

CONGRESSIONAL HEARINGS:  
A NEGLECTED MANAGEMENT PROCESS

by

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(ABSTRACT)

Congressional hearings serve as a legitimating force for public agency policies and programs and the interactions among members of policy subsystems. Although not conventionally viewed as a management process, the congressional hearing process is a significant management process and an important component of the American political system.

Analysis of the congressional hearing process provides insights into management processes in general. Management processes both reflect and shape an agency's environment while providing a vehicle for dealing with the ambiguity and instability inherent in an agency's environment. Further, management processes serve as an organizing and institutional process supporting meaning negotiation, building relationships, and creating shared understandings of institutional values.

A description of the case study research on the Department of Veterans Affairs and Agent Orange and the analysis of the congressional hearing process is included.

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**PART I: THEORETICAL FRAMEWORK**

**Chapter 1. Introduction**

**Chapter 2. Literature Review**

**Chapter 3. Review of Supportive Literature**

**Chapter 4. Methodology**

## CHAPTER 1

### INTRODUCTION

#### The Puzzle

How do public administrators make sense of administrative processes and organizational functions, know what they are supposed to do, and know who else to involve in the process? Or, phrased more simply, how do public agencies meet everyday administrative challenges? For example, how do agency officials know what to do when one of the agency officials agrees to make a public speech, the agency receives a congressional inquiry, the agency receives an audit report from the General Accounting Office, or a congressional hearing is scheduled?

Public administration theorists attempt to describe what public agencies do and how they do it. The unit of analysis varies. Some theorists focus on the individual public administrator while others focus on public agencies as institutions of governance. Like management theorists, public administration theorists attempt to describe what public managers do. This, then, elicits a research focus on administrative processes performed by public managers, such as coordinating and communicating, or on organizational manage-

ment functions, such as accounting, marketing, budgeting, and personnel management. Although each of these approaches provides insights into public administration practice, they do not fully capture the richness of "life" in organizations or how everyday actions by public administrators respond to, but also shape, their political environments.

Investigating the management processes created by public administrators to cope with everyday challenges offers the researcher a means for understanding how public administrators make sense of their world. It is through these management processes that public administrators attempt to deal with the ambiguity and instability inherent in the environment of public agencies. Those management processes which do not seem to be clearly defined nor fashioned in a way that provides coherence offer an especially fertile ground for inquiry. Since relationships within the policy subsystem of a public agency are a key feature of organization-environmental dynamics, management processes that relate to the policy subsystem are of particular interest.

Although not conventionally viewed as a management process, the congressional hearing process has all these characteristics. This process is viewed as highly political and idiosyncratic. It occurs regularly, although sporadically, through a calendar year. The scheduling of a hearing produces frenzied activities that appear to come together only

at the last minute. And, most importantly, it is the definitive example of the interaction and relationships among the members of a policy subsystem, especially between the executive-legislative branches, career officials and the agency's political leaders, and the three-way relationship among the relevant interest group with the legislative and executive branches. Thus, the congressional hearing process serves as the focal management process for this research study.

#### The Research Framework

Although not intending to present a complete theory of management processes, this chapter attempts to set the stage for the dissertation research. The discussion which follows describes the insights which guided the direction of this research into the everyday administrative life of public administrators.

The focus of this research inquiry on organization-environmental dynamics of public agencies and the understanding that this occurs within an institutional framework calls for a theory of political institutions. The recent work by March and Olsen, Rediscovering Institutions (1989), provides such a theoretical framework. Reflecting March and Olsen's attention to the "logic of appropriateness" guiding institutional dynamics, the negotiating in a public agency over



"appropriateness" serves as a major theme for this study. The classic study by Goffman about the rules and conventions which guide interactions, The Presentation of Self in Everyday Life (1973), also evokes insights into how participants in the congressional hearing process learn and negotiate what is appropriate "performance" on their part. Weick's insights from his classic, The Social Psychology of Organizing (1979), offer a theoretical lens that fosters this type of inquiry.

The integration of March and Olsen, Goffman, and Weick's ideas provides a theoretical foundation for understanding the institutional sense-making, meaning negotiations, and relationship building which occurs inherently in the congressional hearing process. This theoretical framework serves as a means of integrating varying perspectives about the congressional hearing process and provides new insights into the process, as well as into the everyday life of public administrators.

Weick describes the process of organizing as "the conjunction of procedures, interpretations, behaviors, and puzzles" (1979, 4). "Puzzle solving," as suggested by Weick, provides a theoretical lens which helps to make organizing "visible" to researchers interested in understanding public agencies. This visibility evolves as procedures gain or do not gain collective meaning, as rules become interpreted and habituated (to a greater or lesser extent).

Organizational "puzzle solving" is analogous to the effort used in solving jigsaw puzzles. Certain pieces form the outside perimeter of the puzzle but they have to be identified first from a conglomeration of deceptive pieces. Assumptions of structure are made--for example, blue pieces go to the top in landscape scenes. However, the existence of similar pieces for blue flowers or water can complicate the identification task. Similarly, a constitutional framework and historical patterns establish parameters which serve to guide the routines and norms of management processes. However, unlike the jigsaw puzzle, there is not just one way to put the puzzle together. Also, the organizational puzzle solver must create the pieces from experience, knowledge, and conversation with others.

Another fascinating aspect of solving jigsaw puzzles is the way puzzles accommodate different working styles. Some people focus on the boundaries of the next shape and then seek to identify that shape among remaining pieces. Others grab an assortment of pieces turning and twisting them until they find a home. Likewise, people and agencies develop their own routines and norms and yet have to fit somehow into the larger overall frame of governance. Unlike jigsaw puzzles, however, the participant in organizational problem solving can shape the process.

"Puzzle solving" offers a way to describe how organizations use organizing processes to wrestle with conflicting tensions inherent in any political system. These tensions influence the form and substance of organizational routines and rules. A review of the literature identifies two significant tensions that shape organizational "puzzle solving" and that have special relevance to the congressional hearing process: 1) explicit versus implicit; and 2) abiding versus fragile. Chapter 9 discusses how these two tensions affect solving the congressional hearing process puzzle, and management processes in general, through their effect on an agency's "logic of appropriateness."

#### Insights into Management Processes

*Management process* describes organizing processes which have as their aim managing an organization as distinguished from organizational processes in general. As an illustration, budgeting is a *management process*, as it serves as an integrating and coordinating process.

Some processes, such as budgeting and personnel, which have as their primary purpose marshalling organizational resources, are readily identifiable as management processes. Other management processes affect resources; however, more indirectly. For example, consider the possible consequences evoked by a GAO report. Although the report by itself does not determine resource levels or priorities of a public

agency, it can trigger legislative scrutiny and serve as a rationale for a congressional change in program funding.

While a wide body of literature views *management processes* from a variety of perspectives, there is no integrating theory. Organizational, management, and public administration theories describe organizational processes from each of their varying perspectives. The extensive literature review in chapter 2 discusses these perspectives in detail.

#### Statement of the Problem

Since the Progressive Era, public administration theorists have expended significant amounts of energy concentrating on two management processes--budgeting and personnel management. This attention is understandable since both of these management processes, especially budgeting, significantly impact critical agency resources and have been viewed as a means for presidents to exert control over executive agencies.

Unfortunately, other important processes of management, those which have information seeking as their primary purpose and which may impact resources only indirectly, have not received the same level of attention. These management processes have fewer people involved in the process, fewer subsystems, and less formalized guidelines governing their routines. Although important to public administrative practice, these management processes have been neglected by

public administration theorists and practitioners. As a result these management processes have been elaborated only slightly and only partially understood. Yet, these processes tell the story of how an agency relates to the other branches of government as well as within the executive branch, how an agency obtains policy input from its clientele or the general public, how an agency interacts with other levels of government, how an agency obtains internal input into and support for its policy positions, and how an agency responds to complaints, criticism, or requests for information. Knowing the answers to all these questions provides insight into an agency's openness to its clientele, sensitivity to its mission, understanding of its place within the overall system of governance, and responsiveness to public scrutiny.

The importance of this relatively unexamined set of management processes on governance merits research attention. Like the management processes of budgeting and personnel, these other management processes also can affect the level of resources coming to an agency. They can affect: policy formulation, implementation and evaluation processes; the relationships with powerful external agents, such as with Congress, the Office of Management and Budget, the Office of the President, the media, special interest groups, and the public. Even the agency's future can be impacted--its mission, program mix, public credibility. Stated explicitly, the

problem addressed by the research documented here attempts to remedy the lack of attention applied to some important public management processes. Through this research process, a more integrated and comprehensive understanding of *management processes* as a whole results.

#### Purpose of the Study

In order to more fully understand how public agencies function, this study will attempt to remedy the lack of attention that has been given to management processes, other than personnel and budgeting. A very visible example of this kind of management process is the organizational activity associated with formal congressional hearings, especially oversight hearings. The purpose of this research effort is to examine "organizational puzzles" created when congressional hearings are scheduled, such as:

1. Selecting who will serve as the agency's lead witness
2. Assigning responsibility for drafting the agency statement, and how the statement should be internally coordinated and reviewed
3. How to handle different personalities and management styles within agency routines
4. How to maintain a shared sense of what is appropriate behavior
5. How to elicit intelligence in order to reduce uncertainty about the Committee's agenda, both overt and hidden

6. How agency political leaders balance asserting control over career staff yet obtain their cooperation and support

All of these are "puzzled out" by agency staff within an overarching framework that works to assure that external interference is minimized and to protect the agency's image as efficient, effective, responsive, and knowledgeable. Together, the solutions to the "puzzles" listed above encompass an agency's congressional hearing management process.

#### Significance of the Study

The significance of this research study is the potential enrichment of knowledge about management processes. This develops by targeting attention to a neglected set of processes. The study has a significant contribution to public administration theory from two perspectives:

1. *The expansion of the definition of management process to include this special set of public administrative processes.*

Viewing management processes as the visible feature of organizational "puzzle solving" advances recognition of the importance of dialogue and the creation of shared meaning. In addition, viewing these organizing processes in this way adds to administrative theory, as well as aids practitioners in better understanding their world.

2. *Further recognition that the structure and execution of management processes affect governance.*

It is through the interaction with political structures that administrative structures are sustained, directed, and limited (Redford 1969, 4). Specifically, this dissertation examines how the congressional hearing management process both shapes and reflects the institutional relationships among the policy subsystem. Secondly, as a benefit of the research design, insights emerge about the agency and issues studied as part of the case study.

#### Research Design

The study design uses two concurrent case study approaches: agency and issue focused. This targets attention on a specific agency's processes--in this case the Department of Veterans Affairs (VA)--associated with public congressional hearings. In particular, the study probes the thinking, feelings, and behaviors of those agency officials involved in the hearing process, as well as representatives from congressional staffs, special interest groups, and the Office of Management and Budget.

Agency Case: The design of this study rests on an in-depth analysis of activities associated with a scheduled congressional hearing. Structured interviews and observation of VA administrative processes are critical parts of this



analysis. Observation targets the scheduling of a hearing,<sup>1</sup> determination of the principal witness, assignment of responsibility for drafting testimony, preparing witnesses to testify, and completion of the post-hearing evaluation and activities. Through participant observation, behaviors and ultimate performance of participants at the actual hearing become valuable data components.

Issue Case: The research design incorporates an interview strategy exploring the Agent Orange issue. Such an approach elicits data on how officials describe and interpret the congressional hearing process associated with this issue. Interview questions elicit information about the testimony preparation process, how informal processes impinge upon the decisions made, and how participants characterized the congressional hearing process.

#### Limitations of the Study

As with case study research in general, caution is required in the generalizability of findings from the study of one federal agency and one issue to the population of federal agencies in general. Although the legislative clearance process mandated by the Office of Management and Budget provides a standard frame of reference for all federal

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<sup>1</sup>Hearing held on the VA Homeless Programs before the Subcommittee on Housing and Memorial Affairs, House Veterans' Affairs Committee, March 1, 1990.

executive agencies, its actual interpretation becomes another organizational puzzle for each agency to solve. The solutions to the "puzzle" presented by a scheduled congressional hearing reflect each agency's interpretation of the situation, further reflecting the exigencies of the times, political and social sensitivities of the issue being addressed, and relationship dynamics within the applicable policy subsystem.

### Research Questions

This study is designed to address three broad primary research questions. These questions provide a frame for reviewing the literature, with the literature serving to guide the development of more focused secondary questions.

**Primary question one: *Is the congressional hearing process a management process?*** This includes the following secondary questions:

- 1a. How do agency participants in the congressional hearing process describe the process and define their involvement?
- 1b. What purpose do public administrators believe congressional hearings serve?
- 1c. What outcomes do participants expect from the congressional hearing process?
- 1d. What effect do policy subsystem interactions have on the congressional hearing process?

**Primary question two: *In what ways is the congressional hearing process institutionalized?*** This includes the following secondary questions:

- 2a. Is there a shared sense of expectations about the rules and routines surrounding the congressional hearing process?
- 2b. What are the expected organizational routines?
- 2c. How do participants learn what is "acceptable" or "appropriate" behavior (performance)?

**Primary question three: *What are the implications of the congressional hearing process for other management processes?*** This includes the following secondary questions:

- 3a. How is the congressional hearing process similar to other management processes?
- 3b. What are the implications of this model for public administration theory and practice?

#### Overview of the Dissertation

In order to guide the reader through the various research stages, this dissertation is presented in three parts. Part I includes four chapters which lay the groundwork for the dissertation study. Chapter 1 describes the research problem being addressed and the implications of this for the study design. Chapter 2 reviews the principal literature in order to develop a theoretical framework. Chapter 3 reviews the supporting literature. This literature views congressio-

nal hearings as executive-legislative processes. Chapter 4 discusses the case study approach as a qualitative research method. Methodological issues associated with the case study approach are analyzed. The selection of cases and the procedures for collecting and analyzing the data also receive attention in this chapter.

Part II presents the case narrative. Chapter 5 provides a description of the general and codified routines and rules of the VA congressional hearing process. Chapter 6 describes the agency case and Chapter 7 the issue case.

Part III presents the findings, analysis, and conclusions. Chapter 8 examines whether the congressional hearing process is a management process. Chapter 9 discusses whether the routines and rules associated with the congressional hearing process are institutionalized and the implications of the research findings for other management processes.

## CHAPTER 2

### LITERATURE REVIEW

This chapter summarizes available literature on public administrative processes, providing a conceptual framework for the dissertation research. The literature review draws primarily from three areas of concentration: management theory, organization theory, and a body of public administration literature that addresses organizational and management processes. To aid in conceptualization, the chapter has two sections: (1) *Organizational Processes*, which addresses organizational processes from a variety of theoretical frameworks, and (2) *Public Administration Processes*, which addresses organizational processes from a public administration perspective.

This chapter uses these two lenses, organizational processes and public administration processes, to build a theoretical framework. The following chapter, chapter 3, uses congressional hearings as a third lens for examining public administration management processes. Chapter 3 reviews public administration and political science literatures specifically addressing the congressional hearing process.

### Organizational Processes

This section analyzes literature which examines organizational processes. Development of a comprehensive understanding of management processes requires analyzing a variety of perspectives. The literature describes four perspectives: institution-based theories, theories regarding the social construction of organizational processes, structural analysis of the process of institutionalization, and systems theories, specifically focusing on policy subsystems.

### Institutional Theories

The literature on institutions provides a lens which enables observers of a political system to see beyond techniques, mission statements, and a business model of public organization. This lens enhances the ability of those concerned about public administration to visualize the richness of interplay between public agencies and their environments, as well as the effect that institutional structure has on these relationships and patterns of relationship.

A critical author in the body of literature on institutions is Philip Selznick (1949, 1984), who recognizes that organizations attempt to develop processes and relationships, internally and externally directed, to assure their preservation. Through the "infusion of critical values," organizations become institutions rather than entities solely

organized on instrumental grounds. The infusion of value beyond a technical, instrumental level of meaning, shaping and shaped by the institution's interaction with its social environment, is the key difference which distinguishes organizations from institutions. Similarly, organizational processes become institutionalized over time as they begin to reflect "the organization's own distinctive history, the people who have been in it, the groups it embodies and the vested interests they have created, and the way it has adapted to its environment" (Selznick 1984, 16).

Four concepts drawn from Selznick's writing are especially helpful to this research study:

1. *A great degree of bargaining occurs between organizations and their environments. The bargaining results in compromises and limits an agency's future options.*

This concept directs attention to the openness of public agencies to their environments and the ways in which expectations of external interest groups impinge upon an agency's standard operating procedures and processes.

2. *Organizations attempt to coopt clientele groups by allowing them to influence policy in return for their support.*

This concept helps to identify patterns of relationships that agencies attempt to foster--informally and formally--to reduce uncertainty. Also, this concept relates to the

functioning of subsystem government and issue networks, a topic discussed later in this chapter.

3. *Institutional commitments develop over time as the organization confronts environmental forces.*

This insight helps to identify how agencies can become locked into positions, thus constraining their ability to react to significantly changing circumstances or environments.

4. *A critical function of leaders is to identify and maintain key organizational values and to infuse these values throughout the organization.*

Thus, the values of leaders influence the structure and dynamics of organizational processes and procedures. As patterns become institutionalized, organizational values serve as a psychological frame for the socialization of workers. An institution's processes reflect and respond to social needs and pressures. Leadership plays a critical role in understanding the organization's social environment, defining institutional values, and assuring that organizational structures and processes reflect and protect institutional values.

In addition to Selznick, there is a rich tradition in public administrative organizational literature that uses an institutional framework. Many observers of public administration emphasize the importance of the relationship that



develops between public agencies as institutions and their environments and how this affects agency procedures (e.g., Seidman and Gilmour 1986; Hartzog 1988; Wolf 1987; Kaufman 1960). Wamsley and Zald (1973) attempt to blend organizational sociology and political science by using a political economy framework to build an integrated public administration theory. Their description of the interaction between public organizations and their environments offers another lens which shifts attention from individuals to a more systems and institutional approach. For example, Wamsley and Zald suggest that "Administrators try to routinize the controversial by obtaining an equilibrium of interests, by benignly institutionalizing their environments" (1973, 65).<sup>2</sup> This work is relevant again later in the chapter in the discussion of policy subsystems.

Retaining this union of sociology and political science, March and Olsen bring renewed attention to the importance of the institutions in governance and society.<sup>3</sup> March and Olsen describe the contemporary view of political life as

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<sup>2</sup>Wamsley and Zald suggest that this "task is never complete, for the equilibrium can be upset by administrative error, changes in influence patterns and technology, or the suddenly negative attention of a latently powerful actor" (1973, 65).

<sup>3</sup>In their recent book entitled Rediscovering Institutions: The Organizational Basis of Politics, March and Olsen argue that "The state is not only affected by society but also affects it" (1989, 17).

noninstitutional; that is, it reflects a contextual, reductionist, utilitarian, instrumentalist, and functionalist view of political theory. In March and Olsen's view, the noninstitutional viewpoint produces an incomplete understanding of contemporary society since it ignores the critical role that formal organizations and the institutions of law and bureaucracy occupy in society. Further, they suggest that the noninstitutional frame of reference leads political scholars to focus either on the competitive aspects of politics, using such exchange or game-like metaphors as "combat" and "alliance," or on politics as a sorting process. This second frame of reference views politics as substituting temporal order for seeming disorder. Theorists in this school rely on models such as the garbage can model developed earlier by Cohen, March and Olsen.

Noninstitutional perspectives mistakenly draw our attention to the individual as the critical unit of analysis, referred to as reductionism. As a result, March and Olsen suggest that this leads analysts to assume that the interactions of individuals determine outcomes at the system level and individual action rests on the preferences and power of individuals: "Thus, we make assumptions about individual consumers to understand markets, about voters to understand politics, and about bureaucrats to understand bureaucracy" (1989, 5).

In contrast, the institutional vision assumes that "the organization of political life makes a difference, and institutions affect the flow of history" (March and Olsen 1989, 159). March and Olsen argue that the institutional perspective provides a more complete understanding of society, not just as an adjunct to theories that have currency, but as an independent theory having merit on its own (1989, 8-16).

The institutional vision described by March and Olsen has significance for this research study. Management processes, by the perspective used in this dissertation study, are better understood as a system of collective actions and *standard operating procedures and structures*, rather than as the sum of actions of pertinent individuals:

Routines make it possible to coordinate many simultaneous activities in a way that makes them mutually consistent. Routines help avoid conflicts; they provide codes of meaning that facilitate interpretation of ambiguous worlds; they constrain bargaining within comprehensible terms and enforce agreements; they help mitigate the unpredictability created by open structures and garbage can processes by regulating the access of participants, problems, and solutions to choice opportunities (March and Olsen 1989, 24).

Political actors are not just driven by calculated self-interest but also by their institutional responsibilities and roles (March and Olsen 1989, 159).

Especially pertinent here is the view that: "Bureaucratic agencies, legislative committees, and appellate courts are arenas for contending social forces, but they are also collections of standard operating procedures and structures

that define and defend values, norms, interests, identities, and beliefs" (March and Olsen 1989, 17). Going beyond this, several other insights emerge as relevant and instructive:

1. *Institutionalization through rules reduces ambiguity and helps avoid conflict.*

This suggests the importance of investigating the role of rules and procedures which surround the congressional hearing procedure. Examples include clearance procedures and rules of behavior for hearing witnesses. In this way it is possible to determine the ability of such rules and procedures to reduce ambiguity and avoid conflict (March and Olsen 1989, 21-24).

2. *The rules<sup>4</sup> that guide behavior may be imposed or part of a socialized code of appropriate behavior, thereby creating a logic of appropriateness.*

Consistent with Weick, determining appropriateness relies heavily on reasoning by analogy and metaphor, use of language and the ways participants verbally compare situations (March and Olsen 1989, 22-26).<sup>5</sup> This supports

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<sup>4</sup>The choice of the terms "rules" and "routines" is not meant to convey inflexibility or rote thinking. March and Olsen argue that "the fact that most behavior is driven by routines does not, by itself, make most behavior routine"(19-89, 24).

<sup>5</sup>Douglas argues that institutions, not just rules, are founded upon analogy, with conventions (social rules) arising to reduce conflict and assure coordination. She notes that: "Individuals, as they pick and choose among the analogies from nature those they will give credence to, are also picking and

the examination of how officials involved in the congressional hearing process learn and judge what is "appropriate" behavior.<sup>6</sup> Further, according to March and Olsen, these routines should be independent of individual actors (1989, 22). If substantiated, field research should find some commonality between agencies and continuity within an agency's internal congressional hearing processes.<sup>7</sup>

3. *Rules take a variety of forms.*

As March and Olsen suggest, this includes procedural rules regarding the process to be followed, decision rules governing the transformation process of inputs into outputs, evaluation rules, rules allocating authority and responsibility, rules managing information, rules regarding access and timetables, and rules governing how to change the rules. Further, rules generally are codified

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choosing at the same time their allies and opponents and the pattern of their future relations. Constituting their version of nature, they are monitoring the constitution of their society" (Douglas 1986, 63).

<sup>6</sup>Determination that a rule is appropriate for the situation does not mean that other observers might not judge it to be stupid or foolish. Institutionalization can both act to enhance organizational performance but also ignore what might be more efficient alternatives (Tolbert and Zucker 1983; Zucker 1987).

<sup>7</sup>The author acknowledges the seminal work on organization learning by Argyris and Schon (1978). Argyris and Schon posit that organizations experience single-loop learning as members detect changes in their environments and thus modify their theory-in-use, or double-loop learning as organizations continuously engage in interactions with their environments.

incompletely, inconsistencies occur commonly, and, thus, "compliance with any specific rule is not automatic" (1989, 22).

4. *Attention is a scarce resource in politics. Thus, mutual delegation occurs across boundaries<sup>8</sup> and is founded on trust, based on a "rule of appropriate behavior," rather than on exchange contracts.*

This is supported by the political science literature which suggests that the degree of congressional oversight reflects congressional perceptions of the "trustworthiness" of agency officials. This insight also supports the assessment that the lack of formal congressional oversight action does not necessarily equate with lack of agency accountability to the legislature. In a related vein, March and Olsen also address the negative impact that political maneuvering by experts has on the political process. Although they agree that experts need to be able to be knowledgeable about political processes, they argue that experts should remain innocent in their political behavior, since policy makers tend to be very jealous of

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<sup>8</sup>Interestingly, March and Olsen argue that the separation of responsibility among the three branches of government is an important political device to reduce conflict, i.e., each branch has "a different set of rules for dealing with what is, in some sense, the same issue (1989, 27)." Although "shared powers" is a more accurate description than "separation of powers," the mental construct of "barriers" does have special relevance when discussing internal institutional routines.

their turf and suspicious of being manipulated.<sup>9</sup> This has ramifications for determining the "appropriate" role of public administrators in the congressional hearing process.

5. *Rituals, symbols, and decision processes help develop shared meaning which, in turn, directs action, control, and innovation.*

The congressional hearing process is surrounded by rituals and symbols which impinge upon the unfolding of the process. Although a direct cause-effect relationship between hearings and the decision processes may not be apparent, hearings do provide an opportunity for an exchange of information among involved officials. Dialogue at hearings also offers an opportunity to interpret the policy stance of competing viewpoints. This, then, provides a relatively stabilizing force on situations fraught with conflict. Political institutions contribute both to social stability and change (March and Olsen 1989, 127).

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<sup>9</sup>March and Olsen argue that political entrepreneurship by experts undermines the quality of expert information and undermines trust in the institution of expertise. From this perspective, policy makers want competent, reliable (having similar values), and politically unambitious advice. They write: "Policy makers trust advisors who leave politics to them, who yearn neither for influence nor for martyrdom" (1989, 32).

6. *Political choice is orchestrated to assure the polity's citizens that the choice was made intelligently, the appropriate interests were heard, and the leaders are in control.*

Obviously, this statement describes an important role of congressional hearings in legitimating government.<sup>10</sup> Hearings provide a public forum which symbolically suggests that the legislature takes into account appropriate interests. Oversight hearings demonstrate that the legislature exerts some control over the executive agencies and that the agencies recognize their accountability.

#### Organizational Processes as Social Constructs

Complementary to March and Olsen's institutional vision, a body of literature, drawn from interpretive sociology, offers an additional vision of the process of institutionalization of organizational processes. Theorists of this literature view reality as socially constructed and ordered (Berger and Luckmann 1967, Burrell and Morgan 1979, Pfeffer 1981, Weick 1979). This conceptual framework shifts attention

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<sup>10</sup>In accord with Edelman and Pfeffer's ideas on the importance of symbols and language, March and Olsen suggest that political institutions shape meaning and thus "create an interpretive order within which political behavior can be understood and provided continuity" and that "the symbolic consequences of political decision making are at least as important as the substantive consequences" (1989, 52).



from organizational structure to the creation and maintenance of organizing processes. Such an approach posits that, as patterns of action become repeated, shared definitions and social definitions of situations occur. Also, emergent and situationally defined action affects, and is affected by, the social culture, history, and value systems. Thus, this interpretivist conceptual framework adds to our understanding of organization-environmental interactions and processes and organizations as interpretation systems (Daft and Weick 1984; Weick and Daft 1983; Daft and Lengel 1986; Daft, Sormunen, and Parks 1988).<sup>11</sup> Thus, organizations create management processes as ways of "making sense" of particularistic demands from the organizational and policy environment.

Weick's prominent work, The Social Psychology of Organizing (1979) provides a key reference in this stream of literature. The emphasis in this book is the "process" aspect of administrative processes. Weick applies an open-systems approach at the individual level. Pertinent to this study, he argues that "organizations deal with streams of materials, people, money, time, solutions, problems, and choices . . . elusive and difficult to describe . . . but streams, flows and changes are the essence of what managers manage" (Weick 1979,

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<sup>11</sup>Theorists in this stream of literature can trace many of their concepts back to Mary Parker Follett's theories of organization. Follett's theories emphasize the value of coordination as a process, not as an end (Follett 1924, Fox and Urwick 1973).

42). He suggests that the way actors within organizations deal with these streams is through organizing processes.

Weick defines organizing as resembling "a grammar, code, or set of recipes," organizing processes as streams of collective and social action, and organizing as a means of "arranging processes to cope with the equivocal nature of streams of experience" (1979, 47). Somewhat comparable to March and Olsen's logic of appropriateness, Weick describes organizing as rules and conventions which come together in sets of interlocked behaviors that in turn become social processes intelligible to the actors engaged in them (1979, 3).

From this social psychology perspective, Weick draws our attention to the variability of attention processes, and coordination and cooperation as loosely constructed interlocked behaviors. Weick carefully describes how behavior tends to occur first and is then interpreted;<sup>12</sup> the great latitude that exists in interpretation of situations and events; and, the need for organizations to achieve a balance between stability and flexibility. These insights help in

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<sup>12</sup>In a later article, Daft and Weick describe organizations as interpretation systems. They suggest that the process of interpretation (giving data meaning) is more than the interpretation which occurs at the individual level, that is, "Organizations have cognitive systems and memories" (1984, 285).

understanding how organizations make sense of unclear and equivocal information. People in organizations become:

extraordinarily talented at normalizing deviant events, at reconciling outliers to a central tendency, at producing typifications, at making do with scraps of information, and at treating as sufficient whatever information is at hand (Weick and Daft 1983, 87).

Management literature, which describes the actual fragmented worklife of managers, captures this vision as well:

Studies suggest that the most successful general managers are those who skillfully interact, socialize, and politic with key people inside and outside the organization. Extensive reviews of the literature indicate that managerial work is situational, characterized by diversity, involves making decisions, and negotiating (Duncan 1987, 28).

For the purposes of this research study, Weick's vision of organizing reminds us that organizing is a social process. It is characterized by interdependencies and equivocality and active interpretation of--rather than passive reactions to--events and situations. Pertinent to legislative-executive branch relations is the description of organizations as ambivalent about being open and closed, suspicious and trusting (Weick 1979, 13).

In this stream of literature, Daft and Lengel argue that the major problem facing organizations is not lack of data, but a lack of clarity. Organizations can be structured in several ways to assist in their efforts to reduce equivocality. Organizations can hold group meetings to exchange opinions and perceptions, utilize integrators and boundary

spanners, organize planning mechanisms, create special reporting requirements, formalize information systems, and establish rules and regulations<sup>13</sup> (Daft and Lengel 1986, 560-562). All of these activities potentially describe organizing processes used by both agencies and congressional committees in attempting to reduce uncertainty and equivocality. The informal communications that occur between public managers and congressional members and staff can be viewed from this perspective, that is, attempting to obtain an agreed upon definition of the situation.

Addressing the importance of language and symbols from a more political systems perspective, Edelman (1964) offers some helpful insights into the linkage between political systems and the emotions they can evoke: "Political symbols bring out in concentrated form those particular meanings and emotions which the members of a group create and reinforce in each other" (1964, 11). Also, Edelman suggests that there is no one "real" political system, but diverse perceptions which fleetingly focus on one, then another, facet. Edelman describes administrative systems themselves as political symbols, noting that such systems serve both an instrumental and expressive function for the polity. Congressional

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<sup>13</sup>Rules and regulations are described as the weakest and least rich source of information, especially in terms of equivocality reduction. Instead, Daft and Lengel suggest that rules and regulations provide a means of educating employees how to respond to routine organization phenomena (1986, 562).

hearings serve as a platform and vehicle for public dialogue. In Edelman's terms, hearings can be viewed therefore as a mechanism to gain public acquiescence to the private maneuvering of those in the policy subsystem.

In this same tradition, Pfeffer captures the effect of power on organizations. He argues that political language and symbolic activity serve a legitimating function as they rationalize and justify decisions that are largely the result of power and influence (Pfeffer 1981, 184). Like Selznick, Pfeffer also argues that an important management role is in creation of meaning (Pfeffer 1976). Other organizational researchers theorize about the importance of language, rituals, and beliefs upon organizational behavior (Pettigrew 1979; Sproull 1981; Smirchich and Stubbart 1985; Weick 1988; Daft and Wiginton 1979; Yarwood and Nimmo 1976; Pondy 1978). Dennard suggests that language formats impinge upon the ability to have public dialogue. Such formats can lead to a dialogue based on a sense of community or on conflict and "zero sum" expectations (1989).

### Structural Approach

Goffman delves into the process of institutionalization from a structural perspective in his classic work, The Presentation of Self in Everyday Life (1973). His focus is on the "frame" where interaction occurs, rather than on the interaction itself, investigating the rules and conventions

that guide cognition and communication (Gonos 1977). Some of the pertinent aspects of Goffman's work are described below:

1. *The working consensus in one interaction setting will be different in another setting.*

Goffman describes society as organized upon the principle that individuals can expect others to value and treat them in an appropriate way. This suggests another way of looking at March and Olsen's logic of appropriateness.

2. *The term "front" defines the situation for those observing the performance of individuals and includes the setting, appearance and manner (1973, 22-24).*

This is also pertinent to the development of a logic of appropriateness, as individuals learn what is an appropriate performance when they are "being at" congressional hearings. The congressional hearing rooms provide a symbolic setting that impinges upon the interactions. For example, the formality (and sometimes elevation) of the seating for committee members and the expected respectful manner expected of agency witnesses.

3. *Reality is an impression which is fostered by a performance that is delicate and fragile.*

Thus, social legitimacy rests on fragile ground. Goffman describes the psychological pressure that exists among team members to create a shared sense of reality. In team settings, familiarity prevails and, thus, solidarity is

likely to develop. Any secrets that could reveal the "show" as an illusion are shared and kept within the team.

4. *The capacity to switch roles enables individuals to have anticipatory socialization.*

This suggests an area to investigate regarding how individuals involved in the congressional hearing process learn what are appropriate performance and behaviors. Information regarding this learning process provides a lens into the agency's socialization process.

5. *The "back" region is where impression management occurs.*

Illusions and impressions are openly constructed behind the scenes, out of the public's view. When an organization is in this stage of a process, the team can determine if individuals will perform prudently and loyally, and to plan for contingencies. This offers an explanation for the need for an extensive hearing preparation process, not only for content but also to assure "appropriate" performance.

6. *The performer must be sensitive to hints and be ready to modify his show accordingly; if he is to misrepresent the facts, he must follow the etiquette for misrepresentation.*

This insight offers an area to investigate to determine if public administrators are aware of such etiquette and how they learned about it. In addition, interviews may elicit

whether other members in the policy subsystem recognize when this occurs.

### Systems and Policy Subsystems Literature

Systems Theory. Although the systems paradigm has fallen from currency in organization research (Ashmos and Huber 1987), systems theory offers some valuable guidelines for understanding organizations and managing. Johnson, Kast, and Rosenzweig define a system as "an organized or complex whole; an assemblage or combination of things or parts forming a complex or unitary whole" (1973, 4). Systems theory enables one to view organizations as open, social systems which depend on interchanges with their environments. Organization-environment relationships are marked by interdependence, uncertainty, and equivocality. Further, organizations structurally differentiate into specialized functions, with the resulting need for integrating structures to coordinate and control organizational activities, such as managing systems (Katz and Kahn 1966; Miles 1980; Scott 1987; Aldrich and Marsden 1988).

