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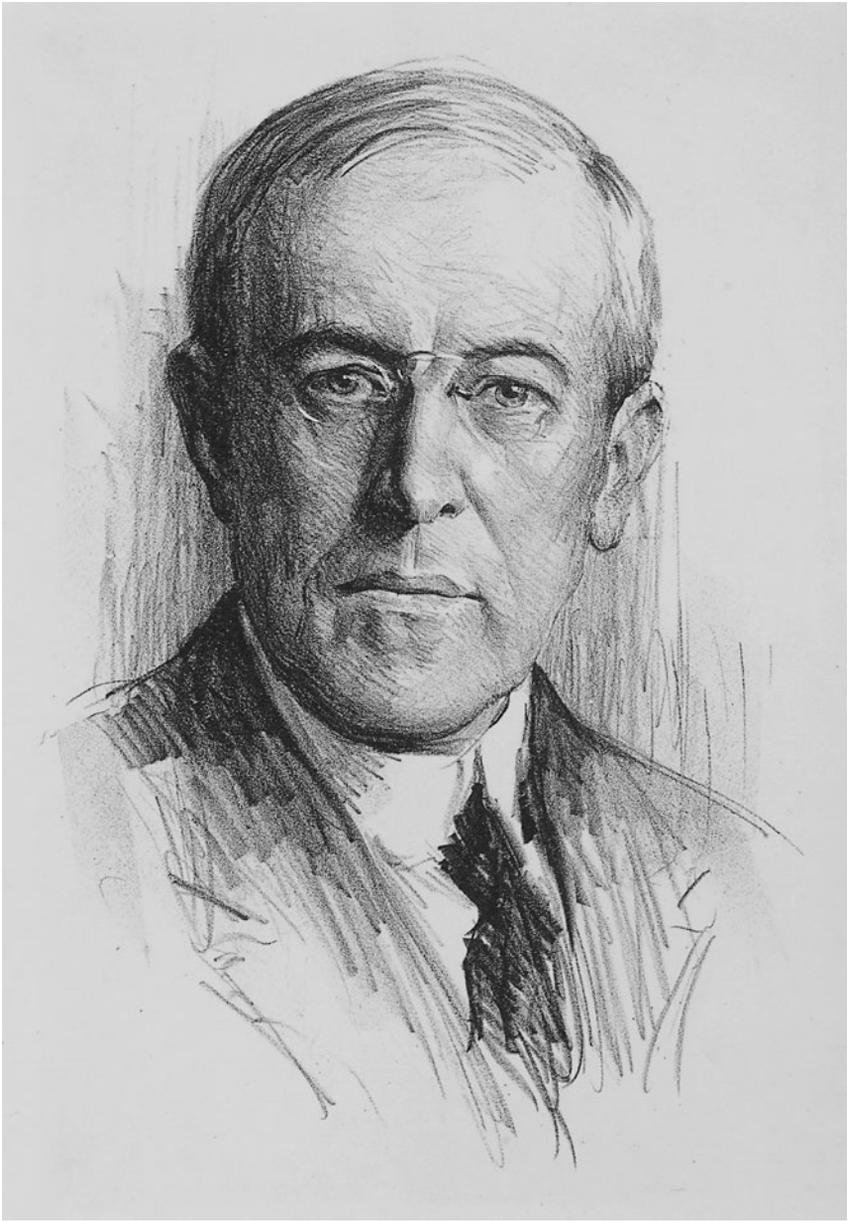
WOODROW WILSON'S IDEAS AND THE
CHALLENGES OF PUBLIC MANAGEMENT

BRIAN J. COOK

Democracy and Administration

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*Woodrow Wilson's Ideas and
the Challenges of Public Management*

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Preface

Attorney David Burman stood before the U.S. Supreme Court in January 2005, representing petitioners whose real names he did not know, and about whose background and current place of residence he had only the sketchiest of facts. John and Jane Doe, a former Soviet-bloc diplomat and his wife turned reluctant spies for the Central Intelligence Agency, had sued their former employer, alleging that the agency reneged on its commitment to provide lifetime financial support following their resettlement in the United States after their spying stint ended. The basis of the couple's suit was not a claim of a broken contract, but that the CIA had violated its own procedures for handling their claim for continued support and thus had denied them their rights to due process. The CIA had decided to let the case go forward in order to establish precedent for its claim of immunity from such suits on national security grounds. It argued, in essence, that it was not accountable to the courts for how it managed its spy network or how it treated former spies.

