Exit, Voice, Loyalty, and Neglect: Bureaucratic Responses to Presidential Control During the Reagan Administration

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ABSTRACT

The behavior of bureaucrats is of considerable concern in a polity in which, on one hand, career civil servants have significant influence over policy outcomes but, on the other hand, there is also concern about bureaucratic responsiveness to elected officials—the president in particular. Career civil servants have been predominantly portrayed as resistant to their political superiors, although some literature stresses the more cooperative aspects of their behavior. The argument set forth is that bureaucratic behavior is not as easily characterized as these two models—the resistant and the cooperative—suggest. Instead, the extent of resistance varies, depending on agency context. This article presents five organizational features that appear to be significant in promoting or inhibiting resistance: ideology; dominant agency profession; agency esprit; agency history; and careerist confidence. The research is based on case studies of two federal agencies during the Reagan years—the Civil Rights Division and the National Highway Traffic Safety Administration. The analysis employs a modified version of Albert O. Hirschman's concepts of exit, voice, and loyalty, and an additional concept of neglect, to examine bureaucratic responses to the Reagan administration's agenda of policy change.

The political science literature is replete with stereotypical images of the bureaucracy, images that are also shared by politicians and the general public. Bureaucrats are viewed as resistant to change and overly concerned with preserving their turf and maximizing their budgets. Nevertheless, the bureaucracy is the workhouse of government, and citizens rely on it to build the roads, safeguard the air and water, and protect individual rights (Huddleston 1987). Consequently, examining the extent to which career civil servants are cooperative with, or resistant to, the president addresses the concern of how responsive nonelected officials are to elected ones.

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The Reagan years provide a unique opportunity to test the extent to which some of the popular images of the bureaucracy are borne out by empirical reality. The Reagan presidency has become almost legendary for its concentrated assault on the bureaucracy and for its use of what Richard Nathan has dubbed the "administrative presidency strategy"—a strategy designed to bring federal agencies, and the career civil servants who work in them, more directly under the control of the presidency. The components of this strategy have been well documented (Nathan 1983; Benda and Levine 1988; West and Cooper 1985; Rubin 1985; Lynn 1984; Goldenberg 1984; Waterman 1989). The administrative presidency strategy applied by the Reagan administration consisted primarily of ideologically based political appointments, budget cuts, and personnel cuts, and centralization of regulatory review in Office of Management and Budget’s (OMB) Office of Information and Regulatory Affairs. The bureaucracy’s response to the Reagan administration’s attempt to control it has received less attention but warrants closer scrutiny if one is to gain a better understanding of bureaucratic resistance to and cooperation with political principals under conditions where the conventional wisdom would anticipate resistance (but see Lowery and Rusbult 1986).

One would expect bureaucrats to be less than accepting of presidential efforts at control for a number of reasons. These reasons include clashing ideologies between liberal bureaucrats and a conservative administration (Aberbach and Rockman 1976); policy disagreement (Stehr 1989); bureaucratic distaste for and resistance to change (Heclo 1977; Pious 1979; Page and Petracca 1983); bureaucratic protection of budgets and turf (Wildavsky 1984; Niskanen 1971; Heclo 1977); and bureaucratic preferences for autonomy and discretion (Mosher 1968; Pious 1979). In short, given a combination of the "anti-bureaucratic" nature of the Reagan administration, the significant departure of its policy initiatives from the status quo, and the conventional wisdom about bureaucratic behavior, there is ample reason to expect resistance to presidential directives from the Reagan administration.

The conventional wisdom, however, is not unanimous on this subject, and there are also reasons to expect civil servants to cooperate with their political principals in the presidential branch. Francis Rourke is among those scholars who have found evidence of cooperation. He notes (1987, 219) that fear of "bureaucratic usurpation of power" from the presidency exists among politicians and political scientists "in spite of the fact that genuine cases of bureaucratic challenges to presidential authority since the war have been a rare occurrence." James Q. Wilson (1989, 275) has observed the same phenomenon,

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writing that "What is surprising is not that bureaucrats sometimes can defy the President but that they support his programs as much as they do."

A civil service more cooperative than resistant could result from professional norms encouraging behavior more closely identified with a British model of the "yes, minister" variety and viewing the job of careerists as one of adapting to whomever their political bosses may be. This model, which harkens back to the politics/administration dichotomy, has been given a variety of labels, including "passive extension of the presidency" (Goldenberg 1984), "neutral competence" (Kaufman 1956; Ingraham and Ban 1986), "overhead democracy" (Redford 1969), and "formal" (Peters 1988).

In short, one body of literature portrays bureaucrats in a way that leads to the expectation of resistance, while the other branch suggests more cooperative behavior. The argument here challenges both assertions as being overly simplistic. It moves beyond this debate by focusing on the range of resistant and cooperative behaviors actually engaged in by bureaucrats, as well as on the factors contributing to or inhibiting cooperation and resistance. The bureaucratic world is neither outright intransigence nor blind loyalty. Instead, it is nuanced in two important respects.

The first is that the dependent variable—bureaucratic behavior in response to presidential control efforts—is itself nuanced. "Resistance" and "cooperation" are overly broad concepts that differ not just in degree but in kind. They also manifest themselves in different ways that have different consequences for the output of the bureaucracy and different implications about responsiveness and insubordination. A modified version of Albert O. Hirschman's categories of exit, voice, and loyalty can be used to delineate, with greater clarity than in previous research, these differing manifestations of cooperation and resistance. The argument set forth is that because all resistance is not alike and all cooperation is not alike, identifying the dimensions of these concepts is critical to understanding bureaucratic behavior.

The second nuance that has been neglected in the bureaucratic-politics literature is that of agency context (but see Stehr 1989). The argument here is that bureaucratic behavior (whether it leans toward resistance or cooperation) is not constant across agencies but varies with organizational context. In short, faced with the same conditions that conventional wisdom predicts would lead to resistance (i.e., the application of the administrative presidency strategy to control the
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bureaucracy), bureaucrats in different agencies exhibit differing degrees and types of resistant and cooperative behavior. Moreover, the source of these differences lies in the nature of the internal environment of each agency. Five organizational factors explain these differences across agencies: careerist ideology, dominant agency profession, agency esprit, agency history, and careerist confidence. The measurement and theoretical grounding of these independent variables is discussed below, following a more complete discussion of the use of Hirschman's categories as framework for coding bureaucratic reactions to the Reagan presidency.

BUREAUCRATIC RESPONSE OPTIONS

Career civil servants have a range of responses available to them when faced with executive redirection. This discussion explores the use of some of these options with the concepts of exit, voice, loyalty, and neglect. These provide a framework for grouping response options in a way that allows examination of the nuances of bureaucratic behavior. Exit, voice, and loyalty have come to be closely associated with the work of Albert O. Hirschman (1970). While bureaucratic responses were not the focus of his work, a modification of his categories enables more accurate description of bureaucratic behavior, thereby bringing the dimensionality of that behavior into sharper focus.

Career civil servants who decide to resist presidential directives have two options: exit and voice. Exit occurs when a civil servant resigns from his or her job and when that resignation is precipitated, at least in part, by dissatisfaction with or in response to presidential control efforts, policy changes, turf threats, or budget cuts.

Following Hirschman, voice is "any attempt at all to change . . . an objectionable state of affairs" from within the organization (p. 30). Like exit, voice is caused by dissatisfaction with the policies or goals of the agency's political principals. Unlike exit, voice is multi-faceted. While exit may have many causes, it has only one behavior—leaving the organization. Voice, on the other hand, may be expressed in many ways. As Hirschman notes, a wide range of voice options are available, "all the way from faint grumblings to violent protest" (p. 30). In line with the bureaucratic politics literature, this suggests four types of voice behavior: "voice by argumentation," "collective action" (joining together to improve the internal situation), "leaks" (attempting to bring about change from within by appealing to higher authorities, such as Congress or attempting to mobilize public opinion via the

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media); and "sabotage" (which is of less concern to Hirschman in the context of consumers but very much of concern to students of bureaucratic politics).