Although Katz and Kahn view the managing executive system as distinct from the policy-making system, Thompson (1967) offers a more useful framework for this research study. He argues that tension exists within organizations as they



attempt to employ both open and closed systems strategies.<sup>14</sup> The managerial level attempts to mediate between these strategies. Systems theorists identify three key subsystems of the managerial system--operating, coordinative, and strategic--each requiring its own type of management.<sup>15</sup> They describe planning, organizing, and controlling as fundamental administrative processes (Johnson, Kast, and Rosenzweig 1973, 44, 15-16). Similarly, Thompson describes administration as the co-alignment of the various subsystems and environments (1967, 157).

The terms commonly used in describing those who manage organizations--manager, administrator, executive or decision maker--incompletely capture the diversity and complexity of the managerial subsystem. This may be due to an inability to fully understand or observe the manager's whole system (Churchman 1977, 412).

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<sup>14</sup>Organizations attempt to create a closed system around their technical core to maximize efficiency and shield their technical core from environmental forces. They use an open system strategy for dealing with uncertainty in their environment, and where the environment needs to be adapted to or enacted.

<sup>15</sup>Barnard, one of the earliest theorists to visualize organizations as social systems, specifically discusses executive and administrative processes. His work reflects what goes on in the minds of managers as they go about the task of organizing. Barnard helps to crystallize the art of exercising judgement and the arts of cooperating and communicating.

Managerial actions to assure environmental fit and organizational survival have normative consequences for society and the polity (Perrow 1986; Silverman 1970; Harmon 1981) and meaning beyond the technical core and organizational levels. A systems model formulated by Wamsley to describe public administration management processes applies hierarchical levels of meaning. Wamsley defines management processes, such as budgeting, personnel, and administrative law, as "the means by which we transform abstract thoughts and representational symbols, policy [decisions], into action, outputs, and outcomes."<sup>16</sup> Wamsley's systems perspective, which is presented in table 1, describes five levels of meaning. Each level attempts to capture the meaning--view of reality--that is applied to descriptions of management processes. This approach begins to capture the importance of public management processes to the overall system of governance.

In complementary fashion to Wamsley's five levels of meaning, Miller's (1978) seven hierarchical levels of living systems provide a helpful schema for visualizing the public administration management processes. Miller's seven levels include: supranational system, society, organization, group,

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<sup>16</sup>Wamsley's model is being further refined. He first drafted the model at the Center for Public Administration and Policy, Virginia Polytechnic Institute and State University, Blacksburg, in the early 1980's.

organism, organ, and cell. This typology evokes recognition of the value of adding the two additional levels--supranational and cell--to the discussion of the levels of meanings of management processes.

Table 1.--Wamsley's Five Levels of Meaning

Level	Definition
Societal	Political economy (includes class interaction)
Governance	Polity (Inter-branch conflict and partisan electoral struggle)
Institutional	Organizational (bureaucratic politics, policy subsystem interactions)
Managerial	Organizational administration (organizing processes)
Operational	Technical program management

Policy Subsystems. Related to the policy and organizational literature, the literature on policy subsystems focuses attention not only on the relationship between organization and environment but also relationships between institutions. The policy subsystem lens enriches an understanding both of the permeability of organizations to their environment and their activities directed toward shaping their environments. Such activities impact upon the routines and operating procedures that agencies tend to institutionalize.

Wamsley and Zald (1973) offer a helpful definition of policy subsystems from a political economy-environment perspective; policy subsystems are composed of the organization and its relevant others. Subsystems have varying degrees of cohesion and tend to be internally complex (Wamsley 1985, Milward and Wamsley 1985). Hamm views the operation of subsystems as a "series of exchange relationships" (1983, 394). Public hearings provide a mechanism for policy subsystem members to press for public agency action and to expand public support for their position (Kingdon 1984; Jones 1984).

Relevant to this dissertation study, theorists of the policy subsystem literature describe government programs as a mechanism which vertically integrates the policy subsystem, across public-private boundaries, branches of government, and levels of government. Further, participation in the system rests on the desire to influence the allocation of values (Milward and Wamsley 1985, Wamsley 1985).

Referred to by a variety of labels, including "subgovernments," "iron triangles," "cozy triangles," "policy whirlpools," and "issue networks," these coalitions of interest groups, congressional committees, and agency officials closely interact with and influence the public policy and decision-making processes (Truman 1951; Freeman 1965; Redford 1969; Heclo 1978; Nakamura and Smallwood 1980; Hamm 1983; Milward and Wamsley 1985). One common definition of policy

subsystem is the relationship among one bureau, one set of subcommittees, and a cluster of interest groups. However, this definition ignores "the complexity of the relationships among policy areas, agencies, and congressional committees" (Dodd and Schott 1979, 218).<sup>17</sup>

Dodd and Schott describe "*dual*" legislative oversight subsystems, consisting of the legislative committees and the appropriations subcommittee in each house. Their convincing conclusion is that the dual subsystem significantly affects legislative-agency relationships. For example, the differing norms of each subsystem create institutional tension and conflict which can in turn be transmitted to the agency, thereby making their relationship with Congress "more complex and difficult" (Dodd and Schott 1979, 225). In addition, competing "mini-subsystems" can form within the authorization subsystem, as well as House subsystems competing for influence with Senate subsystems (Dodd and Schott 1979, 226).

Differing administrative levels play a key role in each subsystem: political executives generally take the lead

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<sup>17</sup>Using Lowi's framework, Dodd and Schott suggest that the classical definition of policy subsystem more accurately reflects distributive policy arenas. In contrast, regulatory policies tend to result both in full committee or floor attention and higher levels in the public agency (that is, moving from bureau to agency or departmental level). Redistributive policies tend to receive attention at the highest levels of government, that is, attended to by the Congressional leadership, President, and political appointees. Once a policy decision is made, policies may gravitate downward to the policy subsystem level (Dodd and Schott 1979, 220).

in relationships with the authorization subsystem while budget directors, both at the agency and department or bureau levels, usually high-level careerists, generally are relied upon by appropriations subcommittees. Since political executives tend to have brief tenure, the appropriation mini-subsystem "may help to explain the effectiveness of oversight exercised through the appropriation subsystem" (Dodd and Schott 1979, 225).

Another impact of the rise of "subcommittee government" has been the institutionalization of congressional liaison offices in public agencies to coordinate hearing testimony and congressional inquiries. The congressional liaison office "represents a part of the congressional culture transplanted into executive departments and agencies" (Dodd and Schott 1979, 264). Some view the creation of such offices as an attempt by political officials to counter the influence of subsystem politics (Dodd and Schott 1979, 265). This organizational strategy is unsuccessful for three reasons:

1. the ambivalence of careerists who generally perform the liaison function
2. the suspicion that careerists and bureau leaders have of political appointees
3. the conflict that is engendered as liaison staff members "attempt to loosen the bonds between congressional sub-

committees and bureau heads that have been forged over the years" (Dodd and Schott 1979, 266)

Although this organizational approach to constraining informal agency-committee relationships has not been successful in containing subsystem politics, the congressional liaison office:

. . . has probably done more to rationalize a process for facilitating agency responses to congressional requests and to provide a convenient point of access for congressional needs for information and service than to weaken the traditional ties of subsystem politics or to enforce an "agency" (as opposed to a bureau) position on the Hill (Dodd and Schott 1979, 267).

Interest groups can serve a special democratic function--scrutiny of administrative action (Appleby 1975). Thus, public administration becomes a natural focus of interest group attention and pressure. In his classic work, The Governmental Process (1951), Truman describes the impact that interest groups have on public policy making as they attempt to influence standing congressional committees and administrative agencies.

Critics of this power describe pressure politics as endangering popular democracy. Two classic examples of this critique is Schattschneider's work, The Semi-Sovereign People and Lowi's polemic, The End of Liberalism. Since these books were first published in the 1960's, the political environment has seen significant change. No longer just "big," government has become global in character, and increasingly complex as it faces "wicked" problems. The interest group literature

reflects this change as scholars have given increased attention to the integral role that interest groups play in the policy and decision making processes of government (Heclo 1978; Cigler and Loomis 1986; Jones 1984).

Contemporary interest group scholars also describe a "participation revolution" on the part of citizens. They describe a growing diversity in the types of interest groups as individuals, corporations, and institutions form around narrow issues. Labeled as "politics one-on-one," Brody (1978) describes the growing incidence of citizen-initiated contact, such as letter writing to public officials. In this form, citizens individually attempt to influence the government's decision making system. As a result, a focus on a tightly knit triangle of interests no longer describes the complex political environment of administrative agencies (Heclo 1977; Mosher 1982; Seidman and Gilmour 1986; Salamon and Lund 1984; Fisher 1987; Crovitz and Rabkin 1989).

Heclo's (1978) conceptualization of "issue networks" offers a description of the fluid, transitory, and dynamic nature of the pressure-influence forces that are faced and joined in by administrative agencies. Individuals and groups arise, depart from the scene, and briefly coalesce with like-minded others to influence the policy process. Loosely coupled issue networks will continue to impinge in an ever increasing way upon government. The presence of these



networks has a destabilizing and complicating effect on executive agencies, furthering adding concern about the deleterious effect on democracy caused by administrative agency negotiations with interest and issue groups (Lowi 1969). Heclo argues convincingly that issue networks could continue to aggravate problems of democratic legitimacy and public disenchantment with government action. This model offers especially useful insights into understanding the Agent Orange issue addressed later in chapter 7.

#### Public Administration Processes

Management and public administration literature describes *management process* from two completely different perspectives. In management theory literature, *management process* refers to a distinct school of management thought,<sup>18</sup> although also referred to, but less often, as "administrative theory." Theorists in this school apply the term *management process* to describe what managers do.<sup>19</sup> For example, a recent management text defines management as "the process of

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<sup>18</sup>In the classic article "The Management Theory Jungle" in the Journal of the Academy of Management, December 1961, Koontz outlined six major schools of management thought: management process, empirical, human behavioral, social systems, decision theory, and mathematical schools.

<sup>19</sup>The AMA Management Handbook (1983) explains that the management process school "looks on management theory as a way of organizing practical management experience. It holds that practice can be improved through research, empirical testing of principles, and teaching the fundamentals involved in the process of management" (Burke 1983, 18).

planning, organizing, leading, and controlling the efforts of organization members and of using all other organizational resources to achieve stated organizational goals" (Stoner and Wankel 1986, 4). Some management theorists also use the term *management process* as a convenient label to describe managerial functions. As an example of this, a widely used text on health care marketing refers to marketing as a management process. The authors never define what they mean by *management process*.<sup>20</sup>

In contrast, public administration theorists apply the concept of *management process* to describe organizational processes (e.g., budgeting and personnel) used by the Executive and by Congress to control administrative agencies. Theorists in both the management and public administration bodies of literature often use *administrative* or *management* interchangeably and apply the terms as if the meaning is understood.

Words and phrases are important and are not just semantic quibbling. Wren suggests that terminology guides how we ask questions and how we establish a theoretical base for recognizing change, and building and integrating knowledge. Most importantly, since so much of public administration theory is grounded in scientific and classical management,

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<sup>20</sup>Kotler, Philip and Roberta N. Clarke. 1987. Marketing for Health Care Organizations. Englewood Cliffs, N.J.: Prentice Hall.

terminology is important because: "What is fact to one generation may be myth to a subsequent one, as revised interpretations follow newly acquired knowledge" (Wren 1979, 343).

### Management Process

In his work tracing the origins of keywords used in culture and society, Williams explains that the term "management" was originally a noun of process for "taking control, taking charge, directing" (1985, 190). In English usage, management became distinct from public agents (civil servants, the bureaucracy) even when they performed identical activities: "The polite term for semi-public institutions has been *the administration* (though this also is used as a political synonym for *government*)" (Williams 1985, 190-91). The Dictionary of American Government and Politics defines administration as "the management and direction of the affairs of governments and institutions" (1988, 8).

In the 1949 translation of Fayol's General and Industrial Management, Urwick laments (in the foreword) the impreciseness of the translation of Fayol's "administration" into the English translation "management."<sup>21</sup> He writes that

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<sup>21</sup>To buttress his argument, Urwick uses medicine as an analogy. Urwick explains that "medicine" means the subject, body of knowledge and practice of medicine. Although recognized that the term also had a popularized meaning, that is a remedy or prescription, Urwick argues that medical practice is the activity, and medical practitioners or doctors are those

Fayol intended "administration" to describe a function, an activity. Wren suggests that Fayol viewed management as the total function of guiding the enterprise while administration was viewed as a "cyclical subfunction of working through people" (1979, 539).

The first English translation of Fayol's work by Coubrough describes administration as one function of management. However, Storrs translation using "to manage" became the more widely known in the United States (Wren 1979). Wren argues that management, as a result of a translation decision, became seen as more constrained, that is, as operating only through people, rather than being seen as an overall function guiding an organization (taking into account the other five activities common to all organizations--technical, commercial, financial, security, and accounting.<sup>22</sup> He posits that the evolution of management theory might have been changed if the English translation of Fayol's work had used the English word "to administer" for "administrer" rather than using the words "to manage" (1979, 230).<sup>23</sup>

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who exercise the activity. Urwick suggestively concludes that we do not describe medical practitioners as "the medicine" (1949, xv).

<sup>22</sup>Fayol does not use the term "process" but instead refers to "elements of management."

<sup>23</sup>According to Wren, the original French explanation was as follows:

'La fonction administrative se distingue nettement des cinq autres fonctions essentielles.

Fayol's conceptional framework and his fourteen principles of administration have made a lasting contribution to management theory.<sup>24</sup> His ideas and terminology are so

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Il importe de ne pas la confondre avec le gouvernement.

Gouverner, c'est conduire l'entreprise vers son but en cherchant à tirer le meilleur parti possible de toutes les ressources dont elle dispose; c'est assurer la marche des six fonctions essentielles.

L'administration n'est que l'une des six fonctions dont le gouvernement doit assurer la marche. Mais elle tient dans le rôle des grands chefs une si grande place qu'il peut parfois sembler que ce rôle est exclusivement administratif.

Coubrough's translation:

It is important not to confuse administration with management. To manage an undertaking is to conduct it towards its objective by trying to make the best possible use of all the resources at its disposal; it is, in fact, to ensure the smooth working of the six essential functions. Administration is only one of these functions, but the managers of big concerns spend so much of their time on it that their jobs sometimes seem to consist solely of administration.

Storrs' translation:

The managerial function is quite distinct from the other five essential functions. It should not be confused with government. To govern is to conduct the undertaking towards its objective by seeking to derive optimum advantage from all available resources and to assure the smooth working of the six essential functions. Management is merely one of the six functions whose smooth working government has to ensure, but it has such a large place in the part played by higher managers that sometimes this part seems exclusively managerial' (Wren 1979, 231-232).

<sup>24</sup>In the forward to the 1949 edition of Fayol's General and Industrial Management, Urwick writes that American theorists were aware of his work even though it was not widely known until the 1949 translation. According to Urwick, Fayol's book was translated into English in 1929 but did not appear in the United States until 1937 in the Papers of the Science of Administration edited by Gulick and Urwick. However, Urwick notes that Sarah Greer's translation of his paper "The Administrative Theory in the State" was delivered before the Second International Congress of Administrative

commonplace to present management literature that they are taken for granted (Wren 1979, 248). Classical functions still represent the most useful way of conceptualizing the manager's job because they serve to classify the thousands of different activities that managers carry out to achieve organizational goals (Carroll and Gillen 1987, 48).

Fayol's distinction between management and administration has had a lasting effect on management and public administration theory.<sup>25</sup> In his management classic, The Fundamentals of Top Management (1951), Ralph Currier Davis defines management as the function of executive leadership which has the organic subfunctions of planning, organizing, and controlling. Davis makes a distinction between "administrative management" and operative management:

Administrative management, or administration as it is sometimes called, is that phase of management which has to do primarily with the accomplishment of organizational objectives over a time period. It is reasonably accurate to say that administrative management is group management; operative management is project management (1951, 160).

Not too surprising, Davis admits that the distinction between these two types of management is difficult to define.

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Science held in Brussels in 1923.

<sup>25</sup>Fayol's influence on systems theory is also evident. Johnson, Kast, and Rosenzweig describe planning, organizing, and controlling as fundamental administrative processes which organizations use to meet goals.

However, he indicates that the distinction reflects the differences in the proportion of work being exercised.

In another management classic, Administration: Its Purpose and Performance (1959), Ordway Tead describes the principles and elements of management. Tead views administration as policy formulation (executive effort) and management as policy execution, although he recognizes that this distinction is not universally observed.

Miner draws another not very helpful distinction between management function, management process, and organizational process. He explains that:

The sum total of all management functions (or processes) is *the management process*. A distinction should be maintained between *management* functions (planning, organizing, controlling, and the like) and *organizational* functions, that is, marketing, manufacturing, accounting, personnel (1978, 47-48).

In accord with Davis's definition of administrative management, Tosi and Carroll explain that "The *management process* occurs when people in organizations attempt to achieve objectives through efficient utilization of resources" (1976, 4-5). Reminiscent of Fayol's elements of management process (planning, organizing, commanding, coordinating, and controlling), Tosi and Carroll list eight functions which are components of the managerial process: planning, representing, investigating, negotiating, coordinating, evaluating, supervising, and staffing. In contrast to public administration literature, Tosi and Carroll identify activities associated

with personnel and money and finances as "areas of technical concern" rather than as part of the managerial process.

Fayol viewed his concepts as having universality to both private and public organizations. The management principles were assumed to be the same no matter the type of organization. In the foreword to the 1949 translation of Fayol, Urwick complained that distinctions between management and public administration are "false and misleading" (Fayol 1949, xv).

Schick applies a "management process" model in his analysis of public budgeting (1972). As shown in Table 2, Shick's analysis captures some of the differences in skill and responsibility that distinguish among the three differing

Table 2.--Schick's Analysis--Budget Orientation Differences

Characteristic	Control	Management	Planning
Skill	Accounting	Administration	Economics
Responsibility:			
Control	Central	Operating	Operating
Management	Dispersed	Central	Supervisory
Planning	Dispersed	Dispersed	Central

Source: Allen Schick, "The Road to PPB: The Stages of Budget Reform," in Planning Programming Budgeting: A Systems Approach to Management, 2nd ed., ed. Fremont J. Lyden and Ernest G. Miller (Chicago: Markham Publishing, 1972).



budget orientations--planning, management and control processes. Each orientation commands different competencies and attention. The dominance of the chief executive in the process supports a control orientation (executive budgeting) whereas a management orientation focuses on effective utilization of resources (e.g., performance budgeting and executive leadership). The planning orientation, PPBS, was supposed to introduce new information and decision technologies which would better rationalize the process (Schick 1972, 20-31).

#### Management Processes as a Means of Controlling Agencies

Philosophical and political questions regarding the proper relations between the executive and legislative branches date back to our nation's founding. Anxious about an over-reaching Executive, the Founders established a system of checks and balances that divided, yet blended and shared, power among the three branches of government and resulted in each branch needing the support and countenance of the others (Neustadt 1965; Fisher 1987).

Wilson's 1887 essay on "The Study of Administration" views Congress and the presidency from an independent, competing institutional perspective. His essay coincided with the beginning of a shift towards an executive model of government. From a reformist perspective and an emphasis on administrative rationality and efficiency, Wilson's work

suggests that the proper distribution of constitutional authority rests on discovering arrangements (structures and processes) which clearly and simply assign responsibility while efficiently dividing authority. Similarly, Wilson's classic work, Congressional Government (1885), judges the structure of government as far too divided and unwieldy for an efficient, responsible, and prompt system of government. Accepting the precept that the legislature, as the representative arm of government, should be the originating and ultimate force for all matters of government, Wilson describes administration as "merely the clerical part of government" (Wilson 1956, 181). In this tradition, the legislature is assumed to set broad standards but not to intrude on administration<sup>26</sup> (White 1948; Harris 1964; Macmahon 1943).

The rich literature which further addresses the politics-administration dichotomy (e.g., Goodnow, Gulick, White, and Appleby) is acknowledged. This stream of public administration literature is important because the debate on the existence or nonexistence of such a distinction addresses two issues directly impinging upon executive-legislative processes--can a line be drawn between politics (policy

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<sup>26</sup>In strongest contrast to this perspective is a model which supports legislative supremacy. In this model, Congress, as representatives of the people, serves to brake the actions of the President and administrative agencies. As the strongest advocate of this position, Hyneman argued that Congress must statutorily specify in detail every guide, condition, and principle it thinks necessary (1950, 81).

making) and administration (implementation) and concerns over the accountability of government bureaucracy.

Writing about the dichotomy, Waldo suggests that many governmental phenomena are a mix of politics-policy and administration-management but that there is enough of a distinction to have some analytic and prescriptive value. Further, and directly related to this study, Waldo states that "The distinction is important enough to justify institutional structures and operating procedures" (1987, 106). These institutional structures and operating procedures have become the management processes of public agencies.

The efforts of Luther Gulick serve as an excellent illustration of how early public administrative theorists attempted to link Fayol's universal principles and the Scientific Management theorists' attempts to rationalize management.<sup>27</sup> The list of executive functions described by Gulick, PODSCORB--planning, organizing, staffing, directing, coordination, reporting, and budgeting--expanded upon Fayol's five elements. Harmon and Mayer suggest that PODSCORB "summa-

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<sup>27</sup>Gulick was a member on the influential commission formed by President Franklin D. Roosevelt, Committee on Administrative Management and co-edited with Urwick the classic, Papers on the Science of Administration (NY: Institute of Public Administration, 1937) compiled for the Committee. Prior to this, he was an intern and later staff member with the New York Bureau of Municipal Research and became its director in 1921. This organization became reconstituted as the Institute of Public Administration (Fitch 1990, 604-605).

rizes a view of public administration that would influence the teaching and thinking about public administration for the next fifty years" (1986, 127). Gulick is described by Harmon and Mayer as having three profound consequences on the development of public administration:

1. Operationalizing the Wilsonian political-administration dichotomy, PODSCORB emphasizes means of administration over purpose. Thus, experts can focus on the "facts" while the structure of government protects democracy.
2. Modifying some of the premises of scientific management, PODSCORB posits the need for organizing work by functional division, thus leaving the public administrator the task of coordination through bureaucratic hierarchy. Although theoretically the chief executive would therefore become the sole source of accountability, in practice "the office, bureau, or agency "becomes vested with authority."
3. *Efficiency* becomes the most important value guiding public administration (1986, 127-32).

In a recent article honoring Gulick, Fitch tellingly describes the work of the Bureau of Municipal Research as developing the *tools* of public administration, "beginning with the three basics of personnel, budgeting, and organization" (1990, 606). The work of Gulick, Merriam, and Brownlow on the President's Committee for Administrative Management lays "the

base for the transformation of the presidency into a managerial executive" (Van Riper 1990, 611).

Application of the business executive model to the presidency has led to the development of management processes which hierarchically coordinate the review and approval of a unified Administration position on legislation and policy (Neustadt 1954, Gilmour 1971, Stein 1952).<sup>28</sup> The practice of centralized clearance has been a powerful tool of the managerial Presidency (Neustadt 1954, Gilmour 1971). The quest of making government more "businesslike" recurs frequently. Although writing about the relationship between business and government, Joseph Bower provides a useful conceptual framework that helps to explain why public management processes are more than tools of the executive (reproduced in table 3). Bower posits that managers in these two types of systems, *technocratic* and *political*, have differing views of reality and therefore clash when they collide. He writes that:

Managers of technocratic systems believe purpose to be a matter of *focus*, structure a question of *hierarchy*, and contract a problem for *managed incentives*. Managers of political systems believe purpose to be a game of *fair division*, structure a version of *calvary charge*, and incentives a problem for *skillful bargaining* (1983, 87).

Technocratic managerial systems are defined as organizational systems geared to efficient and effective production of goods

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<sup>28</sup>In 1921, the Chairman of the House Appropriations Committee requested that legislative clearance be centrally controlled by the Bureau of the Budget.

and services. Political managerial systems are those geared to equitable or legitimate distribution of costs and benefits and which have overlapping claims (Bower 1983, 84). Either system can be in the public or private domain. Table 3 presents two especially relevant dimensions analyzed by Bower, the contract and information. Both of these dimensions capture some important distinctions between technocratic and political managerial systems.

Table 3 -- Bower's Description of Managerial Systems

The Contract

Technocratic - to the institution

Political - to self or country

Information

Technocratic - extensive and systematic

- generally closed to the public

Political - fragmented and qualitative

- often open to the public

Source: Joseph L. Bower, "Managing for Efficiency, Managing for Equity," Harvard Business Review 61 (July/August 1983): 85.

Although Bower's model provides some helpful insights into the differences between these two systems, differences in the locus of decision making should be added to this model for public agencies. In the political managerial system, the power to make decisions is shared among different agencies and branches of government. In contrast, the technocratic managerial system has significantly more internal organizational control over their decision-making processes. In addition, the emphasis on return on investment provides a more measurable and available means of determining success (Bower 1983, 85).

Pertinent to this research study is the budgetary, public personnel, and administrative law literature that presents more than just a technical or procedural view to understanding public administration management processes (Schick 1983; Mowery and Kamlet 1984; Stockman 1987; Shuman 1988; Shafritz, Hyde, and Rosenbloom 1981; Cooper 1987; Meier 1985). This perspective describes how the totality of agency, policy subsystem, and interbranch relationships define and shape these management processes.

Generally, recognition of the broader societal implications of budgetary and personnel processes waited for more contemporary authors. Examples include Wildavsky (1988), who addressed budgeting from a more political systems approach and Nigro and Nigro (1976), who recognized the policy implica-

tions of public personnel administration. This recognition of the broader implications of budgeting and personnel systems may have been triggered by the politicization of the Administrative State that began in the 1970's (Schick 1976, 1983; Shuman 1988; Wildavsky 1988; Kamlet and Mowery 1985).

The literature describes the constant maneuvering for ascendancy that occurs between contemporary Congresses and presidents (Schick 1983; Cronin 1980; Christenson 1978; Shull 1978; Edwards 1978; Neustadt 1965; Mezey 1986). The rise of "subcommittee government" also has increased the presence of Congress in the daily affairs of the Administrative State (Dodd and Schott 1979, 212).

The budget and public personnel literature describes budgeting and personnel as important tools of the executive leadership. The administrative value of efficiency dominated early twentieth century reformers' concerns about how best to fashion budgetary and personnel procedures and processes (Haber 1964). Legislators yielded political power to the chief executive and a civil service system (Cronin 1980, Nathan 1986, Schick 1987).

The managerial perspective dominated much of the early literature on budgeting and personnel.<sup>29</sup> The literature on

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<sup>29</sup>In the classic article assessing the influence of Leonard White's texts on public administration, Storing describes White's definition of public administration which emphasized the managerial core of administration and de-emphasized the legal aspects. Classical management's conceptual-



administrative law, in contrast, tends to emphasize its legal and political nature. While this approach better captures the societal and political economic implications of an important public administration process, it neglects its management implications. Administrative routines have both legal and managerial implications.

### Making Sense of the Literature

A brief summary of this rich body of literature cannot adequately describe the numerous insights that the various streams of literature evoke. However, this section highlights the significant impact of: March and Olsen's work on institutions in governance; Weick's view of organizing as a process of "puzzle solving" and social construction; and Goffman's understanding about the effect of rules and conventions upon interactions. Also, the systems and policy subsystem literatures, which describe the permeability of public agencies to their political and economic environments, adds to our understanding of the environmental context within which these interactions occur.

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ization of administrative process and administrative principles is also evident in White's text. Later editions of White's text did recognize the political nature of public administration (Storing 1965).

This chapter applies two lenses to examine management processes: management processes as organizing processes and management processes as vehicles of the political and governance system. This second lens describes how an accident in history--a translation decision--affects the evolution of management and public administration theory and helps to explain the confusion over the distinction between "administration" and "management."

Chapter 3 discusses the supportive literature for this dissertation study. Although this body of literature serves to support the main body of literature, chapter 3 is a separate chapter in order to assure that this important material is not lost in chapter 2's more lengthy analysis.

## CHAPTER 3

### REVIEW OF SUPPORTIVE LITERATURE

While chapter 2 examined the organizational, management, and public administration literature as a theoretical grounding for this research study, the literature explored here provides an empirical framework. This chapter contains a review of the political science and public administration literatures which specifically address congressional hearings. In this body of literature, scholars describe congressional hearings as one activity that formalizes the overall relationship between the legislative and executive branches. Due to the predominance of the political lens in much of the analysis, examination of the organizational routines and processes developed by public agencies in order to prepare for and respond to congressional hearings has been neglected in a great deal of the literature. This is especially evident in the analysis of Congress and the presidency.

Although many congressional scholars address the routines and processes followed by committees and their staffs, analysts generally write from a noninstitutional frame of reference (discussed in chapter 2). The neglect of public agency processes as an important aspect of institutional

relationships results in an incomplete understanding of the congressional hearing process and discounts the importance of the institution of bureaucracy in contemporary society. This research study attempts to address this imbalance by applying an institutional and system lens to the congressional hearing process.

The literature on congressional hearings gives a great deal of attention to the questions of "appropriateness." From a concern over democracy and our constitutional form of government, scholars debate the "appropriate" degree of congressional control necessary to oversee the executive branch. This type of analysis explores who, in our system of governance, should be in charge of the "details" of administration and whether any real distinction can be drawn between policy and administration. Although apparently having no resolution, these questions serve to focus our attention on the conflict which occurs between members of the legislative and executive branches and between the political officials and careerists. This conflict erupts specifically over the issue of "appropriateness" of congressional involvement and relationships between careerists and committee staff. Much of the literature addresses this issue as scholars debate the appropriate role of congressional committees and their staff in monitoring and influencing (some would say "micromanaging") the administrative agency programs they oversee.

For the purposes of this research study, literature is reviewed which examines congressional oversight, that is, as it relates to executive-legislative relationships. Also included is literature which more specifically examines the relevant processes which constitute congressional hearings. Additional literature review examines relationships between agency officials and congressional committees and how this influences congressional hearings.

### Congressional Oversight

Congressional scholars tend to use one of two models to describe congressional oversight. The first model, attributed to Harris in his oft cited work, Congressional Control of Administration (1964), makes a distinction between *legislative control* and *legislative oversight*. Harris defines *legislative control* as the legislative activities conducted prior to the relevant administrative action. Activities associated with *legislative oversight* are conducted afterwards. Both can consist of formal or informal actions. Although this distinction can narrow the range of congressional activities to be studied (Aberbach 1990), the effect of such a distinction, if any, on agencies' organizing routines and rules is not addressed.

In contrast, Ogul in his influential work Congress Oversees the Bureaucracy (1976), collapses the distinction between *control* and *oversight*. He advocates a broader and

more political perspective to congressional oversight. Ogul defines oversight as the "behavior by legislators and their staffs, individually or collectively, which results in an impact, intended or not, on bureaucratic behavior" (1976, 11).

This broader and more political model described by Ogul is more helpful to this study because it recognizes the diverse manifestations of legislative oversight and the impact that implicit oversight has on executive agencies. In addition, and most importantly, this model recognizes the influence that the totality of legislative activities and relationships has on agency officials' perceptions and therefore on their actions and decisions.

The literature on congressional oversight captures the wide variety of forms and guises of this responsibility (Kaiser 1988; Ogul 1976; Rockman 1984). These forms range from statutory requirements and formal congressional investigations, to informal telephone queries and contacts between committee staff, congressmen, and executive branch officials. The diversity of form and method of legislative oversight appears to reflect the wide range of purposes for conducting oversight. For example, oversight can serve as a means for keeping the executive branch in check since it reminds the agencies and the President of Congress' power and legitimate role in determining public policy. Other purposes served by congressional oversight include:

1. Detection of waste, fraud, and abuse
2. Assurance of executive compliance with statutory intent
3. Information gathering
4. Evaluation of executive performance

Also, White notes that the mere existence of the possibility of legislative oversight serves as a deterrent, restraining officials from conduct which they might feel pressured to engage in but which might not stand public scrutiny (1948, 596-97). Not only as a deterrent but as a mechanism to improve policy implementation, Huntington argues that oversight forces the Administration to confront an issue again (and again) and defend its course of action (1961, 146).

There is a diversity of opinion among congressional scholars regarding the execution of legislative oversight responsibility. Some have assessed it in negative terms. They have found it to be nonsystematic, intermittent, particularistic, and uneven in quality (Rockman 1984; Kaiser 1988; Ogul 1976; Keefe and Ogul 1977; Clapp 1963; Johannes 1979; Johannes and McAdams 1987). However, other scholars view these same attributes in a more positive light. They see this quality of oversight as a rational adaptation for Congress as an institution. They argue that Congress has always been interested more in control than in passive evaluation of agency performance (Schick 1983).

This assessment supports Ogul's political model of legislative oversight because it captures relationship patterns, shared expectations, and inter-institutional routines that implicitly act as a constraint and influence on agency action. The political model of legislative oversight gives some credence to the assessment that the lack of formal, manifest oversight activities might signify the presence of a "smoothly working congressional system in which intensive monitoring is unnecessary" (Weingast and Horan 1983, 793). To extrapolate, the number of hearings or the finding of a specific outcome from a hearing may be poor measures in assessing administrative accountability to the legislature. These patterns of interactions possibly rely upon certain expectations built around an agency's routines and rules.

Another convincing argument is one that describes Congress as taking both a "fire-alarm" and "police-patrol" approach to oversight (McCubbins and Schwartz 1984; Aberbach 1990). This view describes Congress as both setting up the situation to ensure that information is directed to Congress and by actively seeking information about agency activities. Observers note that agency leaders are very attuned to the moods and attitudes of their pertinent committee members, more so than any other group in the policy subsystem (Kaufman 1981).



Scher (1963) presents six hypotheses which identify circumstances that influence congressional committee oversight of agency performance. Although written in 1963, these hypotheses still have currency. They offer a model for predicting the likelihood of congressional committee oversight. Thus, congressional committees (or subcommittees) are more likely to engage in oversight when:

1. The majority party can embarrass a current or opposition President.
2. Personal intercessions appear inadequate to satisfy constituent concerns.
3. A threat to their prerogatives is perceived, especially from the President.
4. A case for revising policy is being built.
5. Committee leadership perceives an opportunity for opposing interests to advance their agenda by exposing "dramatic evidence of agency failure," thereby containing the potential for damage.

The literature supports the conceptualization of organizing rules and routines on the part of Congress as having an important effect upon administrative action. Assessment of congressional reaction and expectations affect agencies' understanding of what might be "appropriate." However, administrative agencies view appropriateness from their own standpoint. The literature neglects the influence that

administrative agency organizing processes have on inter-branch relationships, other than those issued by the Office of the President. A more complete understanding would address how the congressional hearing process and other management processes evolve in accordance with expectations and negotiations between the legislative and executive branches.