In a unanimous decision, the Supreme Court ruled in favor of the CIA, reversing the decision of the Ninth Circuit Court. It did not matter that the couple's claim was for a fair hearing and not enforcement of their "espionage contract." In his opinion for the court, the late Chief Justice William H. Rehnquist held that the precedent established in 1876 in *Totten v. U.S.* (92 U.S. 105) barred any judicial review of claims against the federal government that might risk revealing the existence of contracts with secret agents. Rehnquist stressed that the success of contracts for clandestine operations depended on their absolute opacity even to the eyes of the judiciary. Reporting on the case for the *Washington Post*, Charles Lane observed that the Supreme Court's decision in *Tenet v. Doe* "confirmed the latitude that intelligence agencies have traditionally claimed to recruit foreign agents beyond the normal margins of the law" (2005, A3).

Although the case was not itself spurred by the events of September 11, 2001, the outcome in *Tenet v. Doe* readily conformed to the striking changes of the past quarter century in the relationship between the American people and their government, and

in government's operational practices. These changes have sharply accelerated in the wake of the terrorist attacks. Of particular significance is the increased flux and change in the contours of public control and accountability in the exercise of administrative power brought on not by a *brave* new world, but a *fearful and anxious* new world of public preoccupation with cost, complexity, and governability, but most of all external threats. The American people seem to have passed through the looking glass into a world in which they have embraced virtually unconstrained executive power at the expense of their long-run preference for power modulated by deliberation over the expression and achievement of shared purposes.

The changes and their consequences have been especially acute in connection with entities, like spy and surveillance agencies, that exercise administrative power "beyond the normal margins of the law." Just how much operational autonomy within this realm of legal and political ambiguity can liberal-democratic states allow and still maintain something reasonably resembling public influence and political accountability? Is there any guidance we can gather from ideas out of the past that may help us cope with the extraordinary demands and challenges of exercising administrative power while sustaining self-government in an age of seemingly unparalleled turmoil, danger, and uncertainty?

In his most expansive conceptions of public administration in a modern constitutional democracy, Woodrow Wilson characterized the work of administrative agencies as strongly anchored to the law, but extending into areas beyond where the law could formally reach. Administration, in Wilson's view, was thus not just subject to the law; it was also a "constant source" of public law. The consequence was that administration had a formative influence on the law, on political institutions, and ultimately on the polity. Wilson recognized that this reality posed a significant legitimacy challenge in a political regime based on popular control and governance through representative institutions. He argued that the dominance of questions about how administrative power should be deployed required careful attention to and adjustments in the theory, structure, and practice of politics and administration in the United States.

This book offers an interpretive synthesis of Wilson's ideas, and his practices in juxtaposition to his ideas, that together defined his endeavor to successfully harmonize modern democratic rule and modern administrative practice within the peculiar confines of the American system of government and politics. The book also brings forward the substance of that synthesis to show the continued relevance and present consequences of Wilson's ideas and practices for public management and governance in what appears to be an era of social, economic, and political transformation on par with Wilson's own.

As scholar and practitioner, Woodrow Wilson was centrally concerned with the effective and responsible wielding of administrative power. He pursued this concern by developing ideas and practices aimed at organizational, institutional, and political integration that would stimulate and reinforce the development of national political habits and aspirations well-anchored in the bedrock of core political principles. His designs for securing the legitimacy of modern administrative power, especially its operation beyond the normal margins of the law and the formative effects that resulted, centered on statesmanship, especially the binding link between policy design and administrative execution that political leadership would provide. In Wilson's view, separated powers and checks and balances did not ensure that political authority wielded administrative power effectively and responsibly. Such mechanistic arrangements produced mostly fragmentation and conflict, exacerbating already-existing tendencies in the regime. The long-run survival and prosperity of the regime required, instead, political cooperation and synthesis, and institutional integration into an organic whole, all under the guidance of national leaders concerned with national purpose and national greatness.