Voice by argumentation occurs when career bureaucrats express disagreements over policy or procedure directly to political appointees either in face-to-face meetings or in written memoranda advocating a point of view. Collective action involves a number of bureaucrats acting as a group and reflects a conscious effort to organize. This operationalizes the notion of "guerilla warfare."Leaks are used by civil servants to get information out of the agency and into the hands of those in Congress, interest groups, and the media who might be able to use the information in a way that agency careerists have been blocked from doing internally. One additional type of voice behavior often attributed to the bureaucracy is sabotage (Heclo 1977). It is, in dictionary terms, an "underhanded effort to defeat or do harm to an endeavor" or to "obstruct productivity or normal functioning."

Hirschman's work is less illuminating in conceptualizing cooperative behavior, and a number of scholars have had difficulty applying his definition of loyalty to their research. They have found the everyday meaning of loyalty to better capture the behavior of accountants and Christian Right activists (Withey and Cooper 1989; Oldfield n.d.). This is especially true in the context of bureaucrats, where one is concerned with identifying behavior that is supportive of the president in power. Thus, loyalty in the current context implies active support for the president and his appointees and takes the form of complying with presidential directives and carrying out the administration's policies. In addition, the framework of response options used here must account for two possible causes of loyalty. It may result from policy agreement with the president. Some agencies may lack the "clashing beliefs" between careerists and appointees found in Aberbach and Rockman's (1976, 1990) earlier work; in fact, their more recent work provides some support for this possibility. Careerists may have loyally cooperated with Reagan administration initiatives due to enthusiasm over the president's specific programs and policies. The definition of loyalty employed here takes this into account. On the other hand, loyalty must also take into account the possibility that civil servants are motivated by a doctrine of "loyalty to the presidency," irrespective of the ideology and policy goals of the current officeholder. In this case, bureaucrats may comply loyally with any resident of the White House due to a philosophical conviction that their appropriate behavior is one of cooperation with duly elected political superiors. This would result from support for the

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politics/administration dichotomy or the British model of the civil service.

Finally, following Lowery and Rusbult (1986), it is necessary to add an additional category to capture cooperative behavior not taken into account by Hirschman. They have dubbed this fourth response option "neglect," a term applied here with a slightly modified meaning. As in the case of loyalty, neglectful behavior is cooperative. It differs from loyalty, however, in its cause and motivation and, although it is cooperative, its behavior is distinct because it occurs when there is policy disagreement but not resistance. It also occurs when there is policy ambivalence. In other words, in the case of policy ambivalence, cooperation results from a lack of strong conviction on the part of civil servants, either in support of or opposition to the new administration's policies. Cooperation thus occurs in spite of bureaucratic displeasure with changes being brought about by the administration because of apathy and inertia. Overall, neglect can be characterized by apathy and lethargy through careerist silence and possibly even through careerists putting less effort and enthusiasm into their work (Withy and Cooper 1989). However, neglect is not passive resistance through mechanisms often attributed to the bureaucracy such as footdragging or deliberate slowdown of agency activities; such behavior is, rather, sabotage. Nor is neglect a result of a civil-service ethic of the British type, because it lacks the active component embedded in that type of cooperation (Lowery and Rusbult 1986).

**ORGANIZATIONAL CONTEXT**

The research presented here suggests that five factors play a significant role in explaining across-agency differences in bureaucratic behavior. Different bureaucrats reacted differently to the same stimuli—presidential control efforts and policy change—and those differences can best be explained by the organizational context in which the bureaucrats found themselves. The five factors, in other words, appear to determine the extent to which careerists in an agency will engage in resistant or cooperative behavior.

**Careerist Ideology**

Republican presidents, Nixon and Reagan in particular, have brought to office the view that "liberal bureaucrats" would sabotage their policy plans. Aberbach and Rockman (1976, 1990) found that careerist attitudes differed from those of appointees on a range of issues during both those administrations but never examined whether or not those attitudes

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affected behavior. Although the link between attitudes and behavior is often overlooked, careerist ideology does play a role in determining the likelihood and magnitude of resistance. However, only some agencies will share enough of an internal ideological consensus (or, presumably, "liberal bias") to produce resistant behavior vis-à-vis the president's emissaries. This hypothesis is consistent with Aberbach and Rockman's finding (1976) that careerists in social service agencies were more "liberal" than those in other federal agencies. During the Reagan years, more liberal agencies should use exit and voice more than agencies whose members are of more mixed ideological leanings.

Dominant Agency Profession

The importance of profession and its affect on decision making is well established (see, for example, Pruitt 1979). It is likely that the profession of careerists in an agency would also influence their reaction to presidential control efforts. Earlier work by Golden (1990) argued that the profession of agency careerists is a predictor of their response to the administrative presidency strategy. Certain careers, such as law, encourage the development of the same qualities needed in resistance, i.e., both require voice. Attorneys are accustomed to presenting arguments as part of their everyday work and hence would seem to be more likely to feel confident to use voice in this more political context. Other professions, particularly scientific ones, may produce a professional norm that is less adversarial and, therefore, lacking in experience in or orientation toward voice, making these professionals more hesitant to use voice in the context of presidential control efforts. In addition, the profession of careerists may narrow their alternative job prospects and hence their ability to use exit as a resistance tactic.

Agency Esprit de Corps

Agency esprit de corps has been used to explain the power of agencies (Rourke 1984; Meier 1987). In this study, its application was extended to the context of agency reactions to presidential control. The hypothesis is that an agency with a greater sense of esprit, whose members share a strong commitment to the agency's mission, and which features a great deal of agency cohesion and camaraderie will be more likely to resist and less likely to cooperate with political change agents. Since these careerists share their feelings about the agency, such an agency will also be more likely to engage in collective resistance. An agency lacking such esprit will be less likely to mobilize in opposition to budget cuts or policy redirection and more likely to exhibit neglect.

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Agency History

Behind all agencies are events that are recorded in the agency’s institutional memory. For example, although few current careerists worked in the Forest Service during the reign of Gifford Pinchot, all are aware of his impact on the development of their agency. Bureaucrats’ responses to the Reagan administration are likely to be colored by the agency’s institutional memory about its experiences and encounters with its external environment. This would suggest that the institutional memory will affect the behavior of the current crop of careerists. Careerists in an agency with a track record that instills pride will be more likely to use voice than will careerists in an agency that does not.

Careerist Confidence

This aspect of agency context is a result of elements of agency history and agency esprit, which, it seems likely, combine to create a sense of (or lack of) confidence and efficacy. This level of confidence will, in turn, affect the likelihood that bureaucrats resist or cooperate with a presidential administration bent on bringing about changes.

The two concerns here—describing variations in the degree and type of bureaucratic resistance and cooperation and explaining those variations in terms of agency context—are examined through case studies of two federal agencies during the Reagan years: the Civil Rights Division of the Department of Justice and the National Highway Traffic Safety Administration in the Department of Transportation. Data was collected through interviews and questionnaires administered to thirty-one current and former career civil servants in the two agencies. The methodology is described in Appendix A.

THE CIVIL RIGHTS DIVISION

The Civil Rights Division (CRD) of the Department of Justice gets its enforcement responsibilities from a number of civil rights laws covering education, housing, voting, and employment for women, minorities, the disabled, and the institutionalized. Enforcement is carried out by CRD’s approximately 150 attorneys through investigations, negotiations, filing suits, and filing *amicus curiae* briefs. These attorneys are divided into functional units called “sections.” Sections are headed by section chiefs who are usually the highest ranking careerists in the agency. They report directly to the politically appointed assistant attorney general for civil rights.

