Section 5, the Assistant Attorney General can file objections to Section 5 submissions to block discriminatory voting changes. The Voting Section experienced considerable conflict between career and appointed attorneys over the filing of these Section 5 objections and the ratio of objections to submissions declined from pre-Reagan years (Govan). The administration also opposed the use of a discriminatory effects standard, preferring that discriminatory intent be proven irrespective of the effect of voting changes on minority voting rights.
It is most difficult to measure change in the Special Litigation Section which is responsible for the rights of institutionalized persons because the law changed in 1980 with the passage of the Civil Rights of Institutionalized Persons Act (CRIPA). Policy in this section is also difficult to assess because, unlike other areas of civil rights enforcement, "the Reagan administration did not take office with a clearly articulated agenda" concerning the rights of institutionalized persons who fall under the purview of this Section (Govan). Yet it was in this section where controversy was greatest and where there was the highest career staff turnover. The CRIPA legislation had been sought by Carter's AAG Drew Days because existing law did not make it clear if the Civil Rights Division had standing to sue facilities (prisons and mental institutions) that had sub-standard unconstitutional conditions or if they were limited to the role of amicus curiae in these cases. The legislation gave them standing to sue and the career staff were anxious to do so. Reynolds preferred in this area, and in general, to negotiate and to avoid litigation if at all possible. He advocated the less adversarial approach of negotiating so as not to antagonize the institutions and states who were in violation of the law and/or constitution. This approach stemmed from the administration's desire to limit federal intervention into state institutions. Thus, very few suits were filed by the Special Litigation Section during the Reagan years, no suits were filed in mental disability institution cases until 1984, and fewer investigations into institutional conditions were conducted (Govan). However, the Carter years do not allow for a meaningful comparison because they did not operate under the CRIPA statute.

Not all sections and not all aspects of civil rights policy that fall under the purview of the Civil Rights Division have been reviewed here. Nonetheless this review should provide the reader with a sense of the types
of substantive policy changes that were experienced in the Division over the course of the eight years of the Reagan administration. Nor does this review assess the extent to which the administration was successful in achieving its goals. The administration did not always achieve its goals. At times it was blocked by the courts and by Congress (as in the passage of amendments to the Voting Rights Act in 1982). Nonetheless, the review provided above outlines the kinds of policy changes which the administration sought and to which the bureaucracy responded. We turn next to a closer examination of how the administration brought about these changes.

The Administrative Tools Applied

The introduction to this paper briefly reviewed the principal components of the administrative presidency strategy. However, there is no reason to expect that the Reagan administration used the same mix of components toward all agencies. In fact one would expect considerable variation depending upon the type of agency being targeted and the president's goals in that domain. For example, we would expect to find the OIRA playing a much bigger role in presidential attempts to control regulatory than non-regulatory agencies. Our understanding of presidential control is increased if we can isolate those tools which are critical to the strategy's success. In addition, it is necessary to determine which tools were applied by the White House so that we can understand what it was that the civil servants were responding to and because these presidential tools shaped the range of responses available to bureaucrats. Accordingly, this section focuses on which instruments of control were directed at the Civil Rights Division and how they were applied.
Budget and Personnel Cuts and Regulatory Clearance

Two primary means of redirecting agency policy used by the Reagan administration's Office of Management and Budget were budget cuts and personnel cuts (which included hiring freezes and reductions in force known as RIFs). The OMB took the lead in cutting budgets and shared the role of reducing the federal (civilian) workforce with the Office of Personnel Management (OPM). Rubin (1985) and Wholey (1984) have documented the devastating effects of budget cuts in a number of agencies and Goldenberg (1984) has provided a useful overview of the RIF process and its consequences. The key to OMB's budget process was a "top-down" approach with policy objectives and budgeting figures emanating from OMB. The key to its success as a tool for controlling the bureaucracy was that agencies with smaller budgets were not in a position to undertake new programs or to increase their enforcement activities. The key to personnel policies and their success as a means of presidential control are similar.

In spite of the Reagan administration's goal of reducing the vigor of enforcement of civil rights laws, neither of these techniques seems to have been utilized to curb the behavior of the Civil Rights Division. The data in Table 1 reveal a small but steady increase in both the budget requests submitted to Congress and the amount of money actually expended by the Division (budgetary outlays). The only exception is a $300,000 decrease in the budget request submitted to Congress for fiscal year 1986 from that requested in 1985. In fact, the budget grew at a slower rate during the Carter administration and Carter's Assistant Attorney General for Civil Rights Drew Days was chastized by Congress for not requesting larger budget and greater personnel allocations (Senate Judiciary Committee, 1980).

Presidential pronouncements back up the numbers presented in Table 1. In 1982 the President stated; "And in this era of necessary budget cuts we've
maintained the funding levels necessary for this vital protection ... The difference between 1980 actual expenditures and proposed 1983 expenditures shows a 24-percent total dollar increase for the Civil Rights Division at the Justice Department" (Public papers, February 15, 1982). In this instance, the President appears to have had his figures right.

The Civil Rights Division was not immune to changes in the size of its staff. However, as Table 1 shows, the losses were not dramatic and were not permanent. These fluctuations in personnel did not in any way threaten the capacity of the agency to carry out its functions. Moreover, the drops in personnel figures are accounted for by two factors, only one of which was brought about by administrative fiat. The number of attorneys in the Division dropped primarily as a result of a fairly sizable exodus precipitated by the change in administration, party, and ideology following the 1980 election. This number rebounded somewhat as the administration hired new attorneys and although the numbers were not restored to pre-Reagan levels, the effect on Division caseload was negligible. Other personnel cuts were the result of a deliberate cost-cutting strategy but the bulk of the cuts were short-lived and most positions were restored by 1985.

OMB has other ways of influencing both agency policy and the implementation of that policy. However, none of the respondents in this study attributed significant influence over Division policy to the OMB. Only one indicated that OMB had even moderate influence over agency decisions. The rest of the career bureaucrats surveyed felt either that the OMB had slight or no influence at their agency or that they had no basis to judge OMB's influence -- an indication that either OMB was not very influential or that it's influence was so subtle as to go undetected by even the highest-ranking career personnel. It is quite likely that other offices at the Justice Department, especially those specifically concerned with liaison, personnel and budgeting
would respond differently. But as far as the Civil Rights Division itself is concerned, OMB influence seems nominal, much as it was during the earlier Carter administration.

OMB has another means of control, the Office of Information and Regulatory Affairs (OIRA). The OIRA is the arm of the OMB responsible for regulatory clearance. Cooper and West, West and Cooper, and Ball have written comprehensively about the development and influence of the OIRA which derives much of its authority from two Reagan Executive Orders: EO12291 and EO12498. Proposals for new regulations must be cleared through this office and existing regulations are audited and subjected to cost/benefit analyses. West and Cooper found that "E.O. 12291 has apparently had a chilling effect on the issuance of new rules." (p.206). This regulatory review and clearance process was specifically designed as a means of controlling career personnel. As James C. Miller, former director of the OIRA stated:

Among the many people whose behavior we're trying to influence are the GS-13s and (GS)-14s who draft the rules. The Executive Order says to them: even if you get a nonconforming proposal past your agency heads, even if you've captured or just plain fooled them, that proposal is likely to be caught at OMB - and there's not a chance in Hades of capturing these people. (Miller quoted in Ball, p.72).

Yet many of the civil servants I interviewed, many of whom fall into the GS levels targeted by Miller, had never even heard of the OIRA and only one attributed even slight influence over Division decisionmaking to OIRA. This is because unlike the EPA or OSHA, where career civil servants would likely have felt quite differently about OIRA influence, the Civil Rights Division is not predominantly a rulemaking agency. This is confirmed by the OMB publication, *Regulatory Program of the United States* which noted, "the
Department’s low level of regulatory activity” (1987-88, p.237). The OIRA did impact upon civil rights policy but not Civil Right’s Division policy. OMB's Special Budget Analysis for 1983/84, for example, specifically targeted all OFCCP (Office of Federal Contract Compliance Programs) regulations for review by OIRA. However, because of its non-regulatory nature, the Civil Rights Division escaped this type of OIRA scrutiny. Thus the Reagan administration was quite restricted in its ability to use this tool at Justice and probably at other non-regulatory agencies as well.

Overall, Table 1 and my interview data tell the story of an agency that was fairly sheltered from the budget slashing, RIF mania and regulatory review experienced in other agencies. These tools were not the primary means by which the Reagan administration attempted to gain control over the Civil Rights Division.