Yet another book in which Wilson's ideas, rhetoric, and actions figure prominently is likely to struggle mightily for light in the thicket of previous scholarly and popular treatments. Indeed, it is nearly impossible to conduct research and write about Wilson's political thought and public actions without traversing ground already covered by many scholars. I nevertheless believe this book adds a distinctive interpretation of Wilson's scholarship and practice to the rich vein of material on his thought, speech, and public action and its relevance to democratic governance. First and foremost, I contend that the standard representation of Wilson's core ideas about public administration and its relationship to democratic rule is at best accurate in only a superficial sense. It misses the nuances, reservations, and complex progression in Wilson's thinking and action evident across his scholarship, public lecturing, political rhetoric, and presidential decision making. What I try to deliver, specifically with respect to the nexus between democracy and administration, is a detailed and comprehensive analysis and interpretation of Wilson's ideas as manifested in his scholarly writing and lecturing, public rhetoric, and political action.

Furthermore, I argue that as a subject of both empirical investigation and normative argument, administration was much more central to the development of Wilson's political thought than most past and current scholarship has accepted. As president, moreover, Wilson consciously attended to his words and actions about administrative matters, and thus he laid down key conceptual and institutional foundations that remain remarkably consistent with the theory and practice of public management in a modern democratic polity prominent in the United States

today. Both scholarly inattention and subsequent developments have obscured the links between Wilson's ideas and actions and today's thinking, however. They deserve recovery and reflection as scholars and practitioners continue to grapple with what it means to govern in and manage the affairs of a twenty-first century liberal democracy.

Finally, I contend, this book's effort to link a comprehensive reconsideration of Wilson's ideas and practices to currently prominent thinking about public management reinforces the importance of maintaining the connection between the practical and immediate matters of administrative structure and managerial technique and broader questions about design requirements and normative principles for a working regime. These are exactly the kinds of questions one finds central to older understandings of what was required for a functional science of politics. This perspective is especially crucial today given the prominence of public management concerns that heavily orient the study and practice of administration in a democracy toward matters of structure and technique, diminishing systemic considerations, especially regarding the effective and responsible exercise of power. But what is public management if not the design and deployment of resources and techniques to harness the power of organization and coordinated effort—the power of administration—in service to the public good? For Woodrow Wilson, questions of structure and technique, institutional and systemic design, and public purpose—questions, that is, of democracy and administration—were inseparable. The answers to these questions had to treat such concerns as centrally relevant to the health of the regime. To understand public administration and management today and continue the work to refine it for a better future for American self-government, we must see it in the context of regime design and the nature of political leadership peculiar to that regime. That is the binding link I seek to illuminate.

“Books are constructed immorally,” Woodrow Wilson once observed. “You start out with enough knowledge to write a chapter but as one chapter would not satisfy the publisher you then write all but one chapter borrowed from some other person.” This book is the product of a peculiarly solitary scholarly venture. Borrowing from some other persons—many others, in fact—was nevertheless a conspicuous feature of that endeavor.

In the middle of my work on this project, Charles Goodsell, one of the outstanding scholars of public administration of his generation, sent me an inscribed copy of the fourth edition of *The Case for Bureaucracy*. In response, I asked him to provide me with emergency feedback by reading major portions of early drafts of the manuscript in a very short span of time. Good deeds never go unpunished, Charles. Professor

Goodsell's comments and criticisms on the initial chapters, and later on the second half of the manuscript, confirmed my own assessment of the value, and flaws, in my synthesis and interpretation of Wilson's ideas, helping me to keep the project on track at two crucial stages. I am thoroughly in his debt for this assistance. Ken Meier read the entire manuscript, providing a thorough critique that pushed me to reinforce my analysis at critical junctures, especially with respect to Wilson's governing practices. Larry Terry also read the entire manuscript, providing guidance for strengthening connections to current public administration scholarship, and insisting that I take extra care in my portrayal of Wilson's scholarship and practice. I thank both these prominent scholars for their strong support for the publication of this work. Alas, Larry will never read these words of appreciation. His untimely death in June 2006 was a tragic loss for the public administration discipline and for the academy. Kendrick Clements kindly tolerated my entreaties for feedback on several of my arguments as they were in development. He offered valuable insights and learned assistance, much of which, I'm sure he will conclude, I failed to follow.

The reference librarians at Clark University's Goddard Library once again provided me with efficient, expert help in finding vital material, including a lost volume of the Wilson papers. But they also provided opportunities for pleasant, calming conversations before and after the sometimes intense hours of research and writing. I especially thank Mary Hartman for her sense of humor, which helped me to keep an eye on life's bigger picture and defuse the artificial sense of seriousness that often builds up around research and writing projects.