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Ronald Reagan arrived in Washington with a clear agenda for policy change in the civil-rights arena. His policy goals were clear and were forcefully expressed not only in his speeches and press briefings but in those of the attorney general and assistant attorney general and in the special analyses prepared by OMB that accompanied the budget to Capitol Hill (Weekly Compilation of Presidential Documents; U.S. Justice Department; U.S. Senate Committee on the Judiciary 1985; Office of Management and Budget, n.d.). At the forefront of this agenda, the Reagan administration sought to eliminate the discrimination remedies of affirmative-action quotas and timetables and of school busing used by the government and the courts (Bawden and Palmer 1984; Govan 1989; Wines 1982; Yarbrough 1985; National Journal 1985).

Reagan's use of the administrative presidency strategy at CRD was quite simple. At its core was the appointment of an ideologically committed attorney, William Bradford Reynolds, to the position of assistant attorney general. All of the survey respondents credited Reynolds as having had "the most" influence over agency policy during the Reagan years, more than the president, Congress, or the attorney general. The Civil Rights Division did not experience budget cuts or reductions in force (RIFs) and, since it is not a regulatory agency, it was not subject to OMB regulatory intervention.

The changes initiated by the Reagan administration at the Civil Rights Division parallel the causes that political scientists have traditionally argued lead to bureaucratic resistance: policy redirection, turf threats, loss of autonomy, and bureaucrat bashing. The most prominent policy changes were those involving remedies sought in employment discrimination cases and school desegregation cases. But those were not the only policy changes that the agency experienced. There were changes that affected the pursuit of voting rights, housing rights, and the rights of institutionalized persons. In many cases, these policy changes required the Division to switch sides in cases already in progress or to rescind earlier filings in pending cases. (See Govan 1989 for a thorough analysis of Reagan administration changes; see also Golden 1990.)

Voice at CRD

Voice was by far the predominant response of career attorneys of all ranks in the Civil Rights Division and was engaged in uniformly by the career attorneys. Even those careerists later categorized as exercising loyalty or neglect used voice to some extent or in response to some incidents. Almost all of those who left the agency expressed their

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disagreement before resorting to exit. Career attorneys at CRD used voice because they held strong convictions that many of the Reagan administration's civil rights policies were seriously misguided, detrimental to the effective enforcement of civil rights, and in conflict with existing statute and case law. Not all respondents articulated this view as clearly as the CRD attorney who believed that "[our] ultimate boss is not Reagan or Reynolds but the courts. They set the law. That's why attorneys disagree. They take an oath to carry out the law." But other attorneys who used voice indicated that they shared this sentiment.

As was discussed earlier, it is necessary to be cognizant of different levels of resistant behavior. This section focuses on four mechanisms through which voice was (or was not) exercised: voice by argumentation, collective action, leaks, and sabotage.

**Voice by argumentation.** Career attorneys argued most vociferously, both orally and in written memoranda, with Reynolds and other appointees. As one attorney commented, "One thing attorneys like to do is argue." Another said, "We're a noisy lot." These were clear expressions of voice by argumentation, and division attorneys did not hesitate to use this mechanism. There was considerable consensus among both current and former career attorneys that people were frank and open about their disagreements with Reynolds. They did not hesitate to express their point of view when it differed from Reynolds's, and most were not worried about reprisals or other repercussions. One thing they all gave Reynolds credit for was his being accessible and willing to hear out their arguments whether or not he was persuaded. They all felt comfortable presenting their case whether it was in person or in the form of memos. "Brad would hear you out," a number of respondents commented. "He might not do [what you wanted] but his door was open," added one. A section chief described the standard operating procedure in his section: "We had lots of meetings on . . . and lots of arguments with Brad on [it]."

The lawyers at Civil Rights acknowledge that they became quite adept at formulating those arguments most likely to win Reynolds over. It was in this way that they developed their voice—incrementally, one pleading, brief, or case at a time, using the same voices that they were accustomed to using in court, to point civil rights policy in the direction that they believed was more consistent with the law.

**Collective action.** In spite of the active use of some types of voice by Division attorneys attempting to resist control,
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collective action was rare at CRD. There were two protest memos, one of which followed the decision of the Justice Department to side with the administration against the Internal Revenue Service in the Bob Jones University case. The case involved the tax-exempt status of religious schools with discriminatory policies (in this case a racially discriminatory admissions policy and a rule prohibiting interracial dating). Careerists collectively expressed their objection to the Department’s decision in a memo to Reynolds.

The second memo (which was actually in the form of a petition) contained the signatures of one hundred careerists. It was drafted in response to a controversial memo written by political appointee Robert D’Agostino, one of Reynolds’s special assistants. The memo pertained to a much publicized case involving the city of Yonkers, N.Y., involving both educational and housing discrimination. In the memo, D’Agostino stated that “blacks, because of their family, cultural and economic background are more disruptive in the classroom” and therefore “would benefit from programs for the emotionally disturbed” (Brownstein and Easton 1982). Careerists at CRD objected to the perception of racism created by D’Agostino’s memo and in their protest petition submitted to Reynolds called for D’Agostino’s resignation.

Collective action also occurred early in the administration when career attorneys, who were themselves members of racial or ethnic minorities, met with Reynolds to discuss their policy disagreements. According to an attorney who attended the meeting, Reynolds was receptive to meeting with them but not to their policy views.

The only other collective action related in the interviews was spontaneous, not planned, group resistance, one that 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 was a symbolic act of rebellion, it hardly challenged agency civil rights policy.

The lack of collective action seems to be due to a combination of professional and bureaucratic norms as well as the nature of the work in which these bureaucrats engage. While there is often more than one lawyer assigned to a case, the nature of the work precludes more than two or three attorneys from working on any given case. The grievances that emerged
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were of case-by-case nature 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 or as another put it "to avoid seeing his memos turn up in the Washington Post." 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 focused on individual cases for the most part. By contrast, in the D'Agostino example there were two things about D'Agostino's remarks that made him a target for collective action. First, his remarks provided a concrete statement behind which careerists could rally. Second, the careerists' action did not directly concern a policy issue over which appointees could claim to have decision making authority but instead involved what careerists viewed as inappropriate behavior that reflected poorly on the agency.

Leaks and sabotage. Leaks did occur in the Civil Rights Division during the Reagan years but only to a limited extent. The attorneys did not feel that leaks were appropriate behavior. Leaks were controversial because, for the most part, they involved specific cases; not only are lawyers prohibited from discussing pending cases but civil servants more generally are not allowed to discuss predecision material. This information is protected, for example, from disclosure by the Freedom of Information Act. Many of the lawyers interviewed were offended merely by being asked about whether they had been involved in or knew of leaks. When leaks were used, it was often to reveal the racially insensitive comments made by Reynolds or his deputies (such as Reynolds's reference to the black parents in a South Carolina school desegregation case as "those bastards") rather than to publicize internal policy deliberations (U.S. Senate Judiciary 1985). Other leaks were what one respondent referred to as "red flags," information designed to alert Congress to internal agency problems but contained in ordinary informational packets or budget requests prepared by career staff at congressional request.

With respect to Congress, current and former careerists alike complained that members and staff on Capitol Hill did not know enough about the substance of the issues to pick up on the red flags sent to them; they were more likely to respond to leaks of a nonpolicy nature (like the one described above) in a symbolic manner by lambasting Reynolds during hearings but not taking any concrete action. This further limited the incentive to engage in voice of this nature.