**Other Administrative Tools**

As a comparison of figures 1B and 1C reveal, reorganization did take place at Civil Rights. The main impact of reorganization was tighter supervision of the Sections by the Deputy Assistant Attorney Generals. There were only two such offices under Carter's AAG Drew Days but Reynold's Civil Rights Division had three. This allowed the appointees to more closely monitor Section activities and added to the layer that separated the senior career personnel from the decisionmaking circle in the AAG's office. The shuffling of sections and section titles did not have significant impact.

Shull (1989a) and Shull (1989b) discuss the issuance of executive orders in the civil rights domain. Although Reagan issued 13 such orders, none effected the enforcement of the primary civil rights statutes. Their only effect on the Division was in their impact on the affirmative action policies governing federal personnel within the government.
Neither devolution nor privatization were considered for the Civil Rights Division. Not even the Heritage Foundation suggested that civil rights laws could be better enforced by the private sector -- they and the administration were silent on the subject.

**Political Appointments**

Among the key ingredients of the administrative presidency strategy, according to Richard Nathan, "has been the appointment of loyal and committed policy officials" (1983, p.69). He adds that an important feature of this appointment strategy as applied by Reagan "is the appointment of subcabinet officials who are more doctrinaire... than their cabinet superiors." (Nathan, 1983, p.70). Lynn, who focused on five subcabinet Reagan appointments in his study argues that Reagan's "most notable departure from the leadership method of his predecessors, however, has been in the deliberate way he has used his power of appointment to fill senior executive positions in federal departments and agencies with loyal advocates of his policies" (Lynn, p.339). Salamon and Abramson highlight both the "ideological consistency and intensity" of the Reagan appointees and the degree to which these appointees reach down into the depths of the bureaucracy. They write that, "the Reagan administration extended the reach of political appointments much further down into the operating staffs of agencies, filling a higher proportion of allowable noncareer senior executive positions than had been done in previous administrations ..." (Salamon and Abramson, p.46).

Nowhere was this strategy more evident than at the Civil Rights Division of the Justice Department. The appointees, especially the Assistant Attorney General for Civil Rights, turn out to be the key variable in explaining presidential control of this agency. As we saw above, this agency was not controlled by budgets, RIFs and regulatory review. In this agency at least,
President Reagan did not utilize all of the components of his control strategy. Instead, as this section will describe, he relied almost exclusively on his sub-Cabinet appointee, William Bradford Reynolds, to bring the bureaucracy to heel.

The Justice Department had two Attorneys General over the course of Reagan's eight years in office and the Civil Rights Division, after almost a year with the position vacant, had the same Assistant Attorney General for over seven years. The first Attorney General was William French Smith. His policy views on civil rights were remarkably congruent with those of the Administration (Yarbrough) but his role in bringing about policy change was not pivotal. In fact, only one of my thirteen survey respondents felt that Smith had "a great deal of influence" in agency decisionmaking. In spite of his backseat role regarding civil rights activities he did his part by publicizing Administration views concerning civil rights in public appearances and in a series of special reports which he issued to Department employees in addition to the regular Annual Report. No one has accused Smith of "going native" during his tenure at Justice and all involved believed that the relationship between Smith and Reynolds was a cooperative one with little conflict. However, it is clear from my interviews that the career bureaucrats at Civil Rights viewed him as one more messenger along with the President, the Heritage Foundation, and the Federalist society of the civil rights agenda but did not view him as playing an instrumental role in translating those views into their agency's daily activities.

Edwin Meese was actively involved in the activities of the Civil Rights Division even before he became Attorney General. He was the main person in the White House monitoring civil rights and some career attorneys indicated that he exercised even more influence when he was at the White House than when he joined the Justice Department. Some felt that he had the second
most influence over agency decisions, second only to AAG Reynolds and more than half of those surveyed attributed a great deal of influence to him. His relationship with Reynolds was a close and personal one and after he became Attorney General Reynolds essentially became his right-hand man (in spite of his failure to win confirmation as Associate Attorney General). His policy views were also consistent with those of the other three members of the civil rights tetrarchy, Reagan, Smith, and Reynolds. When Meese took over the helm at Justice, the National Journal observed that while criminal issues "may be closer to Meese’s heart" it was "on civil rights that the department is pressing its most ambitious agenda" (May 18, 1985 p.1143). This agenda, the Journal reported was the same one initiated by Smith and Reynolds at "the outset of the first term", an agenda that "made clear that the Administration would oppose employment quotas, mandatory busing and other remedies traditionally used in civil rights cases" (p.1143). Neither Meese’s title change nor his change of address caused any disruption in presidential management of the Civil Rights Division nor did it portend any change in policy goals.

The Attorney General is responsible for a great many facets of our law enforcement system of which civil rights is just one. Neither of Reagan’s two Attorneys General appear to have been overly active in the day-to-day affairs of the Division, certainly not any more so than Carter’s Attorney General Griffin Bell. Their influence came from the impression they conveyed that all members of the team were consistent in their policy goals and even more importantly that the AAG had their backing and support.

It is the position of the Assistant Secretary, or in this case, the equivalent position of the Assistant Attorney General, that has the primary responsibility to ‘interface with the career bureaucracy” and [to] “translate Presidential and Secretarial policies into programs to be delivered by the career civil servants” (Murphy et al, p.2). That is why this position offers the
president so much opportunity for control. In the pre-Reagan era that opportunity was not always capitalized on either because the president delegated his appointment power to the Cabinet Secretary or because he used these positions to further purposes other than the focused pursuit of his agenda, such as rewarding constituencies for their electoral support or because he lacked such an agenda (Gormley). Reagan, on the other hand, sought "ideologues" to fill these posts -- ideologue was the term I heard most often when career bureaucrats described William Bradford Reynolds.

Reynolds ruled with an iron hand. All respondents credited him with having the most influence over agency decisions. He was effective because:

- he had firm and clearly articulated views concerning civil rights and all the careerists were aware of his views;
- though he had no civil rights experience he was an attorney with a fair amount of litigation experience in an agency of attorneys whose primary activity was litigation (he had some level of expertise);
- he worked hard and was intelligent;
- he centralized clearance and decision-making and
- he held his post for over seven years.

Although these variables explain a great deal about Reagan's success in molding the Civil Rights Division, I do not think that they tell the whole story. Accordingly, after discussing these five variables, I turn in the final section of this paper to the other factors which I found affected Reynolds record: the career attorneys and the nature of the agency's activities.

William Bradford Reynolds was only forty years old when he took over the helm of the Civil Rights Division. A 1964 graduate of Yale with a law degree from Vanderbilt he spent most of his career in private practice except for three years in the Solicitor General's Office under the tutelage of Nixon's Solicitor General Erwin Griswold. As were most of Reagan's civil rights
appointees, he was white, male, conservative and did not have significant civil rights experience (though he was involved in the preparation of one civil rights brief during his stint at the Solicitor General’s Office). There is some debate over whether or not the position of AAG for Civil Rights requires a background in civil rights but most other AAG positions in the Justice Department are filled by people experienced in tax law or civil litigation for those Divisions respectively (Trattner; Russakoff). In interviews career attorneys criticized not so much his lack of experience in civil rights litigation as his insensitivity to the issues of civil rights and the victims of discrimination. One remarked that it was “not a question of qualifications but of attitude.” They also viewed litigation experience of some type as essential for the position as it requires so many decisions about courtroom strategies.

There was no doubt as to Reynolds views on civil rights. They were clearly and frequently articulated and were consistent with Reagan’s policy pronouncements (Yarbrough). In his 1985 confirmation hearing he testified:

Senator, the policy of this administration in the civil rights area is one that was set, I think very firmly, by the President at the beginning of his first term, and by Attorney General Smith when he came into office, and probably was outlined in the first instance in a speech given by Attorney General Smith back in May of 1981... I subscribe to the policies of the administration and I have certainly followed those policies. Senate Judiciary Committee, 1985.

Again, the tetrarchy spoke with one voice. Even cursory examination of his testimony before Congress, his legal writings and his public speeches reveal that voice, including Reynolds opposition to busing and quotas and his other views. For example, at his first confirmation hearing in 1981, Reynolds testified that, “Compulsory busing of students in order to achieve racial balance in the public schools is not an acceptable remedy” (Senate Judiciary
Committee 1981). In a speech given a few years into his tenure at a
cconference sponsored by the Civil Rights Commission he stated that,
"Remedial goals quotas or set-asides based on race perpetuate the very evil
that the 14th Amendment seeks to remove..." (Civil Rights Commission
1983). These few quotations may not capture fully Reynold’s views but
between his many speaking engagements and personal interactions with him
career staff were not in doubt as to his policy intentions.