With great pleasure I once again thank Executive Editor Henry Tom for giving me another chance to publish with the Johns Hopkins University Press. I also thank Ken Meier and Larry O'Toole for welcoming the book, when it was only a rough idea, into their series on governance and public management. And they subsequently stuck with that decision even though the book proved not to be, strictly speaking, a work of original empirical research. My thanks also to Martin Schneider for his expert copyediting, which rescued the text from many of my most embarrassing limitations as a writer.

My family, friends, and faculty colleagues were a constant source of support and encouragement. They endured my frequently recurring bouts of crankiness as the project telescoped far beyond the original projected completion date. Although it was not likely to have been evident to them, I especially enjoyed their subtly clever efforts to find out how the project was going without actually asking me directly. I especially thank Tammi Flynn, a very close friend who is also Director of Marketing at the Florence Griswold Museum, for keeping me informed of new discoveries about Woodrow Wilson's visits to Miss Florence's home along the Lieutenant River

in Old Lyme, Connecticut, including the museum's acquisition of the rarely seen Wilson portrait that appears as this book's frontispiece. To my loving daughters Meredith and Lauren and my wife Ruth, all I can say is beware; it will not be another ten years before I start on the next one. A special "bravo!" also goes to Lauren for helping me organize and compile the list of references when I desperately wanted to avoid letting another self-imposed deadline slip by. Lauren also helped prepare the final revised manuscript for submission.

A generous sabbatical leave from Clark University, along with income from consulting for ABC News, the U.S. Environmental Protection Agency, and the Kettering Foundation, made a year away from my regular, full-time teaching duties financially feasible. The Harrington endowment in the Government Department at Clark provided support for preparation of the index.

I dedicate this book to two men who exemplify the best qualities of scholarship and practice in public management. The late Gerald Garvey, professor of politics at Princeton University, incorporated some of my earlier scholarship into his courses at the Woodrow Wilson School and gave me a campus tour during a summer visit many years ago. More important, however, he showed me how it was possible to combine hard-nosed scholarship and demanding teaching with generous collegiality. Jerry introduced me to one of his former students, Rob Brenner, principal deputy assistant administrator for air and radiation at the U.S. EPA. Rob gave me numerous opportunities through a year-long IPA and subsequent consultancy to observe and be a part of national air quality policy making and policy management. And I was honored to be able to observe how he embodied the best characteristics of the dedicated public servant, including unwavering integrity, grace under pressure, and unstinting support for the professional and personal development of his staff. To Rob and the many fine professionals who were my colleagues in the Office of Policy Analysis and Review, I can only offer again my sincere thanks for their friendly tolerance of my presence in their midst.

The scholars, practitioners, and others from whom I freely borrowed ideas, named above or remaining unnamed, bear no liability, moral or otherwise, for the flaws and errors of content and construction this book may contain. Unlike some of the most prominent members of the current generation of political and military leaders, I accept full responsibility.

Democracy and Administration

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Power and Public Management

Sheldon Wolin begins his rich and stimulating account of Alexis de Tocqueville's political thought with an assessment of the emergence of modernity and the ties between modern political theory and modern power. The proliferation of the volume and forms of power was one distinctive milestone in the birth of modern society. In classical and medieval worldviews, power was finite. Individuals and various social groups contended for this scarce resource so that they could enforce their particular conceptions of the well-ordered society (Wolin 2001, 13). The ascent of western civilization, including advancements in science and technology, in economic organization, and in world exploration, along with the growth of populations energized by new social, economic, and political ideas, brought a shift in perspective "from the acquisition of power to its production." Further, whereas classical political theorists had to contend primarily with the problem of how to preserve and ration power to stave off the chaos of an otherwise uncivilized world, modern political theorists faced the problem of "a growing sense of helplessness amid a world bursting with new forces" (15). The challenge was to bring the profusion of powers into harness. "The modern project was not to renounce the commitment to increasing power but to find a saving formula whereby it could be rendered ever more predictable, ever more obedient" (18). That project of modern theorists involved hierarchical organization and extensive administrative arrangements dedicated to the "pursuit of truth" under centralized direction and control (26). This in turn defined the lives of individuals in modern society around their roles "as workers, employees, administered beings, and occasional citizens" (30).

