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ORGANIZATIONAL OPTIONS FOR A FEDERAL  
EDUCATIONAL RESEARCH AGENCY

Introduction

Over the years considerable sums of monies and efforts have been invested in educational research and development (ER&D). Educational research and development has been defined by Congress to include: "basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education." <sup>1/</sup> The House Subcommittee on Select Education, chaired by Representative Major Owens, has concluded that these funds, along with well-intentioned projects, have not resulted in national educational improvement commensurate with the investment. Further, the Subcommittee believes the gap between investment and results is partially a product of inadequate or inappropriate institutional arrangements.

The principal Federal effort to institutionalize ER&D occurred in 1972 with the establishment of the National Institute of Education (NIE). From the outset, NIE was plagued by political and administrative difficulties. <sup>2/</sup>

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<sup>1/</sup> Educational Amendments Act of 1972 (P.L. 92-318; 20 U.S.C. 1221e)

<sup>2/</sup> From its inception, the NIE was under Congressional siege. The Senate Appropriations Committee recommended no funding for the NIE in fiscal 1975. "The Institute's success in nearly all endeavors it undertook can be considered minimal, at best. Many favor the dismantling of NIE and a return of research activities to their appropriate bureaus in the Office of Education. This may well be the wisest possible course of action. The Committee believes NIE should have taken whatever steps were required to eliminate marginal, less-productive educational research and development projects. Efforts should have been concentrated on more goal oriented activities, rather than on a proliferation of research projects covering a much too broad spectrum." U.S. Congress. Senate. Committee on Appropriations. Departments of Labor, and Health, Education and Welfare, and Related Agencies Appropriations Bill, 1975.

In 1985, Secretary of Education William Bennett, using authority granted him under the Department of Education Organization Act, 3/ abolished the NIE and the National Center for Education Statistics (NCES) and moved their functions to the Office of Educational Research and Improvement (OERI). Additionally, the Center for Education Statistics (CES) was created under OERI, and the National Council on Educational Research (NCER) became the National Advisory Council on Educational Research and Improvement (NACERI). 4/

In 1991, OERI comes up for reauthorization. 5/ The Subcommittee is using this reauthorization as an opportunity to reconsider many aspects of ER&D. The objective of this wide-ranging review is to propose legislation that will improve the capacity of the Federal Government to promote, administer, and evaluate future ER&D activities throughout the Federal Government.

The purpose of this report is to assist the Subcommittee in this oversight endeavor by analyzing the administrative and organizational elements that play a role in the ability of the Federal Government to promote and sustain ER&D activities. To this end organizational options available to political and administrative leaders for achieving the desired policy objectives are articulated and analyzed. It is assumed that educational research and development, however this term is defined, is a legitimate Federal function and that the Department of Education is the proper location for a lead role in this activity, even though other Federal agencies and non-government organizations conduct similar or related ER&D activities.

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S.Rept 95-1146. 93d Cong., 2d sess., 1974. p. 84.

3/ P.L. 96-88; 20 U.S.C. 3473.

4/ P.L. 99-498.

5/ Ibid.

The Executive Branch: General Principles

The Constitution of the United States provides for the basic structure of the Federal Government and explicitly and implicitly contains the principles upon which public administration analysis must rest. For example, there are but three branches of Government, a constitutional view recently restated by the Supreme Court in Bowsher v. Synar (1986).<sup>6/</sup> Moreover, agencies or instrumentalities of the Federal Government must be established by law and can only draw funds from the Treasury if properly constituted.

While Congress may not delegate its legislative powers to another branch, it has found it necessary to delegate "non-legislative" powers to the President and other administrative officers. In most instances, Congress has delegated responsibility for implementing laws it has passed to the President. Presidents and department heads, in turn, have sub-delegated this responsibility agency heads, a practice the Supreme Court has generally condoned. On occasion, Congress has delegated responsibilities directly to heads of agencies within departments, a practice generally opposed by Presidents for it places a barrier between the President or department head and the officer concerned.

In authorizing the President to sub-delegate functions, Congress generally requires that the officer discharging the task be someone confirmed by the Senate. The intent of this practice is to try to maintain a degree of political accountability to elected representatives.

With few exceptions, only officers and employees of the United States can be assigned authority to implement the laws of the United States. In principle, Congress does not have the power to delegate legislative power to private groups. In the Carter Coal Case (1936), the Supreme Court ruled that

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<sup>6/</sup> 106 S.Ct. 3181 (1986).

part of a statute was unconstitutional because it delegated power to representatives of the coal industry to set up and enforce a code of regulations: "This is legislative delegation in its most obnoxious form; for it is not even delegation to an official or an official body, presumptively disinterested, but to private persons whose interests may be and often are adverse to the interests of others in the same business."7/

This broad prohibition against Congressional delegation of powers to private parties has been vitiated somewhat by judicial acceptance of non-governmental, or private, enforcement of laws under certain conditions. But the principle remains intact; private citizens or groups are not to be assigned the powers of the sovereign.

The American political tradition, reinforced by the Constitution and law, has been to maintain a separation between the public and the private sectors.8/ In recent years, however, there have been breaks in this wall. Distinctions between the sectors have been blurred and this blurring, according to Harold Seidman, has not been without its costs.

Distinctions between what is public and what is private are becoming increasingly blurred, but we cannot abandon these distinctions altogether without fundamental alterations in our constitutional system. The maintenance of this distinction has been considered essential both to protect private rights from intrusion by the government and to prevent usurpation of government power. 9/

Some functions, according to the Constitution and statutory law, must be

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7/ Carter v. Carter Coal Co., 298 U.S. 238, 311 (1936).