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Sabotage could, hypothetically, manifest itself in this agency in a number of guises: deliberately losing cases, deliberately missing court deadlines, providing false information to political superiors, or failing to follow the specific orders or instructions of those political superiors. Sabotage, however, was anathema to the attorneys at Civil Rights, all of whom had highly developed professional ethics. Deliberately presenting weak arguments in a case or deliberately losing a case were simply not considered. Comments on this behavior showed little variation: "You try to win the case or you don't go on the case"; "It is unprofessional and unethical to act as a double agent." Rather than sabotage a case, if an attorney felt that he or she could not in good conscience make the arguments that the appointees wanted made, that attorney would ask to be removed from that case. Attorneys did in fact ask to be taken off cases during the Reagan years, though it was not a common occurrence. However, as a number of them commented, "If you need to ask to be taken off enough cases then it's 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 cases in a certain light in order to win approval from the noncareer personnel, a tactic discussed above, but the interviews do not reveal any instances where careerists actually misled the appointees or withheld information. Nor did respondents give any indication of any deliberate slowdown of work in the agency.¹

It is interesting to note that slowdown, a type of sabotage behavior commonly attributed to bureaucrats, would not have been an effective strategy for bureaucrats whose agenda was the active prosecution of civil rights violations. Slowdown would have resulted in less aggressive enforcement of civil rights laws—the goal of the Reagan administration but not of the career civil servants.

Exit

Attorneys at the Civil Rights Division engaged in exit, although precise numbers of those who left the agency for reasons of disagreement with policy are difficult to come by for several reasons. First, turnover is always relatively high in the Justice Department. Many young attorneys view service at Justice as a career stepping stone. For example, thirty-one lawyers left the Division in 1974, twenty-four each in 1978 and 1982. Due to the prestige of the Justice Department, Civil Rights Division attorneys feel more confident than do other types of civil servants that their job prospects outside of

¹It is possible that those interviewed either deliberately deceived me or were not as frank as they could have been. I attempted to minimize this problem by interviewing former, as well as current, personnel who should have had no reason to be guarded in their responses. In addition, in reviewing my interview transcripts, a independent coder concurred with my assessment that all respondents, current and former, seemed to be frank throughout the interviews.
government are fairly promising. Few respondents joined the agency expecting to make a career of government service (although many have ended up staying for over twenty years). Thus, it is not possible to attribute all turnover during the Reagan years to dissatisfaction with the administration. Second, in congressional testimony, Reynolds denied that there was any turnover due to protest (U.S. Senate Judiciary 1985). As a result, no data is publicly available on what proportion of those who left the agency did so in protest.

Nonetheless, there is other evidence that some of the attorneys who left the agency during the Reagan administration did so out of frustration with the redirection of policy in their agency. Twenty-five or more attorneys left the agency at least in part over policy disagreement, while none are alleged to have left the agency for this reason during the Carter administration. This number is derived from (a) former members of the agency who were interviewed for this study, (b) the signatures on the letter sent to Congress during Reynolds’s 1985 confirmation hearing, and (c) information provided to me by those interviewed in the study regarding other careerists who had left the agency.

Turnover in some sections was greater than in others. In the Special Litigation Section, it almost amounted to a mass exodus. By 1984, only one line attorney and the section chief remained of the eighteen attorneys who had worked in the section in 1979. In general, however, exit was more of a trickle that occurred over the eight years of the Reagan administration, precipitated for the most part by specific cases or incidents that served as catalysts for given individuals.

Most of those interviewed did not act on one dimension and therefore resign solely as a protest. There were other factors (such as personal factors, a chance for early retirement, etc.) involved, but these other factors alone do not fully explain turnover during the Reagan years. To an extent that was unprecedented, according to those interviewed, 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. Eight attorneys who left the Division in the 1980s were interviewed, and all attributed their decision to a mix of factors. For all but one, however, dissatisfaction with the agency’s policy direction was among those factors. One respondent articulated his reason for leaving in 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.” Ten of the attorneys who left the Special Litigation

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Section submitted a letter to the Senate during Reynolds's 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" (U.S. Senate Judiciary 1985). Others wrote exit letters to Reynolds or held exit interviews with him outlining their disagreements. Some attorneys did not draw attention to their resignation because they sought employment elsewhere in the government and were afraid of jeopardizing their careers.

Exit was not taken lightly and was often a last resort. Exit 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, the lawyers in Special Litigation felt thwarted to a greater extent because agency policy restrictions left them with less work to do. In the area of education, for example, attorneys could bring suit, though there were limitations on the remedies they could seek; in Special Litigation, career attorneys found that many of the restrictions limited them from bringing suit at all.

Exit was an uncommon response in part because it was viewed by career bureaucrats and political appointees alike as extreme behavior. Its viability as an option was also limited by the confidence of the people involved that they could get employment elsewhere. Nonetheless, quite a few career attorneys at the Civil Rights Division found the situation so extreme that they believed that they had no choice but to leave. They could not, in good conscience, cooperate in the execution of policies that they viewed as antithetical to the vigorous enforcement of civil rights laws.

Exit was limited not only by the availability of other employment but by the condition observed by Hirschman (1970): "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). Those who resigned from the agency were no longer in a position to influence civil rights policy from the inside and gave up the opportunity to influence the direction of the agency in the future. This is why some of the lawyers interviewed chose voice over exit. Many felt they could play a positive role in shaping the Reagan administration's civil rights policy by remaining in the agency. One career supervisor hoped to "help keep the Division on the moderate course it


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had steered [in the past] through both Republican and Democratic administrations" (Selig 1985). Another related 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.

**Loyalty**

As noted above, loyal behavior can be either the result of policy agreement with political appointees or the belief that loyalty to the president is proper bureaucratic behavior. The former view was inconceivable at the Civil Rights Division. The Civil Rights Division is without question an agency where conservative appointees confronted liberal bureaucrats. There were no conservatives among the seventeen survey respondents and only one Republican. Nor were there many indications of policy agreement except in those areas such as the prosecution of criminal civil rights violations where the Reagan administration did not seek major policy changes. As one attorney characterized it, the overall relationship between careerists and appointees was one where "there was more disagreement than agreement." Nor did any interviews provide evidence of this type of loyalty.

There is, however, considerable evidence for the latter type of loyalty. Most interviewees felt that the attorney general was their legitimate boss. The attorneys at the Civil Rights Division understood and respected the authority and legitimacy of their political superiors. On the surface, this may seem to conflict with the extensive use of voice discussed earlier. However, when the relevant conditional variable, the time of behavior, is introduced, it explains when and where voice rather than loyalty was present. Agency lawyers exercised voice at all of the predecision points in the process. They argued for the conduct of an investigation or against a Section 5 voting rights preclearance. Once Reynolds said he was overruling staff objections and giving preclearance to a redistricting plan, the careerists also gave it preclearance. The same norms that acted as a deterrent to sabotage precipitated loyalty at the later stages of decision making or after Reynolds had edited a pleading to be submitted in court. The presence of both voice and loyalty is an important finding. The further finding that these behaviors were found at different points in the decision process for a case or policy sheds considerable light on the bureaucratic reaction to political control and is discussed in more detail below.

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Neglect

In the Civil Rights Division, neglect was rarely the only response pursued by a given individual; moreover, neglect was more frequent during the later years of the Reagan administration than in the earlier ones. According to the interviewees, they and almost all their colleagues initially voiced their objections to Reynolds and his assistants about the redirection of civil rights policy. As time went on, however, the bureaucratic response of some career attorneys shifted from voice to neglect. Respondents who described their own behavior during the Reagan years as complacent pointed with respect to those who continued to voice their opposition throughout the administration. However, they also described a leveling off of voice and its replacement by neglect. Again, time turns out to be an important explanatory variable. In the case of explaining the presence of neglect, however, the relevant units for measuring time are not the point in the decision process but the point in the term of the president.