Having an attorney at the helm of an agency whose primary activity is
litigation and whose staff is overwhelmingly composed of attorneys and
paralegals provides the appointee with the advantage of being able to avoid
"having the wool pulled over his eyes". In Reynolds case, it also enabled him
to review all of the pleadings that career attorneys intended to file in court.
In short, cases and legal arguments to which the administration was opposed
could not be slipped by him.

It also helped that he was intelligent. This may seem like an obvious
criteria to use for the selection of appointees but it is critical and needs to
be acknowledged. In the 1985 confirmation hearings when Reynolds was being
considered for the position of Associate Attorney General there was a great
deal of testimony in opposition to his confirmation. But almost all of those
who testified acknowledged that he was both smart and a good lawyer.
Because he was smart and because he worked hard he learned very quickly.
Most career attorneys credit him with having mastered civil rights law
within 6-12 months of taking office (though many claimed that he mastered
without understanding that body of law). Since he led the Division for seven
years, he spent a considerable amount of time operating at the top of the
learning curve unlike those appointees who leave after just a few years. The
career attorneys who were his subordinates are themselves exceptionally
bright, many of them having been brought into the Justice Department under
its Honors Program so it helped that he was able to understand their intellectual reasoning in the frequent discussions which occurred regarding specific cases and pleadings.

Reynolds worked incredibly long hours reviewing the recommendations and pleadings of staff attorneys. Under the Carter administration, once things got past the desk of the Section Chief (a career position) they were usually not scrutinized too carefully by the political appointees. Reynolds changed that procedure. He had what one civil rights activist has called his "political commissars" (politically appointed Special Assistants) to help him and he did not personally review all of the many submissions from the different sections. Nonetheless, he was such a workaholic and he spent so much time supervising the work of the career staff that one evening his wife stormed into the office and berated him for never being home. They were divorced before the administration left office and his dedication to his job continued unabated. He spent somewhat less time on civil rights and somewhat more on other Justice Department matters during the second term when he served as Meese's unconfirmed shadow Associate Attorney General. But by then he had an experienced staff of Deputy Assistant Attorneys General and Special Assistants to mind the store at the Division.

The reason this management style was so effective is that Reynolds had the authority to reject anything submitted by the career attorneys. He could reject the recommendations of the Voting Section attorneys (and Voting Section Chief) when they recommended the filing of objections to redistricting plans submitted by the States under Section 5 of the Voting Rights Act. He could reject the recommendations of attorneys in the Special Litigation Section that investigations of prison conditions be conducted. In earlier administrations, line attorneys could personally request FBI investigations into prison conditions. Reynolds required that these requests
be cleared with him first. He required a detailed memo justifying the need for such an investigation. This greatly reduced the number of investigations. This is but one example of the way Reynolds used this type of review and clearance process. In addition, since he was himself an attorney he could edit amicus curiae briefs so that they better reflected the administration's philosophy. And he used his authority to do all of these things, rejecting at least 30 recommendations from the Voting Section staff regarding the filing of Section 5 objections and rejecting, for example, a recommended investigation into conditions at the Hissom Memorial Center in Oklahoma where private litigants later brought a successful suit (Senate Judiciary Committee, confirmation hearing, 1985). As will be discussed in greater detail when the bureaucratic response to control is analyzed, the result of Reynolds approach was to discourage career personnel from even bothering to recommend new investigations and new suits.

The length of Reynolds term was an additional asset in achieving control of the agency. Few political appointees serve for such a long time; in fact the average term is 22 months. Ann Burford Gorsuch had five fewer years to redirect the EPA than Reynolds had at Civil Rights. In the war of time which bureaucrats usually win by outlasting the appointees, Reynolds outlasted many bureaucrats. Reynold's seven years at Civil Rights afforded him the less obvious opportunity to make his imprint more permanent by hiring like-minded new attorneys to fill career openings in the Division.

However, even with all of his personal skills — his expertise in the law, his intelligence, his diligence — Reynolds could not have controlled an agency of 150 attorneys single-handedly. Instead he developed an internal system of central clearance not dissimilar to that being concurrently developed for external review by the OIRA. He increased the number of politically appointed (but not confirmed by the Senate) Deputy Associate
Attorneys General and Special Assistants. This created a thick layer of appointees through which all career work had to pass for review. This group, led by Charles (Chuck) Cooper and J. Harvie Wilkinson among others, also vetoed staff recommendations and extensively edited legal pleadings. In more than a few cases, they actually wrote the legal briefs themselves or tried cases themselves, taking the work out of career hands altogether. This group was also characterized by the career staff as ideological zealots. Their effectiveness was limited, however, by their lack of litigation experience and, according to career staff, their track record in court was mixed as a result of that inexperience and of the ideological nature of their pleadings.

Centralized control and close supervision of the work of the career staff worked on a case by case basis. Reynolds did not issue many memos or directives outlining policy changes or providing career staff with new guidelines or criteria. The nature of the agency's work lent itself well to this type of management organization since civil rights policy does evolve based on cases, court decisions and precedent. However, this method is a time consuming one which requires large numbers of appointees zealous enough to monitor career outputs rather than issuing broad directives for career personnel to follow. It also requires an agency with staff centralized in headquarters rather than with large field operations whose work can be evaluated on such a case by case basis. This may suggest some limits to this type of administrative strategy.

Overall, it appears that the president can gain control over a bureaucratic agency even if he only utilizes one tool from his arsenal - that of political appointments. At least in the case of the Civil Rights Division, strong leadership by a zealot with clearly articulated views, the aid of like-minded subordinate appointees and a centralized review system that closely supervised and monitored all the work of the bureaucrats in the
agency can considerably reduce the discretion and autonomy of the bureaucrats. Whether or not it can redirect policy in a substantive sense is beyond the scope of this paper but we know that in the case of the Civil Rights Division the courts acted as something of a limit on control and often rejected the Division's arguments when it sought to overturn Division and court precedent. However, the appointees frequent rejections of staff recommendations clearly slowed the pace of civil rights enforcement. Their reviews clearly changed the nature of the remedies sought by the Division and on occasion the Division's briefs challenging past Division policy prevailed in court. I argue that these changes were brought about almost singlehandedly by Reynolds and his noncareer assistants. Without budget cuts or the assistance of the OIRA and with the president's approval but not his active involvement, Reynolds achieved control of the bureaucratic apparatus for the president.

The Bureaucratic Rejoinder

There are many reasons to expect a bureaucratic response at Civil Rights beyond the normal bureaucratic reaction to any change in administration. The agency's career personnel were faced with significant changes -- in policy and personnel -- that have been documented in the earlier sections of this paper. They were being told to reverse themselves in court, to work to have earlier court decisions overturned -- decisions that they had previously worked to attain -- and their recommendations to initiate investigations and proceedings were being denied and overruled. In addition, they had new political superiors who openly distrusted them. From an organizational perspective some sort of bureaucratic response would be expected because of the generic bureaucratic characteristics of resistance to change, preference for the status quo and protection of turf. An ideological
reaction would also be expected as "liberal" pro-civil rights bureaucrats who believed in busing, affirmative action and an activist approach to civil rights enforcement confronted political appointees who all shared a conservative ideology and agenda.

The bureaucracy had a range of response-options and an arsenal of resources which are explored here. Also explored here are why this particular match of bureaucratic behaviors with the presidential ones discussed above limited the bureaucracy's ability to resist presidential control. The response-options are clearest if they are viewed in a Hirschman-like framework of exit, voice and loyalty. Bureaucratic resources are best evaluated in terms of Rourke's resources of expertise, support, organizational esprit and leadership. The relationship between response-options and bureaucratic resources will also be explored in this section.

Exit

To Hirschman (1970) the exit option is exercised when "some customers stop buying the firm's products or some members leave the organization" (p.4). In the world of consumers, customers dissatisfied with the quality of a product stop buying that brand and switch to another brand. In the world of government, although people leave government service all the time, it is rare for them to leave in protest over the policy direction of government (Weisband and Franck). When they do leave in this manner it is, ironically, usually political appointees, often Cabinet Secretaries, who resign. With respect to bureaucrats, scholars have studied the high rate of attrition among career SES members but have not explored resignations precipitated by conflict over agency policy.