8/ For a discussion of the American constitutional tradition of maintaining distinctions between the public and private sectors, consult: Moe, Ronald C. Exploring the Limits of Privatization. Public Administration Review. November/December 1987: 453-460.

9/ Seidman, Harold Politics, Position and Power. 3rd ed. New York, Oxford University Press, 1980. p. 298.

performed by "officers of the United States." Officers of the United States must work for "agencies" of the United States created pursuant to law to achieve a public purpose mandated by Congress. Only officers of the United States may be authorized, for instance, to obligate Federal funds. While it is true that Congress, often with Presidential acquiescence, has been experimenting with organizational structures that combine elements of the public and private sectors, e.g., Federal National Mortgage Association ("Fannie Mae"), Federal courts, when pressed, have generally reaffirmed the distinctive characters of the public and private sectors.

National Institute of Education

In a message to Congress on March 3, 1970, President Richard Nixon called for Federal educational reform, including the creation of a National Institute of Education (NIE) that would focus and highlight Federal educational research and experimentation efforts in the United States. The purpose was to provide for the systematic development of experimental projects to study and evaluate educational concepts within a controlled, scholarly environment. Federal support of education had previously been largely an exercise in distributing grants without any clear, empirically supportable objective. The President's intent in this legislation was never fully supported by most organized educational groups in the country, a factor that boded ill for the future of the new agency. On June 23, 1972, President Nixon signed the Education Amendments Act of 1972 10/ creating the NIE as the lead ER&D agency of the Department of Health, Education and Welfare.

As established, the NIE was to have a Director of the Institute and a National Council on Educational Research. The Director of the Institute was to

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10/ P.L. 92-318; 86 Stat. 327.

be selected by the President and confirmed by the Senate. The Director was empowered to: conduct research; award research grants; promote and coordinate Federal ER&D; issue and amend rules and regulations; and acquire or lease equipment and facilities. Additionally, as chief administrative officer of NIE, the Director could make personnel, management, and organizational decisions regarding the internal operation of the NIE.

The National Council on Educational Research (NCER) was established as a "general policy-making and advisory board."<sup>11/</sup> NCER was empowered to: set general policies for, and review the conduct of, NIE; advise the Director and the Assistant Secretary for Education on NIE programs; recommend to the Director and the Assistant Secretary improvements in NIE operations; conduct necessary studies; and prepare for the President, Congress, and the Assistant Secretary annual reports describing NIE operations and the current status and needs of ER&D in the United States. The NCER was to include 15 members, appointed by the President and confirmed by the Senate, with the President choosing the Chairman from among the fifteen. The first NCER consisted of: one university professor, three local or state education officials, one student, four business leaders, and five university and system presidents.<sup>12/</sup>

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<sup>11/</sup> The inclusion of the term "general policy-making and advisory board" in the NIE enabling legislation was the subject of some dispute at the time. The House version of the bill called for a standard advisory committee that was consistent with the original, Executive Branch design of the NIE. The Senate version stipulated that the board would be assigned "general policy-making authority", the purpose being to insulate NIE from Commissioner of Education Sidney Marland and the Office of Education. The Senate version prevailed in the Conference Committee. Sproul, Lee and Stephen Weiner, David Wolf. Belief, Bureaucracy, and Politics in the National Institute of Education. Chicago, University of Chicago Press, 1978, p. 62.

<sup>12/</sup> U.S. Congress. Senate. Committee on Education and Labor. Select Subcommittee on Education. Oversight Hearing on the National Institute of Education. 93d Cong., 1st sess., February 6, 1973. Washington, U.S. Govt. Print. Off., 1973. pp. 59-60.

The multiple lines of authority, dispersed legal responsibilities, and divided political accountability built into the legislation practically pre-ordained difficulties for the NIE, a situation which in fact developed almost immediately upon NIE's creation.

#### The Office of Educational Research and Improvement

The Office of Educational Research and Improvement (OERI), headed by the Assistant Secretary for Educational Research and Improvement, was created in 1979 by the Department of Education Organization Act.<sup>13/</sup> From its inception and through fiscal year 1985, OERI was merely a "holding cell" for the budgets of the NIE, the National Center for Education Statistics (NCES), and, from time to time, several other educational research projects. Then, in 1985, Education Secretary William Bennett abolished NIE and NCES and moved their functions into OERI.<sup>14/</sup>

Far from simply reshuffling duties, this reorganization centralized Department of Education ER&D and enabled coordinated collection and dissemination of research data and reports by placing all ER&D and related functions within one office. Additionally, this reorganization re-created the former National Council on Educational Research as the National Advisory Council on Educational Research and Improvement (NACERI). The duties of the new NACERI were similar to those of the NCER, except that "general policy-making authority" was no longer a prerogative of the Council.

#### The Politics of Organizational Choice

Political actors, including the President, Congress, interest groups, and

<sup>13/</sup> 20 U.S.C. 3473

<sup>14/</sup> Bennett to Abolish National Institute of Education. Congressional Quarterly Weekly Reports. July 6, 1985. p. 1351.

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the career civil service, all have a stake in how the executive branch is organized. Organization tends to determine both the formal and informal relationships among agencies and between the agencies and Presidential management units, e.g., Office of Management and Budget, Office of Personnel Management. How an agency is organized will be a major variable in determining the ability of appointed leaders to manage the agency and the program it is charged to administer. To a somewhat lesser degree, the formal organization of an agency affects which interest groups will enjoy access and influence. In short, organizational arrangements are not neutral, they are one of the essential ingredients of political power.