Neglect took the form of not recommending investigations or suits that would have been recommended prior to 1981 but that under Reynolds were unlikely to be approved. In the early years of the Reagan administration, those recommendations would have been made. By the later years, careerists, recognizing the disutility of such recommendations, did not pursue them. Overall, neglect took the form of less arguing, less activism, and fewer initiatives by the careerists.

The comments of the interviewees make it clear that neglect resulted from their becoming worn down and tired and adopting a more defeatist attitude. "The problem," according to one section chief, "was that the lawyers stopped proposing things because they got discouraged after awhile." A deputy section chief noted that "the career people were beaten down and stopped trying as hard." An attorney who ultimately left the Division observed that after awhile it was "not worth it to break your neck working to prepare lawsuits that they won't file anyway." This is not to suggest that the dedicated civil servants at CRD abandoned their commitment to what they viewed as the proper approach to civil rights enforcement. However, as attrition took its toll, it was more difficult for those who remained to retain their zeal and diligence, especially as they saw little payoff for their efforts. Traditional political science wisdom makes a great deal of the fact that bureaucrats can simply outlast politicians because politicians come and go (Heclo 1977; Light 1987). In this case, Reagan and Reynolds outlasted many careerists and beat those who remained at their own game of time.

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THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The National Highway Traffic Safety Administration (NHTSA) was created in 1966 by the National Traffic and Motor Vehicle Safety Act in large part as a result of the public outcry over two scandals: the dangerous defects in the General Motors Corvair publicized by Ralph Nader in Unsafe at Any Speed and the well-publicized wiretapping and spying conducted by General Motors against Mr. Nader (Graham 1989). By the time of the Reagan administration, NHTSA’s 640 careerists, under the direction of a politically appointed administrator, implemented the agency’s statutory mandate through the investigation and recall of defective automobiles, the issuance of regulations, and the attempted modification of driver behavior.

NHTSA was one of several agencies targeted by the Reagan transition team for deregulation. Though the president himself did not present specific plans for the agency, he did express his more general plans for both deregulation and relief aid for the ailing auto industry (Weekly Compilation of Presidential Documents; Wines 1983). In April 1981, a Reagan-commissioned Vice Presidential Task Force issued its report entitled Actions to Help the U.S. Auto Industry. This report singled out the Environmental Protection Agency (EPA) and NHTSA for regulatory review. Many of the careerists interviewed felt that this report set the tone for presidential policy toward NHTSA for the duration of Reagan’s two terms. That tone was reinforced by the appointment of Ray Peck, a self- pronounced deregulator and former coal industry lobbyist, as administrator for the agency. During his short tenure (1981 to 1983), he rescinded the passive-restraint regulation that had been issued by administrator Joan Claybrook in the waning days of the Carter administration. The tone was maintained by his replacement, Diane Steed, who came from OMB and was believed by careerists to follow the president’s and secretary’s lead. She served as administrator from 1983 until the close of the administration.

The Reagan administration’s efforts at NHTSA focused chiefly on deregulation. In addition, NHTSA grants-in-aid programs to the states suffered significant budget cuts. Although interviewees felt that the section of the agency responsible for investigating automobile defects and initiating recalls was not targeted by the Reagan administration, consumer group argue that recalls declined dramatically under Reagan (Center for Auto Safety 1989), and all agree that the approach to recalls was much more accommodating towards the auto industry.

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The agency was the object of a number of components of the administrative presidency strategy. It suffered budget cuts and personnel cuts (through RIFs), was headed by antiregulation administrators Peck and Steed, and was initially overseen by an antiregulation secretary of transportation (Drew Lewis), though he was later replaced by the more moderate Elizabeth Dole. OMB also played an active role in the president’s attempts to bring about policy change at NHTSA. Due to the regulatory nature of its work, NHTSA is subject to review by OMB’s Office of Information and Regulatory Affairs, whose role was largely indirect in that it did not often veto the regulations that it reviewed. Rather, OMB’s regulatory review process was held up as a threat by the political appointees and therefore served as a deterrent to regulatory activity.

Career bureaucrats at NHTSA had considerable provocation for resistance of the type identified by political scientists: budget cuts and RIFs, challenges to their regulatory mission, and OMB intervention.

Voice at NHTSA

Voice, and resistance more generally, were limited at NHTSA by two aspects of the way the appointees ran the agency. The first is illustrated by how decision making on the air-bag issue was done without consultation with the careerists. Initially, Peck made a unilateral decision to rescind the passive-restraint (air-bag) rule that was in place when the Reagan administration took office. When the Supreme Court overturned Peck’s rescission of the air-bag rule, the new transportation secretary, Elizabeth Dole, took the issue out of the hands of NHTSA and moved it “upstairs” (the careerist term for the secretary’s office). The second factor is the manner in which the Reagan appointees handled rule-making activity by employing a strategy of slowdown, stalling, and requests for more research. Both Peck and Steed ran the agency in a way that slowed down productivity without directly challenging the agency’s mission. These two factors reduced the number of opportunities to pursue voice because on a number of issues careerists were excluded from the loop. Nonetheless, as the discussion that follows reveals, careerists at NHTSA did use voice under some circumstances.

Voice by argumentation and collective action. Although career civil servants at NHTSA employed voice by argumentation, it was not nearly as common at NHTSA as it was at CRD. Certain NHTSA career officials criticized Reagan administration policies and expressed both that criticism and their support for air bags, four-mph bumper standards, and higher

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fuel-economy requirements. Other careerists were for the most part silent on these issues. There was some fear of reprisals for taking issue with Peck, but although that concern was obviated when Diane Steed became agency administrator, there was no concurrent rise in the use of voice.

Where there was voice, it was within constraints similar to those seen at CRD and was used during the time decision were under consideration. In Peck's rescission of the passive-restraint rule, an estimated fifteen careerists "lobbied" him before he announced his decision. They did not do so collectively and did not all have identical concerns, but they all expressed their concerns to Peck. When he called top-level careerists into his office on the Sunday he made the decision to rescind the passive-restraints rule, a few angrily disputed his decision. One of those present told Peck that he thought Peck was "completely wrong." However, once it was clear that his decision was final, careerists did not try to deter him from proceeding.

There was similar voice in the form of back-and-forth discussion and lobbying in the case of the automobile-bumper standard. Here, by law, NHTSA must issue a standard; the debate was between a two- or five-mph standard. There was no consensus among careerists, in part because of controversies over data, but those with data and opinions forthrightly presented their cases to Peck.

Over the course of the eight Reagan years, there was a host of other issues involving redirection of agency policy or procedure where almost nothing was heard from the careerists. The nature of the careerists' profession and the technical nature of their work seem to account, in part, for the relative absence of voice by argumentation at NHTSA. Careerists at NHTSA tended to avoid engaging in disputes that required them to take what they viewed as political stances.

None of the interviewees in this study provided any examples of collective voice or collective resistance.

Leaks and sabotage. According to interviewees, leaking has a long tradition at NHTSA. The primary channel for leaks is between junior-level engineers within the organization and engineers in the auto industry or at consumer or insurance organizations. The material leaked is generally of a technical nature, and the leaks are generally precipitated by the excitement of a technological breakthrough. Their use long predates the Reagan administration and does not qualify as voice as it is being measured for purposes here because it is not a form of bureaucratic resistance or an expression of dissatisfaction.