In Wolin's view, the project of modernity—of modern theorists—was to expunge

“the political” from society. Many and diverse individuals politically engaged meant that power would be uncontrolled and fragmented, and conflict rampant. The aim of developing politically thoughtful, politically mature *citizens* could in the end only undermine good social order. Wolin thus depicts a developmental dynamic for human society in which individuals first lived in subjugation to the singular power held by a family, clan, or absolute monarch. Then, in the modern age, with power multiple and abundant, the lives of individuals became defined by the influence of multitudinous powers consolidated in the hands of a central state and its similarly centralized and bureaucratized appendages of economy and technology—principally the corporation and the university—which were meant to ensure the continuous generation of power as nearly an end in itself. This is a tale told best by Karl Marx. Yet even Marx “envisaged . . . a system for exploiting the power potentialities of modern science and industry, a system that held a promise of the continuous reproduction of power” (18).

Wolin’s biography of Tocqueville is built on his well-established concern for the waning prospects that modern society will choose an alternative path to a demonstrably more democratic, more participatory, more *political* future. His emphasis is on Tocqueville’s titanic and ultimately failed struggle against central elements of the modernity project. Tocqueville sought to preserve valuable vestiges of “the classical notion of culture as shared and publicly accessible, a preparation for participation in the polity, and hence inseparable from civic life” (29) and to reconcile them with the reality that modernity, including the rise of the idea of mass democracy, had forever changed the world. Without such a theoretical reconciliation, however, the great mass of the people would find no collective pathway to control of hierarchical power but would instead remain subjugated to it in their multiple, fragmented roles requiring only occasional citizenship. Through the lens of Tocqueville’s theoretical journey, Wolin thus sends us a clear warning that our identity as politically self-aware beings, energetically engaged in self-rule and the shaping of our collective future prospects, is rapidly vanishing from common experience.

WOODROW WILSON’S MODERNITY PROJECT

In his second book, *The State*, based to a considerable extent on his first set of lectures on administration, Woodrow Wilson offered his own rendition of the drama related by Wolin. In Wilson’s version, the first act had much the same plot. Families, clans, and tribes were part of the developmental ascent of human civilization to nation-states, with individuals merely subjects serving the state as embodied by absolutist monarchs. Wilson’s second act introduced a striking twist, however. He

recounted what he called the “modern de-socialization” of the state (Wilson 1890, 645–46). The relationship between the state and the individual had turned upside down, such that “‘The individual for the State’ had been reversed and made to read, ‘The State for the individual’” (Wilson 1890, 646; see also Link et al. 1968, 5:688). The result was the emergence of “new ideas as to what constitutes social convenience and advancement.” In adopting many such ideas, the modern state’s aim was “to aid the individual to the fullest and best possible realization of his individuality, instead of merely to the full realization of his *sociality*. Its plan is to create the best and fairest opportunities for the individual; and it has discovered that the way to do this is by no means itself to undertake the administration of the individual by old-time futile methods of guardianship” (Wilson 1890, 646–47, emphasis in original).

Wilson saw the modern state as marshalling power to minister to society in accord with new “standards of *convenience* or *expediency*” (Link et al. 1968, 5:671, emphasis in original; see Wilson 1890, 638). But what was the nature of this modern power? Wilson was at best evasive on the question. Nearly two decades later, however, writing on “Education and Democracy” (see Link et al. 1974, 17:131–36), Wilson described three primary modern powers: science, or more precisely “exact science applied”; economic enterprise and the drive for competition and profit; and administration, the “coordination of organizations” in both the private and public spheres (Thorsen 1988, 176). These modern powers were progressive in the sense that they facilitated adjustments to changing conditions, but the social progress they motivated, especially the first two powers, was generally “the expression of anarchy and selfishness” (179). Administration was already bringing them under some discipline, for administration was cooperation and coordination; Wilson contended that cooperation “is the law of all action in the modern world” (Link et al. 1974, 17:135). But to integrate the three powers fully in order to constitute harmonious and cooperative national, and eventually international, progress required “the growth of a fourth power, the power of leadership” (Thorsen 1988, 179).

From the earliest steps in the progression of his political thought, Wilson had accepted the reality of a modern world of new conditions and flux in the fortunes of men, “a kinetic society, a sociogram of forces of unprecedented weight and extent, actual and latent, thrusting ceaselessly, colliding and absorbing, but always transforming and being transformed,” as Wolin has described it (2001, 14). In the further development of this thinking, Wilson conceived an evolutionary ascent for democratic states characterized by the accumulation of habits and character over a long period but also the need for adaptation and adjustment to changing conditions. Such adjustments and adaptations brought with them the accumulation of social and political experience that was the basis of law. Modernity brought an unprece-