At least since the Administration of Theodore Roosevelt, most Presidents have placed considerable reliance on organizational design as a means for effecting substantive policy and political change. Reliance on executive branch reorganization as a major technique for change was generally reinforced by successive national study commission reports, e.g., the Hoover Commission reports. In recent years, however, formal organization, and more specifically reorganization of that structure, has lost much of its attraction for Presidents. Indeed the decline in Presidential interest has reached the point that today there is no unit or personnel remaining in the Office of Management and Budget responsible for monitoring organizational matters or enforcing general management laws respecting organizational matters. <sup>15/</sup> This waning of managerial interest in organizational matters by the President has placed a special burden on Congress to <sup>ensure</sup> insure that it follows sound concepts in building

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<sup>15/</sup> U.S. Congress. Senate. Committee on Governmental Affairs. Office of Management and Budget: Evolving Roles and Future Issues. Assessment of Organizational Policy and Planning. Committee print. S.Prt. 99-134. 99th Cong., 2d sess., 1986. p. 147-167.



the managerial capacity of executive agencies.

Sound organizational structure is a necessary, but not sufficient, condition for achieving the policy objectives desired. Poor organizational structure, on the other hand, can effectively thwart all but the boldest and most persistent leadership. The secret to successful implementation of a policy objective is to be found in the quality and commitment of the leaders. Good organization can not fill the void created by poor leadership or, more to the point, leaders who have a different policy objective than that of Congress, interest groups, or even of the President.

Without in any way being judgmental about the quality or intentions of the Secretaries of Health, Education and Welfare, or of Education, during recent years, it is apparent that a necessary ingredient for sustained and successful educational research and development is the commitment of the Secretary to both the concept and program. Additionally, the head of the agency most directly responsible must be committed to the program, must have authority commensurate with his responsibilities, and must have access to, and the support of, the Secretary.

Good organization is also no substitute for constituency and Congressional support. There must be a general consensus about the mission of the agency and how to achieve that mission. Unquestionably, this is one of the difficulties which has plagued educational research and development from the outset. There is, and has long been, an honest debate over what the purpose ought to be of a Federal support program in this field. This debate has not been without its financial consequences to the program and is generally attributed part of the

blame for the decrease in ER&D funding over the past decade.<sup>16/</sup>

There are two schools of thought as to the proper purpose for ER&D. There are those who believe that the main thrust of ER&D should be the pursuit of social science objectives and those who envision ER&D as more of a lab and demonstration support program. Social scientists generally define their objectives in terms of seeking answers to basic conceptual questions; e.g., what results can be expected from introducing reading to three-year olds rather than five-year olds, and relatively sophisticated methodologies. The purpose is to test different educational concepts under differing circumstances. The funding involved may be small and the sensitivity of such projects to political requirements is minimal.

Other proponents of ER&D emphasize on-going "lab" projects carefully located in the various regions of the country. The amount of money obligated and the distribution of grants and projects among the several states and university systems is a critical variable in agency success or failure. Indeed, Congress statutorily mandated that 90 percent of appropriated NIE funds for research be grants or contracts with qualified public or private agencies or individuals, leaving little discretion for in-house projects under direct NIE leadership.<sup>17/</sup> The first leadership of NIE was definitely committed to emphasizing the social science objectives of ER&D and tended, to its ultimate detriment, to de-emphasize continuing, more practical demonstrations and

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<sup>16/</sup> Vobejda, Barbara. Federal Funds for Education Research Down Sharply in Decade. Washington Post. June 3, 1988. p. A-1. U.S. General Accounting Office. R&D Funding: The Department of Education in Perspective. PEMD-88-18FS. May 13, 1988.

<sup>17/</sup> 20 U.S.C. 1221e.

conferences.<sup>18/</sup>

This debate continues to the present day and confirms the general observation that mission ambiguity is not a good basis for launching or sustaining an agency program.

#### Functions to be Performed

Although some debate might be expected over what should be included under the rubric of educational research and development, there is general agreement on the part of the Committee that the reconstituted agency responsible for ER&D ought to perform four functions: policy-making; coordination; evaluation; and dissemination.

At least two of these four functions, policy-making and coordination, are not self-explanatory. Over the years these terms have become terms of art although they have never been defined authoritatively in law.

#### Policy-making

Generally speaking, if an individual or committee is charged with making policy, as distinguished from providing advice, they are determining for a public body what priorities it will follow in allocating monies, personnel, and resources. Policy-making is usually associated with implementing the intentions of law and is generally reserved to officers and employees of the United States. As the earlier cited Carter Coal Company case indicates, Congress cannot delegate to private citizens or groups the authority to make legally enforceable public policy.

Historically, it has been a matter of executive branch policy, as expressed in OMB Circulars, that committees composed of appointed, private

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<sup>18/</sup> For a discussion of NIE's de-emphasis of the lab and conference approach to ER&D, see Sproul, et al., Organizing an Anarchy, p. 44.

citizens be used solely for advising, investigating, and reporting purposes. Responsibility for making decisions as to which programs or projects ought to be terminated, or managerial decisions regarding program or project administration should not be assigned to committees of private citizens. Congress itself stated this view when, in passing the Federal Advisory Committee Act in 1972 (five months after passing the NIE legislation), the provision was included that "the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved." 19/

Most agencies of government have advisory committees of various sorts. For the most part, these advisory committees are set up in conformity with the provisions of the Federal Advisory Committee Act (FACA).

The distinction between a policy-making committee and advisory committee is critical. Presumably, a policy-making committee is expected to set policy that an administrator is to follow. The term implies that an authoritative relationship exists in which the committee is the superior and the administrator the inferior. It is conceivable, however, that through design or inadvertence, both the policy-making committee and the agency's administrator are given equal or similar roles in policy-making. This latter situation appears to have existed in the case of the early years of the National Institute of Education (NIE).