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During the Reagan administration, information was also leaked to Congress and interest groups. In interviews, both careerists and the recipients of the leaked information were vague as to the content of these leaks. When Tim Wirth moved from the House to the Senate and his top aide moved back to Colorado, NHTSA lost its principal advocate in the House of Representatives. Without a primary recipient for the leaks, fewer occurred, though agency careerists continued to provide information to Senator Danforth’s office. The disdain expressed by many of those interviewed toward the Center for Auto Safety, the leading consumer group concerned with auto safety, limited the outlets for leaks. Nonetheless, Center for Auto Safety files contain documents that appear to have been leaked, such as internal agency memoranda written by Peck.

Overall, leaking did occur at NHTSA and did not seem to have the negative associations attached to leaking at the Civil Rights Division. Leaking seemed to have been limited by the lack of receptive outlets (in Congress, the media, and the interest-group community) as much as by moral compunction. Nonetheless, nothing in the interviews conducted indicates that leaking was more than a rare occurrence. Moreover, the leaks that did occur, especially those between engineers at NHTSA and those in industry, do not appear to have been aimed at subverting administration policy.

As at the Civil Rights Division, careerists at NHTSA did not believe that sabotage was appropriate conduct for a member of the career civil service. Careerists at NHTSA—engineers and attorneys alike—expressed the view that the administrator was the legitimate decision maker and that once his or her decisions were made, they were binding. The example of the original decision to rescind the air-bag rule by Ray Peck illustrates this principle. Most interviewees were convinced that Peck had acted unilaterally on this decision, disregarding staff advice (though Peck claimed to have read the entire docket on the subject). Peck made the decision himself, and careerists felt that this was his prerogative. The telling aspect is the comment that consistently followed the recounting of this episode, the gist of which was that if Peck had let the careerists write the regulation rescission, then it would not have been dismissed by the Supreme Court as “arbitrary and capricious.” If the goal had been sabotage, careerists would have viewed this as an opportunity to weaken the notice of rescission. Instead, their comments indicate a desire to follow the political decision and use their expertise to strengthen that decision.

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2See footnote 1.

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Exit

There was little exit as a form of resistance at NHTSA. Although a few individuals left the agency in opposition to a particular policy or decision, most of those who left did so in anticipation of the new administration; this primarily occurred among the legal staff. Most of the turnover in staff occurred independently of any protest motivation. It resulted mainly from RIFs or, more frequently, from the fear of RIFs. Fear of RIFs was frequently mentioned by interviewees as a factor that led careerists who believed that their jobs were vulnerable to initiate the search for other employment. For the most part it was junior engineers who felt most vulnerable. Interviewees believed that actual RIFs were a lesser factor in accounting for agency turnover because while there was considerable reshuffling and redefining of positions, few people were actually fired. Those who remained in the agency speculated that the atmosphere created by RIFs had an additional effect on exit in that those whose jobs were secure but who might otherwise have considered leaving NHTSA ruled out such a move due to an increased appreciation of their job security.

A final factor limiting the use of exit at NHTSA was the limited availability of alternative job prospects. In an era of deregulation, Detroit was hiring fewer auto-safety engineers. In addition, a few interviewees pointed out that auto-safety engineering does not have a large research community in universities and research institutes. In the context of exit, this further limits the availability of jobs outside the agency.

The attorneys in the agency left at a higher rate (though this represents only three or four people) due, in part, to their greater confidence regarding job prospects outside the agency. It is important to note that lawyers did not leave over policy conflicts but more as a result of boredom and malaise caused by the slowdown of agency activity.

Some interviewees expressed surprised that some high-ranking officials in their agency did not leave the agency, particularly those who, though careerists, had been closely identified with the Carter/Claybrook administration and pro-regulation advocacy. While the above partially explains this group’s lack of exit, an additional explanation also suggests itself: the careerists at NHTSA exhibited overall more pervasive acquiescence, less ideological orientation, and more centrist views of regulation (falling somewhere between the Carter and Reagan administrations) than was the case at the Civil Rights Division. Even those careerists who worked most closely with the Carter administration appointees did not feel the same degree of ideological incompatibility with the Reagan

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administration that led their peers at the Civil Rights Division to exit.\(^3\)

Loyalty

Almost everyone at NHTSA can be characterized to some extent as a loyalist. Careerists cooperated with the appointees, especially with Diane Steed and her special assistant, Erika Jones, both of whom were well liked and well respected. Cooperation stemmed in part from fewer policy disagreements between careerists and appointees than there were at the Civil Rights Division.

For example, careerists at NHTSA were proregulation. They believed that their enabling statutes mandated the development of auto-safety regulations. "NHTSA careerists have a regulatory orientation," explained one former careerist. In addition, a former NHTSA attorney believed that "careerists wanted more regulation than the Reagan people. They believe in general in the necessity for regulation." However, many civil servants at NHTSA felt that Joan Claybrook had gone too far on the regulatory side, sacrificing thorough research for speed, and were critical of her staunchly anti-auto industry stance. According to careerists, under Claybrook they had adopted a posture of trying to temper her agenda. At least initially during the Reagan administration, they were not averse to a slightly slower pace of regulation than what they perceived as Claybrook's excessively quick regulatory pace.

In addition, the careerists were more ideologically split and less ideologically committed than were careerists at the Civil Rights Division. Nonetheless, most careerists at NHTSA also found themselves frustrated under Peck and Steed. These careerists were committed to regulation as a necessary part of improving auto safety and interpreted the agency's mission as including regulatory authority. Greater policy congruence, therefore, does not sufficiently explain loyal behavior, though it is clearly part of the reason for NHTSA's overall cooperative behavior during the Reagan years.

Instead, most loyalty is better accounted for by the widely shared belief that, as one career engineer put it:

Career staff are here to do the job we're told to do. We try to do our best whether it is regulation or deregulation. We carry it out in the best manner . . . It's up to the elected officials to decide what they want to do.

This belief cannot be emphasized enough. Throughout the agency's history, the administrator (who has always been a

\(^3\)In *Retreat from Safety* (1984), Joan Claybrook claims that considerable expertise was lost at NHTSA due to the exodus of specialist engineers but I did not find support for her claim in the interviews conducted for this study. I tried to interview Ms. Claybrook in part to confirm her claims regarding agency turnover and to request the data cited in her book. Although she consented to an interview, she repeatedly cancelled our appointments.
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political appointee) has been the ultimate decision maker concerning the issuance of rules and recall decisions. As a result, careerists view these decisions as "political" decisions drawing on the research of the experts but appropriately being made by people in political positions. One NHTSA attorney viewed decisions regarding regulatory proposals to be "matters of judgement" with the administrator or secretary as the appropriate judge. The example of Peck's rescission announcement discussed above is an excellent illustration of this type of loyalist mentality at NHTSA. This loyal behavior, however, does not explain the lack of voice by argumentation in the pre-decision stages and the pervasiveness of neglect. These are better explained by other factors, such as the agency's history, the mix of professions, and the lack of consensus.

**Neglect**

There was a great deal of acquiescence, apathy, and neglect at NHTSA. As one outside observer on the Hill assessed the reaction to the Reagan administration at NHTSA:

There was a bunker mentality at NHTSA—a ride-out-the-storm mentality, if you know what I mean. Some careerists were fairly docile and cooperative but there were others who were clearly not pleased by the situation but felt powerless to do anything.

A number of factors contributed to the prevalence of neglect. One such factor was the looming possibility of RIFs. One midlevel careerist claimed that, "because of RIFs you kept your mouth shut and your head low to keep your job." Attention was focused on job security rather than "the public interest." At NHTSA, this factor did not affect careerists at the highest echelons of the career ladder who were not threatened by RIFs but it did affect those in middle management who were constantly being shuffled around and reassigned. Another factor that explains neglect among one group of NHTSA careerists, the engineers involved in research and development, is that they actually gained autonomy and discretion during Peck's and Steed's tenures. Since the two shared the goal of no new regulation, they lacked an agenda for research necessary to develop new regulations and therefore did not communicate any research priorities to the research and development staff. As a result, researchers were "left to their own devices" and "could study whatever they wanted to—anything that interested them." In essence, neglect on the part of these engineers was due to satisfaction with their work environment rather than to dissatisfaction stemming from a bunker mentality.