Turnover at the Civil Rights Division is always relatively high but not because career personnel are using the exit option as a response to
presidential control. For example, 31 lawyers left the Division in 1974, 24 in 1978 and 24 in 1982. Civil Rights Division attorneys feel more confident than other types of civil servants that because of the prestige of the Justice Department their job prospects outside of government are fairly promising. And few of the respondents in this study joined the agency expecting to make a career of government service (although many have ended up staying for over 20 years). Thus, it is not possible to count the number of people who left the agency during the Reagan years and attribute that turnover to dissatisfaction with the administration. Nonetheless, there is other evidence that an unprecedented number of attorneys left out of frustration with the changes in policy in their agency. Most did not act one-dimensionally and resign solely as a protest response. There were other factors involved but these other factors fully explain turnover during the Reagan years. To an extent that was not true during the Nixon years, both junior and senior career attorneys felt that they had no choice but to leave the Division because they could not, in good conscience, comply with the policy changes they were being asked to bring about. I interviewed eight attorneys who left the Division in the 1980s and all explained their decision to leave as attributable to a mix of factors. But for all but one of them, disagreement with the direction of the agency was among those factors. Many of them wrote exit letters to or held exit interviews with Reynolds outlining their disagreements. Others did not because they sought employment elsewhere in the government and were afraid of jeopardizing their careers.

Turnover in some sections was greater than others. In one section it almost amounted to a mass exodus. In general, however, the exit was more of a trickle that occurred over the eight years of the Reagan administration precipitated for the most part by a specific case or incident that served as "the straw that broke the camel's back". In the Special Litigation Section, the
section with the most dramatic turnover, by 1984 only one line attorney and
the Section Chief remained who had been with the Division before the Reagan
era (out of approximately 18). Ten of those attorneys who left this Section
submitted a letter to the Senate during Reynolds 1985 confirmation hearing
in which they stated; “All of us vigorously opposed Mr. Reynolds narrow views
of the rights of institutionalized persons and resigned in part due to that
opposition.” (Senate Judiciary Hearing, Reynolds hearing, 1985). One of the
respondents in this study articulated his reason for leaving this way, “it
became impossible to prosecute cases when ideologues were running the
Division so I felt that I had no choice but to leave.”

It is important to emphasize that exiting was not taken lightly and was
often a last resort. The exit response was higher in the Special Litigation
Section in part because the attorneys there were younger and more optimistic
about their job prospects outside government and in part because they felt
thwarted from actively enforcing the law to a greater extent than those in
other sections. Older, more senior attorneys were more concerned about job
opportunities. In addition, many of them had the attitude that if we “got
through Nixon, we can get through this.” They intended to be “in for the
duration”. But even here some of these attorneys eventually left because “it
became too difficult to be there.”

Exit is an uncommon response in part because it is viewed by
bureaucrats and appointees alike (though not by consumers) as extreme
behavior. It is also limited by the confidence of the people involved that they
can get employment elsewhere. Nonetheless, quite a few career attorneys at
the Civil Rights Division found the situation so extreme that they felt that
they had no choice but to leave. They felt that if they could not, in good
conscience, cooperate in the execution policies that they viewed as
antithetical to the vigorous enforcement of civil rights. Many attorneys
would have left the Division anyway over the course of eight years. But some responded to Reagan's administrative presidency strategy, especially his subcabinet appointment and its accompanying policy agenda by exiting the organization, taking with them their experience, expertise and institutional memory.

The principal effect of the exit response was to create an image among the public that the Civil Rights Division and the Reagan administration were anti-civil rights. As one outside observer commented, the resignations "had a bigger impact on public perceptions than it had on policy within the agency."

Exit has other consequences as well. When people leave they take their knowledge of civil rights law, their expertise and their institutional memory with them. In addition, and in this case quite significantly, it opens the door for new hires to replace the "exiters" and it is clear in this case that the new hires were quite different from those who left the agency. The newcomers, according to those who witnessed the process, were hired based on indications of involvement in Republican and Federalist Society organizations. In the past, attorneys had been hired based on interest in civil rights. The new lawyers, for the most part, lacked interest or experience in civil rights. Prior to Reagan, the Division had actively recruited minorities and women to the agency. Under Reynolds, these programs were abandoned and few new minorities were hired. Thus one consequence of the exit option was a changed composition to the Division.

Hirschman recognizes another limitation to the exit option noting that, "once you have exited, you have lost the opportunity to use voice but not vice versa; in some situations, exit will therefore be a reaction of last resort after voice has failed" (p.37).
Voice was by far the predominant response and was the response of most of the career attorneys of all ranks in the Civil Rights Division. It was not a neutral response but was an effort at resistance. Even those who I later refer to as loyalists exercised the voice option to some extent or in response to some incidents. And almost all of those who exited, except those who left between November, 1980 and January, 1981 in anticipation of the new administration, responded with their voice before resorting to exit. Like exit, voice was not used lightly. Rather it was used because career lawyers held strong convictions that the Reagan administration’s civil rights policy was seriously misguided and detrimental to the effective protection of civil rights. Voice was preferred over exit because many lawyers felt that they could play a positive role in shaping Reagan’s civil rights policy by remaining in the agency. One career supervisor hoped to “help keep the Division on the moderate course it had steered [in the past] through both Republican and Democratic administrations” (Selig 1985). Another related to me that she was committed to seeing civil rights law enforced and felt that the resources of the Justice Department, even under Reagan, enabled her to do so more effectively than she could in a public interest law organization.

In Hirschman’s terminology, “To resort to voice, rather than exit, is for the customer or member to make an attempt at changing the practices, policies and outputs of the firm from which one buys or of the organization to which one belongs” (p.30). In short, voice to Hirschman and in the present context means remaining within the organization and trying to bring about change from within.

One type of voice behavior often attributed to the bureaucracy is sabotage. Sabotage was beyond the pale to all but the most maverick of the attorneys at Civil Rights. These attorneys have highly developed professional
ethics. Deliberately presenting weak arguments in a case or deliberately losing a case were simply not considered. Rather than sabotage a case, if an attorney felt that they could not in good conscience make the arguments that the appointees wanted them to make in a given case, they would ask to be removed from the case. This was not common but it became more than a rare occurrence during the Reagan years and attorneys were not demoted after asking to be taken off a case. However, as a number of them commented, "if you need to ask to be taken off enough cases then, its time to leave". Nor did attorneys provide their political bosses with false information. As time went on they certainly became more astute at presenting their case in a certain light in order to win approval from the "political commissars", a tactic which will be explained in greater detail below, but they do not seem to have ever misled the appointees or withheld information.

In spite of my assessment that sabotage was not a response used by civil servants in this agency, the appointees continually anticipated sabotage. They did not trust the career staff.

Leaks could be said to fall under the domain of sabotage and leaks did occur in the Civil Rights Division during the Reagan years. I was surprised, however, by the limited use of this tactic. Again, the attorneys did not feel that leaks were appropriate behavior. Many were offended merely by my asking them about such behavior. When leaks were used it was often to reveal the racially insensitive comments of Reynolds and his deputies such as Reynolds reference to the black parents in a South Carolina school desegregation case as "those bastards" rather than to publicize internal policy deliberations (Senate Judiciary hearing 1985). These leaks seemed to serve a function similar to that of the exit response. They had an impact on the public's perception of civil rights enforcement but they did not effect policy. They angered Reynolds and created distrust among the political team
towards the careerers but they did not cause Reynolds or Reagan to reconsider
their views on the issues being leaked.

The lack of sabotage and leaks does not mean that Division attorneys
were hesitant to use their voice. They used their voices vociferously. As one
attorney commented, "one thing we attorneys like to do is argue." There was
considerable consensus among both current and former careerer attorneys that
people were frank and open about their disagreements with Reynolds. Most
were not hesitant to express their point of view when it differed from
Reynolds. And most were not worried about reprisals or other repercussions,
though some were. One thing they all give Reynolds credit for is being
accessible and always being willing to hear out their arguments whether or
not he was persuaded. And one thing that they all felt comfortable doing was
presenting their case whether it was in person or in the form of memos. They
did not do this out of resistance to authority or dislike of Republicans but out
of strongly held convictions that Reynolds was misinterpreting the law. They
felt that they got their authority to resist changes in civil rights policy from
the law and from the courts. They had strong professional convictions in this
regard.