The National Council on Educational Research (NCER) was created in the enabling NIE Act and bestowed with policy-making powers. "This unusual provision," according to Sproull, Weiner, and Wolf, "apparently came about

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19/ 86 Stat. 770.

because one or two congressional staff members were determined to insure NIE's independence from [Sidney] Marland [Commissioner of Education] and the Office of Education. They believed that the only way to protect NIE completely was to stipulate that the NCER -- not the secretary of HEW, not the assistant secretary for education, and not the Director of NIE -- set policy for the agency." 20/

The initial NCER was composed of fifteen members and was supposed to be "representative" in character. While the President was required by the law, and the Constitution, to "appoint" the members, the nominating process was, predictably, fraught with conflict and delay. Initially, the Secretary took primary interest and was largely able to impose his will on the composition of the membership. Subsequent appointments, however, brought into play the preferences and pressures of the Secretary, the Assistant Secretary, the NIE Director, education interest groups, the White House personnel office, and Congress. By Congress elevating this advisory group into a policy-making group, it also insured that the stakes in the appointment process were escalated.

The important point to recognize is that conflict was built into the structure, whether by intention or not, once it was determined by Congress to divide the policy-making responsibilities among various actors, notably the Director and the NCER.

#### Coordination

The term "coordination" is used in laws, executive orders, and Congressional reports as if it had a precise, commonly understood meaning. Unfortunately, this is not the case.

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20/ Sproul, et al., Organizing an Anarchy, p. 62.

As a word, coordination refers to both a goal and a process. An individual or agency may be assigned responsibility to coordinate an activity or function cutting across agency jurisdictions. The responsibility, however, is generally greater than the authority available to meet this responsibility. To be assigned the role of coordinator is little more than symbolic permission to go out and fight for leadership. Harold Seidman comments on the great expectations that seem to be built into this term.

In ancient times alchemists believed implicitly in the existence of a philosopher's stone which would provide the key to the universe and, in effect, would solve all the problems of mankind. The quest for coordination is in many respects the twentieth century equivalent of the medieval search for the philosopher's stone. If only we can find the right formula for coordination, we can reconcile the irreconcilable, harmonize competing and wholly divergent hard policy choices to which no one will dissent.<sup>21/</sup>

In the absence of consolidating all activities roughly described as "education" in one department or agency, the next best means to develop a common thrust to the several discrete programs in the numerous departments and agencies is to have "coordination." In everyday language, the term and concept of coordination mean that two or more units are consciously acting together in a concerted way. As a general proposition, coordination is preferable to non-coordination. But coordination is rarely simple to achieve and not without cost. The achievement of coordination between and among agencies may be at the expense of other values, such as agency autonomy.

Optimal coordination occurs when either of two conditions is present: If the actors involved perceive it is in their individual as well as collective

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<sup>21/</sup> Seidman, Harold and Robert S. Gilmour. Politics, Position and Power: From the Positive to the Regulatory State. 4th ed. New York, Oxford University Press, 1985. p. 219. The discussion of coordination in the Executive Branch to be found in the Seidman and Gilmour book is most informative. See, chapter 10.

interests to act in concert, or if the requirement of coordination is imposed by a higher authority with the capacity and perceived will to impose sanctions on resisters.

Coordination is difficult to achieve on an "uneven field." To simply assign coordination authority, by law or even by executive order, to an agency and expect the head of that agency to compel the Secretary of a department or even another agency chief to comply is generally to invite disappointment. Historically, departmental secretaries have been jealous of their prerogatives and will not take instructions, however subtle, from other Secretaries, much less from agency heads in other departments. Coordination of policies or programs in the executive branch cannot be imposed by Congressional fiat.

There is a tendency for coalitions intent on a particular political agenda to insist that similar functions in the executive branch be "coordinated." They generally mean by this term that they want their values and objectives promoted by all the agencies involved in a given policy field. Recognizing that this type of coordination really calls for "supervision" from the top-down, they seek Presidential involvement and the raising of this policy agenda to the White House level. Thus, there are proposals to establish either a "czar" near the President, as is the case with the Special Trade Representative or as is being proposed at present for drug enforcement, or a special council in the Executive Office, as was the case with the Space Council or is currently the case with the Council on Environmental Quality. It is safe to say, however, that without continuing direct Presidential involvement, most "coordinators" or "coordinative councils" in the Executive Office prove disappointing to their promoters.

While coordination is a continuing activity going on at all levels of

government, there are clear limits. The principal limitation is legal. Neither the President nor a coordinator designated by the President, or by Congress for that matter, can perform the functions vested by law in the heads of departments and agencies. When there is a conflict between the mandates assigned to different agencies, often it cannot be "ironed out" by imposing coordination. The problem rests in Congress and the lawmaking process, not in the administration of those laws.

The need for coordination is frequently viewed as proof of inadequate management rather than a natural consequence of attempting to achieve complex and disputed objectives.

#### Interagency Committees

It should be recognized that coordination between Federal agencies is a frequent, and in some instances, a continuing activity. So-called "lateral" coordination is a part of almost every working day for both political and career executives. Beginning with the least structured coordination, there are telephone calls between staff members who, far from being institutionally antagonistic towards one another, may have become friends through their contacts over the years.

In the progression of formality, there are luncheons and ad hoc meetings between larger numbers of staff where a record of decisions may or may not be maintained. And finally, there is the institutionalized interagency committee. There are, of course, a variety of types of interagency committees ranging from those established by statute and provided with permanent staffs to those composed of middle level personnel to handle a specific problem.

The scope of interagency contact and coordination has never been adequately studied nor has there been a systematic evaluation of its utility.