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An additional factor contributing to neglect was the lack of consensus among careerists. There were, and always had been, disagreements among the different professions and disputes over data within professions. Careerists had traditionally debated among themselves and then turned to the administrator for final decisions. (This is institutionalized in the procedure by which draft regulations are circulated.) This internal decision making process continued, thus inhibiting voice, because careerists lacked the consensus to present a united front to the Reagan appointees.

Finally, and the factor that best accounts for neglect at NHTSA, the political appointees quickly adopted and maintained an approach to running the agency that involved slowing down the rule-developing machine through increased research and data requirements. "Under Reagan, decisions just were not made but were sent back to generate more information. Things were left hanging," as one interviewee put it. Careerists characterized this atmosphere as demoralizing, which suggests that demoralization led to a loss of energy and enthusiasm on their part and thus to neglect. One career supervisor hinted at this when he commented that, "morale went down because our work wasn’t going anywhere." Many careerists contrasted this with the excitement generated by Joan Claybrook who inspired long hours and hard work, and some contrasted it with the Bush-appointed administrator Jerry Curry, who has provided careerists with specific goals complete with timetables.

It is interesting to note that conventional wisdom makes a great deal of the fact that bureaucrats can derail the president's plans by dragging their feet and stalling until the president forgets about his directive or leaves office (Neustadt 1980; Heclo 1977). In the context of NHTSA during the Reagan years, however, it was the *appointees* who used this strategy of stalling agency activity to thwart *careerist* initiatives.

**ACROSS-AGENCY COMPARISONS**

Although the use of exit, voice, loyalty, and neglect varied across the two agencies, one similarity in particular warrants attention because it sheds light on some of the nuances of resistant behavior. Although there was bureaucratic resistance to presidential control efforts, voice resistance was constrained by very specific parameters. These parameters limited the use of voice almost exclusively to voice by argumentation. Career civil servants in both agencies did argue their cases (albeit to varying degrees) with their political superiors. But they rarely overstepped the bounds of voice by argumentation to engage in leaks or sabotage.

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Moreover, voice by argumentation itself was further limited by certain parameters, namely, the point in time of resistance. Resistance in the guise of voice by argumentation was only used at the predecision stages in the policy-making process. Career civil servants in both agencies seemed willing to argue with appointees up to the point of decision making. However, in both agencies (even in the agency that was the more resistant overall) careerists seemed to accept the authority of politically appointed officials to have the final say once careerists exercised their voice. This behavior seems to suggest a model that is adversarial insofar as divergent views are likely to be held and expressed by careerists when presidential administrations seek policy change but that is also cooperative insofar as disagreements are limited to a predecision frame; sabotage and other deeper levels of resistance are uncommon.

In spite of this constraint, which affected careerists' opportunities for resistance in both agencies, differences between the two agencies did emerge. Careerists in one agency exhibited more resistant behavior while those in the second agency chose a more cooperative path. Career attorneys in the Civil Rights Division engaged in vociferous voice activity during the Reagan years, while at NHTSA the voices of career professionals were more muted. There was also considerably greater use of exit at the former than at NHTSA. On the other hand, loyalty and neglect were more characteristic of NHTSA than CRD, though both of these behaviors were also reported at CRD. In short, there was considerably more resistance on the part of civil servants at the Civil Rights Division than there was at NHTSA, though as noted above, that resistance was limited by certain constraints.

Why were careerists at the Civil Rights Division so much more resistant to the Reagan administration than careerists at NHTSA? The explanation focuses on organizational context and highlights the importance of a more-nuanced understanding of bureaucratic reaction to policy redirection. Not only did careerists at NHTSA and the Civil Rights Division exhibit different behavior, the agencies also differed on each of the explanatory variables.

Careerist Ideology

Careerists at the Civil Rights Division were more liberal and more Democratic than their counterparts at NHTSA. Twelve out of seventeen respondents identified themselves as liberal and none were self-identified conservatives. Only one of the seventeen was a Republican. This ideological portrait must be contrasted not only with that of NHTSA careerists but with
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the ideological composition of Reagan appointees in their agency. It is not just that the career attorneys at CRD were liberal but that there was an ideological cleavage between them and the Reagan appointees. Reynolds, Edwin Meese, and Charles Cooper (one of Reynolds's right-hand men) are all active members of the Federalist Society, an organization of lawyers committed to a conservative agenda. Career respondents were quite conscious of this clash of ideologies and overwhelmingly referred to Reynolds as an "ideologue" or a "zealot." When asked about the degree of partisanship among the Reagan appointees, careerists frequently commented that it was not partisanship that set these appointees apart from those who had served in previous administrations; it was their ideological fervor.

The partisan and ideological composition of NHTSA was more mixed. The thirteen career survey respondents were split ideologically, with seven careerists identifying themselves as conservative and six as liberal. And while there was only one Republican but five Democrats, seven considered themselves independent of party affiliation. NHTSA was described by one career attorney as an agency that did not attract "crusaders."

Overall, there was greater ideological commitment and a more conflictual ideological environment at the Civil Rights Division than at NHTSA and this affected both voice and exit. The stronger ideological commitment to civil rights contributed to the presence of both voice and exit while the absence of ideological zealotry on the part of NHTSA careerists limited the use of both types of resistance.

Dominant Agency Profession

Golden (1990) argues that attorneys may be more inclined to use voice than are scientists or technicians because of their professional training and because the day-to-day work of attorneys entails arguing, rebutting, and countering. This argument is borne out here. Careerist profession and the extent to which work routines are technical in nature account, in part, for the relative absence of resistance at NHTSA and its prominence at CRD. Attorneys at Civil Rights seemed more "comfortable" arguing constantly and forcefully than did careerists at NHTSA. Moreover, profession influenced the behavior of attorneys at CRD in that a number of CRD lawyers spoke of their obligation "to the law." When this professional obligation to enforce and uphold the law (which encompassed both congressional statute and judicial precedent) conflicted with appointees' decisions, it often led to voice or exit.

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*Self-identified ideological belief does not indicate policy preferences on specific issues, but I am confident that this group of highly educated elite respondents are highly constrained in their belief systems. Questions on policy issues were not used because in pretests respondents complained that multiple-choice questions were too simplistic.
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At NHTSA, most of those who did exercise voice were attorneys, and one (while not an attorney) had a generalist, liberal arts background. Few of those who exercised voice at NHTSA were engineers, physical scientists, highway-safety professionals, or economists. These professionals seemed more comfortable providing research evidence and data, presenting both sides of an issue, and leaving decision making to others. Government engineers rely heavily on research and data, and at NHTSA, they viewed their jobs as presenting those data for others to use as the basis for decisions. NHTSA engineers frequently commented that the only thing they did not like about their jobs was "the politics." Moreover, in spite of their extensive efforts, existing data were often incomplete or inconclusive. The ambiguity of the data often reduced the degree of consensus among careerists. Lacking consensus among themselves reduced the likelihood that they would take on the "political people." With respect to the cooperative behavior of NHTSA’s economists, their professional norms led them to share the administration’s goal of increasing the use of cost-benefit analysis and its goal of reducing the regulatory burden on the auto industry because of its alleged negative effect on the economy.

The profession of agency careerists also had an effect on exit as a form of resistance. Attorneys in both agencies were more optimistic about alternative job prospects outside their agencies than were other NHTSA professionals. In fact, a few CRD careerists who chose exit were able to transfer to other less ideologically charged bureaus within the Justice Department. NHTSA careerists’ expertise was too narrowly focused to facilitate such transfer. There is no doubt that the availability of alternative job prospects affected the likelihood of exit. It is equally clear that careerist profession played a major role in determining the availability of alternative employment opportunities.