There are instances when they were persuasive. Accounts vary as to
the extent of this and it seems to vary by section. For example, they were
more successful in arguing that voting rights were being violated by
redistricting plans then they were that prisoners had rights beyond Reynold's
narrow reading of the Supreme Court's ruling on this matter. And on the big
issues that lay at the heart of the Reagan agenda like remedies they usually
did not even try. For example, rather than arguing to use busing to
desegregate, the line attorneys involved in school desegregation cases
directed their efforts at devising the "best" magnet school plan and alerting
Reynolds to the drawbacks of his plan, since it was clear that Reynolds was
committed to the use of magnet schools.

Some of the things which required persuasion and bureaucratic resistance are surprising. One attorney was required to write a detailed memo justifying why prisoners were entitled to soap in a case involving a prison with below standard conditions. Ultimately the career attorney prevailed but he came to feel that Reynolds used this strategy deliberately to discourage resistance by wearing down the line attorneys and that Reynolds hoped that they would come to think that it wasn't worth it. The practice of line attorneys recommending (with Section Chief approval) and Reynolds vetoing was a constant theme throughout the eight years. Throughout the eight years, line attorneys continued to recommend, whether it was recommending an appeal in a school desegregation case or recommending a Section 5 objection. Depending on the issue they were often vetoed or overruled but not always.

The lawyers at Civil Rights admit that they became quite adept at formulating those arguments most likely to win Reynolds over. They came to know the types of arguments he found persuasive. For example, they would establish "intent" rather than relying on the "effects test" even though it was not required by the law since it was favored by Reynolds. Although this approach was not a premeditated strategy it became a way of combining voice with expertise. They were in command of the facts of the cases and they were "expert" lawyers who had rarely lost a case prior to 1981. It was in this way that they developed their "power to persuade," a way of incrementally, one pleading, brief or case at a time, pointing civil rights policy in the direction which they believed was more consistent with the law. However, the effectiveness of this strategy relied heavily on Reynolds's receptivity to persuasion. On many issues, though he always listened, career attorneys felt that his mind was closed to anything that did not fit with the
conservative agenda.

This use of the voice response in the guise of the bureaucrats using their "power to persuade" may have been exercised more effectively in the Civil Rights Division than it would have been in other agencies because of the nature of the bureaucrats' expertise. They also may have been more inclined to use this option than scientists, geologists, technicians and the like would be because of their professional training and norms and because the day to day conduct of attorneys is arguing and making rebuttals and rejoinders.

Hirschman's work distinguishes between collective and solitary voice actions and this distinction helps us to understand why the voice efforts undertaken by career bureaucrats at Civil Rights were limited in their impact. In spite of the active use of some types of voice by Division attorneys attempting to resist control, collective action was rare in the civil rights division. This seems to be due to a combination of professional and bureaucratic norms and also a result of the nature of the work these bureaucrats engage in. By the latter I mean that lawyers are assigned to cases and while there is often more than one lawyer assigned to a case there are rarely more than two or three. The grievances that emerged were on a case by case basis stemming from disagreements on how to handle those individual cases. Reynolds contributed to this by rarely issuing memos with specific guidelines or blanket statements of policy direction. One former Civil Rights attorney felt that Reynolds did this to avoid providing ammunition for leaks. But it also had the effect of not giving groups of bureaucrats anything to rally around. Even the highest ranking career people, the Section Chiefs, learned of policy mainly on this case by case basis. As a result, disputes, for the most part focused on individual cases.

There were a few collective actions over the eight years. There were two protest memos - one following the decision of the Justice Department to
side with the Administration against the IRS in the Bob Jones case. This case challenged the IRS's denial of tax exempt status to Bob Jones University. The case involved the tax exempt status of religious schools with discriminatory policies (in this case a discriminatory admissions policy and a rule prohibiting interracial dating). The Supreme Court ultimately upheld the view of the career attorneys that such institutions were not entitled to tax exempt status but their memo had little impact on Reynold's decision which was to continue the Department's support of Bob Jones.

The other petition was written and signed by more than 100 members of the Division after one of the politically appointed deputies, Robert D'Agostino, stated in a memo regarding the Yonkers case that "blacks, because of their family, cultural and economic background are more are disruptive in the classroom" and therefore "would benefit from programs for the emotionally disturbed" (Brownstein and Easton). Reynolds while acknowledging that the D'Agostino memo (which incidentally had been leaked) had "unintentionally" evoked criticism took no public action to indicate disapproval and D'Agostino remained in his post (Civil Rights Commission Oct., 1981). These protest memos are examples of collective action with limited impact.

Early in the administration, career attorneys who were themselves members of racial or ethnic minorities met with Reynolds to discuss their policy agreements. This also shows some collective effort and again, according to one of the attorneys who attended the meeting Reynolds was receptive to meeting with them but not to their policy views.

The only other collective action that was related to me was more spontaneous than a planned group resistance movement and also had little effect on policy. It pertained instead to the annual office Christmas party, historically an eagerly anticipated event. Reynolds decided to change the
nature of the party and raised the cost (paid for by employee contributions) significantly. Since no one wanted to socialize with Reynolds and his deputies anyway, almost everyone decided that the party was too expensive and in effect boycotted it. While this clearly conveyed their displeasure to Reynolds, it hardly challenged agency civil rights policy.

This lack of collective action and reliance on "the power to persuade" during individual negotiations concerning individual cases limited the effectiveness of the bureaucrats' resistance movement. The nature of the agency's work, the fact that that work was easily subject to review, and the professional norms of the lawyers also seriously restricted the type of options available and considered appropriate to resist control.

**Loyalty**

My use of loyalty strays farthest from Hirschman's use but nonetheless is consistent with the dictionary and common sense meanings of the term. In my typology, the loyalty option exercised by bureaucrats refers to loyalty to the president; it implies that they cooperated with his administration. This could either be a result of policy agreement with the appointees or the belief that loyalty to the president is proper bureaucratic behavior.

At first, and based on the respondent's self-reporting, there did not seem to be any loyalists. But in fact, it turns out that a number of career executives cooperated with the appointees. These career people tended to be high-ranking, generally Section chiefs (one was promoted to section chief as a result of his loyalist behavior). They were not "converted" to the administration's point of view. Data not reported here found them to be overwhelmingly liberal and Democratic, even at the end of the Reagan years. However, they found it politically expedient to cooperate with their political superiors. They were probably somewhat less zealous in their commitment to civil rights than their peers and more concerned with career gain. Their
behavior reveals the possibility that "capture" is a two-way street and that committed appointees can capture career people as well as be captured by them.

The best illustration of this involved two attorneys assigned to the same employment discrimination case. An already existing consent decree governing the hiring practices of a municipality's police force was challenged by white employees and a decision had to be made regarding the agency's response. The two line attorneys disagreed over the appropriate response. Most of the attorneys in the section felt that one attorney's response was "shaped by what Brad [Reynolds] wanted" (rather than his understanding of the law) and his was the approach adopted as the agency stance in the case. He was later promoted to Section Chief whereas the other career attorney after being passed over for a number of promotions ultimately left the Division altogether. The other career attorneys felt that the prevailing attorney's stance had been based on political expedience and not out of committed support for the white employees in the case.

Overall, this type of loyalist behavior seems to have been rare in the Civil Rights Division. However, having a few loyalists in the career ranks served as an aide to the appointees trying to control the agency.

The Resource Factor

Having reviewed the bureaucratic responses to Reagan's use of the administrative presidency strategy and its corresponding redirection of civil rights policy, and having found that the bureaucracy was limited in its ability to resist, the question lingers -- what happened to the bureaucratic resources that allegedly make it impervious to presidential control? These resources have been laid out most clearly in the work of Francis Rourke (1978; 1984). He has identified four bureaucratic resources which agencies have in varying
degrees. They are: expertise; administrative constituencies; organizational esprit; and administrative statecraft (organizational leadership). Building on the preceding evaluation of the bureaucracy's response effort at the Civil Rights Division it quickly becomes clear that even in an agency such as Civil Rights which has these resources they do not guarantee that the agency is immune from presidential control.

**Expertise**

Expertise was a resource that was an asset but it was a limited asset. The civil servants in the Civil Rights Division described their expertise in terms of specific domains of civil rights policy; they were voting rights experts, etc. This aspect of their expertise did not aid them in resisting control because it was not valued by the appointees. Since they intended to rewrite civil rights law they did not need to rely on people who were in a position to explain the nuances of existing civil rights law.