An impressionistic reading of the literature and Congressional reports suggests that agencies are more frequently in contact with one another than is generally assumed. Many areas of potential and real conflict are addressed by the agencies themselves without White House or departmental prodding. Settlements are usually reached on an informal basis although there are many Memorandums of Understanding signed by agency chiefs each year.

In terms of Federal education efforts, the Department of Education formalizes interagency coordination through the Federal Interagency Committee on Education (FICE) 22/ Under provisions of the Education Organization Act of 1979, 23/ FICE is chaired by the Secretary of Education. The President specifies the agencies and departments to be represented on FICE, and the head of each agency or department names his representative. The current FICE members are: Department of Defense, Department of Agriculture, Department of Labor, Department of Housing and Urban Development, Department of Health and Human Services, Department of the Interior, International Communications Agency, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Veterans' Administration, and the Administration for Children, Youth, and Families.

The enacting legislation requires FICE to meet no fewer than two times per year, and they generally meet no more than four times per year. The majority of FICE's work is performed through subcommittees that meet monthly. The

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22/ In addition to the Federal Interagency Committee on Education (FICE), there exists an intergovernmental Advisory Council on Education (IACE) charged with advising the President, the Secretary of Education, and the Congress as to the impact of Federal educational activities on local and state educational efforts. Since IACE addresses intergovernmental and not interagency coordination, it will not be discussed here.

23/ Public Law 96-88.

presently active subcommittees are: Early Childhood Education, Environmental Education, Occupational Literacy, and Rural Education.<sup>24/</sup> Through these subcommittees and the full committee, FICE studies and recommends coordinated Federal educational efforts to ensure: consistent administrative policies for related programs; effective interagency communication to avoid duplication of similar efforts; and coordination of similar programs to improve efficiency of service delivery.<sup>25/</sup>

Mention should be made that while there are many voices heard calling for more interagency coordination, there are also criticisms raised that too much time is spent in interagency meetings. A common complaint among agency executives and their aides is that too much of their workday is spent attending interagency meetings and preparing for Congressional hearings. Yet, there seems to be no simple formula to determine what is the right amount of coordination.

While informal interagency activities have escaped relatively unscathed in the press and indeed have been praised in some scholarly literature, no doubt in part because of their low visibility, the utility of formal interagency committees has been questioned.<sup>26/</sup> One observer has characterized the interagency committee as "...the crabgrass in the garden of Government institutions. Nobody wants them, but everyone has them. Committees seem to

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<sup>24/</sup> In addition, there are four inactive subcommittees: Education and Technology, International Education, Special Services/Disadvantaged/Handicapped Education, and Student Financial Assistance. These are currently deemed inactive because each has completed its assigned short-term project.

<sup>25/</sup> 20 U.S.C. 3424.

<sup>26/</sup> "We have learned from experience that inter-agency committees are not very good at solving inter-agency problems." Culter, Lloyd and David R. Johnson. Regulation and the Political Process. Yale Law Journal, v. 84, June 1975: 1406.

thrive on scorn and ridicule, and multiply so rapidly that attempts to weed them out appear futile."27/

The term, interagency committee, encompasses several types of committees with widely variant titles. The principal differences among the types of interagency committees may be found in their authority for establishment, membership, and organizational location. Other characteristics which will differ from one committee to the next include its charge, source of finances, where it receives staff support, and what issues are included on its agenda.

The most institutionalized of the interagency committees are those established by statute and employing their own staff. The Domestic Council, which flourished briefly in the 1970s, comes to mind as an extreme example of the institutionalized interagency committee. It included the President, the Vice President, nine Cabinet secretaries, and eight additional officers in the Administration. It had a professional staff of 40 persons with its own budget account. Yet even this auspicious membership, mandate, staff, and funding did not guarantee it long life. It was abolished by Reorganization Plan No. 1 of 1977 and its staff became part of the White House staff and renamed the Domestic Policy Staff.28/

Somewhat less institutionalized are those interagency committees established by Executive Order. An agency is frequently assigned the "lead" role in the committee. In some instances it is intended that the heads of agencies will appear at the meetings, but generally the heads will send a representative. The status of the committee may often be determined by who the

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27/ Seidman and Gilmour. Politics, Position and Power. 4th ed. p. 226.

28/ U.S. Library of Congress. Congressional Research Service. Reorganizing the Executive Office of the President: Reorganization Plan No. 1 of 1977. CRS Report 78-19GOV. (Ronald C. Moe) January 1978.

departments and agencies send to represent them at the meeting. Some committees meet regularly, others on call. Generally speaking, the interagency committee device functions best when their concerns are more operational or technical in nature than when they are assembled to grapple with some policy-type decision with political overtones. Some would argue that it is no accident that one of the most successful, and long-lived, interagency committee is the Interdepartmental Screw Thread Committee. This informal Committee with the funny name has functioned since 1939 and consists of representatives from many agencies who deal with technical problems. The Bureau of Standards in the Department of Commerce is the "lead" agency and the Committee has played a major role in the conversion process to the metric system in industry.

An indeterminate number of ad hoc or semi-permanent interagency committees may exist at any one time. Their purpose may be to resolve differences which have arisen through the passage of new legislation or to provide an on-going liaison function to insure that problems do not emerge in the future. There may even be an interagency committee formed to resolve potential areas of conflict in anticipation of legislation.