### Congressional Hearings

Congressional hearings provide a specific and public mechanism for the conduct of legislative oversight and account for a significant expenditure of energy and resources by the legislative and executive branches. The literature which addresses congressional hearings describes the non-systematic nature of hearings and the impact that personal agendas and personality have on the process. Other characteristics of congressional hearings that observers of the congressional hearing process have described (Huitt 1954; Freeman 1965; Ogul 1976; Huitt and Peabody 1969; Fenno 1966; White 1957; Huntington 1957; Schattschneider 1963) and which appear to have relevance to this research study include the following:

1. A high degree of uncertainty about what issues actually will be raised during the public hearing, which observers suggest is in large part due to the variability in the personal and political agendas of the various committee members and their staffs

2. The negative effect that haste and an overburdened agenda has on the quality and depth of the process
3. The personal and professional dilemmas which potentially face executive agency officials as they contend with both representing their specific area of technical expertise and representing the political administration
4. The differences in what are seen as "facts" by contending interests
5. The propaganda value of hearings; observers recognize the potential for emotional "theater" rather than a more rational exchange of ideas about substance
6. The power of the Chairman to direct the agenda, which is enhanced by the Chairman's ability to select witnesses supportive of his position and agenda
7. The existence of style differences between the two chambers
8. The reliance upon informal channels to influence the process
9. The desire to avoid highly technical discussions or comprehensive discussions of complex issues

On the one hand, participants in the process have judged the hearings as "window dressing" (Ogul 1976). Observers note that hearings are not the most efficient nor useful means of presenting one's views; both interest groups and agency officials prefer personal contacts to relay their

policy positions (Truman 1951; Clapp 1963; Fenno 1966; Hamm 1983). However, hearings do appear to have some utility. The literature suggests that public congressional hearings serve a democratic purpose. Drawn from a variety of scholars (Willoughby 1934; Macmahon 1943; Huntington 1961; Ogul 1976; Freeman 1965; Keefe and Ogul 1977; Mezey 1986; Huitt and Peabody 1969; Truman 1951), the list below attempts to capture the most commonly remarked upon purposes congressional hearings serve. Purposes include:

1. Generating a printed public record
2. Drawing attention to a particular issue in an environment of competing demands for time and attention
3. Taking advantage of members' preferences for interacting with people, not just reading information
4. Offering an opportunity to build member competence in a policy area
5. Overcoming a breakdown of informal attempts to influence executive behavior
6. Prodding the executive into action where it has been reluctant or slow to act
7. Offering an opportunity to hear a greater diversity of opinion, thus serving as a safety valve to satisfy the public's democratic expectations that all points of view have a chance to be heard.

A minimal amount of literature provides some insights into the congressional hearing process more from a public administrator's point of view. This literature tends to focus on two main themes: (1) the selection of agency witnesses and (2) general "principles of behavior" that agency witnesses should observe. The literature recognizes that selection of the witnesses to testify from the executive branch can be a source of conflict between the legislative and executive branches. For example, congressional committees might choose to hear from department heads or from lower-level employees since they are perceived to have more detailed program knowledge. The managerial model of the presidency envisions agency witnesses coming only from the top political level, i.e., the supposed policy makers. If Congress is viewed as being the primary force in assuring an accountable bureaucracy, witnesses would be those officials who can best provide the information Congress wants, no matter what level in the public agency (Keefe and Ogul 1977, 411). Observers note that the practicalities of the situation generally make this issue moot since hearings require the presence of both types of executive personnel: the political leaders to address issues of broad policy and technical experts to respond to more detailed questions (Kaufman 1981; Fenno 1966; Harvey 1989).

In a few instances, the literature provides specific advice to executive branch witnesses regarding appropriate

attitude and preparation procedures. Suggestions drawn from various observers of the hearing process (White 1957; Fenno 1966; Harvey 1989; Sperry 1989) regarding appropriate attitude and behavior include the following principles. Witnesses are expected to:

1. Act confident, yet deferent and respectful (e.g., witnesses should show their mastery and competence of the subject matter but never appear to act superior)
2. Be honest and sincere but do not reveal more than is asked; make congressmen pull out the information
3. Admit any mistakes but highlight corrective actions
4. Remain cool even in the face of hostility

Regarding hearing preparation procedures, observers of the congressional hearing process comment on the great deal of effort spent by agencies to prepare their witnesses and to reduce uncertainty. Routine procedures described by such observers (Harvey 1989; Kaufman 1981; Fenno 1966; Sperry 1989) include:

1. Pre-briefing discussions and "mock" hearings to predict questions, practice answers, and reduce witness "jitters"
2. Preparation of detailed briefing books of background data to educate witnesses both on the topic and interests of the committee members

3. Review of past hearing materials, audits, and recent correspondence to identify proactively potential areas of concern that might be raised
4. Informal contacts prior to the hearing to elicit information on issues that might be raised

#### Congressional Committees and Staff

Although cognizant of its many traditions, most commentators agree that Congress is a changing, dynamic institution which reacts to changes in social and political environment (Fenno 1973; Price 1979; Mann and Ornstein 1981; Sundquist 1981; Salamon and Lund 1984; Davidson 1986; Oleszek 1989; Polsby 1990). Dodd describes a rhythm of congressional centralization and decentralization as a response to internal institutional politics. He writes that "the effects of internal institutional politics on Congress are conditioned and shaped by external societal forces, just as internal politics constrain and shape the effect of societal forces" (Dodd 1987, 47).

Within this dynamism, each chamber should be viewed as an institution, one that carries with it its own culture and norms of behavior on the part of members and other participants associated with it (White 1957, 1965; Huitt 1954). However, these expectations are situational. "The standard of proper conduct for a Senator is about what the Institution

says it is--at a given time, in a given circumstance and with regard to a given member" (White 1957, 121).

Although committees are relatively autonomous, Congress determines which powers to grant or recognize and expects its norms of behavior to be followed by committee members (Keefe and Ogul 1977; Fenno 1966; Shepsle and Weingast 1987a,b). Congressional committees are the central structural components of Congress and tend to be viewed critically as petty baronies or, more positively, as the workshops and "listening posts" of Congress.

Critics address the many problems associated with the growth of committees and subcommittees, such as fragmentation, decentralization, and overlapping jurisdictions (Wilson 1987; Huitt 1954; Huitt and Peabody 1969; Fenno 1973; Morro 1969). Davidson describes the dispersion of power within the congressional committees as "the rise of subcommittee government" (Davidson 1986). Fenno's classic analysis (1973) of six committees of the House of Representatives found that committees differ in their success on the floor, their influence, their autonomy, and the dominance exerted by the chairman. Further, Fenno found that the expectations of key external interest groups in their environment constrained a committee's operations and norms, that is, the strategic premises which underlay the guidelines they follow for decision making.



However, the growth of committees and subcommittees also can be viewed as an institutional adaptation to a changing social and political environment. Scholars (Morrow 1969; Keefe and Ogul 1977; Aberbach 1979, 1987; Kaiser 1988) describe various environmental factors which have influenced committees and subcommittees:

1. Decentralization, with its concomitant increase in staff resources, enhances the ability of the Congress to conduct oversight.
2. Reaction to an "overtowering" bureaucracy and the post-Watergate Presidency increases a belief in the need for increased legislative oversight.
3. Congressional representatives desire the deference and power that is perceived to result from specialization.
4. The limitations imposed by the realities of budget deficits which constrain the opportunity to develop new programs. Thus, Congress directs more attention towards "fixing" the old ones.
5. The growth in investigative journalism evokes a similar response by congress

Also prominent in the literature is a recognition on the part of scholars of the growing influence, power, and specialized expertise of committee staffs and congressional agencies (Henschen and Sidlow 1986; Polsby 1990; Aberbach 1987). A formidable information network has been developed by

top committee staffers with agency leaders (political and career) as well as with other key sources of information about agency decisions and actions, such as the media and interest groups. Political observers comment on the movement and exchange of committee staff with administrative agency staff or to other parts of the issue network. The perceived prestige of staff assignments has an impact on recruitment as constituency committee staff tend to become more Hill career oriented. Some concerns result from the evidence of growing staff power. For example, increased staff power risks doubling the lines of authority, the potential for self-aggrandizement, misdirected competition between the personal and committee staffs, and overloading their "boss" with their issues instead of his priorities (Macmahon 1943; Price 1971; Jones and Woll 1979; Malbin 1977).

In summary, the literature on congressional hearings reveals some of the dynamics in the relationships between congressional committees and executive agencies. Thus, congressional hearings and other oversight activities occur within an institutional and political context. Insights evoked by the literature reveal some of the norms of behavior which guide participants in the process as well as the dynamics that trigger congressional oversight.

This chapter concludes the literature review. The next chapter presents the methodology of the study.

## CHAPTER 4

### METHODOLOGY

This dissertation study employs a qualitative research approach. Specifically, the researcher adheres to a case study methodology in order to extract rich data about ongoing administrative activities. The case study methodology is a viable and highly valuable strategy which supports an investigation of the attitudes, beliefs, and expectations of people, groups, and organizations involved in organizational processes. It allows the researcher to become immersed in a specific setting, as well as the flow of processes, by speaking directly to participants and by observing their performance and behaviors. In addition, it allows the researcher to question participants immediately after events to elicit their observations and assessments about what occurred.

The first section of this chapter briefly examines the value and limitations of case study methodology, given the research questions proposed in chapter 1 and the resulting research design. The next section describes the selection of the population sample. The remaining sections discuss the methods used in data collection and data analysis, as well as

reflections on any potential bias or problems with external or internal validity.

### Case Study Method

Qualitative techniques in organizational research have their origins in clinical psychology, sociology, and anthropology (Das 1983, 305). As noted by Van Maanen, the objective of the researcher in qualitative analysis is "to describe, decode, translate or otherwise come to terms with the meaning, not the frequency, of certain more or less naturally occurring phenomena in the social world" (1979b, 520). Das suggests that qualitative approaches to research focus on the unfolding of process rather than on structure. Thus, an important outcome of qualitative research is the tendency for the research to produce a broader and more holistic perspective (1983, 301). In addition, many researchers believe that organizational behavior "cannot be adequately studied within neatly arranged compartments in isolated and artificial settings (Das 1983, 303), such as those commonly associated with quantitative studies. Miles and Huberman suggest that qualitative research provides rich descriptions and explanations of processes occurring within a local context, preserves chronological flow, and is more likely to result in serendipitous findings and new theoretical integrations (1984, 15).

The case study technique is one of the most widely used methodological techniques in public administration

(Yeager 1989, 685). Although criticized for its inherent limitations, it is the preferred strategy "when 'how' or 'why' questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context" (Yin 1989, 13). The use of numerous data sources to triangulate the findings serves as a balancing force against some of the limitations of this approach. Several examples of these data sources used in this study include interviews of agency and external policy subsystem members, review of government documents, review of congressional testimony, and review of agency informal records and other official or nonofficial forms of relevant information.

The complexity of organizational processes, especially policy making, make qualitative approaches a necessity if the researcher wishes to understand what actually goes on in an organization, especially as the participants experience the dynamics of organizational processes (Das 1983, 304). Combining the rational with the intuitive approach to knowledge, the qualitative case study methodology offers the best fit with the research topic being proposed. Pertinent to this dissertation study, qualitative techniques especially yield rich descriptive accounts which help to make organizing processes "visible." This feature is critical to the research study since the research goal is to identify organizational

routines and, in particular, to capture the rules governing organizing processes.

This study's research focus on practitioners further contributes to public administration theory by its examination of the community of values shared within an agency, within the executive branch, and within a policy subsystem. This community of values marks any institutional context (Cavanaugh, Cobb, and Hammond 1989, 72). In the study documented here, the case study approach allows the investigator to gain an understanding of the congressional hearing process from the frame of reference of active participants in the process, that is, how public administrators working in public institutions make sense of their world and know how to act within their organizational context.

#### Selection of the Population

Qualitative research methodologists recommend the use of theoretical sampling to guide the selection of the population most representative of the phenomenon being investigated. This sampling technique dictates that the researcher select those people (individuals, groups, or organizations) most involved in, or illustrative of, the situation and theoretical concepts under study (Denzin 1978). Through the use of relevant comparison groups and controlling for similarities and differences, conceptual themes and categories emerge. Thus, these research findings enhance theory building.

From a public administration perspective, the participants having a high level of theoretical relevance to the congressional hearing process include staff members working in federal agencies or serving congressional committees and interest groups. These staff members are the people who compose and engage in the network, or what some theorists label as the "policy subsystem." People in policy subsystems generally have knowledge about agency programs, actively participate in the congressional hearing process, and have both personal and institution-based relationships with others in the subsystem.

For this study, the research goal is to identify a sample policy subsystem reflective of the concepts being examined. To aid in generalizability of the findings, selection criteria of the population include representativeness and significance. First, the selected policy subsystem should share typical characteristics familiar among policy subsystems in general. Thus, the criteria of representativeness helps to assure that the findings have relevance to public administration at large. Second, the policy system should have adequate significance in government and importance nationally to warrant attention. These criteria help to counter problems that can result from a focus on trivial matters.

An important factor is also the ability of the researcher to gain permission from the focal public agency to observe the internal agency preparation process first-hand. Since relationships between agencies and Congress is a sensitive arena and agency sessions have political and strategic implications, the researcher's long history with the Veterans Administration becomes an important consideration in determining the focal agency. This proved to be an important criteria. VA officials initially selected the case hearing to be the planned hearing on the Secretary's proposal to establish a commission to investigate the future mission of VA medical centers. Due to the negative reactions of veterans service organizations and the media interest in the subject, officials considered this topic to have too many political ramifications. Therefore, they decided it was not appropriate to have anyone outside the agency knowledgeable about the internal strategies.

#### Policy Subsystem--Agency Case

Due to the researcher's work history with the Veterans Administration and knowledge of the veterans policy subsystem, the policy subsystem identified for study is that subsystem associated with veterans issues. This selection takes advantage of the researcher's in-depth knowledge of many of the organizational processes and the communications systems in place among the policy subsystem members. To counter any



problems with bias this approach might cause, the research design expands the case study beyond one agency by examining an issue which crosses organizational boundaries. Selection criteria for this issue appears later in this chapter.

The veterans policy subsystem satisfies both selection criteria proposed as essential to the research study. The veterans subsystem shares many characteristics similar to other policy subsystems. For example, veterans service organizations, acting as interest groups, attempt to influence VA policy formulation and execution. Several veterans services organizations conduct evaluations of VA programs, to which the agency responds formally. These organizations also attempt to exercise influence in other policy arenas and subsystems, such as transportation and defense. Local veterans service organizations also form close relationships with VA field directors of regional offices and medical centers to influence local policy.

Although the policy subsystem has one congressional committee in each chamber devoted to veterans issues, these members serve on other committees and other congressional committees influence VA policy. Historically, top political appointees have taken leadership positions on the staff of the two authorizing committees or with veterans service organizations upon leaving the agency. The current Secretary is a former Congressman and the Deputy Secretary has held key staff

positions serving the Senate Veterans Affairs Committee.<sup>30</sup> The two legislative committees closely oversee VA activities. In a study which recommended against elevation of the VA to Cabinet Status, the National Academy of Public Administration (NAPA) negatively comments on the high level of intrusion into the internal management of the VA. The NAPA report cites numerous legislative constraints on management flexibility.<sup>31</sup> Thus, the veterans policy subsystem appears to satisfy the criteria that it be representative of policy subsystems in general.

The Department of Veterans Affairs (VA), which serves as the focal public agency for the veterans policy subsystem, is the second largest federal employer after the Department of Defense. VA programs significantly impact the national

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<sup>30</sup> A veteran of World War II, Secretary Derwinski served in the House of Representatives from 1959 to 1983, although never on the House Veterans Affairs Committee. The Deputy Secretary is Anthony J. Principi, a combat-decorated Vietnam Veteran, who has served in staff capacities both in Congress as well as in the agency. Principi served as the Republican Chief Counsel and Staff Director of the Senate Veterans' Affairs Committee from 1984 to 1988; Veterans Administration Associate Deputy Administrator for Congressional and Public Affairs from 1983 to 1984; and Counsel to the Chairman of the Senate Armed Forces Committee for the three years prior to working in the VA (1980-3).

<sup>31</sup>To illustrate, NAPA describes the "report and wait" provisions which the agency must abide by before making decisions which affect management of field facilities. The agency must report to the House and Senate Veterans' Affairs Committees and wait an elapsed time before proceeding with reducing employment by 10% in a VA facility or transferring property valued above \$50,000 (NAPA 1988, 17, 40).

economy; the agency's Fiscal Year 1990 budget was approximately \$30 billion. The VA has facilities in every state and serves approximately 27 million veteran beneficiaries. The veterans service organizations include broad-based as well as special-focused interest groups and represent approximately 9 million members. The American Legion, the largest veterans service organization, has approximately 3 million members. A list of the eighty veterans service organizations chartered by Congress or authorized under title 38, U.S.C., to represent veterans filing claims is included in appendix A.

Judging by the magnitude of the public agency as well as the interest group, the veterans policy subsystem, then, satisfies the second selection criteria, significance. For readers unfamiliar with the veterans policy subsystem, more detailed information outlining the history of veterans programs, the economic impact of these programs, and information about the veterans services organizations and veterans congressional committees is in appendix B.

The study selects four key congressional committees to represent the legislative branch, and six veterans organizations to represent the relevant interest groups. The four committees include the House (HVAC) and Senate (SVAC) Veterans' Affairs Committees and the two chambers' congressional

appropriation subcommittees, House and Senate, VA, HUD and Independent Agencies Subcommittees.<sup>32</sup>

The veterans services organizations which have the most regularized relationship with VA officials include the American Legion, Veterans of Foreign Wars of the U.S. (VFW), Disabled American Veterans (DAV), and the Paralyzed Veterans of America (PVA). Upon becoming chartered by Congress, the Vietnam Veterans of America, Inc. (VVA) also began to be regularly included in routine meetings with the Administrator and Chief Medical Director. Therefore, the study also includes this organization. Two other organizations meet regularly with the Chief Medical Director in regard to VA medical programs, the American Veterans of WWII and Korea (AMVETS) and Blinded Veterans Association (BVA). Since both of the issues studied in this dissertation relate to medical care issues, representatives from these two veterans service organizations also are included.

#### Issue Case

To provide sufficient data for comparability and to aid in the generalizability of research findings, the study

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<sup>32</sup>More recently, due to the state of the domestic budget and changes to the budget process, the Budget Committees of the House and Senate are beginning to be viewed by the veterans service organizations as playing a significant role in the future of the Department. However, the primary executive-legislative relationships centers around the two legislative/oversight committees, HVAC and SVAC, and the two appropriations subcommittees.

examines an issue that crosses agency boundaries and provides an historical perspective. Study of an issue enables the researcher to build on knowledge gained from the case study of one agency's processes--the VA--and to compare these processes to those followed in other public agencies. Historical examination of an issue also provides a lucrative field for the identification of changes in the routines or rules governing the agency's hearing process.

Agent Orange serves as the issue case for the dissertation study. Again, representativeness and significance serve as selection criteria. An additional research benefit offered by the Agent Orange issue as a case study is that it consistently requires extensive coordination among the various executive agencies. Because of the range of organizations involved, this issue offers the opportunity to gain insights into other major public organizations' hearing processes, including the Environmental Protection Agency, Office of Technology Assessment, and the Departments of Defense and Health and Human Services. These insights help improve the validity and reliability of the research findings. Although the Department of Defense plays a role in the Agent Orange issue, the study focuses on the civilian agencies since they have the lead responsibilities for the issue.<sup>33</sup>

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<sup>33</sup>One informant included in the study is a top level scientist who served as a key witness for the Department of the Air Force when the Agent Orange issue first emerged.

Regarding the selection criteria of significance, Agent Orange illustrates the type of complex, emotionally charged, and controversial issue contemporary public administration increasingly faces. Such contemporary issues elicit a high degree of controversy, emotional pleas for attention, conflicting scientific opinions, and the involvement of issue-oriented interest groups and private individual involvement, outside the traditional policy subsystem.

In addition, the Agent Orange issue offers a rich public record of congressional hearings, as well as in-depth documentation on the subject. The researcher also had sufficient knowledge of the issue to insure that it would elicit congressional and veterans services organizations involvement in the study.

#### Data Collection

Staff members in the Office of the General Counsel gave initial, informal permission to conduct the research in the Department of Veterans Affairs. Subsequently, the Secretary gave formal permission. The letter of request outlining the purpose of the research study appears in

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Informants consistently recommended that this official be included in the study, as knowledgeable about the issue as well as the hearing processes in the Department of Defense and the VA. This official recently retired from the Air Force and now works at the Department of Agriculture. He observes that the congressional hearing process at all three agencies are similar.

appendix C. Anonymity was not promised to the VA or to the people interviewed.<sup>34</sup> However, the identity of informants appears in general terms throughout the dissertation, except in the reporting of the March 1 hearing on homeless veterans which is in the public record; only general references are used in order to maintain objectivity throughout the presentation.

Data collection consists of document analysis, interviews, and participant observation. Document analysis includes review of written documents provided by VA officials, other informants, or those available at the March 1 hearing. Specific documents include internal memoranda associated with the hearing process and Agent Orange issue, hearing records, testimony, and internal documents discussing the congressional affairs function.

Initial biographic information collected during interviews--including the informant's position, civil service status (career or political), length of public service, and types of involvement in the hearing process--serves as background information. At the outset of the interview, unstructured exploratory questions serve to elicit general information. The four main questions are the following:

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<sup>34</sup>Two exceptions occurred. A representative from one of the Appropriations Subcommittees and one from the Office of Management and Budget forbid attribution of their comments. Thus, the information gained from these interviews is not included in the study.

Question 1: How do you describe the congressional hearing process?

Question 2: What is your assessment of the process?

Question 3: What is your responsibility in the process?

Question 4: How did you learn what to do?

Further structured questions ensure full exploration of the research questions. Therefore, if information did not adequately address the question, probing questions were asked to elicit more detailed information. These questions elicit information regarding how informants view the responsibilities of others involved in the process, whether the process had experienced any changes, and how they compare the VA process to other agencies with which they were familiar.

Specific steps taken during the data collection cycle serve to reduce potential bias. This includes the immediate transcription of notes, "open" general questions to reduce the potential for biased questioning, triangulation of data through document analysis, and interviews with more than one official from each class of organization. In addition, the research protocol includes the use of the same questions across both cases and all sites, facilitating standardization of the interviewing process. As recommended by Miles and Huberman (1984), contact summary sheets were completed immediately following each interview in order to identify emerging themes. The analysis of contact summary sheets



throughout the data collection cycle identified patterns and differences between groups and served as a means of continuously evaluating the interviewing process.

The inclusion of participant observation strengthens the research design. This technique allows the researcher to observe the process; consequently, more directed questions result, as well as serving to balance the reliance on descriptions by participants. The use of this technique enhances the description and analysis of the agency case study.

Selection of the specific hearing process to be followed rested with the VA. This approach helps to reduce obstacles to access regarding the various meetings and conversations. Thus, VA officials were requested to select a hearing in which the investigator could observe personally the various steps and interview agency officials as they became involved in the process. This approach serves to enhance the validity of the research findings, since this data provides an added opportunity to triangulate the findings. The specific selection of informants at the departmental or staff level rests with the topic of the selected hearing. However, additional agency informants, not involved with the specific hearing but recommended by VA officials as knowledgeable about the process, also are included in the study.

Interviews took place prior to the hearing preparation process, during the process, and following the hearing. In

addition, the investigator attended the two pre-briefings and the actual hearing and observed the interactions and the dynamics among the participants. Interviews of the Subcommittee staff members involved with arranging the hearing occurred the day after the hearing.

Interviews of participants involved in the issue case began with officials who administer the VA's Agent Orange program. At the end of each interview, the informant was asked to recommend other officials to be include in the study. A common core of individuals were identified in this way. In addition to the interviews, hearing records from the numerous Agent Orange hearings also offer a valuable source of information. Table 4 summarizes the sampling parameters of the study.

#### Data Analysis

Examination of data assisted in the identification of useful categories of meaning. Miles and Huberman describe this inductive process as "trying to understand a phenomenon better by *grouping*, then *conceptualizing* objects that have similar patterns or characteristics" (1984, 219). This process of clustering allows the researcher to develop higher levels of abstraction. This results in the identification of themes and enrichment of theory.

Table 4.--Sampling Parameters

<b>Settings:</b> (all in the Washington, D.C. area)	<p>Veterans Administration offices, other agency offices (EPA, Agriculture, OTA)</p> <p>Congressional hearing rooms and offices</p> <p>Offices of key veteran service organizations</p> <ul style="list-style-type: none"> <li>Veterans of Foreign Wars</li> <li>American Legion</li> <li>Disabled American Veterans</li> <li>Paralyzed Veterans of America</li> <li>Vietnam Veterans of America, Inc.</li> <li>Blinded Veterans Association</li> <li>American Vets of WWII, Korea, and Vietnam</li> </ul>
<b>Actors:</b>	<p>Staff and key officials of the Department of Veterans Affairs, including staff in the congressional liaison functions, Office of General Counsel, Office of Environmental Medicine</p> <p>Staff from HHS, OTA, EPA, DOD (involved with Agent Orange hearings)</p> <p>Committee staffs of the House and Senate Veterans Affairs Committees, Appropriation Committees</p> <p>Members of OMB staff who review congressional hearing statements</p>
<b>Events:</b>	Hearing preparation meetings and conferences; hearing preparation activities, hearings before congress
<b>Processes:</b>	Testifying, discussing, explaining, justifying, negotiating, reviewing, interpreting, formulating

The creation of contact summary sheets serves as the first step of data analysis. The immediate creation of a summary helps to alleviate methodological concerns related to the late coding of data and the resulting weakness in data analysis (Miles and Huberman 1984, 63). Immediate, personal

transcription of the handwritten notes also helps the researcher recognize emergent issues and patterns by allowing for clear and detailed notes that reflect as accurately as possible informants' contributions, as well as the nuances of the process itself.

For the mechanical aspects of data analysis, computer software, The Ethnograph, was used. Developed by qualitative researchers, The Ethnograph replaces the need to cut and paste raw data into analytic categories. Most importantly, it saves valuable time and supports the analytical phase of categorizing and recategorizing (The Ethnograph: A User's Guide). The coding process itself immerses the researcher in the data and helps to evoke insights into patterns.

Two levels of coding were used. The first level of coding categorized segments of raw data descriptively. The classifying scheme divides data according to eight categories (Miles and Huberman 1984, 57): (1) setting/context, (2) definition of the situation, (3) perspectives, (4) ways of thinking about people and objects, (5) process, (6) activities, (7) events, and (8) strategies.

The second level of coding involved associating codes with the primary and secondary research questions proposed in chapter 1. This level of coding generated clusters of data. These clusters further revealed patterns that helped in identifying overarching themes. Miles and Huberman suggest

that pattern identification usually summarizes "themes, causes/explanations, relationships among people, and more-theoretical constructs" (1984, 68). The patterns served as guides to identify similarities and differences among organizational classes of informants, as well as among differing perspectives of the congressional hearing process.

In conclusion, the case study methodology provided a constructive technique for investigating the congressional hearing process. The methodology chapter concludes Part I of the dissertation study. The four chapters in Part I provide a theoretical framework for the case descriptions that follow. Insights evoked by the literature enrich the discussion of the case narratives contained in Part II.

The narration of the case studies in Part II presents an integrated portrayal of an agency's attempts to solve the puzzle created by the congressional hearing process. The case narration attempts to make the organizing process associated with congressional hearings "visible" for examination and analysis. The data from the case studies evoke helpful insights into how public administrators make sense of this complex and important process.

**PART II: PRESENTATION OF CASES**

**Chapter 5. Case Background: The VA Congressional Hearing  
Process**

**Chapter 6. Case A - Agency: Hearing on Homeless Veterans  
Programs**

**Chapter 7. Case B - Issue: Hearings on Agent Orange**

## CHAPTER 5

### CASE BACKGROUND

This chapter describes how the Department of Veterans Affairs organizes its congressional affairs activities. The organizational structure of congressional affairs activities reveals the tension that exists between political and administrative officials. This chapter also discusses in detail data generated by the research describing agency procedures associated with the congressional hearing activity. This data comes both from interviews and internal VA documents.

This chapter presents more information on the organization of congressional affairs activities than originally intended because informants consistently mention it as an important factor impacting agency procedures and assignment of responsibilities. Knowledge gained from this chapter will assist the reader in understanding better the organizational dynamics presented in the two case chapters that follow.

#### Organization of VA Congressional Affairs

Two offices are pertinent to this study: a major VA staff office known as the Office of General Counsel and a much smaller administrative staff office called Congressional and

Public Affairs. The three major operating divisions--Veterans Health Services and Research Administration (VHSRA), the Veterans Benefits Administration (VBA), and the National Cemetery System (NCS)--provide program and staff support for the hearing process. Figure 1 illustrates the organizational structure of the Department of Veterans Affairs.

Each of the three VA operating divisions assigns responsibility for coordination of congressional hearing activities somewhat differently. The Veterans Health Services and Research Administration has two staff professionals assigned congressional affairs duties as their sole organizational responsibility. This is the only operating division to have staff devoted to this function. The other two operating divisions assign these responsibilities as part of other staff functions.<sup>35</sup> Although structured differently, all three divisions follow common procedures in preparing for hearings. Examples of these procedures include: program office involvement in developing hearing testimony, hierarchical review of the testimony within the division, preparation of briefing books, and practice sessions for the division's witnesses.

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<sup>35</sup>The Planning and Analysis Staff coordinates congressional hearings for the Veterans Benefits Administration and the Staff Assistant to the Deputy Director performs this function for the National Cemetery Service.



# Department of Veterans Affairs

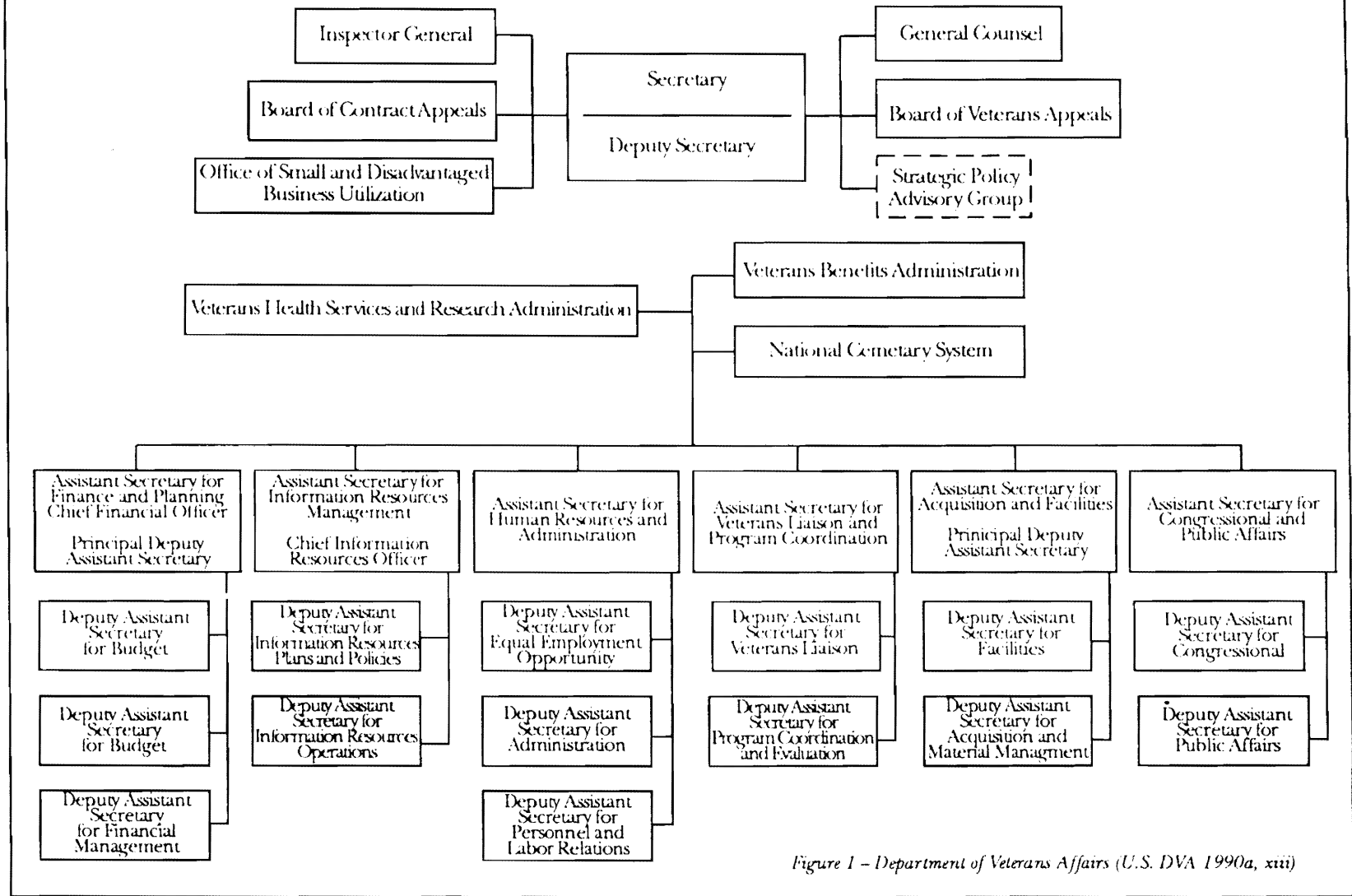


Figure 1 - Department of Veterans Affairs (U.S. DVA 1990a, xiii)

VA Congressional Affairs

Congressional concern with assuring constituent services to veterans predates the establishment of the VA as a single agency in 1930. Prior to that time, legislative liaison offices, jointly located with Congress on Capitol Hill, provided services to Congress and to veterans in answering inquiries about veterans benefits. The Senate commissioned a Senate Liaison Office in December 1922 and the House established a House Liaison Service in February 1925. With the establishment of the VA, these offices were attached to the Office of the Solicitor, a predecessor to the Office of the General Counsel.

Staff in the Office of the General Counsel generally remained responsible for legislative liaison until 1981.<sup>36</sup> Within this office, a small staff, usually political appointees, handled the direct liaison contacts associated with constituent services and resolved congressional inquiries. Career legal staff in the Office of the General Counsel exercised oversight over the agency's congressional hearing process; thus, they internally coordinated the congressional hearing process and coordinated the agency's hearing statement and issues with the Office of Management and Budget staff.

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<sup>36</sup>The Congressional Liaison Service was assigned to the Office of the Assistant Deputy Administrator from February 1975 until June 1977 when it was returned to the Office of General Counsel again in June 1977.