More generally, though those interviewed did not describe their expertise this way, the civil servants in the Civil Rights Division are predominantly attorneys. This is an area of expertise as well; they are legal experts. This is necessary in order for them to carry out their job which involves litigation in the courts. This aspect of expertise was a limited resource in terms of leverage with appointees, however, because the appointees although inexperienced in civil rights law were also attorneys. One was even a professor of law. And after 6 months to a year in their posts, they knew enough about civil rights law as well. As discussed above, Reynolds's continuity in office, far longer than the 22 month average, avoided the problem that as soon as the appointee gets up to speed he is gone. More significantly, because they were lawyers, when they felt it necessary to take a career lawyer off a case they could write the briefs, motions, pleadings or
other legal documents themselves. They often used their own “expertise”. However, it was frequently ineffective (ineffective as measured by losing in court) because, according to career staff, appointees below Reynolds lacked not only civil rights experience but litigation experience in general. In short, since the administration was unconcerned with the civil rights precedent it sought to overturn, the career expertise in voting rights, educational rights, etc., did not matter to their political bosses. The litigation expertise of career people helped them but simply being attorneys did not give the career people an edge over their political superiors because expertise was matched by expertise.

Having elaborated upon the limitations of this resource, let me comment on the way in which it was a tool for the career staff. It was their expertise that gave them voice, their “power to persuade”. They were sometimes able to use the same expertise that had given them an unblemished record of success in the courts in prior administrations to persuade the appointees of the soundness of their legal reasoning. It was this expertise that enabled them to craft memos that presented their case in the best light, that demonstrated, for example, that depriving prisoners of soap was in fact a violation of their constitutional rights. The Civil Rights Division is an agency of experts and the personnel in the Division used this expertise as a weapon to combat presidential control and to defend the civil rights of schoolchildren, employees and institutionalized persons. However, it was not as formidable a weapon as we might have expected it to be.

Administrative Constituencies

In the present context, I am using this term rather broadly to include the points on the iron triangle -- interest groups and congressional subcommittees.
Although Congress is considered an ally of the Civil Rights Division, it seems that career staff do not personally have strong ties with Congress. The ties seem to be at a higher level. Few career bureaucrats in the agency, even the Section Chiefs and SES members, interact with Congress. Only one of my interviewees had ever testified before Congress. Accordingly, Congress did not learn about presidential control efforts directly from the career people who were experiencing it first hand. However, they did get some information which they failed to act on. Although they did not testify before Congress, each year the agency was asked to provide Congress with all kinds of information regarding agency activities preparatory to the agency’s annual authorization and oversight hearings. These data requests were received by Reynolds who turned them over to career staff. According to the career attorneys there were “red flags” in the information they prepared for congressional hearings that the congressional committee staffers just plain missed, thereby missing opportunities where Reynolds was not following the letter of the law.

The few “leakers” I encountered leaked information to Congress as well as the press but felt that Congress did not take advantage of the leaked information. And there was nearly unanimous dissatisfaction with Congress’s oversight conduct. Most felt that the hearings became skirmishes in rhetoric between the House subcommittee chair, Don Edwards and Reynolds where Edwards lectured Reynolds but no concrete action was taken. One spokesman for a civil rights interest group feels that Edwards gave up too early on trying to influence policy and that he “underestimated his ability to embarrass Reynolds”.

Again, even though Congress was an ally of the agency it was limited in a way not anticipated by students of iron triangles and the budget process. One tool which Congress can use over agencies is the threat of budget cuts.
Though according to one congressional staffer that option was considered with regard to the Civil Rights Division, it was quickly discarded. Budget cuts would not help the career staff, nor would such cuts promote greater civil rights enforcement. It would hurt civil rights advocates, not the political appointees. It was not a viable strategy.

It should be noted however, that in 1982 Congress did strengthen the Voting Rights Act to eliminate some loopholes that Reynolds was capitalizing on, such as clarifying that effects of discrimination are sufficient to justify Division intervention and intent does not have to be proven. Congress also passed new fair housing legislation in 1988.

The Civil Rights Division had strong ties with interest groups prior to Reagan but the distrust that developed after Reynolds took over resulted in the severing of these ties. Interest groups came to spend their time attacking the CRD rather than cooperating with it in spite of the sympathy of career people with these groups. The career attorneys said that the effect of this was that they were not alerted by these groups to instances of discrimination that they might want to investigate as they were in the past and that they were less able to help the groups prepare for court with their money and research capabilities as they had in the past.

**Organizational esprit**

A bigger surprise comes with our account of organizational esprit. Here was an organization with a very strong sense of camaraderie, esprit and sense of mission, an organization that has been described as similar to the Peace Corps in terms of the commitment and dedication of its personnel. According to many, this sense of esprit was enhanced after Reynolds took over because the career attorneys felt united for a common cause against a common enemy. Yet none of that helped it resist presidential control when
that control came in the form of the man at the top of the agency. It seems that this was due to the fact that in spite of this shared dedication to the elimination of discrimination and the enforcement of civil rights, these feelings did not result in collective actions. Bureaucratic use of the voice option did not capitalize on the shared beliefs and goals of the career civil servants in the agency.

**Administrative Statecraft (Organizational Leadership)**

The man at the top of an agency can play a role in administrative statecraft and leadership which can enhance an agency's power (Rourke). However, Rourke discusses this in the context of inter-agency battles. When the battle is intra-agency, between the career and noncareer executives, this resource is not as relevant. Having a strong, charismatic leader at the top of the agency was no help to the career servants in their struggle for control with the administration precisely because the man at the top was their opponent in a "we-them atmosphere". This resource could be valuable if a strong leader had emerged among the career ranks who became a spokesman to the appointees or outside world expressing dissident views. But no such career leader emerged and it is unlikely that an individual could play such a role and stay in the agency. In fact, in a still unfolding story at the Forest Service this type of career leader emerged but he has left the agency after being reprimanded for using government computers and xerox machines for his dissident newsletter (Egan, 1990).

**Conclusion**

In conclusion, this paper has confirmed the recently articulated hypothesis that the president is able to control the bureaucracy to a greater extent than previously believed. That control is not absolute and in the case
of civil rights it did not result in a complete reversal of efforts to eliminate
discrimination in this country. Nor did it totally eliminate busing and
affirmative action though it did reduce their use considerably. Nonetheless,
it is clear that even relying on only one instrument of control -- the strategic
appointment of key, uniquely qualified subcabinet appointees -- the president
can exercise a great deal of influence over bureaucratic agencies.

More importantly, this paper has highlighted the limits of bureaucratic
power. I have found that bureaucrats may have less ability to resist
presidential control than commonly believed. This is not because the
bureaucrats at the Civil Rights Division agreed with Administration policies --
they did not -- or because they cooperated with Reynolds because they viewed
loyalty to the president as proper bureaucratic behavior. Rather it was
because, in spite of their profound disagreement with political appointees
over many aspects of civil rights enforcement, their resources were no match
for William Bradford Reynolds, his centralized review system and his many
assistants.

Instead, the principal power available to the bureaucrats in this agency
was their power to persuade, to use their voice, expertise and perseverance
to resist the appointees by persuading them of the merits of earlier policy,
case law and precedent. Yet even here they were limited by the willingness
of the appointees to be persuaded and by the case-by-case nature of their
work.

These limits to bureaucratic power need to be explored in other cases
and agencies. The Civil Rights Division of the Justice Department is in many
ways a unique bureaucratic agency and conclusions drawn from this case
cannot necessarily be generalized without further study of other agencies.
However, this study of one specific federal agency does clearly bring into
question the traditional view of the impregnable bureaucracy.
Appendix: Question Wording and Survey Results

This Appendix contains the exact wording of selected questions from the survey and interview schedule used in this study as well as selected survey results.

Selected Survey Questions

Below is a list of organizations and individuals often thought to exert influence over government agencies. After each one please indicate the extent to which that individual or organization seemed to influence important decisions in your agency (e.g. Civil Rights Division) during the Reagan administration. Using the scale provided, please indicate the amount of influence that this actor seemed to have.