Although the contribution of interagency committees, both permanent and temporary, to the administrative process has yet to be properly evaluated, certain generalizations regarding their effectiveness are appropriate. Harold Seidman concludes:

The deficiencies associated with interagency committees can be avoided or minimized if (1) missions are tailored to their capabilities; (2) membership is kept as small as possible; (3) institutionalization of staff and procedures is held to a minimum; and (4) the end product is advice to someone who has authority to decide and who wants the advice. Committees perform poorly when compelled to act as collective decision makers, either as program

administrators or as policy coordinators.<sup>29/</sup>

Agency Location: Options

The framers of the Constitution, familiar with the administrative difficulties of the Confederational period, were intent upon establishing centralized administrative leadership in the Executive Branch. In the first session of Congress, "organic" statutes were passed establishing three great departments; Treasury, State, and War. All the particular functions of the Federal Government, except that of prosecuting the law and conducting postal affairs, were entrusted to these departments. It was generally accepted throughout the first century of the Republic that all functions and agencies should be grouped under a single-headed department.

Beginning in the 1860s, "independent departments" of a status inferior to Cabinet departments, e.g., Department of Education, were created as well as other "detached agencies." The major departure from departmentalism, however, occurred with the establishment of the Interstate Commerce Commission in 1887.<sup>30/</sup> The remaining restraints on the creation of independent agencies, that is, agencies not within departments, crumbled with World War I and the emergence of the corporate form of government agency.

Today, the executive branch is very dispersed, both organizationally and managerially, and becoming more disaggregated each month. Thus, lawmakers, and those seeking to influence lawmakers, have a plethora of options before them

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<sup>29/</sup> Seidman and Gilmour. Politics, Position and Power. 4t ed. p. 235.

<sup>30/</sup> An incisive discussion of the early administrative history of the United States is to be found in: White, Leonard D. The Federalists: A Study in Administrative History. New York, Macmillan Company, 1948. Also; Short, Lloyd M. The Development of National Administrative Organization in the United States. Urbana, Illinois, Institute for Government Research, 1923, chapters 2 and 3.

when deciding where best to locate the performance of a function. The lack of Presidential or central managerial supervision over organizational issues, however, is not necessarily a boon to Congress or interest groups because it requires that committees, and others, learn administrative history and organizational "principles."

Many perceive certain advantages in the status of being an executive department, and therefore of being an agency within a department. The principal advantage of departmental status is that the head of the department, generally called a "Secretary", sits on the Cabinet. Although most people recognize that few, if any, decisions are made collectively at a Cabinet meeting, it is also recognized that a President, with his limited time, is likely only to know well on a personal basis his departmental Secretaries. Thus, an agency chief is more likely to get a "hearing" with the President and the White House staff if there is a Cabinet-level spokesman to carry the argument to the President, the Office of Management and Budget, and other Secretaries. Proponents of making the Veterans' Administration into a Cabinet department are using a variation on this argument today in support of their case.

The opposite side of this coin is that if an agency is located in a Department, it runs the risk that the Secretary will decide to become involved in "operational policies and decisions." Proponents of removing the Federal Aviation Administration from the Department of Transportation, for instance, argue that Secretarial "micro-management" of the FAA is a major cause in its alleged management difficulties and that the FAA would do better "politically" if it were independent. The head of an independent FAA, presumably, would report directly to the President without having to go through the intermediary

of a Secretary.

In the case of the proposed ER&D agency, there is little likelihood that it would be assigned anywhere other than the Department of Education because its activities are closely related to the core activity of the Department. The Department of Education itself is a relatively narrow, clientele based department so that Secretarial interest in ER&D is highly likely under any circumstances. It would be difficult to make a case that an ER&D agency, called for sake of convenience, NIE, should be independent of a department, particularly a department which is so closely based on the presumed function of a newly re-constituted NIE. It is also difficult to imagine an independent, autonomous NIE being able to garner sufficient constituency support to protect its interests or to bring its problems to the attention of the President.

Thus, there appears to be little choice other than that a newly re-constituted ER&D agency should be located within the Department of Education.

#### Agency Integration Versus Agency Autonomy

There is a natural and inevitable conflict between the managers of a department and the managers of a subordinate agency regarding the degree to which the policy and administration of the agency shall be integrated with that of the department. But policy and administrative integration, as an issue, is not limited to the departmental level. Presidents, generally, but less so recently, prefer an integrated executive branch with a limited number of departments and independent agencies. The objective is to have Presidential supervision through central managerial agencies enforcing general managerial laws and regulations. Presidents seek to appoint executives, both political and career, who will look toward the President for both guidance and support. This same reasoning applies to departmental Secretaries in their relations with

agency chiefs and other executives in their department. The thrust of most executives is to seek integration of structure, policy, and management in the units under their general supervision.

Agency chiefs, on the other hand, generally seek to diminish the degree of control and supervision from above. As Herbert Emmerich observed some years ago:

The desire for autonomy characterizes the operating administrations and bureaus. . . . This desire for independence is an apparently innate characteristic of administrative behavior. It is one of the dilemmas in defining the characteristics of the good administrator that the best bureau chief is frequently the most contumacious one.<sup>31/</sup>

Congress, in participating in the design of administrative organizations, must recognize the dilemma posed by assigning policy and managerial autonomy to agencies of the executive branch. The very provisions that may serve to insulate an agency from an "uncooperative" departmental Secretary will also tend to insulate the agency from direction and assistance by a "cooperative" departmental Secretary.

Insulation is an instrumental value. It must always be associated with a particular end or objective in order for it to be evaluated as "good" or "bad." Thus, for many years the Federal Bureau of Investigation was in the Department of Justice, but its policies, management, and finances were largely "insulated" from departmental oversight. The FBI enjoyed a high degree of autonomy. Whether one finds agency autonomy a desirable administrative objective is largely a subjective judgment depending upon how one feels about the program or activities of the agency in question.