In 1981, the Administrator expanded the responsibilities of congressional liaison to include providing advice to VA top executives on congressional relations. The newly organized Congressional Liaison Service also supervised the Liaison Staffs located on Capitol Hill. Political appointees managed the office. In 1983, the Administrator decided to add career staff to the congressional liaison function for the first time. The political liaison staff believed that the agency was too large for them to effectively coordinate all the liaison activities. In addition, they wanted careerist support in 'translating "bureaucratese"' (Interview).

The two assigned careerists, entitled Congressional Liaison Officers, were required to have specialized knowledge of the Department of Veterans Benefits and Department of Medicine and Surgery, respectively. Since this organizational policy change, the congressional affairs function continues to consist of both political appointees, who perform the more partisan responsibilities, and career staff, who attempt to centrally coordinate relationships with congressional committees and staff.

When the VA attained cabinet-level status, the incoming Secretary placed the congressional affairs function organizationally under the Deputy Assistant Secretary for Congressional Affairs, as a section of the Office of Congressional and Public Affairs. In addition, the new Secretary

asked that the congressional affairs staff take a proactive posture to their duties (Interview). As a result, the congressional affairs staff grew from the original two to ten staff members, now referred to as Congressional Relations Officers. Figure 2 displays an organizational chart of the Office of Congressional Affairs.

Staff in the Office of the General Counsel continue to play an important role in the congressional hearing process, but share responsibility with the Congressional Relations Service. A VA top official distinguishes between responsibility for policy and responsibility for internally administering the congressional hearing process. He describes the Congressional Relations Service as responsible for the administrative aspects of the hearing process. For example, this responsibility includes an administrative liaison role which assures that timetables are met, activities coordinated, and policies clearly articulated. In contrast, this official describes the Office of General Counsel and program offices as responsible for policy, integrating the process by working with program offices and assisting in drafting and overseeing the preparation of the agency's hearing statement (Interview).

In this research study, all of the VA career informants who were not working in the Congressional Relations Service view augmentation of the Congressional Affairs negatively. This reaction appears not only to represent

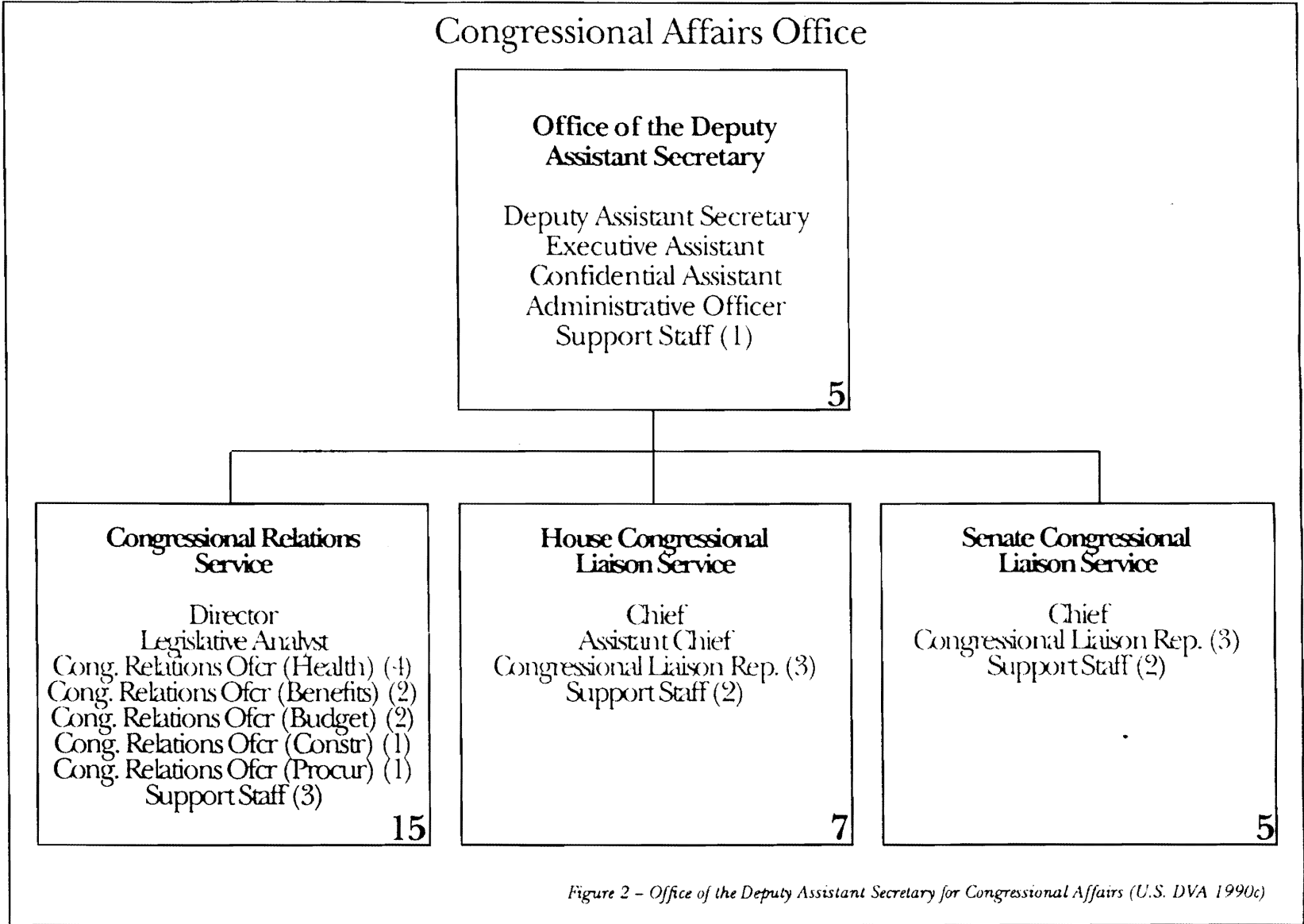


Figure 2 - Office of the Deputy Assistant Secretary for Congressional Affairs (U.S. DVA 1990c)

"turf" protection but, also, an anxiety about the emphasis on centralization and control. A number of career informants explained that the Secretary had originally considered centralizing all of the congressional liaison activities by reorganizing all staff members involved in congressional activities with the operating divisions to the Congressional Affairs office. Although the reorganization did not happen, several informants anxiously predict that it might occur.

Consideration of such a reorganization appears consistent with the efforts of previous Administrators to centralize agency relationships with Congress. Two earlier Administrators began the shift by elevating responsibility for this function within their immediate office. Career informants explain that past Administrators, as well as the current top executives, vent their frustration with the significant free flow of information which occurs between program offices and congressional staff.<sup>37</sup>

This last reorganization, implemented in spring 1989 and which significantly expanded the size and role of the congressional affairs office, is explicit in the intent to improve communication and accountability by providing "an

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<sup>37</sup>Also, several informants noted that agency top management has expressed concern about the inability of the divisions to "control" their field directors, when field directors serve as witnesses at hearings and in the relationships between field directors and their congressional delegation.

integrated and authoritative point of contact for the conduct of business affecting veterans and veterans programs" and to insure that "field and other staff will be insulated, though not isolated, from unregulated Hill contacts" (U.S. Department of Veterans Affairs 1990c, 6). Thus, all VA officials are required to notify the Office of Congressional Affairs of all congressional contacts so that "top VA officials are fully informed regarding areas of congressional interest, and that Department responses to congressional inquiries are complete, timely and accurate" (U.S. Department of Veterans Affairs 1990c, 5-6). The purported goal of the reorganization is to achieve effectiveness, efficiency, and authority in relations with Congress.

### Functions

The major function of the Congressional Relations staff is to provide a liaison between the VA and Congress and between the Office of Congressional Affairs and VA managers and program staff. Three key organizational activities associated with this function include: (1) constituent services, (2) responding to congressional inquiries, and (3) coordinating the agency's congressional hearing process. Specifically, this office's responsibilities include:

1. Monitoring and analyzing legislation
2. Assisting in the preparation and review of testimony

3. Anticipating the interests of members of Congress and Committee hearing interests
4. Preparing hearing witnesses
5. Preparing briefing papers/presentations to officials on sensitive congressional issues
6. Preparing an analysis of hearings
7. Ensuring the accuracy and timeliness of information or assistance to Congress and their staff
8. Coordinating and facilitating meetings between VA program officials and Congressional officials (U.S. Department of Veterans Affairs 1990c, 5)

The agency expects that Congressional Relations Officers act diplomatically in their dealings with VA staff and Congress: "Each must develop, experientially and academically, a working knowledge of the legislative process. Each must remember that the veteran is the first and most important client that we serve" (U.S. Department of Veterans Affairs 1990c, 4).

#### Agency Procedures

A detailed outline of the general procedures followed by the agency in preparation for congressional hearings is outlined in Table 5.

Congressional Affairs staff members consider a typical VA briefing book to contain the following information:

1. An index to the briefing book



Table 5.--Congressional Hearing Preparation Procedures

Routine	Rule
<u>Witness List and Testimony</u>	
Congressional committee issues invitation to testify	Committee may specify by name who they would like to appear  Committee may allow the VA to designate witnesses
Congressional Affairs Office coordinates witness list	Staff or Division Office having subject matter jurisdiction contacted for input into witness selection
Congressional Affairs prepares memo to Deputy Secretary recommending witnesses; upon approval coordinates with General Counsel's Office	General Counsel's Office has ultimate responsibility for responding to the committee regarding the agency's witnesses
Subject matter office drafts testimony	If more than one witness, one individual is designated as the lead witness, others serve as backup witnesses  The lead witness is responsible for reading the official statement and takes the lead for the agency panel when responding to questions
Review of draft statement	Reviewed by Office of Congressional Affairs, Office of General Counsel (regarding legal and policy perspective), and Office of Finance and Planning, if budget implications. Final approval by Deputy Secretary  If statement is for a legislative hearing and the VA has been asked to comment on proposed legislation, the VA's statement must be reviewed by OMB  The committee usually requires the official testimony 48 hours before the hearing
<u>Briefing Book</u>	
Gathering of information	Office of Congressional Affairs: information concerning issues, positions of members on committee, and positions of members concerning the issues. OCA coordinates preparation with program offices  Program office: information on subject
Copies made	Copies sent to all witnesses, and the General Counsel, Office of Congressional Affairs, and Deputy Secretary

Routine	Rule
Intelligence	Determine official and "hidden" agenda
<u>Pre-briefing</u>	
Program Office pre-brief	Generally scheduled one week prior to hearing, lasts 1-2 hours, and issues are discussed in-depth
Deputy Secretary pre-brief	<p>Generally scheduled a day or two before the hearing. Office of Congressional Affairs coordinates pre-brief and prepares materials for the Deputy:</p> <p>(1) memo: highlighting issues, members expected to attend hearing and issues of concern to them, and hearing witness list</p> <p>(2) white paper: if legislative hearing, outlines each bill, highlighting major provisions</p> <p>Attendance at this pre-brief is limited to only the top program official and General Counsel, Deputy Secretary of Congressional Affairs, and perhaps an official from the budget office; issues are discussed in broader terms and political implications are discussed</p>
<u>Hearing</u>	
Attend hearing; gain further intelligence on Congressional interests and agendas	Office of Congressional Affairs Staff to arrive 15 minutes before hearing begins. Review all written testimony before hearing begins. Take notes on questions asked by members and VA response, especially note any items of legislative agenda, position of a member on an issue or VA program, and any indication member wants a change
<u>Follow-up</u>	
Summarize highlights	Office of Congressional Affairs prepares memo for Secretary, Deputy Secretary, Assistant Secretaries, and appropriate program offices
Submit responses to post hearing questions or any documents agency witnesses promised	Submit responses through hierarchical review; insure no "hidden" agendas or resource requests included
Coordinate with committee or personal staff on new legislation	Keep top managers informed of any significant intelligence

2. An invitation letter
3. Official testimony
4. Talking points
5. Copies of bills that will be addressed during the hearing accompanied by the floor statement, taken from the Congressional Record
6. Background material on each issue (e.g., VA circulars or policy manuals, studies or reports, professional articles, public laws or draft bills, statistical data)
7. A question and answer section, that is, questions likely to be asked by members, followed by a suggested VA response (U.S. Department of Veterans Affairs 1990c, 5)

This same document suggests ways for VA Congressional Relations Officers to gain intelligence about a committee's hearing agenda including:

1. A review of all reports of contact on issue. Not only assists in substance but also to determine who the committee is talking to in Central Office and the field facilities.
2. Contacting these officials to identify the kinds of questions they were asked, the responses they were given, any VA documents they were given, if field trips were made, the services they visited, and any indication staff might have given about the program

3. Contact committee staff, minority and majority. Recognize that committee staff will not want to give away their strategy so ask focused questions
4. Contact legislative assistants for each member of the committee to determine their member's position on the issue. Determine if the member has cosponsored bills on the issue in the past, how the member has voted on similar issues, and whether the issue is a problem in the member's district or state (U.S. Department of Veterans Affairs 1990c, 8-9)

A number of VA officials suggest that, in addition to the more formal activities associated with hearings, a great deal of informal activity also occurs. A top VA official observes that he spends a great deal of personal time on the informal process, attempting to influence the issues that will be addressed by the Committee and presenting what the agency is trying to accomplish. He also carefully reviews the agency statement to insure that no hidden agenda is included. This official also spends time working with OMB to "sell" them on the agency's position (Interview).

#### Regularly Expected Hearings

Informants identify two notable exceptions to the agency tendency to act only in reactive posture regarding the scheduling of hearings: the annual, expected spring oversight hearings by the HVAC subcommittee which oversees the National

Cemetery System's programs, and the Subcommittee on Housing and Memorial Affairs; and the annual hearings on the agency's legislative package.

Based on size and budget, National Cemetery Service (NCS) is the smallest operating division in the VA and tends to be the least controversial. Although the division may be a participant in other congressional hearings, the spring HVAC hearing is its major, detailed program oversight hearing and is aimed solely at NCS programs. The NCS informant anticipates the oversight hearing all year long by keeping notes on potential issues. This informant describes the annual hearing as providing an opportunity to think about what is important for NCS, to inform Congress about the good things the division is doing, and to proactively identify any problems before they can be identified by the Subcommittee. During the hearing, the informant notes which subject areas members questioned, where members show an understanding of the program, areas which might require some clarifying information, and promises made by VA officials to submit information for the record, in order to assure their execution. The informant comments that the process "Takes a person who can see the good/harm it can do to a program to make it work" (Interview).

The legislative program also consists of regularized routines (Interview). Generally, the legislative program becomes an Omnibus bill, composed of widely diverse issues

suggested by individual members, congressional staff, veterans service organizations, and the VA. Routinely occurring around January-February, the Office of General Counsel requests input from program offices. A letter is then sent to the Speaker after approval by OMB, asking that the agency's proposals be introduced. The HVAC or SVAC Chairman refers to the agency's proposals as "by request."<sup>38</sup> The agency statement is generally much longer than for oversight hearings. For example, the agency's statement for the legislative hearing held on 18 May 1989 was 33 pages in length. The statement describes the agency's position on each proposal. Since the Committee receives advance copies of the statement, Committee members usually focus questions on those proposals the agency opposes.

### Significance

This chapter describes the VA's organizational arrangements to handle congressional affairs activities. Clearly, the articulated procedures and guidelines for the behavior of Congressional Relations Officers suggest a shared understanding of the routines and rules which guide this activity. The data in this chapter also hint at the extensive amount of effort expended by agency officials to prepare for congressional hearings.

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<sup>38</sup>The veterans Committees also solicit proposals from the veterans services organizations.

This chapter and the two chapters which follow illustrate the inherent tensions which shape organizational processes in general. For example, the tension between program officials and staff officials who oversee the congressional hearing process demonstrates the inherent tension in staff-line relationships. In addition, the negotiation among the political officials, career officials who oversee the hearing process, and program officials demonstrates the tension between centralization-decentralization of authority and Department-subordinate units' goals and agendas.

The issue case, described in chapter 6, helps to capture the rapid pace of the congressional hearing process; the informal, outside "approved" channels, interaction which occurs between program officials and committee staff; the negotiations that have to occur to generate the final agency statement as well as prepared agency witnesses; the intelligence gathering inherent in the process as both committee staff and agency officials attempt to assure a "successful" outcome, defined from their own respective perspective; and, how the history of the issue affects the congressional hearing process. The agency case, described in chapter 7, substantiates the findings from the issue case. In addition, data from the agency case describe: the institutionalization of the congressional hearing process within the VA and suggest that the VA's process is similar to other federal agencies, the

difficulties public agencies face when challenged by emotional and controversial issues, and the relationship building which occurs within policy subsystems. Both case studies describe the tension between politics and administration as political officials contend with the need for the professional expertise of career staff members.

Although established in its modern form in 1930, the Veterans Administration traces the roots of its mission--care of veterans--back to colonial times. The agency's structure and organizing processes reflect: its history and the goals and values of its leaders; its relationships with its key congressional committees, veterans services organizations, and other key interest groups; and, the overall social, political, and economic environment in which it has, and continues, to evolve. Viewed from an institutional framework, understanding the VA's congressional hearing process and its organizational structure evokes insights into organizational-environment interaction, policy subsystem relationship building, and the requirement for continual interaction among the people involved in institutional processes as they work to develop a shared sense of what is "appropriate" behavior and performance.



## CHAPTER 6

### CASE A - AGENCY: HEARING ON HOMELESS VETERANS

This chapter describes the procedures and process followed by the Department of Veterans Affairs (VA) in preparation for a congressional hearing on homeless veterans programs. To aid the reader in understanding the topic of the hearing, the first section of the chapter summarily describes the VA programs for homeless veterans and the political history of this veterans issue. The second, and more detailed, section of the chapter presents a narrative description of agency activities associated with preparing for and following up after the hearing.

#### Background

Experts disagree on the number of homeless people in the United States. Concern over the ability to accurately count this population has plagued the 1990 census. Estimates range from a conservative 250,000 to a more dramatic (and disquieting) figure of 3 million. Similarly, a consensus on the proportion of homeless that are veterans also does not exist. Officials from the Department of Veterans Affairs estimate that anywhere between 20 and 50 percent of the

homeless are veterans. Various studies have found the proportion of Vietnam Era veterans in this population to range from 16-52 percent (Leda et al 1989, 1).<sup>39</sup>

#### VA Programs for Homeless Veterans

The two major operating divisions in the Department of Veterans Affairs, Veterans Benefits Administration (VBA) and Veterans Health Services and Research Administration (VHSRA), share responsibility for administering programs for homeless veterans. The Veterans Assistance Service serves as the organizational focal point for the Veterans Benefit Administration. Employees in this service, veterans service officers, provide information about eligibility, toll free numbers, and VA programs to community providers and homeless shelter administrators. The veterans service officers directly counsel homeless veterans who visit or call for

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<sup>39</sup>Studies on the homeless issue have estimated that one third of the adult homeless is seriously mentally ill, one third is alcohol and drug addicted, and the final third is homeless due to economic reasons (Torrey 1988, 10). Additional data suggest that 40 percent of the homeless have a serious physical health problem; as much as one quarter of the homeless have problems which overlap two or more of these categories (Leda et al 1989, 1). Torrey, a clinical and research psychiatrist notes that "Public services for the seriously mentally ill in the United States are in a state of chaos, and it should be no surprise that the mentally ill homeless are accumulating in shelters and on the streets (1988, 13).

assistance. They work with local veterans service organizations to enlist their support. VA home loan policies (under the purview of the Loan Guaranty Service) also have implications regarding the homeless issue.<sup>40</sup>

Within VHSRA, four organizational elements share responsibility for administering programs for homeless veterans: Social Work, Readjustment Counseling, Extended Care, and Mental Health and Behavioral Science (MHBSS) Services.<sup>41</sup> Representatives from Social Work Service participate on the Federal Task Force on Homeless and also works with local community organizations serving their homeless population. Readjustment Counseling Service provides counseling services and brokers needed services for homeless veterans who come to them. Approximately fourteen percent of their new veteran clients are homeless.

The domiciliary program administered by the Extended Care Service has a long history in caring for veterans whose health care needs require institutional support, although not to the degree of hospitalization or nursing home admission.

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<sup>40</sup>A hearing held by the Subcommittee on Housing and Memorial Affairs, House Veterans' Affairs Committee, April 9 and 22, 1987, addressed the possibility of renovating VA-foreclosed properties as housing for homeless people.

<sup>41</sup>However, only the latter two services participated in the March 1 hearing on homeless veterans. Through an apparent oversight, officials from the Extended Care Service had not been expressly invited by the Subcommittee. However, MHBSS staff enlisted their participation in drafting the agency statement and this service sent a representative to serve on the agency panel.

Public Law 100-71 (the Supplemental Appropriations Act of 1987) provided \$15 million to improve VA's domiciliary care services in urban areas.<sup>42</sup>

Mental Health and Behavioral Science Service provides a comprehensive array of psychiatric and psychological services for veterans, including drug and alcohol treatment. Much of this population is at high risk of becoming homeless upon discharge. In 1987, Public Law 100-6 funded a \$5 million program for homeless chronically mentally ill veterans (HCMI).<sup>43</sup> Provisions of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Public Law 100-628, included additional funding authority for FY 1989 and 1990.<sup>44</sup>

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<sup>42</sup>This law authorized 10 new programs at VA urban medical centers having under-utilized space. In addition, ten existing domiciliaries were identified to participate in the Domiciliary Care for Homeless Veterans (DCHV) program. As of July 1989, the DCHV program had created 888 beds for homeless veterans, admitted over 5,000 veterans, and discharged 4,000. The program includes community outreach and referral, assessment and evaluation, medical and psychiatric treatment and social-vocational rehabilitation, and post-discharge community support (Leda et al 1989, 2).

<sup>43</sup>This six month demonstration project of outreach and contracted residential treatment was subsequently extended by PL 100-71, PL 100-322, PL 101-110, and PL 101-237 (Rosenheck et al 1989, 4).

<sup>44</sup>The comprehensive national legislation for the homeless is Public Law 100-77, the Stewart B. McKinney Homeless Assistance Act which was approved July 22, 1987. This legislation provided an array of programs for the homeless, including the establishment of the Interagency Council on the Homeless, HUD emergency shelter grants, identification by federal agencies of underutilized federal property for use for the homeless, and HHS grants to public and nonprofit organizations for outpatient health services for the homeless.

The HCMI program consists of 43 programs in 26 states and the District of Columbia and is "designed to augment and integrate psychiatric, medical, and community-based residential care for homeless, chronically mentally ill veterans" (U.S. Department of Veterans Affairs 1989a, 13). Each program has two staff members who perform outreach and case management. Funds also are provided to contract for care in community-based residential treatment facilities. As of December 1989, the HCMI program had assessed 19,697 veterans.

PL 100-6 required an evaluation of the HCMI program and PL 100-71 mandated an evaluation of the DCHV program. The Northeast Program Evaluation Center conducted both evaluations. The evaluations, which were conducted under the leadership of Dr. Robert Rosenheck, the National Director of the evaluation project and the Director of the Northeast Program Evaluation Center, West Haven, Connecticut, provided detailed background information for the hearing.

### Politics of the Issue

Since his appointment in March 1985, the Director of Mental Health and Behavioral Science Service has actively lobbied for authorization of a program to provide services to chronically mentally ill veterans. Given permission by top agency officials to meet with minority staff on the Senate Veterans Affairs Committee (SVAC), he found support for his ideas. Further, he convinced officials in the Office of

Management and Budget to support the program. However, he could not initially elicit support from the House Veterans Affairs Committee or the Democratic side of the Senate Veterans Affairs Committee.

A SVAC staff member, involved in the initial meetings, stated that she had tried for two years to press for enactment of a program for the chronically mentally ill, as a halfway house concept (Interview). In 1987, while watching television, she saw Senator DeConcini discussing the homeless problem and realized that attaching the chronically mentally ill program as part of the homeless issue might offer a vehicle for advancing this program. Unknown to VA program officials, she called Senator Murkowski and obtained his approval and, through legislative maneuvering, the legislation was passed. Those who had opposed the original concept apparently felt "tricked." As a result, program officials worried that the legislation would not be renewed. However, the program has been extended and now appears to have bipartisan support.

Interested in the homeless veterans issue, Rep. Joseph Kennedy (D-MA) introduced a bill (H.R. 3992) on 7 February 1990, with Rep. Staggers, Rep. Atkins, and Sen. Kerry, entitled the "Comprehensive Services Program for Homeless Veterans." Justifying the bill, Rep. Kennedy observed that too little had been done. In addition, the VA needed to

establish 1) a health care system that was flexible, allowing patients to "drop in" for services rather than requiring appointments; and, 2) affordable kinds of housing, such as group homes, created to provide a supportive environment and thus, to ease the entry of homeless veterans into mainstream society. Participating veterans would be expected to remain drug and alcohol free, work or be involved in a work therapy program, and to contribute towards the rent (U.S. Congress. House 1990, 4).

Rep. Stagers chairs the Subcommittee on Housing and Memorial Affairs, HVAC, and according to the subcommittee staff is, and has been, concerned about the homeless veterans issue. Although not on the Subcommittee on Housing and Memorial Affairs,<sup>45</sup> Rep. Kennedy attended the March 1 hearing, presented a formal statement, and questioned witnesses.

### Policy Entrepreneur

Informants within the VA negatively describe the policy entrepreneurship exercised by the Director of Mental Health and Behavioral Science Service. Several informants express envy at the program support he generates, but they also state that they are unwilling to take his risks. However, the staff members responsible for coordinating the

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<sup>45</sup>Rep. Kennedy is a member of the House Veterans Affairs Committee and serves on the Subcommittees on Hospitals and Health Care and Oversight and Investigations.

hearing process view his informal relationships with committee staff members with suspicion. Thus, they suspected that the Director had promoted the hearing for his own purposes, that is to obtain additional program resources. Since this official was such a key figure in the hearing, the following section describes how he views his entrepreneurial behavior and attempts to "stretch but not break" the bounds of "appropriateness."

The Director<sup>46</sup> is aware that he is viewed suspiciously within the agency and comments that he recognizes that there is a line which he must not cross. In an article describing his move from Yale University to VA's Central Office (excerpted from a lecture presented to the department of psychiatry, Yale University School of Medicine), he describes the lack of stability of leadership in the agency as leading to uncertainty and unpredictability. Consequently, he suggests that "People become guarded and hesitate to be innovative. Much of their energy is spent protecting existing ideas and structures as they attempt to adjust to changing environments" (Errera 1988, 87). Noting that his tenured faculty position at Yale is an asset. He remarks:

It has provided me an assurance of stability that has emboldened me to continue to speak up and to develop long-range plans. It has made it possible for me to

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<sup>46</sup>The Director is a psychiatrist. In an unusual circumstance, the agency has allowed him to retain his faculty position at Yale.



live up to what Secretary of State George Shultz described when he testified this summer at the Iran-Contra hearings, that to be effective in Washington you have to be willing to walk away from your job (Errera 1988, 87).

Providing further insights into how he understands his world, he describes a distinction between professionals and administrators. He views professionals as resenting the rules that administrators promote. He suggests that administrators prefer coordination and seek organizational awards. In contrast, professionals "turn to the authority of knowledge" and, thus, prefer autonomy and seek peer approval. He concludes that respecting the distinctions allows one to be successful and productive. Interestingly, he warns that success can create new dangers as others begin to attribute to you "powers and qualities that you do not possess" and can encourage fantasies of omnipotence (Errera 1988, 88).

Further, he suggests that the challenge facing policy entrepreneurs "is to translate complex, and at times, confusing concepts into meaningful communications" since "The Washington decision-makers are eager to listen to workable concepts that they can make their own" (Errera 1988, 93). However, he warns:

But such dissemination of ideas must be done with care. Both the fragmentation of communication among groups and individuals and the political rivalries are of such magnitude that it is quite easy to slight someone unintentionally....All of these factions [VA hierarchy and powerful service organizations] have to be acknowledged and kept informed (Errera 1988, 93).

He concludes that such checks and balances force a potential "mover and shaker" to pay attention to building relationships, attending to organizational realities, allowing diverse interests to surface and enhancing the processes of conflict and consensus building, and spending the necessary time helping "move an idea through the maze." He describes this as a "bureaucratic working-through process" (Errera 1988, 93).

#### Hearing on Homeless Veterans

The following case study narration reconstructs the organizational events surrounding the congressional hearing on homeless veterans held on 1 March 1990. The narration describes the VA's preparation and follow-up activities. Based on interviews before and after the hearing, attendance at the agency's two pre-briefing sessions, attendance at the congressional hearing, and reviewing administrative documents, this case study describes the events as they occurred over a four week period.

If the clock started when Congressional Affairs became aware of the scheduled hearing, the calendar would only cover ten working days. This case study illustrates the fast pace imposed upon the hearing process, the short amount of time available for review and internal dialogue, and how communication both between agency program staff and congressional staff and within the agency does not follow strict hierarchical paths.

Week One (5-9 February 1990):  
"Getting Organized"

During this week, staff serving the Housing and Memorial Affairs Subcommittee, House Veterans Affairs' Committee began to talk with prospective agency witnesses to alert them about a planned March 1 hearing on homeless veterans. During this same time period, the Subcommittee also mailed the formal letters of invitation.

Subcommittee staff called and talked informally with two VA program officials, the Director of Mental Health and Behavioral Science Service and the Director of Veterans Assistance Service, about the purpose of the hearing.<sup>47</sup> The Subcommittee staff explained that the intent of the hearing was to explore ideas about the problems facing homeless veterans, not to find fault with the agency. The Subcommittee staff also discussed potential agency witnesses. They informed the agency program officials that the Subcommittee chairman was proud of what the agency was accomplishing but that he wanted good information on the record and to discuss

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<sup>47</sup>In response to a question about how he would know what to do or what should appear in the statement, the Director of Veterans Service explained that the advance call from the congressional staff helps because it provides information about areas of interest. Further, he knew that they were specifically interested in the program for which he had responsibility.

and explore other innovative ideas.<sup>48</sup> These informants describe the committee staff's assurances about the purpose of the hearing in trusting terms. No program informant suggests any suspicion as to any hidden political agenda.

The Subcommittee staff described this type of conversation as commonly occurring prior to a hearing. They prefer to informally contact a variety of agency officials to obtain input on the focus of the hearing. They believe that this informal intelligence procedure helps to assure that the hearing will be on target, captures different perspectives on the issue, and checks the consistency of agency interpretations.<sup>49</sup> They tend to contact both Central Office staff and field staff to talk about their experience and theories.<sup>50</sup> If a hearing will result in legislation, Subcommittee staff

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<sup>48</sup>Subcommittee staff also wanted to get attention focused on the need for interagency action.

<sup>49</sup>Subcommittee staff suggested that the information elicited from agency officials helps them brief members before the hearing. For example, this intelligence enables them to discuss the more salient points of the issue and therefore identify the most productive areas to focus questions. The Subcommittee staff provides this information, including the Chairman's planned direction, and an analysis of the witnesses' statements to the Subcommittee members and their staff. Staff stated that members need to know where the problems are and to be assured that they would not be "blind-sided" about what the agency has or has not done.

<sup>50</sup> Although Subcommittee staff consider this to be an informal chat, VA staff are required to prepare an official report of contact to alert higher level officials about the call. None of the officials interviewed indicated that such a report of contact had actually been prepared.

believe field contacts to be especially important; head-quarter's staff assurances have proven unreliable. They suggest that Congress "needs to know if it is workable, how it will affect their operations. Also, staff need to check with different parts of the country because there are different perspectives and effects and legislation has a national effect" (Interview).<sup>51</sup>

Subcommittee staff explain that "every hearing is done somewhat differently" (Interview). However, they always send a letter of invitation addressed to the Secretary indicating what is wanted and asking for specific agency witnesses, although they believe that it is important to give the agency as much flexibility as possible. Subcommittee staff try not to micromanage although they are aware that they are accused of it: "We realize if we micromanage the process we may not hear something we need to" (Interview). They anticipate that the agency's Congressional Affairs staff will question them on how they plan to approach the issue, especially whether it will be fact finding or grandstanding. Although they could have had surprise witnesses, such as actual homeless veterans,

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<sup>51</sup>Subcommittee staff also suggested that a hearing is a "good prod," which results in getting things done administratively without requiring legislation. They do not care who gets credit believing that it was much easier for Congress, too, if the desired action did not require legislation. The staff suggested that administrative action can result from just asking questions, e.g., discovering that field interpretation of policy is much different than assumed by Central Office.

and aimed the hearing at media coverage, the Subcommittee staff informants emphasized that they chose to take an approach aimed at fact finding, without sensationalism.

Week Two (12-16 February 1990): "Getting Ready"

This work week found the Department of Veterans Affairs staff in various and uncoordinated stages of hearing preparation. The formal letter of invitation from the Subcommittee Chairman addressed to the Secretary arrived at the agency. Congressional Affairs staff became aware of the scheduled hearing on February 14, 1990.

The invitation letter stated that the focus of the hearing would be on the Department's homeless programs but that the Subcommittee Chairman hoped that "the hearing would also bring out what might be potential housing solutions." The invitation letter specifically asked for testimony from Dr. Paul Errera. Diplomatically worded, the letter also invited other agency witnesses to appear before the Subcommittee. The letter stated that the Subcommittee would be "happy" to receive testimony from Irwin Pernick (the Secretary's counselor serving on the Federal Task Force on the Homeless), David Brigham (Director, Veterans Assistance Service), Dr. Robert Rosenheck (National Director of the Program Evaluation

Project), and Joan Sheldon (Deputy Associate Director, Rehabilitation Services, Hampton VA Medical Center).<sup>52</sup>

The letter specified that the oral testimony should be ten minutes for each witness and that 150 copies of the written statement should be provided by close of business 23 February 1990.

Based on the invitation letter and the subject matter of the hearing, VHSRA became the organizational focal point. Responsibility for coordinating the agency's efforts was assigned to the Congressional Relations Officer assigned VHSRA matters and the General Counsel staff who coordinate congressional activities associated with VHSRA. On February 15, staff in the Congressional Relations Office called the Subcommittee staff and confirmed the direction of the hearing and their expectations about the witnesses and format. A memorandum for the record of the call was made and forwarded to other staff in the Congressional Affairs office. The conversation assured agency staff, for the most part, that the Subcommittee would take a positive attitude about the agency's efforts and recognize that resources for the agency are limited. Further, the Subcommittee staff explained that specific legislation was not an expected direct outcome of the hearing. They also expressed their expectation that they

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<sup>52</sup>Ms. Sheldon directs the compensation work therapy program which aids veteran patients in transitioning to the community.

would be receiving testimony from program officials, with the anticipation of having enough time to hold an extensive question and answer session.

In the meantime, Veterans Assistance Service had already begun to draft a statement for the Director. The Director held informal conversations about the direction of the statement with a staff member in the General Counsel's office.<sup>53</sup> The scheduling of the March 1 hearing created an added burden on Veterans Assistance Service staff. In an unusual circumstance, the Director had also just been scheduled to appear as the lead witness in a congressional hearing on February 28, the day before the homeless veterans hearing.