<table>
<thead>
<tr>
<th>Group</th>
<th>Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Reagan</td>
<td>1 = No influence</td>
</tr>
<tr>
<td>White House staff</td>
<td>2 = Slight influence</td>
</tr>
<tr>
<td>OMB</td>
<td>3 = Moderate influence</td>
</tr>
<tr>
<td>OIRA</td>
<td>4 = A great deal of influence</td>
</tr>
<tr>
<td>Attorney General Smith</td>
<td>X = No basis to judge</td>
</tr>
<tr>
<td>Attorney General Meese</td>
<td></td>
</tr>
<tr>
<td>AAG Reynolds</td>
<td></td>
</tr>
<tr>
<td>Other appointees in your agency</td>
<td></td>
</tr>
<tr>
<td>Congress (Members and staff)</td>
<td></td>
</tr>
<tr>
<td>Interest Groups</td>
<td></td>
</tr>
<tr>
<td>Career bureaucrats in your agency</td>
<td></td>
</tr>
<tr>
<td>SES members in your agency</td>
<td></td>
</tr>
</tbody>
</table>

Of those that you indicated above as having a great deal of influence, please indicate which two had the most influence over policy decisions in your agency under the Reagan administration.

Now please evaluate the same groups and individuals with respect to the Carter administration.
Selected Survey Results*

Appendix Table 1  Most influence during the Reagan administration

<table>
<thead>
<tr>
<th>Rank</th>
<th>Actor</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (most influence)</td>
<td>William Bradford Reynolds</td>
<td>13</td>
</tr>
<tr>
<td>2 (2nd most influence)</td>
<td>Other political appointees</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Ed Meese</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>SES Members</td>
<td>1</td>
</tr>
</tbody>
</table>

N = 13

Appendix Table 2  Influence over Agency Decisions

Number of respondents attributing "a great deal of influence"

<table>
<thead>
<tr>
<th>Actor</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reynolds</td>
<td>13</td>
</tr>
<tr>
<td>Meese</td>
<td>8</td>
</tr>
<tr>
<td>Other appointees</td>
<td>6</td>
</tr>
<tr>
<td>Career bureaucrats</td>
<td>5</td>
</tr>
<tr>
<td>SES members</td>
<td>5</td>
</tr>
<tr>
<td>White House staff</td>
<td>2</td>
</tr>
<tr>
<td>Attorney General Smith</td>
<td>1</td>
</tr>
<tr>
<td>Interest Groups</td>
<td>1</td>
</tr>
<tr>
<td>Reagan</td>
<td>0</td>
</tr>
<tr>
<td>Congress</td>
<td>0</td>
</tr>
<tr>
<td>OMB</td>
<td>0</td>
</tr>
<tr>
<td>DIRA</td>
<td>0</td>
</tr>
</tbody>
</table>

N = 13

* The survey questionnaire was only administered to the career civil servants.
NOTES

The author wishes to acknowledge two travel grants, one from the Department of Political Science, UC Berkeley and the other from the University of California Club which funded a data collection trip to Washington, DC. She also wishes to thank the civil servants interviewed for their cooperation.

1 Congressional staff and public interest group representatives were also interviewed.

2 References and quotations in the text do not always distinguish between current and former Division employees unless the discussion is focused on differences between the two groups. This was done for ease of presentation of the material. In general, other than in their varied use of the exit response, the groups turned out to be quite similar in their attitudes and behaviors.

3 Based on interviews with 15 current and former civil rights attorneys all of whom described their expertise in these terms.

4 During transition periods, however, a career attorney has often filled the role of Acting Assistant Attorney General.

5 There are also a large number of paralegals in the Voting Rights Section who specialize in Section 5 objections. I am not referring to support staff here.
REFERENCES


Civil Rights Leadership Conference. An Oath Betrayed: The Reagan Administration's Civil Rights Enforcement Record. Washington, DC:
Civil Rights Leadership Fund, 1983.


Public Papers of the President. Washington, DC: GPO, Annual.


Department of Justice Authorization and Oversight. 96th. April 1980.


Figure 1A

ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

OFFICE OF LEGAL COUNSEL

OFFICE OF LEGAL POLICY

OFFICE OF INTELLIGENCE POLICY AND REVIEW

OFFICE OF PROFESSIONAL RESPONSIBILITY

ASSOCIATE ATTORNEY GENERAL

DIRECTOR

U.S. MARSHALS SERVICE

OFFICE OF JUSTICE ASSISTANCE, RESEARCH & STATISTICS

U.S. NATIONAL CENTRAL BUREAU INTERPOL

PARSON ATTORNEY

U.S. PAROLE COMMISSION

EXECUTIVE OFFICE FOR LEGISLATIVE AND INTER-GOVERNMENTAL AFFAIRS

ANTITRUST DIVISION

CIVIL DIVISION

CIVIL RIGHTS DIVISION

LAND AND NATURAL RESOURCES DIVISION

TAX DIVISION

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

COMMUNITY RELATIONS SERVICE

EXECUTIVE OFFICE FOR U.S. TRUSTEES

FOREIGN CLAIMS AND SETTLEMENT COMMISSION

EXECUTIVE OFFICE FOR U.S. TRUSTEES

U.S. TRUSTEES

OFFICE OF PROFESSIONAL RESPONSIBILITY

ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

SOLICITOR GENERAL

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

CRIMINAL DIVISION

BUREAU OF PRISONS, FEDERAL PRISON INDUSTRIES, INC.

IMMIGRATION AND NATURALIZATION SERVICE

EXECUTIVE OFFICE FOR U.S. ATTORNEYS

U.S. ATTORNEYS

DRUG ENFORCEMENT ADMINISTRATION

EXECUTIVE OFFICE FOR LEGISLATIVE AND INTER-GOVERNMENTAL AFFAIRS

JUSTICE MANAGEMENT DIVISION

OFFICE OF LEGISLATIVE AND INTER-GOVERNMENTAL AFFAIRS

OFFICE OF TAX AFFAIRS

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

COMMUNITY RELATIONS SERVICE

EXECUTIVE OFFICE FOR U.S. TRUSTEES

FOREIGN CLAIMS AND SETTLEMENT COMMISSION

Figure 1B The Reagan Civil Rights Division, 1984

ASSISTANT ATTORNEY GENERAL

DEPUTY ASSISTANT ATTORNEY GENERAL, LEGISLATION AND LITIGATION

DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY AND COORDINATION

DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

DEPUTY ASSISTANT ATTORNEY GENERAL, VOTING SECTION

DEPUTY ASSISTANT ATTORNEY GENERAL, EDUCATIONAL OPPORTUNITY

COORDINATION AND REVIEW SECTION

EXECUTIVE OFFICE

APPEAL COURT SECTION

APPEAL COURT SECTION

APPEAL COURT SECTION

APPEAL COURT SECTION

COORDINATION AND REVIEW SECTION

CRIMINAL SECTION

GENERAL LITIGATION SECTION

HUMAN RIGHTS SECTION

SPECIAL LITIGATION SECTION

VOTING SECTION

Figure 1C The Carter Civil Rights Division, 1979

Source: United States Department of Justice, Annual Report of the Attorney General
### Table I: Budget and Personnel, Civil Rights Division

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget Request</th>
<th>Actual Budget</th>
<th>Personnel Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>$12,802</td>
<td>$12,302</td>
<td>144</td>
</tr>
<tr>
<td>1980</td>
<td>$14,076</td>
<td>$14,868</td>
<td>146</td>
</tr>
<tr>
<td>1981</td>
<td>$16,989</td>
<td>$16,094</td>
<td>152</td>
</tr>
<tr>
<td>1982</td>
<td>$17,139</td>
<td>$17,530</td>
<td>160</td>
</tr>
<tr>
<td>1983</td>
<td>$18,822</td>
<td>$19,176</td>
<td>170</td>
</tr>
<tr>
<td>1984</td>
<td>$22,301</td>
<td>$20,669</td>
<td>182</td>
</tr>
<tr>
<td>1985</td>
<td>$22,698</td>
<td>$22,619</td>
<td>184</td>
</tr>
<tr>
<td>1986</td>
<td>$22,352</td>
<td>$22,301</td>
<td>182</td>
</tr>
<tr>
<td>1987</td>
<td>$24,141</td>
<td>$23,481</td>
<td>180</td>
</tr>
<tr>
<td>1988</td>
<td>$26,792</td>
<td>$25,835</td>
<td>177</td>
</tr>
</tbody>
</table>

**Note:** Figures are in thousands of dollars and reflect the testimony of the Assistant Attorney General for Civil Rights during Authorization Request Hearings for the years in question.
IGS Working Papers
$3.50 each plus 20% for shipping and handling, tax where applicable

1991

91-18 Exit, Voice and Loyalty: Bureaucratic Responses to Presidential Control During the Reagan Administration Marissa Martino Golden

91-17 Democracy and Self-Organization: The Systemic Foundation for the Democratic Party Gus diZerega