Agency Esprit de Corps

All but one interviewee at the Civil Rights Division characterized the agency as having a strong esprit de corps. Only one interviewee at NHTSA felt this way. The reasons for the strong sense of esprit at CRD are readily apparent; all share a strong commitment to the active pursuit of civil rights. Interviews revealed that CRD careerists joined the agency either out of a commitment to civil rights or a desire to do public interest law. Prior to the Reagan administration that commitment to civil rights was further cultivated inside the agency. In addition, many interviewees referred to the intense bonding experience that occurred from spending months "on the road" with

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two or three other attorneys during the trail portion of cases. Other intangible features of agency culture led to the fostering of this sense of esprit, including the fact that, until the Reagan years, CRD personnel often socialized as well as worked together.

The lack of esprit at NHTSA is more difficult to understand since everyone interviewed seemed quite collegial and spoke of their colleagues in friendly and respectful terms. But there is little ambiguity in their responses to the question about agency esprit—it was not an operating force at NHTSA. Part of the explanation seems to stem from agency history and historical divisions among careerists over policy within NHTSA. These divisions were abetted (or possibly created) by the agency’s structure and by an internal review process that entailed circulating drafts of proposed regulations and other agency documents to each office within NHTSA for comments, thus pitting groups of careerists (those in research, policy evaluation, rule making, crashworthiness, etc.) against each other. The multiplicity of professions in the agency also falls along these structural and policy cleavages. In addition, as a number of interviewees observed, the agency is filled with “car nuts” not “crusaders,” although Joan Claybrook tried to develop a more crusading spirit during her tenure at NHTSA. If NHTSA had a more crusading spirit, it might also have a stronger sense of esprit de corps and might have behaved in a less cooperative manner during the Reagan years.

Although the agency with the higher sense of camaraderie was the more resistant, even in that agency little voice was collective in nature. Another facet of esprit was that, within CRD, it served to limit the use of exit, even while it facilitated voice. Careerists indicated that their sense of camaraderie increased as they shared the experience of what was, from their perspective, an attempt to “endure” the Reagan years.

Agency History

The history of NHTSA prior to Reagan included a few sources of agency pride such as the Ford Pinto recall and regulations issued regarding auto safety. However, the agency still reeled from its embarrassment over a regulation it issued on automatic ignition interlock systems and the subsequent legislative veto of this rule. It also carried in its historical baggage the court’s rejection of an earlier attempt to issue a passive-restraint rule, with the court’s holding that the test dummies used in the studies of the air bag’s effectiveness were not properly specified (Graham 1989; Mashaw and Harfst 1987). That court decision was only one of many experiences in the two-decade long debate over air bags, a debate that encompassed most of the agency’s history.

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By contrast, the Civil Rights Division entered the 1980s with an almost impeccable record in court. It had won major victories in the arenas of voting rights and school desegregation and had recently succeeded in attaining the legislation it desired from Congress regarding the rights of institutionalized persons. The experiences at CRD led careerists there to view their agency as the one responsible for setting the precedents that over the two decades preceding 1981 had established the existing body of civil rights case law, the very precedents and case law that the Reagan administration sought to challenge.

Careerist Confidence

This combination of historical experiences and agency esprit result in "careerist confidence": careerists at CRD shared a set of factors that gave them the confidence to challenge the executive branch political leadership. By contrast, the lesson learned by NHTSA careerists from their setbacks and the uncertainty of their external environment—the response by the courts and Congress to their actions, as well as the competing demands of auto industry and consumer-advocacy interest groups—was to move cautiously. Careerists found themselves caught between the zealotry of Joan Claybrook, a proponent of passive restraints and of regulation in general, whom they had tried to "temper," and the slowdown of the Reagan appointees. They lacked the confidence to resist and instead opted for the more cautious path. In this case, the cautious path was one of neglectful cooperation.

CONCLUSIONS

All five factors appear to have contributed to resistance at CRD and cooperation at NHTSA. This suggests that bureaucratic behavior is shaped in considerable part and in predictable ways by the backgrounds of those who populate the agencies and by the experiences they share during their service there. It is interesting to note that this pattern of agency context influencing bureaucratic behavior is perpetuated by the American civil service system where, even with the advent of the Senior Executive Service, civil servants are likely to spend their entire career in the same agency.

Recognizing the risks of generalizing from two cases, it nonetheless seems likely that the differences between the Civil Rights Division and NHTSA are not unique and indicate that different agencies did indeed react differently to similar stimuli during the Reagan administration. What remains to be further tested is the utility of the set of institutional variables proposed in the article across a wider range of agencies.

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APPENDIX A
Study Methodology

The twin objectives of the study reported here—describing variations in the degree and type of bureaucratic resistance and cooperation and explaining those variations in terms of agency context—were examined through case studies of two federal agencies: the Civil Rights Division (CRD) of the Department of Justice and the National Highway Traffic Safety Administration (NHTSA) in the Department of Transportation. The two agencies were selected for their varied characteristics on the premise that organizational context may have had a significant impact on the way bureaucrats reacted to Reagan administration initiatives (Stehr 1989). In the case of both agencies, the Reagan administration clearly had an agenda and set of policy goals that represented a marked departure from those of the previous administration. For this reason, one would expect both agencies to react. Yet the agencies varied in ways that are hypothesized to affect their responses, such as agency mission, policy domain (regulatory versus nonregulatory), dominant profession in the agency (attorneys versus engineers), interest-group environment, and types of control measures used by the administration.

The principal source of data was a series of in-depth interviews, supplemented by questionnaires, with thirty-one current and former career civil servants in the two agencies. A smaller number of congressional staffers and interest-group representatives were also interviewed to obtain their views of bureaucratic reactions in the two agencies. Interviews were conducted in Washington, D.C., in January and June 1990 and were anonymous and confidential. Current civil servants at NHTSA were selected from the United States Government Manual, Federal Executive Directory, and Federal Yellow Book and at the Civil Rights Division from the Martindale-Hubbell Law Directory as well as the other directories. Some former attorneys in both agencies were also found through Martindale-Hubbell with the remainder of the former careerists located through networking and word of mouth. Accordingly, the sample is not random and may not be completely representative of former careerists. Selection criteria included experience in the agency prior to as well as during at least part of the Reagan years. Careerists at NHTSA tended to have higher general schedule (GS) rankings and to be more likely to be members of the Senior Executive Service because of the sources used to acquire respondents’ names, but almost everyone interviewed was at least a GS-13 and in a professional position vested with authority and discretion. There was only one refusal at NHTSA and two at CRD although the return rate for questionnaires was slightly lower.

The open-ended questions in the interview schedule focused on appointee/career relations, self-reported bureaucratic behavior in response to presidential efforts, and assessments of the effectiveness of bureaucratic and presidential strategies on actual policy change. The close-ended items on the questionnaire focused on the personal political beliefs of the respondents and on their evaluation of the influence of various political players over agency policy. While the sample size in this study is too small for statistical analysis, some frequencies are reported and the open-ended interview questions are used principally to chronicle bureaucratic responses to Reagan’s attempts at control.*

*Interviews ranged from forty-five minutes to two hours with a modal length of one hour. The questionnaire took approximately ten minutes to complete. For a more extensive discussion of elite interviewing and the use of open-ended interview questions and close-ended questionnaires see Aberbach et al. (1975). For additional discussion of elite interviewing see Dexter (1970) and Mayer and Wagstaffe (1987). See Kingdon (1984) and Cook (1988) for a discussion of the sample-selection technique used in the research.
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