In the Veterans Health Services and Research Administration, the Director, Northeast Program Evaluation (Dr. Robert Rosenheck), while visiting in Central Office, was notified about the hearing by the Director, Mental Health and Behavioral Science Service (Dr. Paul Errera). At the direction of Dr. Errera, Dr. Rosenheck began drafting a statement. On February 14, Dr. Errera assigned one of his staff to draft his statement. This staff member was working feverishly on another priority, answering numerous congressional budget

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<sup>53</sup>However, the Director, following his department's procedures, contacted the General Counsel staff member in the section responsible for VBA issues. Thus, General Counsel staff members assigned to health affairs, and who later became responsible for coordinating the agency statement, were not alerted about the upcoming hearing until the formal invitation letter arrived.



questions. However, competing priorities did not appear to be a problem because MHBSS staff assumed that the key testimony would be the responsibility of Dr. Rosenheck, the most knowledgeable official on the program due to his recent research and evaluation studies. Any anxiety about the hearing was also reduced because this staff member considered the hearing to be covering familiar ground. This informant remarks that "The topic of this hearing has been dealt with so much in the past that I do not anticipate any surprises and there cannot be any 'left handed' questions that Paul or Bob can't answer" (Interview).

Week Three (20-23 February 1990): "Getting Coordinated"

During this week top agency officials began to discuss the agency's witness strategy. One staff informant comments that "It will be interesting to see what it [witness selection] ends up being" (Interview). Rumors began to reach program officials that the Secretary or Deputy Secretary might prefer to have a different witness strategy, that is, an Administration official taking the lead in the hearing.<sup>54</sup> At

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<sup>54</sup>One VA official speculated that this might be an outcome of recent events regarding the SVAC budget hearings. Apparently, the SVAC directly invited selected regional office and medical center directors to testify at the budget hearings and the Secretary was upset about their lack of coordination with the agency beforehand. Several other VA officials comment on what they describe as a troubling trend: program officials serve as an agency witness less and less.

first MHBSS program officials believed that the strategy would be for the Administration witness (Irwin Pernick) to serve as the lead witness, opening with a few remarks. Dr. Errera would follow with a few words, and Dr. Rosenheck would provide the greatest amount of testimony. In this format, the other program officials serving on the agency panel would answer programmatic questions. Witness selection may have been further complicated by the presence of a lame-duck Chief Medical Director. In other instances of top leadership concern about program officials serving as the agency's lead witnesses, the Chief Medical Director or Deputy Chief Medical Director served in this capacity, negating the need to have an Administration official serve as the principal witness.

However, the decision was made by the Secretary's office to have one agency statement. On February 22, program officials were notified that Pernick would be the lead witness and agency officials would provide answers to specific questions in the hearing.

The Subcommittee staff informants were diplomatic in describing their response to the agency's decision not to have VA program officials testify individually. They emphasized their recognition of the need for agency flexibility in determining its witnesses. Therefore, they did not argue with the agency when the General Counsel's office officially acknowledged the invitation and informed them of the agency

witness list. However, several VA program officials commented that in informal conversations before the hearing, Subcommittee staff had expressed displeasure with the agency's decision. Subcommittee staff did not contact staff in the Congressional Affairs or General Counsel's offices about the change.

Coordination of the agency statement now became an administrative challenge for the staff in MHBSS. The expectation that each agency witness would testify separately kept each statement on its own division's track. The change in direction now required cross-divisional coordination and a blending of the disparate parts into one document. A staff member in Mental Health and Behavioral Science Service began to telephone and visit various officials who had subject matter knowledge to request information about their programs for inclusion in the agency statement. To compensate for the oversight in the invitation letter, input was requested also from Extended Care since this service has responsibility for the homeless domiciliary program.

Staff from MHBSS notified the Director of Veterans Assistance Service that information on his program area would now be incorporated into the agency statement. Running on its different track, his office was putting the closing touches on his final statement and preparing to forward it through their division's channels for approval. Because they had progressed

so far in their own procedures, they proceeded with their separate statement. Informants from this office describe this change as frustrating and wasteful of staff time. Also, there was an undercurrent of resentment at the agency's apparent focus on the health care aspects of the issue since this office was given the lead in coordinating the statement.

The lack of coordination of the agency's statement required intervention by staff in the General Counsel's office. In addition, the initial statement prepared by MHBSS program officials was not acceptable. Agency officials were uncomfortable in being forthcoming about this during the interviews, explaining only that "the statement needed work." However, several informants later described the staff in the General Counsel's office as upset about the quality of the statement. They demanded major revisions. Apparently the General Counsel's staff believed that the statement was too long and the content not acceptable. No one would provide explicit information regarding the problems with content. However, one VA official remarked that the draft statement was "Full of an attempt to use the hearing as an opportunity to go after program support. I would have done the same thing too, especially before I had experience with the process. However, I know that it will get sanitized as it goes through the review process" (Interview).

As a result of the extensive coordination and unexpected change in agency strategy, the staff in Mental Health and Behavioral Science Service missed the deadline for finalizing the statement. As a result, the agency had to call and notify the Subcommittee staff that the statement would be delayed until Monday (February 26).

Week Four (26 February - 2 March 1990): "The Hearing"

During this week, the agency finalized the agency statement, through the intervention of staff in the General Counsel's office working closely with staff in Mental Health and Behavioral Science Service. The completed statement quickly received clearance from the Chief Medical Director's office, General Counsel's office, and Congressional Affairs office (see Figure 1, chapter 5). The involvement of the staff in the General Counsel's office expedited this review process. Upon completion of this clearance process, the statement received final agency approval from the Deputy Secretary. Finally, and later than the Subcommittee had requested, the agency delivered the required copies of the statement to the Subcommittee on February 26.

Immediately after completing the statement, MHBSS staff and the Congressional Relations Officer prepared the briefing book. The one-inch binder of materials consisted of

two types of information: (1) information specific to the hearing and (2) background information on the topic.

Information specific to the hearing included the following:

1. The letter of invitation
2. Two memoranda for the record regarding contacts with the congressional subcommittee staff about the hearing
3. Chart of where subcommittee members would sit (including a picture of each member)
4. List of subcommittee members and their staff
5. Biographical information on Rep. Staggers and Rep. Kennedy
6. List of subcommittee members expected to attend the hearing annotated to note special areas of member interest
7. Witness list
8. Agency statement
9. White papers on the four VA medical centers in West Virginia

Background information on the topic included the following:

1. Copies of the two recent (December 1989) program evaluations of the Homeless Chronically Mentally Ill Veterans Program and the Domiciliary Care for Homeless Veterans Program
2. Information on the bill introduced by Rep. Kennedy (a copy of the bill, H.R. 3992; a copy of UPI release on the bill

dated February 14, 1990; and, Rep. Kennedy's remarks about the bill which were published in the Congressional Record, February 21, 1989)

3. Excerpts of the statutes pertinent to homeless veterans (i.e., P.L. 100-6, 100-71, 100-322, 101-237, 101-144)
4. Agency correspondence with Congress regarding a draft bill on work-for-pay programs for the chronically mentally ill

In preparation for the hearing, two pre-briefings were held. The first pre-brief meeting was held on Tuesday morning, February 27, for one hour. The meeting was held in Irwin Pernick's office rather than a conference room because they needed to have conference call facilities for the field participants.<sup>55</sup> Career staff responsible for the subject area and for the congressional hearing process attended the meeting. Attendees at the meeting included: representatives from General Counsel's office (3), Congressional Affairs (2), VHSRA Congressional Liaison (1), Mental Health and Behavioral Science Service (2), Extended Care Service (1), and Veterans Assistance Service (1). Dr. Rosenheck and Joan Sheldon participated via the telephone (speaker).

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<sup>55</sup>The room was filled to capacity. Participants crowded on the couch, around a small table, and in various chairs. Mr. Pernick sat at his large, executive desk, orchestrating the meeting. The physical layout of the room also required speakers to raise their voices across the room in order for the field staff to hear their comments.

Pernick managed the meeting, first asking questions about what the Subcommittee was after and then raising questions about the agency's position in the statement. He especially focused on the program officials' answers to questions about how they would answer congressional inquiries into the need for additional resources. Because of his involvement on the Federal Task Force on the Homeless and his involvement in reviewing and clearing the agency statement, he noted that he had a general knowledge of the substance of the issue. He only received the briefing book at the start of the meeting.

At the pre-brief, the discussion focused initially on speculating about the Subcommittee Chairman's agenda. Several of the VA staff suggested that Chairman Staggers had become increasingly interested in homeless issues in a general way and probably wanted to introduce some legislation in the future, most likely aimed at providing housing for the homeless. One staff official suggested that the Chairman was probably not yet sure of what direction he wanted to proceed and, therefore, at this stage, was primarily searching for potential directions. Agency staff discussed what was specifically being done for homeless veterans in Chairman Staggers' district in case he inquired. Pernick reminded the staff that the homeless veterans issue was one of the Secretary's priorities.



VA officials also discussed broader program policy issues. Program officials emphasized that these programs were an essential aspect of any rehabilitation program. They acknowledged that these programs had only discretionary status, that is, not mandated by statute. Thus, program officials recognized that such programs have to fit within the overall patient care program and mandated priorities. VA officials also debated how best to deal with any resource questions and how other agency's programs, such as Housing and Urban Development's Section 8 program, might assist homeless veterans programs.

Pernick encouraged VA career staff to participate in the conversation, keeping the meeting informal and unstructured. He appeared to follow where the conversation led, letting careerists volunteer information. The meeting gave the semblance of a team effort. VA officials appeared to implicitly recognize areas of responsibility and expertise. Program officials focused on information about the program, only commenting on what the Subcommittee might be seeking after specifically being asked for their speculation by Pernick. Staff in Congressional Affairs and the General Counsel's office took the lead in predicting the political agenda of the Subcommittee.

However, there was an undercurrent of concern in the meeting. Because Subcommittee staff had contacted program

officials early in the process, several VA officials who coordinate the hearing process appeared concerned about the program officials' hidden agendas and any potential understandings they might already have reached with the Subcommittee staff. One of the staff members pointedly asked the Director, Mental Health and Behavior Science Service to speculate about the Subcommittee's agenda, remarking "you've had more contacts than me [sic]" (Meeting notes). A decision whether to hold another preparatory meeting was left tentative. After the meeting, several agency officials also expressed anxiety about Pernick's ability to be the lead witness since he had not served in this capacity before. Another informant expressed concern that Pernick had not gone through the briefing materials in a structured manner, suggesting that this procedure was an excellent way to identify potential sensitive areas (Interview).

That evening, Pernick met informally with staff from MHBSS. The Congressional Relations Officer, who attended the latter part of this discussion, expressed some concern about the great deal of information Pernick had to absorb. She advised him that the Secretary did not expect him to be able to respond to detailed programmatic questions. Therefore during the meeting, the VA officials agreed that program officials would respond to any detailed questions at the hearing. Pernick also observed that, for the hearing to be

successful, the agency response to any resource question needed to be framed in a positive light and that the agency needed to expand their approach to include other federal agencies. Therefore, he decided to hold another pre-brief the next day.

The second pre-briefing was held the next morning (February 28) with basically the same attendees.<sup>56</sup> Pernick again managed the meeting but in a more structured and directed manner. The meeting lasted only twenty minutes. Reflecting concern about budgetary implications, the main focus of the discussion was on how to handle resource questions. Program officials volunteered their assessment that additional resources would not be appropriate at this stage. They explained that this position rested on their understanding of the changed demographics of the homeless population. Since the homeless population that has appeared in the last ten years has no relation to the previous population, VA program officials noted that the nation still was trying to understand the most effective way to proceed. Program officials suggested that the agency should maintain its current direction and evaluate the existing programs before adding further resources. Only a very few minutes were spent on speculating what direction the other witnesses at the

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<sup>56</sup>One less staff member from General Counsel and one field representative was not on the telephone because she was in transit to Washington, D.C., from Hampton, Virginia.

hearing might take, most likely because they anticipated nothing negative.

### The Hearing

The hearing was held on Thursday, 1 March 1990, in the Canon House Office Building at 9:30 a.m. and lasted approximately three hours. Seven of the eleven member subcommittee attended the hearing. Subcommittee members arrived and left according to the demands of their schedule. Table 6 lists the hearing witnesses.

Table 6.--Hearing Witnesses

Name	Position
Frank DeGeorge	Associate Legislative Director of Paralyzed Veterans of America
Paul S. Egan	Legislative Director, Vietnam Veterans of America, Inc.
James N. Magill	Director, National Legislative Service, Veterans of Foreign Wars
Paul Molloy	Chief Executive Officer, Oxford House, Inc.
Irwin Pernick	Counselor to the Secretary, Department of Veterans Affairs
Richard F. Schultz	Associate National Legislative Director, Disabled American Veterans

At the hearing, Chairman Staggers set a positive tone for the hearing in his opening comments, available also in written form for the audience. In his remarks, he conveyed the hope that the hearing would result in "a clearer understanding of who and how many homeless veterans there are and

a clearer direction on ways to address this difficult problem." Commending the VA, he remarked that in that week's roll call, which focused on the homeless issue, he "was pleased to note that the homeless veterans programs administered by the Department of Veterans Affairs are characterized as impressive. I share that conviction." The Chairman submitted a written statement from Rep. Burton for the record.

Rep. Kennedy (although not a member of the Subcommittee) attended as a guest and presented an opening statement (also made available in written form). Rep. Kennedy commended Rep. Staggers for his leadership on the homeless issue and then addressed his proposed bill and its housing options. Rep. Rowland followed with brief comments on the seriousness of the homeless veteran issue and submitted a statement for the record. He left shortly after making these remarks.

These opening remarks were followed by three panels of witnesses. In order of appearance, the panels represented the Department of Veterans Affairs, Oxford House (a non-profit organization of residential, group homes) and four veterans service organizations.<sup>57</sup>

In addition to the lead witness, the VA panel included subject matter experts and a representative from the Office of

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<sup>57</sup>Although not present at the hearing, the American Legion submitted a statement for the record.

the General Counsel. Table 7 lists the VA officials serving on the agency panel.

The VA panel proceeded as anticipated, with Pernick first presenting an oral statement. His oral statement followed the outlines of the prepared statement. The Subcommittee abided by a five minute time period allocated to each member in turn to ask questions, with the Chairman asking the first questions. The minority counsel asked questions for the minority side. Pernick deferred to agency witnesses when asked detailed questions about VA programs. Subcommittee members addressed program officials directly to answer questions. Program officials provided detailed responses to questions.

Table 7.--VA Witness Panel

Name	Position
Irwin Pernick	Counselor to the Secretary, Department of Veterans Affairs
David Brigham	Director, Veterans Assistance Service
Dr. Paul Errera	Director, Mental Health and Behavioral Science Service
Richard Olsen	Chief, Domiciliary Care Programs
Dr. Robert Rosenheck	National Director of the Evaluation Project and the Director of the Northeast Program Evaluation Center, West Haven, Connecticut
Joan Sheldon	Deputy Associate Director, Rehabilitation Services, Hampton VA Medical Center

As agency officials predicted, the first question to the VA panel, from Rep. Staggers, was an inquiry regarding resources. Rep. Staggers noted that the 1991 budget maintained the program at 1990 levels. Mr. Pernick responds:

You're right. We're basically keeping it at 1990 levels. But I would guess that after examination of Dr. Rosenheck's evaluation of the first several years of the program we could reconsider the 1991 submissions and perhaps urge additional funds for both programs.

I would not be surprised. I know that homelessness is one of Secretary Derwinski's priority issues (U.S. Congress. House 1990, 11).

Other members on the agency panel also responded positively, concentrating upon ongoing efforts and describing an ability to expand services within current resources. Questions from subcommittee members focused on eligibility issues, demographics of client population, and the type of services needed by this population.

At the close of the agency panel, the Chairman raised the resource issue again. Rep. Staggers asked: "If you had one recommendation to make, and I ask this to the whole panel, for your programs or recommendations for funding what would it be? Is there anything that you'd want?" (U.S. Congress. House 1990, 23). Mr. Pernick responded "The real answer--I'll let Ms. Sheldon go, but the real answer is remove all the earmarks." Dr. Errera deferred to Ms. Sheldon. Ms. Sheldon focused on needs for detailed statutory changes regarding authority to buy and sell houses. Mr. Ibson congratulated the

committee for legislation (that addresses many of these needs) that the House passed last year and asks for their support in negotiations with the Senate. Dr. Rosenheck discussed the need to conduct further research. Mr. Olsen described the need to better understand the apparent special problems of veterans who are homeless for longer than one year, commenting that "I think with your continued support in the next 5 years that we're going to learn a great deal more that will be of benefit, not just to the homeless veteran but to the homeless in general" (U.S. Congress. House 1990, 23-24). Relatively being more open regarding resource needs, Mr. Brigham commented:

Mr. Chairman, no good Federal public service provider would take a softball question and not say something about resources and certainly I won't miss that opportunity.

From a veterans' benefits perspective I think you are aware that over recent years we've certainly had to limit our outreach efforts to some degree and while I don't want to say anything here that runs contrary to our budget...I would say that the dynamics have been that in recent years the in-house work load for Veterans Benefits Administration has been consuming and thus our outreach capabilities have, by necessity, had to be limited (U.S. Congress. House 1990, 24).

Mr. Pernick closed the panel's response by commenting on the need to "continue the dialogue, to work together so that we can produce the results we all want for the veteran" (U.S. Congress. House 1990, 24).

The second panel represented Oxford House, Inc. Mr. Molloy, the lead witness, brought with him two veterans who



live in Oxford Houses. The three witnesses presented an emotional account of their recovery from alcohol or drug addiction and the need for a supportive system of housing for recovering drug and alcohol addicts. Questions from the Subcommittee Chairman and the minority counsel focused on the suitability of the Oxford House program for veterans, funding needs to expand the program, the program's success rate, and resistance to the placement of these group homes in communities.

The four veterans service organizations represented at the hearings appeared last. Each representative presented their organization's statement. The statements generally praised the VA programs, although the representative from the Vietnam Veterans of America, Inc. emphasized how slow the VA had been to react to this problem. All of the veterans service organizations recommended additional resources and staff for the VA to meet this new demand for VA services.<sup>58</sup> The Subcommittee Chairman and minority counsel asked a few questions of the panel. The minority counsel emphasized the success of the non-governmental, voluntarily run homeless program.

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<sup>58</sup>In addition to specifically arguing that the Department of Veterans Affairs should take a leadership role regarding programs for homeless veterans, the VFW statement specifically stated that "The Department of Veterans Affairs is the principal advocate for America's veterans."

Hearing Follow-up

VA staff who had coordinated the hearing discussed the hearing on the subway going back to their office. These informants asked each other about their perceptions of the dynamics of the hearing, including the interaction with the Chairman and any issues that might arise as a result of the hearing. Everyone expressed pleasure at how the hearing had proceeded and how the agency witnesses handled the questions. They all agreed that the other two panels of witnesses had not raised any significant issues which required action by the agency.

The Congressional Relations Officer who had coordinated the hearing, prepared a memorandum for the Secretary summarizing what took place at the hearing, including the type of questions and a general flavor of witnesses' positions and responses. Although she occasionally is contacted by the Secretary or Deputy Secretary for additional information, she was not asked for additional information this time. Neither Congressional Affairs nor program officials had received any follow-up questions from the Subcommittee within three weeks after the hearing.<sup>59</sup> Both Subcommittee staff and the person-

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<sup>59</sup>Congress sends questions either to the Congressional Affairs office or directly to witnesses. Thus, Congressional Affairs staff do not always know that any have arrived.

al staff of Rep. Kennedy stated that follow-up questions were unlikely.<sup>60</sup>

Agency witnesses were generally positive about the VA's performance at the hearing. When asked if she would do anything differently, the Congressional Relations Officer described two concerns. She suggested that the pre-briefings would have functioned better in a more formal and larger setting. Also, she suggested that she would investigate improved speaker phone capability to improve communication with witnesses from field facilities. She explained that "every situation is a little different and that the process has to accommodate the witness."

The hearing followed the Congressional Relations Officer's expectations of a House hearing: a constructive dialogue, specific information, and some details. Although their interests tend to be more parochial, the House accepts that responses requiring a great level of detail will be submitted later for the record. In contrast, she describes Senate hearings as covering issues at a broader level and, therefore, responses by agency witnesses which required detailed information, at any level, should be submitted for the record.

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<sup>60</sup>However, the Chairman or his staff must have decided differently. The hearing record includes eight written questions from Chairman Staggers.

The lead witness also assessed the hearing as successful and the agency's performance positively. He commented on the volume of material he had to absorb and the brief amount of time available to prepare for the hearing. He observed that he should have insisted on more briefings much earlier in the process since more discussions would have been helpful. From the direction of the questions asked by the Subcommittee, he quickly sensed that the Chairman and staff wanted programmatic details. Thus, he deferred to the agency panel since he believed that this level of information was more appropriate for the panel to answer. He suggested that "His lead gave the panel official sanction."

Pernick describes the process at the Department of State as a better, more structured process.<sup>61</sup> Although he described a similar procedure as that occurring in the VA, he notes that the confusion over the strategy for agency witnesses and the resultant delay in coordinating the activities gave the appearance of a much looser process than officials describe as standard.<sup>62</sup>

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<sup>61</sup>He did not relay this observation to the Congressional Relations Officer.

<sup>62</sup> At the Department of State, the congressional affairs office notifies the chief witness and the accompanying panel of an upcoming hearing. The staff members in this office also notify all units in the Department, as a "point of information," explicitly assign responsibility for assembling identified briefing materials, and specify who to clear the material with in what time frame.

Regarding executive-legislative relations in general, Pernick suggested that the Secretary should be able to act more like a manager in formulating policy without excessive intrusion by Congress, especially staff. At the same time, he recognized that members should be able to posture on an issue since "publicity gets things done" (Interview). The resultant attention raises the visibility of an issue, which may be serious and not be receiving the appropriate level of priority attention by agency officials. However, congressional posturing also serves as a vehicle to gain visibility for themselves.

Subcommittee staff and staff to Rep. Kennedy also judged the hearing as successful. They questioned how much constraint OMB exercises on testimony, even though they realize OMB clearance purportedly is required only on resource issues. The subcommittee staff believe, however, that the agency testimony is sanitized and that the witnesses are prepared, that is, they know how not to answer questions. They noted that the VA witnesses at the homeless hearing presented ideas and were more forthcoming than usual. They expressed pleasure that they did not hear the normal agency refrain, "we can do what needs to be done within the existing budget." They suggested that the presence of witnesses from field facilities on the agency panel creates a more responsive

dialogue. They describe field personnel as more "dynamic" and not as "prepared" as central office staff.

## CHAPTER 7

### CASE B - ISSUE: HEARINGS ON AGENT ORANGE

The congressional hearing history of the Agent Orange issue provides supplementary insights into congressional hearing activity from the perspective of public administrators. Consistently, informants suggest that an understanding of the issue, as well as its history, is essential if sense is to be made of the congressional hearing process. Although not intended to provide a comprehensive analysis of the issue, the first section of this chapter examines the background of the issue. This section also describes the governmental response to this veterans issue. The second chapter section recounts the descriptions elicited from participants about the key procedures and communication processes associated with congressional hearings.

#### Background

##### The Herbicide

Agent Orange is a chemical herbicide used by the United States military in Vietnam from 1965 to 1970.<sup>63</sup> Named

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<sup>63</sup>The herbicide causes the foliage to 'grow itself to death.' The military sprayed approximately 10-12 million gallons of Agent Orange in Vietnam, primarily on the jungles

from the orange stripe appearing on its storage drums, it consists of a mixture of chemicals containing equal amounts of two active ingredients, 2,4-D and 2,4,5-T. From the 1940s and into the 1970s, numerous countries relied on these chemicals to kill weeds.<sup>64</sup> As a result of the manufacturing process, the chemical mixture contains impurities (polychlorinated dibenzodioxins). These impurities have become known as "dioxins." Scientists consider one of these, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), the most toxic.

The Department of Defense contractually specified the composition of the herbicide, including the upper limit on impurities. However, researchers have found that the amount and the nature of these impurities "varied from batch to batch, from year to year, and from manufacturer to manufacturer" (U.S. Department of Veterans Affairs 1985, 1). The lack of information on the levels of impurities complicates the ability to conduct research on the health effects of exposure to the herbicide.

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but also on military base perimeters and river banks. The peak spraying period dated from 1967-1969 (Gough 1986, 50-52). Although the military used other herbicides in Vietnam, they used Agent Orange extensively.

<sup>64</sup>Dr. L. Hobson's paper, "Dioxin and Witchcraft," describes the use of phenoxy herbicides in the 1940s-1960s as part of the "green revolution," positively viewed as improving the world's food supply (1985, 1).



In addition, the military did not keep reliable records on who was actually exposed to the spraying missions.<sup>65</sup> Although the Air Force kept records of its spraying missions,<sup>66</sup> the accuracy of field records suffered under the exigencies of combat.<sup>67</sup> Further complicating research, scientists cannot determine the actual amount of combat troop exposure. Numerous variables, such as wind velocity, amount of sunlight, and degree of foliage affect the exposure level.

### The Controversy

Consistently an environmental issue, Agent Orange only became a political agenda issue for veterans in 1978. Prior to that time, the scientific community, environmentalists, and war protestors dominated the debate. The use of Agent Orange became a public concern in 1969 when a study commissioned by the National Institutes of Health reported that 2,4,5-T could

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<sup>65</sup>Air Force policy required notification of ground troop commanders in advance of spraying missions so that friendly troops could avoid being caught in the spray. However, troops reported being drenched with herbicides (Gough 1986, 51). Contrary to the position initially held by the Department of Defense that ground troops were not exposed to herbicide spraying, a 1979 GAO report found that some units were located in the path of spraying missions (Gough 1986, 90).

<sup>66</sup>The 1200 men who participated in spraying operations have been the object of extensive research. The unit responsible for the spraying of herbicides is generally referred to as Ranch Hand.

<sup>67</sup>In 1986, the Science Panel of the Agent Orange Working Group concluded that information from military records could not reliably identify exposure to Agent Orange since units tended to be geographically dispersed and many perimeter base sprayings went unrecorded (Young and Reggiani 1988, 27).

cause birth defects and still births in mice (Reggiani 1988, 33).<sup>68</sup> Gough describes this study as the single most important reason for the military's decision to stop the use of Agent Orange in 1970.<sup>69</sup> Industrial accidents and repeated exposure established TCDD as a cause of chloracne, a skin condition, and began to suggest other adverse reactions (Hobson 1985, 2).

The public became aware of Agent Orange as a veterans' health issue through the media. In the spring of 1978, Paul Reutershan, a Vietnam Veteran, appeared on the "Today" show. During his appearance, Reutershan dramatically announced that 'I died in Vietnam but I didn't even know it' (Wilcox 1989, xi). Officials in the Department of Veterans Affairs credit initial public awareness of the issue to a March 1978 television documentary, "Agent Orange: Vietnam's Deadly Fog," produced by a Chicago television reporter, Bill Kurtis.

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<sup>68</sup>Research from the National Cancer Institute (1968) had already found that large doses of TCDD caused birth defects in some mice (Hobson 1985, 2). During this same period, newspapers in North Vietnam alleged that Agent Orange caused birth defects.

<sup>69</sup>Acting on this study, the Department of Agriculture, which regulated pesticides, imposed strict regulations on domestic use of 2,4,5-T. In October 1969, the White House ordered that spraying occur only in areas remote from people. Although the military viewed this directive as consistent with existing military policy, the Department of Defense decided to reduce herbicide spraying by 25 percent by March 1970. At a hearing held in April 1970, scientists presented information suggesting that even low levels of dioxin could cause birth defects in animals. The Department of Defense suspended Agent Orange use one week later (Gough 1986, 56).

Kurtis became aware of the issue through Maude DeVictor, a veterans benefits counselor at a Chicago VA medical center. DeVictor had become increasingly concerned about health complaints from Vietnam Veterans. Unable to elicit support from the Veterans Administration, she became a crusader on the issue.<sup>70</sup>

The technical complexity of the health and research issue combined with a growing skepticism by the public about government pronouncements of safety. Several informants observe that the media "fanned the flames," thereby engendering suspicion of government actions and hindering dialogue with concerned veterans (Interview). Some Vietnam Veterans believe that the underlying reasons for governmental inaction revolves around the following: money, no one wants to compensate veterans for their illnesses; scapegoating, the country blames Vietnam Veterans for an unpopular war; or, a conspiracy, the government has hidden the "true" scientific evidence (Wilcox 1989, 179). Hobson comments that:

TCDD was soon linked with Agent Orange and the presence of the former in industrial wastes, notably in Love Canal, New York, and the state of Missouri, added fuel to the fire. Most scientists and physicians remained skeptical that one compound could cause so wide a panoply of symptoms and diseases after so small an exposure as described by the affected veterans. But some were not so cautious, saying that TCDD in body fat constituted a "ticking bomb" that

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<sup>70</sup>Her story was the subject of a made-for-television movie, Unnatural Causes.

might be released to sicken or kill any veteran whose body fat was reduced (1985, 3).

At first, the VA reacted unsympathetically to veteran complaints, finding no scientific evidence to support their claims for compensation. In response, Vietnam Veterans began to organize. Before dying in December 1978, Reutershan created an organization, Agent Orange Victims International, to press for government recognition of the illnesses caused by exposure to Agent Orange (Severo and Milford 1989, 370). The foundation for what became the Vietnam Veterans of America, Inc. also began to form during this period. A close observer of the Agent Orange issue, Michael Gough<sup>71</sup> speculates that the history of the Agent Orange issue could have taken a completely different turn if the sacrifice of these veterans had been respected better by the public or if employees in the Veterans Administration had responded more sympathetically to their concerns. Instead, Agent Orange "became a rallying cry for Vietnam veterans who objected to the indifference and even hostility shown them by their country" (Gough 1986, 46-7).<sup>72</sup>

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<sup>71</sup>Gough served as a researcher at the Office of Technology Assessment. He currently serves on the OTA Vietnam Veteran Studies Advisory Panel.

<sup>72</sup>Over 200,000 Vietnam veterans joined in a class action lawsuit filed in 1979 against the manufacturers of Agent Orange. Opponents reached an out-of-court settlement of \$180 million in 1984. The settlement was placed into an interest bearing account awaiting disbursement.

Highly personal and compelling accounts by Vietnam Veterans have helped capture public sympathy. Of special note is the account written by Admiral Elmo Zumwalt and his son, Elmo III. Admiral Zumwalt ordered the spraying of the defoliant on Vietnamese river banks to protect the river patrols from ambush.<sup>73</sup> His son served on Vietnam river boat patrols during the period of Agent Orange spraying. Admiral Zumwalt claims that the exposure to Agent Orange killed his son.<sup>74</sup> Although assured by experts that the herbicide was safe, Zumwalt speculated that he would have ordered the spraying anyway: "I knew not using it would cost many more American lives" (1986, 48). Secretary Derwinski recently appointed Admiral Zumwalt to serve as a senior advisor. Zumwaldt remains an outspoken critic of government studies.<sup>75</sup>

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<sup>73</sup>Admiral Zumwalt served as the commander of in-country naval forces in Vietnam in the later 1960s and later as Chief, Naval Operations before retiring.

<sup>74</sup>Lt. Zumwalt was diagnosed as having cancer in 1983 and died in 1988.

<sup>75</sup>In a letter to the editor, James Mason, Assistant Secretary for Health, Department of Health and Human Services, complained about the unfair attack by Ret. Admiral Zumwalt's congressional testimony as reported in a June 27, Washington Post article, "Ex-Admiral Zumwalt Claims Manipulation on Agent Orange" (Washington Post, July 4, 1990). Zumwalt responded in a letter to the editor and continued his claim of "intentional manipulation by the government" (Washington Post, July 16, 1990). This perspective has been picked up by the popular press, e.g., a recent article in Time entitled, "A Cover-Up on Agent Orange" (July 23, 1990).

The majority of scientific evidence does not support the claims made by veterans attributing exposure to Agent Orange as a cause of a wide range of illnesses. At the same time, scientific evidence cannot definitively prove that there is no cause-effect relationship. Thus, the controversy continues. Proponents continue to question study findings not supporting their claims.<sup>76</sup>

Informants external to the VA offer Zumwalt's appointment to suggest that the VA finally had adopted a positive policy stance toward the issue. They also praise Secretary Derwinski's decision not to appeal a federal judge's ruling that the agency had been using too strict a standard in reviewing Agent Orange claims. In an article appearing after the decision, a reporter for the Washington Times suggests that "the Secretary's decision was made on humanitarian grounds rather than firm scientific evidence" (Moss, 10 October 1989). Whatever the rationale, informants consistently report that the issue has finally begun to abate in intensity (Interviews).

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<sup>76</sup>A study sponsored by the American Legion found an increased incidence of various skin conditions, bodily complaints, and miscarriages by their spouses. However, recently released findings from the Selected Cancers Study conducted by the Centers for Disease Control (March 1990), "found an increased risk of non-Hodgkins lymphoma (NHL) among Vietnam veterans relative to men who did not serve in Vietnam, but no increased risk for the other five cancers....We found no evidence that the increased risk of NHL might be related to exposure to Agent Orange in Vietnam" (Hearing Statement before the HVAC, William Roper, April 4, 1990, 5-6).

Executive Branch Response

The government has expended tens of millions of dollars on research related to Agent Orange exposure. Research has focused on cancer, reproductive abnormalities (e.g., birth defects, miscarriages, sterility), chloracne (a skin condition), and effects on the immune system, enzymes, and nervous systems. The federal government has sponsored numerous epidemiologic studies and health surveillance projects.<sup>77</sup> The Department of Veterans Affairs continues to maintain the Agent Orange Registry as well as reviewing scientific literature on Agent Orange and dioxin.

The Centers for Disease Control and the Environmental Protection Agency have impinged significantly upon the VA's administration of the Agent Orange program. Recognizing the political sensitivity of the issue and the need for coordinated action, the White House established the Agent Orange Working Group (AOWG) in 1979 to coordinate Agent Orange policy.<sup>78</sup> The AOWG's Science Panel monitors federal research

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<sup>77</sup>The Centers for Disease Control conducted a retrospective study of birth defects and concluded that service in Vietnam was not associated with a higher incidence of birth defects. CDC's Vietnam Experience Mortality Study published in 1987 found that Vietnam veterans had a higher mortality rate during the first five years after discharge from the Army than veterans who did not serve in Vietnam.

<sup>78</sup>Initially called the Interagency Work Group, members included representatives from the Veterans Administration, Department of Defense, Environmental Protection Agency, Department of Agriculture, Department of Labor, White House Office of Science and Technology Policy, and Congressional

activities related to Agent Orange (and dioxin since they are so intertwined).