A typical departmental Secretary will enter office intent upon both

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<sup>31/</sup> Emmerich, Herbert. Federal Organization and Administrative Management. University, Alabama, University of Alabama Press, 1970. p. 17.



implementing the priorities enunciated by the President and in administering the on-going programs of the department. When confronted with a major agency and program in the department, which is largely insulated from Secretarial direction and which may even be following policies antithetical to those desired by the President, the Secretary will understandably begin the process of whittling away that autonomy. The various statutory and administrative techniques for ensuring autonomy, such as terms of office, removal for cause, line-item budget, exemptions from personnel acts and other managerial laws, e.g., procurement regulations, will become targets for the enterprising Secretary or his subordinates.

Vacant positions will go unfilled. Line items in budgets will be viewed as binding rather than as flexible amounts within general accounts. Exemption from general managerial acts will be gradually eliminated. An adversarial relationship will exist as the agency attempts to fend off integration into the department. The agency, under pressure, will call upon its constituency for support against the Secretary and upon Congress for still more protection. Instead of the Secretary feeling a stake in the agency's success, there will generally be, at best, ambivalence toward the agency's program and antipathy towards its leadership.

The ideal is to have a Secretary who has authority to guide the direction of an agency but is not intent to manage the agency in any detailed manner. Indeed, a Secretary should be the one who promotes the right mix of unique administrative qualities for agencies to assist them in fulfilling their statutory mission. A shrewd Secretary will know which positions in a department are best assigned to political appointees and which are best assigned to career executives.

There is an element of risk involved when long-term structural decisions are made based upon short-term, non-structural dissatisfactions. If an agency is given a large amount of autonomy within a department to protect its program from undesired Secretarial leadership, this same autonomy will be available to agency leaders to resist desirable Secretarial leadership in the future.

#### Unitary Versus Plural Management

One of the longest-standing debates in the field of public sector management is over the relative merits of unitary versus plural management. From the inception of the Republic, most agencies have been headed by a single administrator, a practice actively promoted by President George Washington. Most Presidents since Washington have favored the single administrator model, an exception in this regard being Woodrow Wilson.

Historically, there have been a few instances of full-time boards created to make policy and manage agencies. Three notable examples of this practice are usually cited -- the Atomic Energy Commission, the Tennessee Valley Authority, and the Federal Home Loan Bank Board. There have been even fewer part-time boards which have been given statutory authority to make policy, a practice of debatable constitutionality as the previous discussion of the Carter Coal Company Case suggests. One of these exceptions, however, was the original National Institute of Education.

The most common area where the plural managerial option is used involves the so-called independent regulatory commissions which are assigned certain quasi-judicial functions. Even here, however, the situation usually does not involve plural management as the chairman of the commission is usually assigned in law special management responsibilities. Plural management, however, is not necessary for regulatory administration. More than half of the regulatory

agencies, e.g., Food and Drug Administration, are managed by single administrators.

Criticism of collegial bodies as makers of policy and administrative decisions has a long history. Various study commissions have argued for limiting or abolishing this form of management. Writing in 1937, the President's Committee on Administrative Management (Brownlow Committee) stated:

For purposes of management, boards and commission have turned out to be failures. Their mechanism is inevitably slow, cumbersome, wasteful, and ineffective, and does not lend itself readily to cooperation with other agencies. Even strong men on boards find that their individual opinions are watered down in reaching board decisions. When freed from the work of management, boards are, however, extremely useful and necessary for consultation, discussion, and advice; for representation of diverse views and citizen opinion; for quasi-judicial action; and as a repository for corporate powers.

The conspicuously well-managed administrative units in the Government are almost without exception headed by single administrators.<sup>32/</sup>

In 1949, the first Hoover Commission stated: "Administration by a plural executive is universally regarded as inefficient."<sup>33/</sup> Writing in 1971, the President's Advisory Council on Executive Organization (Ash Council) concluded that "collegial bodies are inefficient mechanisms for formulating and implementing specific policy in a timely manner. . . . They fail as managers because of the ambiguity of direction inherent in the separate authority vested in each of the members."<sup>34/</sup> Collegial administration tends to be less

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<sup>32/</sup> U.S. President's Committee on Administrative Management. Report with Special Studies. Washington, U.S. Govt. Print. Off., 1937. p. 32.

<sup>33/</sup> U.S. Commission on Organization of the Executive Branch of the Government. Task Force on Regulatory Agencies. A Report with Recommendations (App. N), Washington, U.S. Govt. Print. Off., 1949. p. 44.

<sup>34/</sup> U.S. President's Advisory Council on Executive Organization. A New Regulatory Framework: Report on Selected Independent Regulatory Agencies. Washington, U.S. Govt. Print. Off., 1971. pp. 34-35.

adaptable, decisive, and coherent. Decisions are less likely to be viewed as permanent as the losing side always hopes for reversal because of changing membership or new alliances among members. Staff are either tempted, or forced, to "take sides" between the board members. Conversely, board members are tempted to locate staff members who will promote their policy preferences. In short, collegial administration, according to critics, means fragmented administration.

There are many defenders, however, of the plural commission option for regulatory decisionmaking and administration. For the most part, defenders are to be found in the legal community. This is understandable because the legal culture is accustomed to adversarial relationships. The notion is that policy is best made on a case-by-case basis in which the parties give their arguments before presumed experts in the field. Thus, policy tends to be made incrementally.<sup>35/</sup>

While there are a few instances of writers defending the full-time board concept for non-regulatory administration, <sup>36/</sup> this analyst is unaware of any writings favoring the concept of a part-time, non-Federal board making policy and generally managing a regular executive branch agency.

#### A Proposed New National Institute of Education

The preceding discussion was intended to provide a framework of analysis for discussing the pros and cons of creating a new National Institute of Education, or a unit with a similar title, within the Department of Education.