91-16 The Myth of the Independent Voter Raymond E. Wolfinger

91-15 Bureaucratic Responses to the Administrative Presidency: The Civil Rights Division Under Reagan Marissa Martino Golden

91-14 The Emergence of Strong Leadership in the 1980's House of Representatives Barbara Sinclair


91-12 Elites and Democratic Theory: Insights From the Self-Organizing Model Gus diZerega

91-11 Indispensable Framework or Just Another Ideology? The Prisoner's Dilemma as an Anti-Hierarchical Game Aaron Wildavsky

91-10 Intra-Party Preferences, Heterogeneity, and the Origins of the Modern Congress: Progressive Reformers in the House and Senate, 1890-1920 David W. Brady

91-9 The Information-Seeking Behavior of Local Government Officials Marc A. Levin


91-7 Pork and Votes: The Effect of Military Base Closings on the Vote in Ensuing Congressional Elections David Hadwiger

91-6 Designing an Interactive, Intelligent, Spatial Information System for International Disaster Assistance Louise K. Comfort

91-5 Constitutional Mischief: What's Wrong with Term Limitations Nelson W. Polsby

91-4 Thermidor in Land Use Control? Paul van Seters

91-3 Parchment Barriers and the Politics of Rights Jack N. Rakove


91-1 The Revision of California's Constitution: A Brief Summary Eugene C. Lee

1990

90-34 Recent Developments in Disease Prevention/Health Promotion in the Federal Republic of Germany, Rolf Rosenbrock

90-33 Recent Developments and Reform Proposals in the Politics of Pharmaceutical Supply in the Federal Republic of Germany, Rolf Rosenbrock

90-32 Speech Before the Meeting of Texas Public Interest Organizations, David Cohen

90-31 A Curious Life—The Pursuit of an Understanding of Public Administration, James W. Fesler

90-30 The Cultural Conquest of the Presidency: Incorporation and the Transformation of American Political Life, 1890-1916, Peter Schwartz

90-29 The Fat Lady Has Not Yet Sung: Is the Tax Revolt Over? Randy H. Hamilton

90-28 A Tightrope Walk Between Two Spheres of Logic: Observations—and Self-Observations—of a Social Scientist in Parliamentary Politics, Rolf Rosenbrock

90-27 Iran Air Flight 655 and the USS Vincennes: Complex, Large-Scale Military Systems and the Failure of Control, Gene L. Rochlin

90-26 Political Leadership and Value Change: Reagan, Thatcher and the Conservative Revolution? Pippa Norris


90-24 Political Cultures, Michael Thompson, Richard Ellis, and Aaron Wildavsky

90-22 The San Jose Metropolitan Area: A Region in Transition, Donald N. Rothblatt

90-21 The Demand for Referendums in West Germany "Bringing The People Back In?" Wolfgang Luthardt

90-20 Sunset As Oversight: Establishing Realistic Objectives, Cynthia Opheim, Landon Curry, and Pat Shields

90-19 Government Expenditure Levels: Alternative Procedures for Computing Measures, Brian Stipak

90-18 Transformation of American Liberalism, 1940s-1980s: An Analysis of Liberal Policy Change and the ADA, Ichiro Sunada

90-17 The Politics of Policy: "Political Think Tanks" and Their Makers in the U.S.-Institutional Environment, Winand Gellner

90-16 CAUTION: Excessive Use of Government Statistics May be Injurious to the Health of the Body Politic, Randy H. Hamilton

90-15 Thermidor In Land Use Control? Paul van Seters

90-14 Taxation For a Strong and Virtuous Republic: A Bicentennial Retrospective, W. Elliot Brownlee

90-13 How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics, Barbara Geddes

90-12 Counterfactuals and Hypothesis Testing in Political Science, James D. Fearon

90-11 Pat Crashes The Party: Reform, Republicans, and Robertson, Duane M. Oldfield

90-10 The Acquisition of Partisanship by Latinos and Asian-Americans: Immigrants and Native-Born Citizens, Bruce E. Cain, D. Roderick Kiewiet, and Carole J. Uhlaner

90-9 New Perspective on the Comparative Method, David Collier

90-8 California Agency Reconnaissance Project: Teaching Public Administration Through Field Research, Todd R. La Porte and David Hadwiger

90-7 Earthquake Safety For New Structures: A Comprehensive Approach, Stanley Scott

90-6 Government Policies And Higher Education: a Comparison of Britain and the United States 1630 to 1860, Sheldon Rothblatt and Martin Trow

90-5 Dominance and Attention: Images of Leaders in German, French, and American TV News, Roger D. Masters, Siegfried Frey, and Gary Bente

90-4 Nonverbal Behavior and Leadership: Emotion and Cognition in Political Information Processing, Roger D. Masters and Denis G. Sullivan

90-3 The Dredging Dilemma: How Not to Balance Economic Development and Environmental Protection, Robert A. Kagan

90-2 Turning Conflict Into Cooperation: Organizational Designs for Community Response in Disaster, Louise K. Comfort

90-1 The Effect of Campaign Spending, Turnout, and Dropoff on Local Ballot Measure Outcomes and The Initiative and California's Slow Growth Movement, David Hadwiger

1989

89-27 On Campaign Finance Reform: The Root of All Evil is Deeply Rooted, Daniel Hays Lowenstein

89-26 Toward A Dispersed Electrical System: Challenges to the Grid, Jane Summerton and Ted K. Bradshaw

89-25 Top Bureaucrats and the Distribution of Influence in Reagan's Executive Branch, Steven D. Stehr


89-23 Learning From Risk: Organizational Interaction Following the Armenian Earthquakes, Louise K. Comfort

89-22 The Elusiveness of Rural Development Theory and Practice: Domestic and Third World Perspectives Joined, Ted K. Bradshaw

89-21 Saints and Cardinals in Appropriations Subcommittees: Academic Pork Barreling and Distributive Politics in an Era of Retributive Budgeting, James D. Savage
88-14 Modernization of the U.S. Senate, Nelson W. Polsby
88-13 The Iowa Caucuses in a Front-Loaded System: A Few Historical Lessons, Nelson W. Polsby
88-12 The Reagan Presidency After Seven Years, Eugene C. Lee (moderator)
88-11 The United States Air Traffic System: Increasing Reliability in the Midst of Rapid Growth, Todd La Porte
88-10 Issues in Rural and Small Development, Case Study: Watsonville, Santa Cruz County California, Trish Ramos, Lakshmi Srinivas, Miriam Chion, Ana Lopez, Harry Hecht, Chris Broughton, Robert Murray
88-9 White Reactions to Black Candidates: When Does Race Matter? Jack Citrin, Donald Philip Green, David O. Sears
88-8 Are Chicanos Assimilating? Jorge Chapa
88-7 California Agency Reconnaissance Project Reports, Todd R. La Porte, David Hadwiger, Steven Stehr
88-6 Do You Have To Be Crazy To Do This Job? Causes and Consequences of Job Satisfaction Among Local Legislators, Edward L. Lascher, Jr.
88-5 American All-Mail Balloting: A Summation of a Decade's Experience, Randy H. Hamilton
88-4 Corporate Campaign Spending and Initiative Outcomes in California, Tom E. Thomas
88-3 Research Applications: Perspectives on the California Seismic Safety Commission, Stanley Scott
88-2 Earthquake Engineering and Public Policy: Key Strategies for Seismic Policy, Stanley Scott
88-1 What Do Decision Models Tell Us About Information Use? Evert A. Lindquist

1987

87-7 The Politics of the AIDS Vaccine or How the California Legislature Searched for the Magic Bullet—And Wound Up Squabbling With the Trial Lawyers, the Budget-Cutters, and the Alzheimer's Establishment, David L. Kirp and Hugh Maher
87-6 The Reagan Presidency After Six Years, Eugene C. Lee (moderator)
SEND ORDER TO:
Institute of Governmental Studies
102 Moses Hall
University of California
Berkeley, CA 94720
(415) 642-5537

PLEASE PRE-PAY ALL ORDERS
UNDER $30: checks payable to The
Regents of the University of
California.
SALES TAX: California residents add
sales tax.
HANDLING AND SHIPPING: add
20% of sales price. Allow 4 weeks for
delivery.

Please add my name to the PAR mailing list (free).

NAME

ADDRESS

CITY  STATE  ZIP

<table>
<thead>
<tr>
<th>TITLE</th>
<th>QUANTITY/COST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SALES TAX</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HANDLING (20%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