Based on animal studies of birth defects and still births, the Environmental Protection Agency, which took over responsibility for regulating pesticides from the Department of Agriculture, began in April 1978 to consider cancellation of all uses of 2,4,5-T.<sup>79</sup> EPA decisions to ban a pesticide only require that the agency determine that risks exceed benefits.<sup>80</sup> Anecdotal evidence of spontaneous abortions in humans related to the spraying of 2,4,5-T in Oregon forests led EPA to issue an emergency suspension of the pesticide in February 1979 (Gough 1986, 138-139). Due to the withdrawal by manufacturers of their requests for continued registration in 1983-1984, EPA did not need to conduct a final evaluation which might have settled the dispute:

While there was no disagreement that 2,4,5-T and dioxin are toxic, no one ever settled questions about amounts of human exposure from forest spraying and about human risks from those exposures. Moreover, the EPA never weighed the merits of the Alsea II study

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Office of Technology Assessment. The General Counsel from the Department of Health and Human Services chairs the work group (Young and Reggiani 1988, 55).

<sup>79</sup>Sweden and some English counties have banned the use of 2,4,5-T; Australia, Canada and New Zealand still allow its use (Gough 1986, 146).

<sup>80</sup>Several informants comment on the significant difference required by a risk-benefit standard compared to that needed to establish a health effect relationship for purposes of compensation.



[abortion study] and of its criticism (Gough 1986, 146).

Veteran activists viewed the emergency suspension by EPA as supportive of their claims.

Frustrated with the progress made by the Veterans Administration, Congress transferred responsibility for the mandated epidemiology study to the Center for Disease Control in 1983.<sup>81</sup> Congress also directed the Office of Technology Assessment to review and approve the study plan. Gough suggests that OTA became involved in the issue as a result of conflict between the House and Senate Veterans Affairs Committees. He notes that the HVAC supported continued research leadership by the Veterans Administration, while the SVAC wanted another agency to conduct the epidemiology study since Vietnam Veterans perceived the VA as indifferent (Young and Reggiani 1988, 185).

#### Congressional Hearings

Between 1978 and May 1990, Congress held thirty hearings on Agent Orange as a veterans issue. From a review of hearing records, table 8 describes the purpose of each of the congressional hearings examined for this research study. The hearings focus on determining the health effects of

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<sup>81</sup>Mandated to conduct the epidemiology study in 1979, the Veterans Administration encountered many delays. For example, the Request for Proposal was not released until March 1980. The National Veterans Law Center almost immediately filed a bid protest.

exposure of Agent Orange, VA Agent Orange-related programs, and legislative proposals regarding compensation.

Table 8.--Congressional Hearings on Agent Orange as a Veterans Issue

Date	Committee	Purpose
1978		
11 October	HVAC, Subcommittee on Medical Facilities and Benefits	To determine whether Agent Orange caused health problems for U.S. military personnel
1979		
10 April	SVAC	Review of various bills on veterans health care; supplementary materials provided on VA activities regarding health effects of Agent Orange exposure
26-27 June	Interstate and Foreign Commerce (House), Subcommittee on Oversight and Investigations	To consider health effects of and review federal activities related to pesticide (including Agent Orange) exposure
1980		
25-26 January	SVAC (field hearings held in Chicago and Los Angeles)	To examine Vietnam Era veterans readjustment problems; to hear veterans' concerns about Agent Orange and complaints about the government's response
21 February; 4, 21 March	SVAC	Continuation of hearings on Vietnam Era veterans readjustment problems and to review health effects of exposure to Agent Orange and federal activities
25 February	HVAC, Subcommittee on Medical Facilities and Benefits	To examine reasons for use by the military and the potential health effects on military personnel, number of claims for service-connected disability, and VA educational activities.
22 July	HVAC, Subcommittee on Medical Facilities and Medical Benefits	To examine health effects of Agent Orange exposure and to review VA treatment and compensation policies regarding veterans claims
10 September	SVAC	To review Federal health studies and recent scientific literature on Agent Orange

Table 8.--Continued

Date	Committee	Purpose
16 September	HVAC, Subcommittee on Medical Facilities and Benefits	To examine health effects of Agent Orange exposure and to review federal research efforts
25 September	Interstate and Foreign Commerce (House), Subcommittee on Oversight and Investigations	To examine health effects of Agent Orange exposure and review VA treatment and compensation policies
1981		
28 April	HVAC, Subcommittee on Hospitals and Health Care	Review of various bills, specifically including H.R. 2157, to expand the VA epidemiological study of veterans exposed to Agent Orange to include other factors
30 April	SVAC	Review of bills, specifically including S. 636 which would expand the Agent Orange epidemiological study as above
6 May	HVAC, Subcommittee on Oversight and Investigations	Update on federal research studies
18 November	SVAC	To examine VA progress on mandated epidemiological study
1982		
15 September	HVAC, Subcommittee on Oversight and Investigations	Update on Federal research efforts regarding Agent Orange health effects, especially the epidemiological study; also, review of VA readjustment counseling program
1983		
26, 27 April	HVAC, Subcommittee on Compensation, Pension and Insurance	Review H.R. 1961 to establish disability presumption re various diseases and birth defects related to Agent Orange or other herbicide exposure
3 May	HVAC, Subcommittee on Oversight and Investigations	To examine research efforts regarding Agent Orange health effects
15, 22 June	SVAC	Update on research on Agent Orange health effects and to consider various bills giving disability presumption re certain illnesses
30 June; 13, 28 July	Science and Technology (House), Subcommittee on Natural Resources, Agriculture Research, and Environment	To examine status of Federal research on health effects of exposure to dioxin (including Agent Orange)

Table 8.--Continued

Date	Committee	Purpose
12 July	HVAC, Subcommittee on Compensation, Pension and Insurance	Continuation of consideration of H.R. 1961 to establish disability presumption of specific diseases related to Agent Orange or herbicide exposure
15 September	Appropriations (House), HUD and Independent Agencies	Regarding transfer of epidemiological study from the VA to CDC
1984		
3 October	HVAC, Subcommittee on Hospitals and Health Care	To review CDC birth defects study on children of Vietnam veterans
1986		
31 July	HVAC, Subcommittee on Hospitals and Health Care	To review CDC progress on the epidemiological study
1988		
12 May	SVAC	To consider various bills regarding disability presumption for various illnesses related to Agent Orange exposure and update on research efforts
8 June	HVAC, Subcommittee on Hospitals and Health Care	To review status and findings of research on Agent Orange health effects
1989		
22 June	SVAC	To consider legislation to establish disability presumption for certain diseases related to exposure to herbicide
10 July	HVAC, Subcommittee on Hospitals and Health Care	To review status and findings of research on Agent Orange health effects
11 July	Government Operations (House), Subcommittee on Human Resources and Intergovernmental Relations	To review CDC's Agent Orange study.
1990		
4 April	HVAC	To review the findings from the CDC Selected Cancers Study
2 May	HVAC, Subcommittee on Compensation, Pension and Insurance	To consider legislation that would give disability presumption for certain diseases related to exposure to herbicides

The two veterans committees held twenty-six of the thirty hearings. The House Veterans Affairs Committee held seventeen of the hearings, and the Senate Veterans Affairs Committee held nine. In years experiencing the height of the controversy or release of scientific studies, Congress held numerous hearings. For example, Congress held three or more hearings on the subject in each of the following years: 1980, 1981, 1983, and 1989.

### **Agent Orange Hearing Process**

This section describes the congressional hearing procedures followed by executive agencies. The most detailed examination focuses on the Department of Veterans Affairs, since the VA serves as the focal agency for the veterans policy subsystem. In contrast to the homeless hearing described in chapter 6, the study of the Agent Orange issue reveals the importance of coordination among executive agencies. This case further describes the role of the Office of Management and Budget in the hearing process.

### **VA Hearing Process**

The organizational process followed by VA officials to prepare for and follow-up on congressional hearings on Agent Orange matches those described in chapter 6. Upon notification of an upcoming hearing, officials draft testimony, prepare the briefing book, and hold pre-briefing sessions.

However, this study discovers one major difference: the General Counsel's Office had primary responsibility for drafting and coordinating the agency statement, rather than the program office. This assignment of responsibility affects the internal clearance and coordination process.

Notification. VA informants describe a wide diversity of ways in which they became aware of an impending congressional hearing. Notice came:

1. Through representatives from either the agency's or division's Congressional Liaison offices
2. Directly from congressional staff or other federal agencies contacted by congressional staff
3. From mention of a planned hearing in congressional correspondence
4. Through the agency "grapevine"

One program informant notes that his office generally hears about an upcoming hearing before the congressional affairs staff becomes alerted. The agency, generally, had from 1-2 weeks to several months advance notice of an upcoming hearing (Interviews).

Committee questions. Sometimes the agency receives questions in advance of the hearing from congressional offices. Informants also describe intelligence gathering by congressional staff; they would call and ask agency staff

members what questions to ask of the agency witnesses. Similar to the homeless hearing, committee staff sometimes would inform officials about the outcome they anticipated.

Committees also would commonly transmit questions after a hearing. In general, the official in the General Counsel's office assigned to the Agent Orange issue would coordinate the responses to committee questions, both before and after a hearing. One informant describes the coordinating process as proceeding smoothly once turf issues were settled over who answered what type of questions. Further, he describes the close relationship that developed over time between the program officials and representative in the General Counsel's office. He states: "We have a good relationship. We understand each other's strengths and weaknesses. He has impacted the system and process because he is so hard working, ethical, and trusting. If he does not agree, he'll tell you. I respect that" (Interview).

Several VA program officials comment that attendance at the hearings allows them to learn in advance about follow-up questions or actions. Thus, the staff could initiate action without waiting for the formal request to work its way down through agency channels. In addition, attendance at the hearing provides other information "so you know what's going on" (Interview).

Briefing books. Informants describe the assemblage of materials for briefing books as "based on judgement of what might be needed" (Interview). Infrequently, a top manager requests a specific item of background information. As part of the materials, program officials develop questions that committee members might ask and draft suggested answers. Program officials describe the responsibility for making the extra copies of the thick briefing materials for the numerous VA officials as very burdensome. They also criticize agency leaders for not providing any feed-back on the content or format of the materials. As a result, they report that they never knew "what worked or didn't work" (Interview).

Program officials suggest that individual characteristics of the lead witnesses affect the agency process. Thus, staff have to learn about "the strengths and weaknesses of witnesses, their ability and personal qualities. This also affects relationships and the level of trust with staff" (Interview). The role the official represents, either political, scientific expert, or program manager, also affects the process. One informant complains about the lack of structure. He states "a certain amount of structure would help. But the blessing is that this also means you have some liberty, so you're not boxed in. But couldn't there be a happy blending?" (Interview).



One VA program official strongly criticizes the pre-brief meetings. From his perspective, he remarks that such meetings did not help program matters. Although not an efficient venue, he suggests that the meetings serve a purpose for top managers, describing it as a "means of gaining technical information and understanding of a program" (Interview). Current and former top managers from the Veterans Health Services and Research Administration all judge the pre-briefing sessions as valuable and effective in helping them prepare as hearing witnesses. Staff from the congressional affairs offices also view the pre-briefing sessions as an important means of preparing agency witnesses. One program official describes the time spent anticipating potential questions as especially valuable (Interview).

Informants suggest that who holds hearing also affects the hearing process, not only the Chairman but also which congressional chamber. VA officials describe the Chairman of the House Veterans Affairs Committee as taking a positive posture toward the agency. Informants describe one of the House Government Operations' Subcommittee Chairmen as aggressively challenging the VA and not appearing to care to listen to the agency's responses. One VA program official who reviews inserts for the record submitted after Agent Orange hearings by several congressmen reports that the inserts focused on perceived VA failures or made negative comments.

He views these members as politically motivated: "they ignore and distort truth for their own agenda" (Interview). One VA program official describes a difference in "mood" between the House and Senate regarding Agent Orange. He perceives the Chairman of the HVAC as less inclined to support those pressing for compensation and more supportive of further study. In contrast, he perceives the Senate as more inclined to support compensation (Interview).

Agency statement. Informants describe the internal review process of the agency statement as undergoing a "metamorphosis." One VA official states that only occasionally does he recognize some original content (Interview). Generally, informants report that the review process results in reduced length; rarely does the statement become lengthened. Several program officials comment that more guidance from the agency hierarchy might improve development of the statement: "they assume we know what we're doing and so let us go forward, but a bit more structure would help" (Interview).

One VA program official recounts that in order to draft testimony for the first time, he reviewed copies of some earlier testimony and then applied his own writing style. No one provided guidance. Expressing frustration, he remarks that:

I cannot read their mind. Staff try to rationalize, take their best shot and hope they are right. It feels like a fishing expedition. If you have to second guess, it's hard to do a good job. Not know what to do, it's embarrassing. Many times we have to re-do something because guidance wasn't provided about front office expectations or was given incorrectly. This is embarrassing. We want to get it right the first time; otherwise, it reflects on you (Interview).

An informant in the General Counsel's office describes the statement review process as following bureaucratic structure, with a "long chain to catch things." Thus, the review mechanism could accommodate various levels of experience: "the process accommodates itself to the level of experience and expertise of the attorney involved." He describes the internal coordination as a second opportunity to catch overlooked information. This same informant notes that the amount of internal review depended upon the level of controversy, that is, the more controversial, the higher level of review within the agency (interview).

The review process for VA statements follows a somewhat shortened path due to the involvement of an official from the General Counsel's office from the outset. Due to his twelve years of experience with the issue and his high status in the organization, this official could go directly to the Deputy General Counsel for approval of the statement once he had coordinated the substance with VHSRA and VBA. Ordinarily, program officials draft the statement and receive feedback from a staff attorney. Clearance proceeds from the staff

attorney up through the hierarchy in the General Counsel's office. Through the development of knowledge and experience, this official had gained credibility with both program officials and top managers regarding his handling of the issue, especially regarding what is appropriate to include in agency statements and responses to congressional questions. One program informant describes a disagreement which occurred regarding a response to a congressional hearing question. The program officials "saw the question as a good example of congressional micromanagement, so they gave a bare bones answer so as not to encourage future questions of this type." However, the official in the General Counsel's office judged the question to require elaboration. Although the program officials disagreed, "we went along with his approach" (Interview). Informants further positively commented both on his knowledge as well as his willingness to elicit information "when something doesn't make sense in light of his knowledge" (Interview).

Similar to the homeless hearing, agency statements for Agent Orange hearings generally attempted to take a positive tone and presented factual data regarding VA programs and scientific progress. However, the context in the hearing room was much less receptive. One hearing especially stood out in the memory of agency informants. At this hearing before the Senate Veterans Affairs Committee on 12 May 1988, the official

statement followed the normal agency strategy. For example, the statement positively concludes as follows: "I would like to emphasize that the Veterans Administration has addressed the Agent Orange controversy forthrightly and aggressively. ...Based upon the currently available information, it appears that Vietnam veterans did not have substantial opportunity for significant exposure to Agent Orange" (U.S. Congress. Senate 1988, 170). At this hearing, testimony from grieving daughters and wives charged the federal government with conspiracy and neglect.

For the first time, the agency witness countered this emotionalism with a personal presentation of his own. The witness was Thomas E. Harvey, Deputy Administrator and a decorated Vietnam veteran (and former Chief Counsel to the SVAC). Rather than take the usual bureaucratic posture, Mr. Harvey added a highly personal flavor to the proceedings.<sup>82</sup> At the hearing, he brought a map of Vietnam and pointed to where he had been stationed and made personal comments about his combat service in Vietnam. In his verbal statement, he closes with the following comments on the proposed legislation as "bad politics, bad policy and bad science":

It is bad policy because it keeps the myth of Agent Orange as a cause of a large number of problems alive,

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<sup>82</sup>This respondent suggests that the agency should take a more proactive response to hearings. He comments that some congressional officials did not like his proactive approach at the Agent Orange hearing.

without the scientific evidence in hand to back that up.

It is bad policy because those who hope this will keep the Vietnam veterans quiet will soon find that it won't. Those who believe their problems or the problems of their children are caused by Agent Orange won't go away just because some few get monetary compensation; and that really is what we are talking about here. We are not talking about health care.

It is bad policy because it calls into question the credibility of the entire VA compensation scheme. Taxpayers seem to me to be entitled to have the Veterans' Administration administer a program that is based on scientific evidence.

It is further bad policy because it perpetuates the myth of veterans as victims; and that is just not so. Mr. Chairman, it is bad science because the evidence to support it just isn't there (U.S. Congress. Senate 1988, 10-11).

Senator Cranston thanked him "for that very interesting and unusual testimony" (U.S. Congress. Senate 1988, 11).

### Statement Coordination

If testimony touches on another agency's programs, OMB policy requires agencies to coordinate their statements. VA officials intimate that other agencies did not always reciprocate their coordination efforts. Attendance at the inter-agency meetings as well as at the formal hearings also offer an opportunity for federal officials to make contacts, to build relationships, to strengthen networks, and to gain intelligence about other programs, plans, and problems. One informant suggests that each agency's willingness to share appears to reflect the leader's style (Interview). However, the General Counsel official comments that he often saw other

testimony from other agencies and would contact them if he judged there to be a potential problem (Interview). Agency program officials also acknowledge that each agency has its own perspective. For example, one VA informant describes EPA's approach as different from the VA. He states:

EPA's purpose is to protect the public from something that might happen in the future. It's risk assessment; what's safe or unsafe at a reasonable level. In their place, he'd be more conservative at setting levels. In contrast, the VA deals with what has happened in the past; seeing what evidence is logical. Unfortunately, the veterans do not understand why there are two different levels (Interview).

The informant from the Office of Management and Budget who had been involved in legislative clearance for years describes the Agent Orange issue as "a classic case of coordination" since so many agencies share responsibility for the issue. Determining with whom to coordinate took experience and understanding since any agency overlooked would be upset. This informant notes that the clearance process surfaces issues that agency officials did not anticipate:

The OMB process is geared to get issues settled, and so that the Administration is speaking with one voice. It's not a censor, but any modern President realizes that he cannot just let everyone just go up and speak one's own position. This would tarnish his image as weak, not on top of issues, and letting others run the Administration (Interview).

Due to the time constraints imposed by short deadlines, the review often consists of informal telephone calls.

OMB never sees agency briefing materials. In rare instances, an agency, uneasy about a policy position, might

informally contact OMB staff for counsel. Often OMB analysts review an agency's answers to congressional questions prior to a hearing. Questions following a hearing may require OMB review: "The agency makes the judgment call about the nature of the question and whether it requires clearance. A-19 (OMB's guideline) does not require clearance" (Interview).

Witness selection. Generally, the directors of the two divisions or the Administrator appeared as the lead agency witnesses. However, the program director served as the lead witness in several hearings. Generally, the agency strategic decision is whether to take a more political position or attempt to present "pure" scientific research findings. Because the congressional committees expect physicians to act compassionately, one VA program official reports a personal sense of conflict between being a scientist and a physician (Interview). Another informant suggests that the agency had mistakenly had physicians take the lead at hearings. This informant suggests that one physician was viewed as not compassionate enough and another was too compassionate, "How can you yell at someone who gets tearful?" Further, this informant states that "Congress saw the conflict between the scientist and physician. The lesson should have been learned. Who delivers the testimony sends a message about what the agency wants to say. Signals from the VA have been mixed up" (Interview).



One informant notes that "As political heat increases and there are more demands, this generally results in raising the level of witness" (Interview). In a few instances, the official in the General Counsel's office recommended that the Administrator not serve as a witness, especially when the issue was extremely volatile. He tempers this recommendation in response to the Administrator's own predisposition or the strength of the committee's expectations about witness preference. Describing the witness selection process for oversight hearings, this informant suggests subject matter experts serve as the best witnesses since upper level managers can only provide the most general comments: "The more away from being a hands-on official, the increased likelihood of a slip of the tongue or misstatement" (Interview).

#### Other Agencies' Hearing Processes

Informants from the other executive agencies depict similar internal processes in their respective agencies, as well as in other agencies in which they had worked. The study did uncover one significant procedural difference. Those informants who serve as scientific experts testify as subject matter experts and most times prepare their own statements.

One EPA official involved in coordinating congressional hearings describes preparing for hearings as a process of "negotiation." In her experience, all the agencies follow a similar internal review process. She notes that many times

when an issue touches other agencies and EPA has a relationship with the other agency, staff at lower levels in the organization will take the initiative to "swap" testimony. Also, the environmental branch at the OMB reviews all EPA issues. In addition, she notes that if other agencies have a role in a hearing topic, that respective OMB branch also reviews EPA's statement (Interview).

An EPA official involved with the Agent Orange issue suggests that the Agent Orange Work Group has served to reduce cross agency friction and to assure a coordinated Administration position. He suggests that through the group's meetings officials became aware of each others problems and priorities. As a result, the interactions reduced cross-agency friction. He suggests that "Otherwise, EPA took action without thinking about its effect on the VA or DOD" and that it was important to have "a common framework" (Interview). This EPA informant notes that he generally had seen VA testimony at least 48 hours in advance of a hearing. If he had any concerns, he felt free to call and discuss the issue with VA staff. However, he also comments that this intervention did not generally have an effect.

An HHS official administratively involved with hearings on Agent Orange describes hearings as requiring "a skillful balance of science and policy." He describes the hearing process as one which separates policy and science:

The policy issues are addressed by the Administration's political appointees. Although they may include some science (the facts), their presentation and answers are laced with policy. Whereas, the technical part, the most important part, is addressed by the pure scientists, who attempt to keep their presentation pure with no political bias (Interview).

He also notes that each agency's scientist speaks to his own specific arena and scientific studies. Generally, the top level officials would retire early in the hearing after the agency witnesses' opening remarks, leaving the scientific experts to respond to committee questions. However, he notes that sometimes the chairman of the committee would insist on their return, especially when the scientists claim an inability to address policy issues or when the chairman senses that the agency's policy did not accord with the presented scientific information.

In contrast to the experience in Health and Human Services, the EPA informant did not make the same distinction between policy and science, noting that his role as a hearing witness represented both scientific issues and his agency's policy position. Similarly, a VA program official observes that public officials involved with Agent Orange cannot "divorce management and politics." He conveys his frustration when, in early hearings, the VA had little in place and, thus, could only respond with platitudes expressing concern. He notes that it was important for the agency "to establish a creditable program, creditable to the population who felt at

risk and was concerned, other agencies, other parts of the VA, the scientific community, and press" (Interview).

The informant in the Office of Technology Assessment drafts her own testimony and observes that OTA also has an internal clearance process. Noting that each level in the hierarchy reviews the draft from their respective position, this informant states that "I appreciate anyone catching what might be misunderstood, especially what might be politically sensitive, and jargon" (Interview). As a witness, she notes that "I speak solely to the science" (Interview). This informant comments that the interaction with congressional veterans committees on Agent Orange had a somewhat different dynamic than occurs with other committees. The informant describes the two veterans committees as not interested in OTA presenting alternatives or recommendations regarding policy formulation. Therefore, OTA only presents scientific information to these committees. Describing the support function of OTA to Congress, the informant states: "The goal is to provide help to Congress on what is possible, to help the situation, and to describe the consequences of each action, both positive and negative. Their mission is to give Congress information so they can decide" (Interview).

#### Policy Subsystem

One former high level VA program official describes Congress, the media, and the veterans service organizations as

"major energizing forces." He did not anticipate that the issue would be partisan, with Republicans and Democrats jockeying for position and wanting to be viewed as "being forward on the issue" (Interview). This official recounts that, in the early days of the issue, he not only had to keep in communication with the major veterans services organizations but dealt with numerous splinter groups: "At one time, there were eighteen to twenty state Agent Orange commissions" (Interview).

Not only did a variety of single-issue interest groups form around the Agent Orange issue, but individual veterans or their families testified before the Committees. Often (but not always), at these more emotional hearings, the Committee did not invite witnesses from the VA since the purpose was to fully air all grievances (and yet not to seriously damage the agency). Witnesses from Australia attended various hearings, since veterans from that country also served in Vietnam and were exposed to Agent Orange. Thus, not only does Agent Orange have an impact upon overall environmental policy, but it has policy implications which cut across national boundaries.

#### Assessments about the Value of Hearings

One VA informant describes the process as one of frustration; the issue never goes away: "You hear the same

things over and over. I feel like no one is listening" (Interview). Several VA program officials describe hearings as having no influence on policy decisions. They regard all the energy and time that has been required to prepare for and follow-up to these hearings as wasted effort. One mid-level VA official identifies only one outcome resulting from the hearings--the decision to transfer the epidemiology study from the Veterans Administration to the Center for Disease Control (Interview). In general, VA program officials consider the hearings not to have helped the agency nor management of the program.

In contrast, one high ranking federal official from another agency describes the events from the earliest Agent Orange hearing as having a critical impact on the whole outcome of the issue (Interview). Similarly, an official from EPA concludes that hearings are important:

Hearings serve as a relief valve and an information gathering mechanism. This is an important way to bring agencies into alignment, force a determination of what is the Administration's position. . . . otherwise each agency continues to drift. With a hearing, attention focuses on what is the Administration's position, forces getting the agencies and programs together again (Interview).

This official judges hearings as serving a useful purpose; hearings counter the centrifugal forces that lead each agency, and each program within an agency, to drift in its own

direction.<sup>83</sup> He observes that ". . . at least [we] get together in response to hearings" (Interview).

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<sup>83</sup>The Secretary's decision not to appeal the federal judge's ruling that the VA uses too strict a standard in Agent Orange claims caught the other federal agencies by surprise. Similarly, VA program officials recount how EPA's independent decision in 1979 to suspend use of 2,4,5-T inflamed the issue; EPA's independent action caught VA officials unaware and, thus, unprepared to respond to increasingly irate veterans. Although program officials note that they individually attempt to keep other relevant officials informed, the story suggests that agency leaders also want to keep independence of action in their domain.

**PART III: ANALYSIS, FINDINGS, AND CONCLUSIONS**

**Chapter 8. Congressional Hearings as a Management Process**

**Chapter 9. Congressional Hearing Process as Organizing and Public Management Processes**



## CHAPTER 8

### CONGRESSIONAL HEARINGS AS A MANAGEMENT PROCESS

This chapter presents findings from the two case studies. Although the focus remains on the hearing process, the chapter also presents what is learned about the congressional hearing process to increase an understanding of management processes in general. Chapter 9, which follows, builds on these findings but examines the congressional hearing process from organizational and public management perspectives.

Chapter 8 contains two sections. The first section presents four participants' descriptions of the congressional hearing process. This information reveals insights into the VA's processes, as well as the feelings and attitudes of the participants themselves. In addition, this information provides insights into the levels of meaning attributed to the congressional hearing process, the routines and rules guiding the process, and participant expectations about the process.

The research questions posed in chapter 1 provide a useful way to arrange the findings of the case studies and,

therefore, will serve as an organizing technique in both chapters 8 and 9. The second chapter section specifically responds to the research questions which ask whether congressional hearing processes are management processes--primary research question one and its four associated secondary questions.

### Representative Descriptions

How public administrators describe the process evokes insights relevant to all of the research questions, but especially into what an agency, and a policy subsystem, has determined over time to be "appropriate" behaviors on the part of agency officials. As described by March and Olsen, and Weick, the existence of rules still provides a great deal of latitude for each independent actor. Thus, this study finds four perspectives which characterize relatively "appropriate" attitudes toward the hearing process.

For this section, the research identifies four themes which categorize the differing perspectives held by public administrators about the congressional hearing process--policy (oriented towards influencing and/or participating in the policy-making aspects of the hearing process), political (oriented towards proactively shaping the process or directly influencing key congressional or agency leaders), cynical (negative orientation, views hearings as meaningless theatre), and philosophical (reflective orientation, views the hearing

process as an important governance process). Accounts from four VA officials serve to represent each perspective and encapsulate the perspectives of the study's informants.

The descriptions selected are especially engaging and insightful. These four officials from the Department of Veterans Affairs not only understand the congressional hearing process they participate in, but have reflected on its larger meaning for the agency and governance. This approach to presenting the analysis offers a singular means for presenting the study findings, taking advantage of one of the benefits of the case study method.

Based on interview data,<sup>84</sup> this section recounts informants' descriptions of the congressional hearing process, providing further insights into how public administrators make sense of such a process. The reliance upon the informants' words and terminology enriches the narrative so that the reader can enter into the experience as much as possible.

### Policy Perspective

A high level VA official describes the hearing process as "fascinating and important." He characterizes development of the agency's formal statement as the vehicle for forcing

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<sup>84</sup>To continue to mark each quote with an interview citation interferes with the flow of the analysis. Since this section clearly comes from interviews and provides an analysis of the data rather than presenting data, standard quotation marking techniques identify direct quotations from informants.

policy decisions and agency testimony as the means of establishing the public record. He suggests that all agency policies ultimately experience a "day in the sun." If a policy is too bizarre, which he defines as "alien to the political will of the people, as defined at that time," the agency is challenged.

Theorizing, he suggests that programs require political support. Thus, he argues that:

if an idea has merit and is possible and doable, it will happen; the hearing can gain support for the idea. This is more doable than a lot of people recognize. Unfortunately, it is easy to become passive.

He judges agency officials who avoid interacting with political appointees as missing the opportunity to influence policy-making and hints that they are not doing their job. This official describes the political appointee as "where it's at" if you want to impact public policy process. He describes the American system of government as establishing a structure which results in policy ultimately being made by political officials. Therefore, he concludes that careerists who wish to influence policy can if they work with political officials in the agency and get to know committee staff members. He advises that "The dialogue is exciting. If you get a call, get to know the staffers who ask questions. As a result, you can impact the direction of the hearing and policy." Further, he suggests that the political leadership in the agency and in Congress is looking for ideas "to do good or make something

work or work better" and, therefore, dialogue with such leaders can be exciting and productive.

In his early federal career, this informant explains that he did not view the congressional hearing process as positively. Instead, he tried to avoid relating with political appointees. As he began to recognize the importance of hearings to agency programs and the key role that political officials play in the policy process, he began to realize that the process can be mastered and is manageable, even with many forces that appear beyond his or the agency's control.

He suggests that the congressional hearing process is like other processes; one individual "doesn't do it alone." Recognizing the events that occur outside the formal process, he describes the process as a stage production:

While at any time an observer could focus on different aspects, for example, lighting, the author, choreography, or plot, you realize events are not decided on the stage. Some of the audience know important decisions are going on behind the scenes; but, others don't know the punch lines to every joke.

However, he concludes that "The testimony is the vehicle for forcing policy decisions. It sets the public record by forcing a statement for the record."

### Political Perspective

A VA official responsible for congressional affairs activities describes the partisan nature of congressional hearings. He describes much of what agency officials do to

prepare for congressional hearings as being like a "cookbook." For example, he suggests that the agency has various procedures in order to respond to the letter of invitation, select witnesses, and prepare testimony tailored to the witness. In contrast, he describes the role of congressional affairs as "attempting to manage the hearing to have a successful outcome." Thus, liaison officials must work behind the scenes, build rapport with committee staff, and attempt to get them to ask the questions the agency wants asked. He describes the process as amenable to proactive shaping. He recognizes that Congress attempts to shape the hearing especially by selecting witnesses with particular viewpoints. However, he suggests that the agency also can shape the outcomes of the hearing by being sensitive to the political arena in which they occur.

He refers to managing the hearing process as "spin control." To illustrate this proactive approach to hearings, he recounts a past hearing held by a Subcommittee of the House Government Operations Committee investigating the VA's cardiac surgery program. Just prior to the hearing, the program received negative coverage by the media. Already anxious about a potentially damaging situation, agency officials expected that they would not receive a fair hearing. This suspicion reflects the agency's history with the Subcommittee

Chairman; the Chairman regularly takes an adversarial posture in hearings and attempts to "brow beat" agency witnesses.

As a result, agency officials initiated "a pre-emptive strike." VA officials contacted committee members, encouraging them to attend the hearing and to allow the agency to present its side of the issue. Agency officials volunteered to provide background information and sample questions that the agency wanted asked. Consequently, the hearing was much less damaging to the agency. The large attendance of committee members reduced the time available to the Chairman to dominate the session with his questions and the media had the opportunity to hear the agency's story.<sup>85</sup>

This official explains the growing size and role of the congressional affairs office as resulting from an evolving recognition by agency leaders of the need for more "professional and proactive" congressional affairs, cooperating closely with political appointees. To this end, he attempts to apply what he has learned from watching how private firms and public relations firms prepare their clients for working with Congress. He suggests that, similarly, he wants "to facilitate our clients [agency staff] doing business with the Hill."

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<sup>85</sup>The agency's explanation for the higher level of mortality experienced by their cardiac surgery patients focused on the older age of veteran patients and the increased likelihood of multiple health conditions.

Cynical Perspective

An official responsible for coordinating and reviewing VA hearing documents describes congressional hearings as a "pseudo event." He suggests that congressional staff set the hearing as an event in order to make a record which fits findings they have determined in advance and which were not done in the public process. Thus, hearings are "a pseudo event," not legitimately significant in the exercise of policy making, but more a ratification of some judgment process which predates the event. Still, he explains that like actors in a play, agency officials must go through their roles as though they had meaning. The agency is obligated to take the hearing seriously and attempt to present the agency's views in a hope that their effort can make a difference.

Regarding the importance of the informal process, this official describes both the formal and informal aspects of the process as existing in parallel, although somewhat staggered. On the one hand, there is the agency's time consuming effort to prepare the agency statement and prepare for and manage the process. On the other hand, program advocates at all levels take the opportunity to exert influence outside the formal channels. This external activity threatens the formal process and management efforts to channel and control such activities.

Responding to a question about whether hearings have value, he responds that "There are extremes." To illustrate,



he explains that a scheduled hearing may force top management and the department to recognize and address an issue; this happened recently with the Indian veterans program. He notes that "When an issue doesn't have a high profile, this helps grab some attention." Hearings also are potentially helpful when issues have a lower priority or threaten existing priorities. He describes the hearing as a "point of friction and pressure" which forces action. Whether such attention results in long term action depends on the skill of the program advocate to take advantage of the opportunity, "otherwise, inertia takes over." At the same time, hearings also can result in a great deal of "bureaucratic mumbling," such as statements that "we'll study" the problem. He notes that this agency stance often provokes the committees to hold subsequent hearings to follow up on bureaucratic promises.

He explains that he did not receive feedback from committee staff about the agency's performance and suggests that this was probably due to their own cynicism about hearings: "They get what they need." He judges hearings to have only a marginal effect on outcomes: "Agency is the foil against which other people can conjure or shoot."

Responding to the question about how he knows what to do, he states:

As cynical as I am, I take it very seriously. I think about what the agency stands for, its fiscal commitments, its broad mandate. I view the hearing as an effort to set public policy or represent public policy concerns.

Seriousness compels you to invest in the process. Grit your teeth; it feels like punching a wall. The parochialism of Congress is so frustrating. There is never enough the agency can do to meet expectations of 500 plus legislators, all of who see a spectrum of needs that they perceive our mandate should fill.

### Philosophical Perspective

A top management official describes the process of working with the legislature, especially in budget making and policy setting as "looking for flaws" in what is being recommended. He suggests that where a flaw or hole is found, the program will die or fall by the wayside. Conversely, a strong program or organization cannot be picked apart and comes out best.

He describes the agency's preparation process for a hearing as precipitating management action:

If a program is no good (has flaws or holes), or we find the biggest flaw you can have, that is, not doing what it was supposed to be doing or is no longer doing it, this will be found out through process of preparing for the hearing.

He speculates that if two programs of equal social value managed by two different agencies were under hearing scrutiny, "the one program/agency where the people are better prepared will obtain the political support." Thus, he describes the internal hearing process as being very important, "getting prepared for public scrutiny and within a relentless timetable." He suggests that hearings offer an excellent test of management quality; how well do officials prepare, anticipate

questions, and "put up a strong front." He speculates that even a cancellation would not obscure the value of the process, observing that "the program review and discussion are very valuable."

#### Negotiation among the Perspectives

Informants coordinating the hearing process consider a degree of cynicism about the value of congressional hearings to be the most appropriate attitude. Most agency informants who are career officials express suspicion at those who take a political perspective. Agency informants show a more neutral attitude towards the policy and philosophical perspectives, again as long as officials do not appear to take the process too seriously.

In accordance with Goffman, this dissertation finds that the "front" presented during pre-hearing negotiations by officials holding different perspectives about what is "appropriate" behavior becomes explicit during this "background" interaction. This interaction provides a "safe" opportunity to develop a shared sense of meaning about an upcoming hearing before the "performance" becomes publicly tested. The pre-hearing negotiations which occurred during the preparation for the homeless hearing described in chapter 6 demonstrate the development of a shared sense of meaning about the policy issue and the expected performance of each agency witness. The process accommodates differing perspec-

tives although the "reality" of a team-effort is delicate and fragile due to differing perspectives and agendas (Goffman 1973).

In addition, the pre-hearing process allows officials to make explicit their concerns about being too open or closed (too trusting or suspicious) about external forces. Weick describes this as a constant tension for organizations. Each of the perspectives attempts to take into account assessments of the political environment. Both case studies present data which shows the significant amount of attention officials give to attempting to discover the "real" agenda of the committee chairman and members. This finding also substantiates Weick's notion of how organizations use scraps of information to make sense of their world, "retrospective sense-making." Both case studies show officials examining members' past communications, past questions asked at hearings, and past relationships with the agency, as well as explicitly discussing their memories of these interactions to elicit clues and hints about what to expect in the future.

In summary, the pre-hearing process provides a vehicle for agency officials to create a shared sense of what is appropriate for this specific context, the hearing. In addition, each pre-hearing process provides clues for the participants to make sense of each other's attitudes and perspectives and to affect the current public "performance."

However, this interaction also reinforces feelings about the appropriateness of each person's respective perspective. In addition, future interactions become affected as participants glean information which anticipates others' attitudes and behaviors.

### Research Question

Each of the research questions serve to guide the research. As such, presentation of the findings in this form helps to bring the study to a logical conclusion. Generally, summary information from the two case studies describe the findings. However, when especially helpful, accounts from informants are included to make the analysis more engaging.

### Primary Question One

*Is the congressional hearing process a management process?* From the literature, management processes generally have five characteristics. Using these as a benchmark, the agency process associated with congressional hearings is a management process.

1. *At various points in the process, decisions are made which affect resource levels in the organization.* Resource decisions are more than decisions about dollars; they allocate public values. Thus, they are an important characteristic of management processes. The congressional hearing process intrinsically relates to and impinges upon

resource decisions. The outcome of the process--the hearing--presents an opportunity for congressional committees to identify resource needs. In addition, hearings themselves often result in statutory changes which, in turn, result in changes in resource allocation or prioritization. This study finds that explicit, as well as implicit, concerns about resource implications significantly circumscribe and shape the congressional hearing process.

The case data, as well as the literature, describes both an internal agency clearance process as well as an external process with the Office of Management and Budget that serves to constrain requests for additional resources for programs. Through this clearance process, the agency's statement receives careful scrutiny to insure identification of potentially damaging problems with agency policies and congruence with presidential policies and priorities.

As the agency case suggests, the expectation of career officials is that they initially will draft the statement. At the same time, they also expect that this draft will undergo a "metamorphosis." As such, the agency process supporting congressional hearings provides an event around which the political leadership and career officials negotiate agency positions, especially concerning resource allocations and priorities.

The cases also clearly demonstrate that internal review and coordinating procedures serve to self-police the creation of the agency statement; the rules guiding the process become internalized. Before top level political officials see the document, agency officials already have cleansed the document of statements or information that might raise "red flags," such as requests for additional resources. Explicit coordination with officials at OMB becomes unnecessary when either program officials or officials coordinating the statement (the staff attorneys in the General Counsel's office serve this function in the VA) understand the boundaries of their discretion. Insights from Weick and March and Olsen suggest that this understanding builds from past experience as participants retrospectively make sense of interactions and determine what is appropriate for inclusion in the statement.

As illustrated in the agency case, VA program officials had prior contacts with OMB staff about the homeless program and understood the extent of their support for this program. Regarding the Agent Orange issue, a staff member in the General Counsel's office played a direct role in fashioning agency statements from the outset. As shown in the Agent Orange case, this individual has internalized the rules which guide the process and understood that part of his responsibility was to "cleanse" the documents of any self-serving

requests by program officials for additional resources. Throughout the two cases, informants suggest that they have to learn how to judge what is appropriate in each situation, from material for the agency statement and the type of briefing materials in the briefing book to actual responses to congressional inquiries at a hearing.

2. *Management processes provide a vehicle by which organizations mediate with environmental forces.* Congressional hearings present a formal, staged event which makes visible the maneuvering of the policy subsystem. The agency processes provide a means by which program officials engage in negotiations with political managers, bringing in their understanding of the political environment. Much of the negotiation and communications among policy subsystem members occur continuously. However, the scheduling of a congressional hearing serves to pinpoint and focus these interactions.

Many informants suggest that the hearing process especially serves to force a coordinated Administration position among the executive agencies, thus dealing with a subset of an agency's environment. The exchange of testimony among agencies not only provides information about what another agency plans to say at the hearing but provides clues into that agency's priorities and problems. More importantly, it formally substantiates perceptions and understandings that have been created during informal interactions, thus further



reducing, relatively, areas of possible ambiguity and furthering the negotiation of meaning.

3. *Management processes have an identifiable product associated with them.* Clearly, the agency statement and written responses to congressional questions serve as the visible outcome of intense staff work and negotiations. As will be discussed in Chapter 9, federal agencies create organizing routines and explicit, as well as implicit, rules about what is appropriate for inclusion in such documents. The development of these documents becomes the visible focus of the agency's congressional hearing process.

4. *Management processes are generally recognized as an important responsibility of managers.* The data suggests that responsibility for both the details and coordination of the congressional hearing process is a responsibility of agency managers. In both case studies, agency officials having responsibility for the congressional hearing process are, at a minimum, at the GM-14 level or above and highly experienced officials. Only one informant in the VA's Agent Orange program is of a lower grade level and he has minimal personal participation in the process outside his immediate office. Inherently a politically sensitive arena, the scheduling of a congressional hearing appears to warrant high level management attention.

All of the managers interviewed for the two case studies personally become involved in the process as it unfolds. They assign high level staff to draft the statement, personally and carefully review hearing-associated documents, and attend pre-briefings with higher level managers. The data from the case studies also suggest a direct relationship between the level of the agency's lead witness and the perceived degree of controversy associated with the topic of the hearing.

5. *Members both in the organization and external to the organization have expectations about routines, norms, and responsibilities that will be followed by the organization.* Agency officials readily describe the agency's procedures and the process that they follow in preparing for congressional hearings. Informants serving the congressional committees and the veterans services organizations have some awareness of the VA's internal congressional hearing process. Particularly, the committee staff informants acknowledge the role of the congressional affairs staff in intelligence gathering. Likewise, VA informants describe the intelligence gathering of committee staff.

Observations about the internal agency preparation process from external informants focus on the role of the Office of Management and Budget. These informants suggest a more explicit interference in the actual process than the case

study describes. The implicit recognition of the power of OMB, however, may help to account for the perceived influence of OMB on the process. None of the external informants acknowledge a need for a coordinated Administration position. This may be accounted for by the narrow focus of the veterans committee on one agency, but nonetheless this finding contrasts with the suggestion offered by other agency informants who view this to be a valuable outcome of the hearings.

The case studies also identify norms governing witness selection, demeanor of agency witnesses, and style differences between the two chambers and among various Committee and Subcommittee Chairmen. Both subcommittee staff and veterans services organization informants expect agency witnesses not to ask for additional resources and to avoid forthright answers when the agency has answers it does not want to give.

The reorganization of the congressional affairs function in the VA and subsequent elevation of this function as one of the Secretary's staff offices also suggests that higher level management wants to exert control over the congressional hearing process. Although much of the details of coordination are the responsibility of staff in the congressional affairs and General Counsel's offices, these staff members must demonstrate competence and prove their ability both to manage the process and the people in it. In March and Olsen's terms, these are the officials who help to

create and maintain the internal "logic of appropriateness" for the agency.

Special Characteristics. Special characteristics of the congressional hearing process deserve consideration. First, the congressional hearing process is highly individual-driven. The study finds that personality, level in the hierarchy, experience level with a hearing topic, and management style influence the details of how the process unfolds. Attendance at pre-briefings and hearings and increasing levels of responsibility for the process provide a means of "anticipatory socialization" into the norms guiding the congressional hearing process (Goffman 1973). Given the literature and this researcher's public administration experience, this is not an unexpected finding.

The finding that the congressional hearing process is issue-driven was anticipated; however, the extent that this occurred was a surprise. Expecting informants to describe the procedural routines of the hearing process, informants consistently inquired as to the interviewer's knowledge of the issue before they would address questions about the hearing process. The issue history, as well as the history of relationships that affect the issue, appear to serve as an important determining factor for the agency response to congressional committee oversight and how participants make sense of the process. Data from the two case study narratives

identifies four dynamics affected by the issue history. These four dynamics include:

**1. The posture the agency assumes**

When agency officials believe that agreement (a shared sense of meaning) has evolved concerning an issue, the agency anticipates more cooperative relationships and proceedings. When such a consensus has not yet been achieved or agency officials believe that members wish to posture on the issue at the agency's expense, the agency acts in a more defensive manner and anticipates a more fractious interaction with congressional members. The agency case describes the amount of staff energy directed toward intelligence seeking. Although subcommittee staff members had personally contacted program officials and assured them that this was not expected to be a contentious hearing, officials from the Congressional Affairs Office still contacted staff to substantiate this understanding. Also, officials spent a significant amount of time at the pre-briefing sessions speculating about the "real" agenda.

**2. Selection of the lead agency witness**

Top management officials determine how high in the hierarchy the lead agency witness is "appropriate" and which agency officials may sit at the witness table.<sup>86</sup> This decision

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<sup>86</sup>Generally, only those witnesses at the witness table respond to congressional questions. However, agency officials sometimes refer questions to agency officials sitting behind

reflects agency perceptions of the agenda of the committee. As described above, an issue which has yet to achieve a shared sense of understanding invites higher level agency involvement, unless these officials seek political cover. The personal agendas of the Secretary and Deputy Secretary also impact this decision--although considerations emerge concerning the perceived need for political cover if an issue is too fractious. At the same time, top officials may wish to appear knowledgeable and "in charge." Reflecting Goffman's and Edelman's insights, such "performance" not only assures Congress but also assures agency officials that their leaders can present the appropriate "show" and helps to legitimate agency activities.

The witness selection decision, in turn, affects the internal preparation processes. Generally, the higher the level of the lead witness, the increased likelihood of greater detailed background materials and pre-briefings.

**3. The level of trust and the type and amount of information exchanged between program officials and political appointees, especially about hearing agendas**

As shown in the agency case study, program officials knew information about the hearing but did not alert top level officials about the impending hearing. In addition, these officials talked with Subcommittee staff about the agenda of

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them.

the Chairman but also did not volunteer this information until specifically asked at the pre-briefing. Thus, using Goffman's ideas, the "show" presents the face of program officials abiding by hierarchical channels. When asked to provide their understanding of the political environment, the performance is one of subservience to the political hierarchy and providing facts and details. The reality is that program officials are in contact with congressional staff and OMB officials, and proactively try to influence the process and outcomes.

**4. The level of interaction which occurs among policy subsystem members prior to the scheduled hearing**

The case studies suggest that most of the interaction occurs between agency officials and the congressional committee and between veterans services organizations' officials and the congressional committee. However, the interaction between the VA and veterans services organizations occurs continuously and therefore may obviate the need for specific interaction at the time of a hearing. Also, the veterans services organizations have their own institutional dynamics that they must satisfy. The scheduled hearing appears to "freeze" the interactions and shift the focus to Congress.

Thus, the congressional hearing process, although having as its stated primary purpose information processing, may also serve as a type of management process which supports the relationships and dynamics of policy subsystems. Looking

at the congressional hearing process this way provides a useful construct for understanding the institutional interplay among the policy subsystem members. Thus, an important finding from the study is the institutional sense-making and relationship building that is characteristic of the congressional hearing process.

### Secondary Research Questions

1a. *How do agency participants in the congressional hearing process describe the process and define their involvement?* Informants vary in their descriptions of the congressional hearing process. This section relies upon the seven levels of meaning discussed in Chapter 2, gained from both Miller and Wamsley's works. The levels of meaning serve as a way to analyze and describe how informants portray the congressional hearing process.

Public administrators use all seven levels of meaning, although to a greater or lesser extent. For example, higher level agency officials tend to describe the congressional hearing process at macro levels: Societal, Governance, and Institutional. Staff members responsible for coordinating congressional hearing activities describe the process in terms of the lower five levels, generally not referring to terms which suggest the Societal or Supranational levels of meaning. However, officials responsible for the Agent Orange issue are aware of research conducted by Australian scientists and that



government's interest in the issue. At the technical level, VA program officials tend to express frustration with a process which does not appear to have any real relationship to their program management problems.

Every informant in the study envisions congressional hearings to be an important aspect of the overall political processes. Thus, they particularly use the Governance level which recognizes inter-branch conflict and partisan competition to describe the hearing process. This is especially apparent in the Agent Orange study, but also in the homeless issue. The competition between the minority and majority parties presents a serious obstacle for VA program officials attempting to initiate new programs. The Agent Orange issue reveals a fertile field for conflict between the legislative and executive branches and between the agency and the key veterans service organizations.

1b. *What purpose do public administrators believe congressional hearings serve?* The descriptions of the purpose of congressional hearings by federal agency informants closely relate to their overall descriptions of the process, discussed in the introductory section of this chapter. Informants who tend to be more philosophical or who see the policy implications of the process describe hearings as providing a forum which allows programs and agencies to influence policy making. One VA program official suggests that hearings provide "the

opportunity to inform Congress about the good things the agency is doing and make issues visible that OMB tries to suppress." One federal official describes hearings as providing a unique kind of public relations activity for agency activities. He states that:

Hearings put an agency in the spotlight and draw public attention. A public hearing has a different kind of credibility because of its adversarial edge.

Although this same official disparages the incidence of internal partisan maneuvering (described as "raw politics") that sometimes occurs in preparing the agency statement, he views hearings as generally serving a positive purpose. Specifically, hearings serve "as a relief valve and an information gathering mechanism" and:

an important way to bring agencies into alignment and force a determination of the Administration's position, so that the Executive Branch speaks in one voice, that is coherent and coordinated. Otherwise, everyone would drift.

Agency officials who emphasize a political perspective view hearings as serving the partisan and reelection concerns of Congress. For example, they describe oversight hearings as issue driven, reactive to media coverage and thus more "spasmodic" than budget hearings in which "you can more clearly see an end in sight." Further, this official describes hearings as a "necessary evil." Although he emphasizes that most of the "action is done behind the scenes," he states that a hearing forces the agency to "develop details of

what it is doing and why and allows for partisan inquiry regarding how choices were made."

One program official suggests that the only purpose hearings serve is to document activities. He states that hearings are not action oriented, only remembering one of the multitude of hearings overseeing his program as actually resulting in any decision. A higher level program official states that hearings occur for only two reasons: either to gain information or to satisfy the personal agenda of congressman, "not to learn." He further suggests that "Congressmen want to get their name in the news; some have a sadistic streak, hearings provide a way to strike out at someone in a position of authority."

Although recognizing the potential for influencing policy making, not all VA officials view the process positively. One VA official laments the misplaced emphasis on containment and control. This official describes hearings as "not valuable" and a process that "stifles creativity." Using gardening as an analogy, he states:

If growing flowers, bring it manure and sunshine. If growing marijuana, confiscate it. Don't stop feeding the flowers just because someone will always try to grow marijuana. If you're not smart enough to catch the marijuana grower, it's your own fault. The emphasis is misplaced on containment and constraint.

As described in the "cynical perspective," one informant describes the congressional hearing process as a pseudo-event, more a ratification of what goes on before the hearing and

outside the public arena than an arena for public discourse. Interestingly, informants who are career officials judge background political maneuvering suspiciously, as something not quite legitimate. However, career officials hold more to a rational, linear approach to public policy-making, and some conclude that political background maneuvering means that the actual hearing has little meaning. Therefore, they conclude that agency efforts toward hearing preparation are a waste of time and energy.

1c. *What outcomes do participants expect from the congressional hearing process?* Most informants minimize the value of the actual hearing. Except for a few VA officials who comment on the value of establishing a public record of agency activities and an agency's formal statement of policy position, most informants suggest that any value from the effort expended in the hearing process results from the agency's preparation process.

However, informants view hearings as providing some benefits for the agency. Four specific outcomes described by informants include the following:

1. Education

Many informants suggest that participants in the hearing process learn about agency programs. One important authorizing committee staff member suggests that hearings "educate high level [agency] staff about VA programs." This theme was

repeated by several VA program officials. In addition, a committee staff member describes the "question and answer" process, which occurs both before and after hearings, as a means for eliciting "red flags" from program officials. He states that "once you learn how to decode the information, program people write in such a way that you can recognize a cry for help, if it escapes the review process."

## 2. Coordination

Several agency informants suggest that hearings support having a unified voice of the agency and the Administration, allowing differences to surface among agencies and coordinating activities. The two case studies also reveal the high degree of coordination which must occur within the agency as numerous offices share program responsibility for different aspects of the program.

## 3. Control

Informants note that hearings can lead to future congressional committee action, e.g., follow-up oversight hearings, specific modifications to appropriations, reporting requirements, and congressional committee surveys of field facilities. The hearing process also offers an opportunity for the political leadership to exert control.

## 4. Policy Input

Many informants comment that the threat of congressional attention to a program can result in policy changes. Several

informants suggest that hearings can serve as a "catalyst for action", or a vehicle to "gain acceptance for innovative programs." Thus, hearings can provide background for future legislation--though many informants emphasize that the hearing itself had less impact than the informal communication system among the key officials in the policy subsystem.

*1d. What effect do policy subsystem interactions have on the congressional hearing process?*

All three components of the policy subsystem actively try to shape the direction of the congressional hearing, even determining whether a hearing is scheduled. One federal official explains that he keeps the committee staff informed of his agency's activities in order to reduce the likelihood of a hearing even being scheduled.

Many informants describe as extensive the effort that agency officials and officials from the veterans services organizations invest talking with committee and personal congressional staff. This communication aims at influencing the direction of the hearing, as well as the questions that will be asked of witnesses. Since most informants in the policy subsystem expect policy decisions to be made prior to the actual hearing, informants universally consider pre-hearing communication as critical to exerting any influence. One VSO informant explains that: "Hearings are frosting on

the cake; however, they have little effect since a congressman already knows what he wants to do."

Although recognizing the importance of early intervention in the process, another VSO official cautions that "What one says is crucial. If a legislative proposal later parallels what was presented [during a hearing], how can the organization later oppose it. The witness has to be careful; you're on the hot seat."<sup>87</sup> The "show" and "performance" is important.

Acknowledging that relationships are not always marked by harmony, most informants explain that there is a great deal of rapport among the veterans policy subsystem.<sup>88</sup> Comparing the more adversarial relationship of the military and its significant congressional committees, one former high level VA official suggests that this less adversarial relationship results from a shared sense of mission: "Both are interested in the same direction, high quality care for veterans." This shared sense of understanding supports continued interactions and relationship building among the participants in the policy

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<sup>87</sup>This same respondent observes that this is especially important during the annual legislative hearing when a VSO witness has only "four minutes to comment on thirty two Senate bills".

<sup>88</sup>The House Veterans Affairs Committee conducts its affairs in bipartisan manner. One HVAC member suggests that this was due to the fact that the members were fairly unanimous about what the agency is all about. He also notes that it is unusual to have one agency as the sole focus of two congressional committees.

subsystem. In another mark of uniqueness of committee norms, the two authorizing committees consistently include veterans service organizations as part of the hearing process. One SVAC staff explains that "The veterans service organizations in attendance are always asked to comment on VA's testimony." Another SVAC staff suggests that inclusion of the veterans service organizations is unique: "I don't know of any other committee who consistently gives such opportunity to their interest groups. The Committee is interested in finding out what the VSOs want and to deal with their legislative agendas."

This norm of inclusion further supports continuous interaction among the policy subsystem members. The interactions promote the members' negotiation of meaning and institutional sense-making activities. Further evidence to support this conclusion is provided by congressional committee staff members who describe four purposes that they believe congressional hearings serve: eliciting information to aid in decisions about major funding increases or decreases for programs, following up on agency promises, responding to the issues receiving public attention, and educating agency officials as to member priorities. This last purpose is repeated consistently. For example, one staff member suggests that congressional hearings are "Not about grading performance. It is a forum for VA and our subcommittee to let it be



known what their concerns and priorities are." This provides further support for the recognition of the importance of congressional hearings as a means of negotiating meaning and building relationships.

Another committee staff informant describes hearings as a "management tool" for Congress, a way to compare, contrast, and weigh viewpoints. The theme of gaining information and seeking input to improve legislation is consistent among congressional staff on the authorizing committees. For example, one staff member describes having a sensitivity "to the fact that those on the Hill do not implement and therefore they want to make sure legislative policy will be good, representing a cross section of input." However, in agreement with the complaints of some congressional scholars, another staff informant laments that issues are so complex that hearings tend to fall into discussions of minutiae rather than dealing with broad policy issues.

Officials from veterans service organizations emphasize the primary importance of personal relationships with top agency officials, congressional members and their staff, and committee staff as most affecting the policy process. One VSO informant states that "Ninety per cent of our work occurs before the hearing." Another VSO informant suggests that organizational involvement in a hearing is not always necessary, especially if the organization wants to avoid taking a

position on a controversial issue. He states that they could achieve the same purpose by "planting questions."

One VSO informant has an especially provocative belief about the role of the veterans service organizations in governance. He suggests that his responsibilities are not only to educate his membership but also "to educate congressional oversight committees since VSOs share the oversight function with Congress since they are congressionally chartered."

Several VSO informants emphasize that the policy positions taken in hearings represent their membership's decisions (the formal resolutions developed at annual conventions). Thus, hearings provide a public forum for presenting their organization's position and in raising issues that they believe deserve attention. In the two cases studied, pre-hearing communication between agency officials and veterans service organization officials did not appear to be a part of the pre-hearing process.

Consistently, informants mention the influence of the Office of Management and Budget on issues that have resource implications. Committee staff and veterans services organization informants complain about interference in the process by the Office of Management and Budget. One former senior VA official, now holding a high level position in a veterans service organization, observes that the appropriations hearing

process would be a useful process, "if not for those characters in OMB." In contrast, one informant describes the OMB clearance process as important because it surfaces issues that agency officials do not always recognize:

The OMB process is geared to get issues settled and so that the Administration is speaking with one voice. It's not a censor, but any modern President realizes that he cannot just let everyone just go up and speak on his own position. This would tarnish his [the President's] image as weak, not on top of issues, and letting others run the Administration. In late 1930's and 1940's, President's became aware of the need for a control mechanism for legislative issues.

### Conclusions

The research findings provide finer details about the agency processes than is available in most of the literature on congressional hearings. Although the literature does address policy subsystems, the research study brings new insights into understanding the "how" of the interactions that occur among the policy subsystem members, how relationships build, and how participants within the policy subsystem continuously negotiate meaning.

This chapter presents two significant findings from the case studies. First, congressional hearings are a form of management process. As such, congressional hearings directly and indirectly impact on resources levels and serve as a vehicle for mediating with environmental forces. The significance of the congressional process to the survival of the

agency can be measured by the high degree of energy devoted to this management process and the high level of attention it receives in the agency. Further, the agency statement serves as a public record of the agency's position and the presence of agency witnesses before Congress assures a certain level of accountability for agency actions. Use of this mental construct, *management process*, reveals finer nuances of the dynamics of the process as well as better capturing the levels of meaning attributed to the process.

Second, the congressional hearing process serves as an important vehicle for policy subsystem interaction and institutional sense-making. The congressional hearing process not only works within a "logic of appropriateness" but helps to create and shape it.

As discussed in chapter 3, a sole focus on the political aspects of congressional hearings ignores the importance of institutional factors which shape the process. As March and Olsen suggest, the institutional approach focuses on the importance of political institutions and how they shape the social environment, contributing to both stability and change. The institutional approach provides a more complete and integrated understanding of society than the non-institutional approach which focuses on the competitive aspects of politics or on politics as a sorting process. Data

from the case studies support the need for further attention to the institutional approach.

At the same time, the individual should not be ignored. The systems approach offers a lens for combining the institutional and macro level while still taking into account the individual. The "cell" level of meaning is an important addition to understanding management processes. Without this level, the impact of individuals within the institutional framework becomes lost. Goffman and Weick evoke insights into the negotiating which occurs among participants in the congressional hearing process, again creating and shaping a "logic of appropriateness."

Importantly, the inclusion of the "cell" level reinforces the realization of personal responsibility for system processes. As Weick so clearly describes, organizing results from the coordination and cooperation of people in organizations. The resulting organizational processes rest on creating and maintaining rules and conventions which, in turn, come together to produce the processes that become visible. Thus, political leaders and career public administrators are responsible for the processes they create and maintain.

Integration of the perspectives offered by March and Olsen, Goffman, and Weick reveals the dynamics of relationships among institutions as they occur within the congressional hearing process. These dynamics shape and are shaped by

the perceptions, beliefs, and attitudes of those in public agencies. The following, and final, chapter of this study uses institutional and public management lenses to discuss further these issues. In addition, the knowledge gained from this analysis provides insights into public management processes in general.

## CHAPTER 9

### CONGRESSIONAL HEARING PROCESS AS ORGANIZING AND PUBLIC MANAGEMENT PROCESSES

As in the previous chapter, this chapter presents findings from the two case studies. Building on the analysis in chapter 8, this chapter further analyzes the congressional hearing process using lenses from organization theory and public administration. Again, the research questions proposed in chapter 1 serve as an organizing structure for data analysis and conclusions.

As described in chapter 8, the congressional hearing process helps public administrators make sense of their world. Although perspectives vary about the value of the process, all appear to take their own responsibilities within the process seriously. The scheduling of a hearing presents an everyday challenge to an agency. However, the management process that it triggers intensifies and focuses the negotiations among members in the policy subsystem. Clearly, the congressional

hearing process serves as a means of coping with ambiguity and instability in the environment of public agencies.

Building from the theoretical framework, chapter 9 presents an analysis of two tensions, *explicit-implicit* and *abiding-fragile*, that help shape the congressional hearing process. Reflecting March and Olsen's concept of a "logic of appropriateness," these two tensions significantly affect the sense-making activities of officials. They also capture the essence of Weick's notion of "organizing" and Goffman's insights into interactions. Also reflective of the theoretical framework, this chapter addresses the implications of this model for management processes in general and for public administration theory and practice.

The two sections in this chapter address the two remaining primary research questions. As before, informants' words or terminology enrich the analysis and standard quotation techniques mark their use.

#### Primary Research Question Two

This primary research question looks at the congressional hearing process from the perspectives of organizing processes. It also addresses the congressional hearing process within an institutional framework. The three secondary research questions associated with this primary question describe the shared sense of understanding about this process, summarize the routines associated with the congressional



hearing process, and discuss how participants in the process learn what behaviors are appropriate.

Primary Question Two

*In what ways is the congressional hearing process institutionalized?* In accordance with Weick's theorizing, as organizational procedures, processes, and rules become habituated, they both reflect and shape an organization's administrative and management processes. Tensions interacting with these processes affect their shape. Chapter 1 mentions two significant tensions that shape an organization's puzzle solving: explicitness versus implicitness and abiding versus fragility. These two tensions serve as a way to address how agencies create a "logic of appropriateness" to guide their congressional hearing process.

*Explicit/Implicit.* This tension addresses a continuous dilemma faced by public agencies. Agency officials must balance an organizational need to codify routines and procedures--which help to direct and control individual actions--with the need to allow individuals the freedom to shape processes to reflect their own personality and style as well as their professional reading of the situation. As shown in the two case studies, participants are aware of the rules and procedures which guide the congressional hearing process, even though very few are written.

The informant representing the policy perspective suggests that there are clear rules even if they are not obvious or codified. For example, reflective of Goffman's insights, he further suggests that when a witness cannot answer, "there's a 'dance' that has to be done with acceptable phrases, such as "we're considering." One VA informant involved with congressional liaison comments that: "Nothing is written on preparing for hearings because it must be tailored to the situation. The topic drives the team." A committee staff informant explains that "The political process is on paper, but you have to learn through experience the skills of communication and interaction."

The "cookbook" procedures which guide agency activities in preparing for a hearing serve as a stabilizing factor in the proceedings. Most participants understand the process and their expectations are reinforced with each hearing. At the same time, staff member attention to the nuances of personality, style, and issue dynamics allows the hearing process to change to meet the needs of the situation. The data show that the process is built in such a way as to routinely handle unique situations, variability within rules. Definition of "uniqueness" rests on the participants' understanding of the history and dynamics of the issue, the demands of the individual officials involved in the process, particu-

larly the agency's lead witness, and the controlling style of the top managers.

As described in the agency case, the witness selection process illustrates how these various factors led to conflicting expectations on the part of subcommittee staff members, program officials, and top managers. In this case, the witness selection process demonstrated disorganization and conflict. However, the shortness of the preparation time triggers staff to initiate the various routines as quickly as possible. The delay in top management's decision reflects the importance of this decision, both symbolically and as a means of controlling the agency panel. Each set of participants had expectations--committee staff members and the agency's program officials--that perhaps do not reflect the changed political status of the agency. As some agency informants noted with the rise to Cabinet status, program officials probably will be less likely to serve as the agency lead witnesses for hearings. Thus, the norms change to reflect changed circumstances but it takes time for participants in the process to understand and accept the shift.

As discussed in chapter 8, informants suggest that individual personality and management style affect the congressional hearing process. For example, the quality of the relationship between the top agency leaders and other members in the policy subsystem affects the level of suspicion

directed at the agency by Congress and the veterans services organizations. This, in turn, affects the treatment of the agency leadership at hearings;<sup>89</sup> hearings tend to be more adversarial when the top political appointee is viewed negatively by Committee members, particularly the Chairman.<sup>90</sup> The personality of the Committee chairman also affects the process. Informants describe some committee chairmen, such as the two authorizing committees, as "friendly" to the agency. Others are viewed as more adversarial, as illustrated in the earlier discussion (chapter 8) of the congressional hearing investigating the VA's cardiac surgery program. Expectations about how agency witnesses will be treated by the congressional committee become integrated into and shape the congressional hearing preparation process.

The personality and style of the lead witness also affects the process. One respondent responsible for congressional liaison activities, states that "every situation is a little different, the process has to accommodate the witness. The witness drives the procedures and process." One program official suggests that who the lead witness is affects the

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<sup>89</sup>One VSO informant describes Secretary Derwinski as a "fresh breeze," observing that he is an astute politician, one who seeks to testify at hearings and recognizes that veterans service organizations are important.

<sup>90</sup>The last Administrator receives negative marks from both veterans service organizations and many committee staff. Several of these informants judge that he was too cooperative with OMB.

amount of pre-briefing meetings, the amount and type of material that has to be prepared, and the length of the agency's statement. In the agency case, officials coordinating the process had to make sense of someone new to the agency, as well as someone who had not yet served as a lead witness at a hearing. During the preparation process, this sense of "discomfort" with the unknown was palpable. Consistent with the insights offered by Weick and Goffman, participants in the process closely watched for clues about the agency witnesses' ability to deliver during the pre-briefing sessions.

One former committee staff informant suggests that personality also affects the performance of committee staff. This informant notes that unfortunately it is easy to fall into an adversarial stance: "However, it is best not to make yourself an enemy; you might win the battle and lose the war." Partisan affiliation also affects the process, particularly witness and topic selection. One committee informant observes that when the Republicans were the majority party in the Senate, the SVAC did not invite organizations representing federal employees to testify; in contrast, the Democrats tend to include union representatives. Thus, witness selection reflects partisan philosophy which itself reflects institutionalized patterns.

As discussed in the Agent Orange case study, some informants determine what is their appropriate area of expertise by making distinctions between policy and science. Several other informants make distinctions between policy and administration. However, most agency officials suggest that such distinctions, in practice, are fuzzy and difficult to make. Through experience, they begin to learn what is appropriate behavior on their part. Thus, experience helps practitioners make sense of the politics-administration dichotomy, as a guide to action, albeit not a clear one. In the Agent Orange case, the data show that the review process can be abbreviated in particular circumstances. In this instance, the agency takes for granted that the official in the General Counsel's office has an understanding of the program and that this official is sensitive to agency needs so that they will be integrated into the agency statement and other hearing documents. This official could perform this function because he had consistently shown by his performance in pre-hearing sessions and interactions with higher level officials and external officials that he could be "trusted," that is, in Goffman's terms he would not give away the "show."

Preparation for a hearing becomes a process of solving the puzzle presented by the scheduling of a congressional hearing. The process supports the image of the political leadership in control, while also providing a vehicle for

program officials to influence and shape the policy statement. Thus, in accordance with the theoretical framework presented in chapter 2, the hearing process legitimizes the expenditure of public resources; serves as a vehicle for institutional sense-making between career and political officials, between agency officials and other pertinent public agencies and other members in the policy subsystem; serves as a vehicle to contain conflict and reduce ambiguity; and, provides information that participants can use to help them predict what leads to successful interactions, success defined within each context.

Although the lack of explicit guidelines did not appear to be a serious obstacle to successfully completing the congressional hearing process, several informants suggest that they would appreciate having more formalized guidance. As discussed in the Agent Orange case, one informant expresses frustration with the requirement to "read their mind." He suggests that the high level of ambiguity and variability of the process presents a serious obstacle to serious staff members who want to "get it right the first time."

Another suggestion comes from an informant who has served as an agency witness. This informant suggests that he would appreciate having more guidance on how to handle personal issues of conflict that arise when he has to take an agency position which conflicts with his personal values.

Based on the research study, this negotiation is so context specific as to make it difficult to be explicit about this concern.

*Abiding/Fragile.* This tension exists within institutions as managers attempt to codify and regularize behavior and yet have to recognize that developing a shared sense of what is required demands continuous interaction among people. Thus, there is a contradiction inherent in institutionalizing organizing processes. Institutionalization helps to create and maintain a shared sense of purpose, process, and norms of behavior. At the same time, the creation of this collective interpretation rests on *continuing relationships and dialogue* among the individuals participating in the organizing processes. Continuity and regularity of the relationships and communication patterns help to assure habituation of how people define what procedures and behaviors are "appropriate."

A top level agency official explains that he expects careerists to evidence "institutional memory, hard work, knowledge and expertise in their program, appreciation of difficulty in managing a large agency, and to understand the hearing process." This requires a unique combination of skills: "A 'Technician' is not necessarily the best participant. Somehow agency witnesses have to divine what best to say within a time-pressed pace."



As presented in the agency case, the informant responsible for drafting the agency statement suggests that the topic of the hearing raised less anxiety because it had already been discussed so many times. Thus, familiarity with a topic and an understanding of respective positions among the policy subsystem eases anxiety over what might occur at a hearing. Also, this same informant comments on the long interval which can occur between hearings which affects memory of the process, especially formatting. Although experience helps, several informants express a desire to know in advance what is expected. However, the lessons from experience persist to some extent. One informant remarks that "If you've been doing it, at least you have a sense of what to do and how to go about it."

### Secondary Research Questions

2a. *Is there a shared sense of expectations about the rules and routines surrounding the congressional hearing process?* There are some expectations that relate to each chamber of Congress. VA informants expect hearings in the House to be more detailed and to result in more "micromanagement."<sup>91</sup> In contrast, they expect the Senate to focus more

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<sup>91</sup>One senior VA official describes the appropriation hearings as an ordeal, with the House subcommittee having a three day review and extensive questions. In contrast, the Senate committee holds their appropriation hearings in one day.

on larger issues and political interests. VA staff expect HVAC to be extremely knowledgeable about VA programs and governing statutes. The norm for HVAC members is bipartisan cooperation and agency officials are not surprised when the Committee members evidence parochial concerns during hearings. As described in the case studies, they plan for this to occur.

VA program officials tend to focus their discussions of hearings on oversight hearings. In contrast, senior managers, officials with congressional liaison responsibility, committee staff, and veterans service organization informants distinguish among three different types of hearings: appropriation, legislative, and oversight. Representatively, one SVAC staff member describes the differences as follows:

In legislative hearings, there is lots of interaction. Usually there are no surprises regarding the Administration's position since many of the proposals are at their initiative in the first place.

Oversight hearings are more fun and important, especially for the VA, since it receives little public attention except for vested interests. These vested interests are not as critical of the agency as they should be. In these hearings, there is generally no end point in mind, we just try to wade through the thicket; we want information on what the agency is doing. Therefore, we do not send questions in advance of this type of hearing.

Budget hearings are a "painful process." It tends to be convoluted and ponderous. Whether the end point justifies all the work is questionable.

Informants who discussed appropriation hearings are unanimous in describing the process as tortuous and painful.

Informants are not surprised when members do not attend hearings or only stay for a short or interrupted time. Informants describe committee staff as commonly asking questions of witnesses. Although lamenting the fact, several informants also suggest that they are not surprised when members do not appear to be listening to the testimony or the answers from witnesses. Several informants criticize the amount of joking and whispering that occurs among the committee members at hearings. In contrast, those who appear before Congress expect that they are to behave seriously and attentively.

Commenting on the performance of individual agency witnesses, a committee staff informant suggests that performance varies from person to person and hearing to hearing. He explains that agency witnesses can look awful; he speculates that they might be acting stupid on purpose: "Perhaps they would rather appear stupid than provide potentially damaging information." He observes that, sometimes, poor performance by an agency witness is followed up by information for the record which shows poor VA performance. In this same vein, a veterans services organization informant comments that a VA witness lied about the existence of a backlog of adjudication cases because the witness "had been pressed by OMB to lie." This informant describes observing this same official later

testifying at a budget hearing about the growth in the backlog.

A committee staff informant explains that if witnesses are not prepared, "Members will view them as inept. If they are well prepared, they will look like they are doing a good job. Performance at hearings affects members' attitudes since they must have some faith that agency staff is doing a good job." A SVAC committee staff informant observes that careerists are rarely the officials in the "hot seat." However, he notes that witnesses with quick tempers are poor witnesses.

Several agency informants comment that satisfactory performance of all agency staff involved in the process is important for the agency. This informant states that: "However, to do well you have to know how the game is played and the potential for harm. Those who take public service seriously should worry about the process." Another senior VA official comments that poor witness performance can hurt a public administrator's career. This informant also notes that witnesses from field facilities can have their career hurt if they acquire the stigma of not being a team player.

The two cases provide data regarding instances of following and not following norms. In the agency case, the policy entrepreneurship of the Director, Mental Health and Behavioral Science Service was discussed. This official is aware that he is "stretching" the lines of appropriateness but

does attempt to stay within the outer edge. As described in the Agent Orange case, the Deputy Administrator's decision to respond at an Agent Orange hearing from a personal stance violated expectations. The general expectation is that agency officials will act in a deferent and "bureaucratic" manner, leaving personal feelings and experiences to congressional members. Agency officials who reported on this hearing express ambivalence about the Deputy Administrator's decision. On the one hand, program officials express dismay at always being painted negatively on the issue and applaud the Deputy Secretary's courage to directly challenge the emotional appeals. On the other hand, these same informants express discomfort over the violation of the performance norms.

The question and answer period at the hearing on homeless veterans also provides insights into norms which guide behavior. Agency officials had focused almost entirely at the pre-briefing sessions on possible resource questions. The team agreed on a response: the agency did not need additional funds. The indirect, coded responses to the Chairman's last question shows the "dance" that officials gave: asking for less congressional controls over resources, congratulating the committee on their legislative efforts, the need to conduct more research, and asking for their continued program support. Only the last speaker, Mr. Brigham, directly mentions the need to limit outreach efforts and even he hedges

this with the phrase "I don't want to say anything here that runs contrary to our budget." During interviews following the hearing, the committee staff were jubilant about how the agency witnesses were so forthcoming about their needs. In accordance with Goffman's insights, the code was broken without direct violation of the agreement on the "show" at the pre-briefing sessions; agency witnesses followed the proper etiquette.

2b. *What are the expected organizational routines?*

The case studies identify four major routines of the congressional hearing process: notification, agency preparation, the public hearing, and follow-up. The second major routine, "Agency Preparation," has four subroutines. The major routines are:

1. **Notification**

Initial notification of hearings arrives by two routes, formal letter and informal telephone call. The formal letter is addressed to the Secretary, but might be mentioned in passing in other correspondence. Telephone calls from committee staff may be directed to top officials of the agency, congressional liaison staff, staff in the General Counsel's office, or program staff. Organizational rules require that congressional liaison staff be notified quickly but, as documented in the case study on the homeless hearing, the information channel requirement is not effective. As described in the two

case studies, agency staff also receive notice of an impending hearing from external sources who may have heard about the hearing through their channels.

## 2. Agency Preparation

This routine encompasses the major administrative effort of the agency's process. As such, it includes four subroutines.

These include:

### a. Witness Selection

Witnesses are selected through a hierarchical approval process, with final determination at the Secretary's office. As described in the agency case, the process is not neat and tidy. The agency attempts to balance protecting its prerogatives with being responsive to congressional demands.

### b. Agency Statement

The agency statement obtains approval through the agency's hierarchical review and clearance process. Responsibility for drafting the statement resides with the office responsible for the hearing's subject matter, with assistance from staff in the General Counsel's office. Offices are expected to obtain additional input from other relevant offices. In most cases, the review process serves to identify any policy areas requiring top management attention early in the process.

By policy, only legislative hearings receive formal clearance from OMB. In contrast, agency statements prepared

for oversight hearings do not require OMB review, except rarely as a courtesy. However, agency leaders are expected to coordinate the agency's position informally with OMB. As reported in the agency case, a top agency official noted that his review of the agency statement is to "make sure there is no hidden agenda and to work with OMB to sell the agency's position."

The development and coordination of the agency statement also serves to identify policy issues and problems in advance of the hearing. Several informants note that this is an important outcome from the congressional hearing process.

c. Formal Question and Answers

The agency must respond to pre-hearing committee questions. These also pass through the agency's hierarchical review and clearance process.

d. Pre-briefing(s)

Pre-briefings serve as the agency's rehearsal (Goffman's back region where impression management occurs). One informant describes each pre-brief as unique: "A lot depends on the witness, how much he already knows of the issue, how much he needs preparation, and his own level of confidence as a witness." As described in the agency case, agency officials speculate as to the issues that might arise, the agenda of the Chairman, and parochial concerns which members may raise. One



informant suggests that if done well, pre-briefings will help expose vulnerable areas: "forewarned is forearmed."

The pre-briefing also serves as a practice session, where officials who coordinate the process can obtain a sense of the witness' ability to respond to questions. In addition, predicting possible questions and practicing how to respond gives the witnesses a sense of what will be appropriate remarks and gives staff insights into the thinking of the higher level officials as they prepare their responses before staff members.

The briefing book demands a great deal of staff energy to compile. The contents depend upon the topic and level of experience with the topic of the lead witness. Informants who serve as witnesses use the book; staff who have to prepare the information that goes into it resent the effort they must expend.

### 3. Public Hearing

At the hearing, congressional guidelines and norms govern agency performance and behaviors. For example, committee norms govern where they sit, where back up witnesses sit, the order of the panels, and so on. In Goffman's terms, this is the stage where the "show" becomes public. As shown in the agency case, committee members follow a polite protocol regarding order and time allocations for questions.

#### 4. Follow-up

Following a hearing, the agency may receive formal questions. This requires answers that will be included in the congressional hearing report. The agency also must deliver on any promised inserts for the record. Both of these types of information are processed through the internal review and clearance process. Agency officials are expected to recognize if any of these items require further coordination with OMB. Agency witnesses also edit the transcript of the hearing; this goes directly to congress.

Several program officials criticize the lack of feedback they receive from higher level officials. However, one former top level VA official describes a process that he instituted to provide feedback to staff members and to assure that appropriate follow up actions were initiated. He refers to this as a "murder board." This informant suggests that this type of process is valuable not only because it initiates immediate follow up action, but because it offers the opportunity to discuss what could have been done better and what direction the committee might be taking. This is a further illustration of retrospective sense-making. The agency case study shows several instances where this type of review occurs. For example, the interactions reported between the lead agency witness and the congressional relations officer

and among VA staff participants who coordinated the hearing during the subway trip following the hearing.

2c. *How do participants learn what is "acceptable" or "appropriate" behavior (performance)?* Unanimously, informants in the policy subsystem report that they learned about the process through experience. One informant, commenting on his first experience at drafting testimony, offers insight into the VA's socialization process. He recounts that, following his first attempt at using a dramatic style to draft the testimony to make it interesting, he was given guidance to focus on a summary of facts and issues: "This was an interesting lesson in realizing I was not speaking for myself but as part of the agency, particularly for the Secretary."

Most agency officials note that they benefit from advice and guidance on what to do and how to behave that they receive from the congressional affairs or legal staff. Several agency officials suggest that participating in hearing preparation meetings and observing hearings gives them insights on what to expect. One agency official describes the learning process as "osmosis." Other ways of learning the process include the experience gained through achieving an increasing level of staff responsibility and from advice from other staff who have extensive experience with the process.

Informants also mention learning as a process of "trial and error." One informant suggests: "If I'm assigned

responsibility for drafting a statement, I'm generally told what areas to include. You give it your best shot and then fan it out for comments and see what happens."

### Primary Research Question Three

*What are the implications of the congressional hearing process for other management processes?* Understanding that organizations seek to create a "logic of appropriateness" evokes insights into the tensions that shape management processes. As described earlier in this chapter, organizational processes dynamically respond to the tensions of being elaborated and codified (*explicit*) and being open to the interpretation and negotiation among the participants in the process (*implicit*).

Interacting with this tension is another tension, *abiding-fragile*. Organizations seek to institutionalize understandings of how processes should unfold and the "appropriate" behaviors of those participating in organizational processes (*abiding*). Yet, organizational processes inherently require interaction among participants in the process to create this shared sense of understanding. Thus, organizational processes are *fragile*. The interactions and negotiations around organizational processes build and maintain a "logic of appropriateness."

The recognition of the importance of these two tensions advances our understanding of all management process-

es. Both practitioners and theorists have criticized the growing inability of public personnel management to serve the needs of managers and the frustrations associated with public budgeting processes. As the emphasis shifts from personnel management to a broader perspective, human resource management, public personnel may become more like the congressional hearing process, that is, focused on external interpretation and *guiding* rules and routines which accommodate exceptions.

Similarly, the increased politicization of the budget process already has begun to affect the ability of public budgeting to routinize and codify the internal agency processes as agency budgets build from the top down, rather than from bottom up. As a result, public budgeting and public personnel may be marked over time by a decreased emphasis in formalization and codification to more of a focus on processing information and mediating with the environment.

### Secondary Research Questions

3a. *How is the congressional hearing process similar to other management processes?* All management processes process information. In addition, all public management processes have as a prime focus executive and political control of public organizational resources. All public management processes serve to mediate between the agency and its political and economic environment, within its policy

subsystem, and link organizational activities internally. All management processes exist within an institutionalized frame. As described in chapter 8, all management processes also have an identifiable product associated with them, are an important responsibility of managers, and reflect the expectations of participants associated with the process.

Making distinctions among various types of management processes presents an interesting challenge because the distinctions are "fuzzy." However, some appear to be more highly codified and formalized. Others appear, relatively, to be more open to responding to situational circumstances and individual personality.

The most clearly identifiable management processes in public organizations are those that are highly elaborated, such as budgeting and personnel. Public administration practitioners and theorists have long recognized the importance of these processes. However, the experience of examining the congressional hearing process evokes seeing other public organizational activities as management processes. For example, such public administration subfields as administrative law, the acquisition process (especially for military and large computer and communication systems procurement), and contracting activities have management process characteristics. Although not necessarily directly associated with

resources in the same manner as budgeting and personnel, they each in their own way marshall the resources of an agency.

Unlike the congressional hearing process, these organizational processes do not exist primarily to seek information; however, generating information is an important aspect of their key routines. For example, administrative law generates regulations. These regulations serve to inform both agency personnel and external parties about agency interpretations of the law, serve as an information vehicle for interested parties to influence the final outcome, and force a coordinated and public agency position as well as an Administration position on an issue. The acquisition process generates a Request for Proposal which serves a similar informational purpose. This type of management process has significant legal components and dynamics which influence their respective rules and routines. Nonetheless, the management process lens enriches an understanding of the dynamics of these processes.

Although less formalized and codified, other organizational processes which process information also benefit from being viewed as management processes. Some specific examples of these management processes include the systems by which agencies handle the following organizing activities:

1. Congressional casework and requests for information
2. Correspondence concurrence/review

3. Formal evaluations/investigations conducted by the General Accounting Office and Office of Inspector General
4. Statutorily mandated committees
5. Intergovernmental relations
6. Regularized meetings with special clientele or interest groups
7. External task forces, executive committees, and professional associations.

These management processes are similar to the congressional hearing process. Unlike the more elaborated management processes discussed earlier (budget, personnel, administrative law), these management processes do not have as many subroutines associated with the overall process. Although not on the same scale, the processes have their own complexity, and require experience to learn "appropriate" behaviors. Like the congressional hearing process, these processes focus on interpreting and processing information in the environment, provide formats for engaging in conversation with policy subsystem members, and indirectly affect resources.

3b. *What are the implications of this model for public administration theory and practice?* Although this study does not present a complete theory of management process, the findings do suggest several areas that such a theory should address and which would help to enrich public administration theory. For example, further attention should



be focused on developing the "Levels of Meaning." This approach to understanding management processes enriches our understanding of the political and societal frame of public administration.

In addition to the five levels identified by Wamsley, however, two more levels should be included. As presented in chapter 8, Miller's Typology of Living Systems suggests that the individual and the supranational levels should be included to assure attention to these important aspects. Adding the individual level recognizes that managers have responsibility for management processes and that organizing processes require interaction among people. Also, at the "cell" level, the history of the issue also creates expectations, shared understandings, and clues to future postures that might be taken all helpful in understanding the congressional hearing process. The Supranational level recognizes the existence of a growing global marketplace.

Both public administration theory and practice would benefit from using "management process" as a lens to examine public organizational processes. This lens enriches our understanding of the complexity, variability, and interplay which occurs within the congressional hearing process. In addition, it suggests insights into other public organizational processes. This lens evokes insights into the everyday life of public managers and how they attempt to deal with

ambiguity and go about solving the puzzles of their everyday activities.

### Conclusions

The integration of concepts from March and Olsen, Weick, and Goffman provide a theoretical framework for this study and have relevance for the study of management processes in general. Although March and Olsen provide the key theoretical work for this research, their analysis without an understanding of the social construction of organizing processes and the importance that individual participants in these processes play misses the mark. Integrating the theories regarding institutions, organizing, and interacting offer a deeper understanding of management processes, but especially the congressional hearing process. Through these lenses, the study reports on the rules and conventions created by participants which result in a "logic of appropriateness" which guides the hearing process, the flexibility of these rules and norms to handle a great deal of variability, and the reliance upon retrospective and institutional sense-making to create meaning.

The congressional hearing process creates a shared sense of meaning among the various participants as the process becomes institutionalized. This process is an important component of the American political system. From the literature, especially March and Olsen, and Edelman, we can see that

hearings serve as a legitimating force for agency policies and programs. By its nature, the hearing provides the opportunity for varying interests to make their case and shape the process. At the same time, the process allows partisan politicians to significantly shape both the direction and outcome of the hearing process and the actual hearing. In Goffman's terms, the hearing is the "show" where this shared sense of meaning becomes tested and public.

The hearing preparation process in the agency case clearly illustrates these insights as various officials attempted to influence the process and shared their understanding of the political environment. Through experience, people learn what is "appropriate." Those who can internally integrate this understanding become trusted by the institution and are made responsible for guiding the process. Accommodating personality and issue contexts, the rules allow for a great deal of variability. At the same time, most officials recognize that there are limits constraining the extent to which they can exercise their individuality.

The Agent Orange case highlights the stresses upon traditional policy subsystems as interest groups form increasingly temporary alliances around particular issues. This case also captures the interactions among public agencies when issues cross agency boundaries. Not only did the various agencies "swap" testimony but they participated in a working

group which served as an additional way for institutions to negotiate meaning. The Agent Orange issue also dramatically demonstrates the importance of the interactions between interest groups and the legislative branch. This, in turn, affects understandings of the issue on the part of officials in the executive branch.

Significantly, these interactions, within this "logic of appropriateness," impinge upon and build relationships not only among individuals within the policy system as individuals but also as representatives of institutions. The hearing process becomes a vehicle for talking about issues. As a result, it serves as a way to counteract the centrifugal forces which lead individuals and institutions to concentrate on their own problems, at least for a short period of time. However, the case studies also describe the significant amount of continuous interaction that occurs among representatives from the policy subsystem. Maintaining relationships and shared understandings require continual attention and effort.

As one informant suggests, "those who take public service seriously should worry about the [congressional hearing] process." The congressional hearing process has significance beyond being the stage for political maneuvering. It serves a critical function as a legitimizing force for government. At the same time, the study findings suggest that this legitimization rests on fragile ground. Those involved

in the process who view it as political maneuvering can destabilize the process to such an extent that it does result in meaningless drama.

The congressional hearing process also makes the agency's policy decisions public and the agency officials accountable for their decisions and priorities. At the same time, the hearing forum makes at least some of the private maneuvering of interest groups visible. Thus, the congressional hearing process serves to make a public institution's management processes, and the outcome of these processes, visible to others. At a hearing, the mission of the agency becomes the focus of discussion as participants create a shared sense of expectations and priorities. Although other forums, formal and informal, are available for such dialogue, the congressional hearing has symbolic value and a degree of "publicness" not apparent in most other agency processes.

From this research into congressional hearings, we learn about the significance of management processes to the survival of a public institution. The management processes both reflect and shape an agency's environment while providing a vehicle for dealing with ambiguity and instability. The dynamic character of management processes allows for situational analysis and differences among people within an institutional context. The analysis of the congressional

hearing process evokes insights into management processes in general--management processes:

1. serve as an important means for meaning negotiation, both within the public institution and with its policy subsystem
2. build relationships within the public institution and between institutions
3. rest on a degree of trust among the participants
4. require both explicit and implicit rules and norms to guide performance and behavior
5. become institutionalized through the infusion of institutional values
6. require continual interaction to be maintained and yet have some degree of institutional "memory"

The case has been made that congressional hearings are a management process, and an important one.<sup>92</sup> This finding has significant implications for public administration theory and practice. The higher levels of meaning which address the governance, societal, and supranational implications of these processes suggest that management processes go far beyond what is traditionally thought of as managerial. Using the seven

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<sup>92</sup>Contemporary muddling of the terms *management* and *administration* results in a distinction without a difference. The complexity and significance to Public Administration suggest that the term *management process* may be insufficient to carry the burden of such complex and significant governance processes. A more descriptive term *public administrative processes* should be considered to describe these important processes.

levels of meaning to analyze and understand the complexity of management processes utilized by public agencies recognizes their importance in preserving and supporting our national social, political, and economic system.

The case studies also support a broadening of focus in understanding management processes. Society's institutional framework both shapes and is shaped by the management processes put into place by public agency puzzle solving activities. This dissertation describes puzzle solving by public administrators. This investigation into the everyday lives of public administrators provides insights into how they make sense of administrative processes and organizational functions, know what they are supposed to do, and know who else to involve in the process. Entering into the life of a public agency makes visible organizational puzzle solving and provides clues about the norms that govern the behaviors and performance of public administrators.

Like working jigsaw puzzles, the ability to engage in organizational puzzle solving improves with experience. At the same time, assumptions about how the pieces "should" fit together can get in the way of visualizing alternative possibilities. Unlike jigsaw puzzles, the pieces in the congressional hearing puzzle solving process are people and, therefore, not amenable to doing things one way nor doing things simply because the puzzle requires it.

The congressional hearing process also provides clues into another puzzle--how do organizations know what to do in dealing with their most interested environment, the policy subsystem? By looking at congressional hearings as a management process, this dissertation uncovers the support that the congressional hearing process gives to the interactions within the policy subsystem. In addition, the congressional hearing process serves as a legitimizing force for this interaction as it makes these interactions visible to the public, if only for a short time.



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APPENDIX A  
LIST OF VA RECOGNIZED ORGANIZATIONS

Department of Veterans Affairs  
Washington, D.C. 20420

Bulletin 23-D  
January 1991

LIST OF RECOGNIZED ORGANIZATIONS

By virtue of authority contained in title 38, United States Code, the organizations listed below have been granted recognition in the presentation of claims under the statutes administered by VA. This listing is not intended to reflect on the quality of services rendered by other veterans service organizations:

1. Service Organizations Chartered by Congress:

American Ex-Prisoners of War, Inc.....Arlington, TX 76010  
American Legion.....Indianapolis, IN 46206  
American Red Cross.....Washington, DC 20006  
AMVETS.....Lanham, MD 20706  
Army and Navy Union, USA.....Lakemore, OH 44250  
Blinded Veterans Association.....Washington, DC 20036  
Catholic War Veterans of the U.S.A.....Washington, DC 20001  
Disabled American Veterans.....Cincinnati, OH 45214  
Gold Star Wives of America, Inc.....Aurora, CO 80010  
Jewish War Veterans of the United States....Washington, DC 20009  
Legion of Valor of the United  
States of America, Inc.....Chapel Hill, NC 27516  
Marine Corps League.....Fairfax, VA 22031  
Military Order of the Purple Heart.....Springfield, VA 22151  
Non Commissioned Officers Association  
of the U.S.A.....San Antonio, TX 78233  
Paralyzed Veterans of America, Inc.....Washington, DC 20006  
Polish Legion of American Veterans, U.S.A....Lynn, MA 01904  
United Spanish War Veterans  
of the United States.....Washington, DC 20013  
Veterans of Foreign Wars  
of the United States.....Kansas City, MO 64111  
Veterans of World War I  
of the U.S.A., Inc.....Washington, DC 20421  
Vietnam Veterans of America.....Washington, DC 20009

2. Other Service Organizations Recognized by VA:

American Defenders of Bataan  
and Corregidor, Inc.....Garden Grove, CA 92443  
American GI Forum, National  
Veterans Outreach Program.....Albuquerque, NM 87104  
American Veterans Committee.....Bethesda, MD 20817  
Army and Air Force  
Mutual Aid Association.....Arlington, VA 22211

2.

## 2. Other Service Organizations Recognized by VA (cont'd.):

Fleet Reserve Association.....Washington, DC 20036  
National Amputation Foundation, Inc.....Whitestone, NY 11357  
Navy Mutual Aid Association.....Washington, DC 20370  
Regular Veterans Association .....Austin, TX 78742  
The Retired Enlisted Association.....Aurora, CO 80040  
Swords to Plowshares, Veterans Rights  
Organization, Inc.....San Francisco, CA 94103  
Vietnam Era Veterans Association.....Providence, RI 02905

## APPENDIX B

### OVERVIEW OF THE VETERANS POLICY SUBSYSTEM

For those readers not familiar with the veterans policy subsystem, the following narrative provides some summary information about the key members in the subsystem: the agency, veterans congressional committees, and veterans service organizations. This summary describes the institutional framework shaping, as well as shaped by, the interactions within the veterans policy subsystem. This framework, then, describes the institutional setting for the case studies described in Part II of the dissertation.

#### The Agency

Symbolic of the agency's mission, a building marker at the front entrance of the headquarters' office displays a quote from Lincoln's *Gettysburg Address*: "To care for him who shall have borne the battle and for his widow, and orphan." The mission of the VA reflects a general national consensus supportive of programs for disabled veterans--a consensus that has existed in some form since colonial times.

#### History of Veterans Programs

The fiscal commitment to veterans and their dependents lasts long beyond the actual war. For example, the Department of Veterans Affairs reports that the last dependent of a veteran from the Revolutionary War died in 1911; there

are still widows and children of the Civil War and Indian Wars receiving benefits; and, as of June 1989, there remains one living veteran of the Spanish-American War and 4,300 dependents of Spanish-American war veterans receive compensation or pension benefits (U.S. Department of Veterans Affairs, 1989b).

Federal involvement in providing direct medical and hospital services to veterans did not begin until 1811, although individual states and communities have provided such services since the early days of the Republic. Following World War I, additional federal programs for veterans were initiated: disability compensation, insurance, and vocational rehabilitation.

Deciding that federal programs and benefits for veterans needed to be housed in one federal agency, Congress established the Veterans Administration (VA) in 1930. World War II resulted in the addition of other programs for veterans. Especially noteworthy are those established by the WWII GI Bill (1944). This law established the popular veteran's education and home loan assistance programs. The 1988 Annual Report states that this law "is said to have had more impact on the American way of life than any law since the passage of the Homestead Act" (U.S. Department of Veterans Affairs 1989a, xi). In 1973, the VA also became responsible for the National Cemetery System, formerly under the Department of the Army.

The Vietnam Conflict resulted in new veterans programs and benefits. For example, after extensive lobbying on the part of veterans' organizations, Congress mandated programs for veterans concerned about the potential health effects related to exposure to Agent Orange (1978) and a Readjustment Counseling program for Vietnam era veterans (1979). This latter program serves veterans suffering from post-traumatic stress disorder or post-war readjustment problems.

### Structure

The Department of Veterans Affairs consists of three major operating divisions: the Veterans Health Services and Research Administration (VHSRA) headed by the Chief Medical Director, the Veterans Benefits Administration (VBA) headed by the Chief Benefits Director, and the National Cemetery System (NCS) headed by the Director. By size, VHSRA is the largest. By budget, VBA is the largest. However, VHSRA's budget is significantly more discretionary which helps to explain the high level of congressional involvement in the details of determining (and reviewing) how these funds are expended.

### Size and Impact

The Veterans Administration is one of the largest agencies in the federal system. The Department employs approximately 245,000 employees, making it the second largest federal employer after the Department of Defense. The VA

serves 27.3 million veteran beneficiaries and 53 million dependents and survivors of veterans.

VA facilities. Physical facilities include: 172 hospitals, 233 outpatient clinics, 119 nursing home care units, 28 domicilaries, 194 Vietnam Veteran outreach centers, 112 cemeteries, 58 regional benefit office. In addition, administrative facilities providing support for these program facilities include 2 insurance centers, 3 data processing centers, a records processing center, a market center, 3 supply depots, a prosthetic distribution center, and a canteen finance center. The VA has facilities in every State, the District of Columbia, Puerto Rico, and the Phillipines. The Central Office is located across Lafayette Square from the White House.

Impact of programs. The VA has a diverse mission and VA programs have a significant impact on the national, as well as local, economies. During Fiscal Year 1988, Congress appropriated more than \$10 billion for medical care, \$1.6 billion for construction programs, over \$15 billion for compensation and benefit payments, almost \$900 million for education assistance to 414,543 trainees, and \$193 million for research. During this same year, the VA provided direct medical care to 1 million patients; clinical training to 96,000 health care and medical students; guaranteed over



234,000 home loans valued at \$17.3 billion. Over 7 million individuals participated in the \$214 billion individual insurance program, and over 293,000 headstones or markers were provided (U.S. Department of Veterans Affairs 1989a).

### Veterans Service Organizations

The recent elevation of the VA to Cabinet status (15 March 1989) illustrates the influence of the veterans service organizations.<sup>93</sup> The veteran service organizations studied have headquarters offices in the Washington, D.C. metropolitan area and employ skilled and professional staffs which lobby both the congressional leaders and their staff as well as federal officials. Table 9 lists these key veterans service organizations and the size of their membership.

Table 9.--Membership Size of Key Veterans Service Organizations

Organization	Membership
American Legion	3 million
Veterans of Foreign Wars	2.3 million
Disabled American Veterans	1.1 million
AMVETS	250,000
Vietnam Veterans of America, Inc.	40,000
Paralyzed Veterans of America	14,500
Blinded Veterans Association	7,000

Source: U.S. Department of Veterans Affairs, 1990 Directory of Veterans Organizations, March 1990.

<sup>93</sup>Veterans service organizations lobbied tirelessly for Cabinet status. A bill for this purpose was first introduced in Congress in 1929 and had been introduced yearly since the 88th Congress (NAPA 1988, 1).

Veterans Congressional Committees

Both the House and Senate Veterans' Affairs Committees influence VA policies and programs. Staff serving both committees have extensive knowledge of VA programs and the governing statutes. The House Veterans Affairs Committee experiences low turnover and has a reputation for detailed knowledge about VA programs. The SVAC staff has experienced relatively more turnover due to the change of majority status, from the Democrats to the Republicans and then back again, in the 1980s. However, lengthy experience also marks this committee staff. For example, the Committee's Deputy General Counsel has been with the SVAC for twelve years.

Figure 3 depicts the SVAC and the HVAC with its five subcommittees. Committees from both houses play an influential role in the evolution of the two policy areas discussed in the case studies: homeless veterans and Agent Orange.

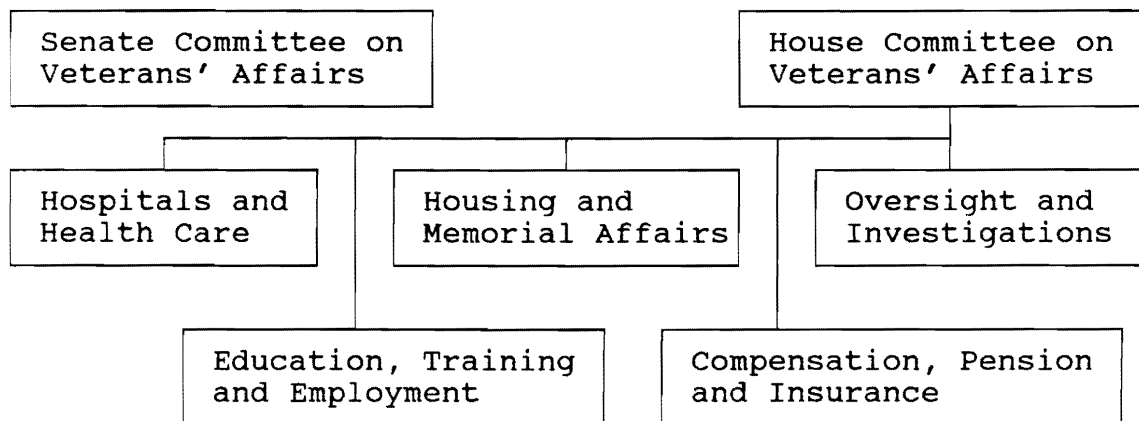


Figure 3.--Congressional committees.



APPENDIX C - PERMISSION TO INTERVIEW VA PERSONNEL  
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

CENTER FOR PUBLIC ADMINISTRATION AND POLICY (703) 698-6084  
NORTHERN VIRGINIA GRADUATE CENTER

November 14, 1989

Mr. Edward J. Derwinski  
Secretary (00)  
Department of Veterans Affairs  
810 Vermont Avenue  
Washington, D. C. 20420

Dear Mr. Secretary:

This is to request your permission to interview agency personnel as part of my dissertation research study. My study will analyze the administrative processes used by an agency (the Department of Veterans Affairs, with your permission) to prepare for and react to congressional hearings.

I am presently a doctoral candidate at the Center for Public Administration and Policy, Virginia Polytechnic Institute and State University, Northern Virginia Graduate Center and plan to graduate this summer. Prior to becoming a full time doctoral student, I worked in the Veterans Administration Central Office for thirteen years. As a former employee, I am aware of the significant amount of staff energy that is directed towards congressional hearings. However, it was during my studies that I became aware of how little research attention these important agency activities have received. I hope that my study will help remedy this neglect.

My study design uses two concurrent approaches. First, I propose to study the agency's administrative processes as they unfold, both in preparation for an upcoming hearing and as followup after the formal hearing. The specific topic would be determined by your office (although I would appreciate being able to follow one as early in 1990 as possible). Secondly, I propose to examine the

--Page Two--

administrative processes from an issue and historical perspective. I plan to use the Agent Orange issue since it is such a complex administrative issue and involved a high degree of coordinated effort to prepare for hearings.

In order to gain as wide a perspective as possible, I will also attempt to conduct interviews of other key actors in the hearing process and Agent Orange issue, e.g., congressional staff, staff from the Office of Management and Budget, and veteran's service organization legislative staff.

Thank you for your consideration. I can be reached either at the university (703-698-6084) or at home (703-941-4647).

Sincerely,

Boyd A. Clay

Approved

Edward J. Dorwinaki

11/16/87  
date

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