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<sup>35/</sup> For a defense of the concept of independent regulatory commissions and plural management, see: Robinson, Glen O. Reorganizing the Independent Regulatory Agencies. Virginia Law Review, v. 57, September 1971: 947-995.

<sup>36/</sup> U.S. Tennessee Valley Authority. Background Papers for the Hearings before the Committee on Environment and Public Works of the United States Senate, 1981. p. D-1.

What is Educational Research and Development?

To reiterate, the law creating the original NIE in 1972 defined ER&D as, among other things, the performance of basic and applied research, planning, surveys, evaluations, experiments and demonstration projects. Research and development is a key component of any innovative organization, be it a government agency or a private commercial firm. Yet, research and development can be, and usually is, a controversial activity. By conducting controlled experiments and demonstration projects, e.g., educational voucher demonstrations, an ER&D unit tends to challenge current educational philosophies and institutions. Indeed, that is the purpose of ER&D. It is a subject area that cannot be made non-controversial and also remain significant.

Many experimental and demonstration projects must of necessity be designed with a long-term perspective in mind. There must be a major commitment of leadership and resources to these projects. To be successful, therefore, ER&D must have reasonable continuity of leadership, multi-year financial obligation authority, and a staff that has a professional commitment to the objective study of a problem.

It appears widely believed, although not necessarily true, that the elements necessary for successful ER&D cannot be realized when responsibility for such activities is lodged too closely to the Secretary of Education. This is the basis of the complaint that Secretary Bennett's 1985 decision placing responsibility for ER&D in the Office of the Assistant Secretary for Education Research and Improvement (OERI) was a mistake. Not only are there relatively frequent changes in the office of Secretary, there are relatively frequent changes in the office of Assistant Secretary of Education Research and Improvement. When there are changes in either of those offices, there tend to

be major shifts in ER&D priorities. Given the short tenure of political appointees, there tends to be an emphasis on short-term projects with "high political pay-off," rather than support for long-term research projects.

#### Politicization

The term "politicization" can be assigned several meanings, but whatever the definition, the term is generally used in a pejorative manner. To say that the ER&D function has been "politicized" may mean simply that some one or group does not agree with the thrust of the current ER&D effort. Or, it may be less a subjective political critique of policy and more a critical commentary on the transient nature of the leadership and the imposition of short-term over long-term research goals.

Politicization was believed by many to have been the principal cause of the first NIE's demise. The decision to assign "policy-making" responsibilities to a 15 member, part-time board of outsiders while assigning managerial and operational responsibilities to a Director was a prescription for institutional conflict. More to the point, however, the Board was not, and was not intended to be, composed of neutral professional observers. They represented constituencies which had a direct stake in NIE policies and monies. Their perspective was "political." It was not necessarily political in the traditional partisan sense, but political in a policy and institutional sense. They had their own agenda for the agency and sought to impose that agenda. The Director resisted. NIE ended up having two boards of directors, the NCER and the Congress. The interest groups were able to whip-saw the agency through their influence with both the NCER and the Congress.

When the agency was in the DHEW, the Secretary did not provide much of a buffer for the NIE against the pressures emanating from the NCER or Congress as

it was only one small part of the Secretary's enormous domain. Indeed, successive DHEW Secretaries tended to pay little attention to education generally or ER&D specifically. One of the arguments offered in favor of separating the education offices from DHEW to form a new Department of Education was that education needed a Secretary who was responsible solely for education and would take an active managerial interest in education issues including ER&D.

As previously noted, the Department of Education is a relatively small, narrowly focused department. As a department, it is not service-delivery oriented. It performs three basic functions; gathering and disseminating of educational statistics, fostering educational research and development, and awarding contracts to promote special emphasis programs. Successive Secretaries of Education have come into office not only with a philosophy of education but with an agenda to implement that philosophy. Understandably, they have selected subordinates to implement this agenda. In short, Secretaries of Education have generally performed in the manner envisioned by the promoters of the departmental concept.

If the department is promoting "education", and if the Secretary is taking a personal interest in the department and its programs, why is much of its constituency and much of its professional staff so unhappy? The answer to this question is that organizational structures cannot be manipulated to insure that certain policy (presumably "good" policy) results will follow. Small, narrowly-based, departments increase the likelihood of Secretarial involvement in programs. But there is no way to guarantee that the form that Secretarial involvement takes will meet with constituency or Congressional approval.

One person's "politicization" is another person's "democratic

accountability." Presidents are elected to lead, and shape, even redirect the the governmental establishment. That is what democracy is all about. On the other hand, there are many problems and public responsibilities that transcend the interests of any given President and these continuing or permanent problems deserve attention in a way that is not readily responsive to short-term partisan leadership. This is a dilemma that has been present since the founding of the Republic. It is a more visible and vexatious problem today than in the past in large part because we have vastly increased the number of political appointees in the executive branch, but have, more importantly, placed such appointees deep into the structure of agencies. By and large, professional agency managers have been downgraded in responsibility and authority and discouraged from being innovative in public management. In some cases, they are even forbidden to talk with their professional counterparts on the Hill unless the discussion is approved in advance by a designated political officer.

The erosion of confidence and trust between the branches has been long in developing and has proved costly. Routine problems that might be handled by simple phone calls and on-going discussions by mid-level executives tend to driven up to the Secretary's desk, or more commonly, to the aides of the Secretary. The consequence has been, for better or for worse, that many agency career professionals have now come to view Congress as their defender against the appointed leadership of their department or agency. Thus, it is some in the agencies themselves who are frequently seeking greater Congressional involvement ("Congressional micro-management" to its critics) in their management as an antidote to what they perceive to be "Secretarial interference." For example, this motivation seems evident in the recent



passage by Congress of Public Law 100-297, establishing the National Center for Education Statistics.<sup>37/</sup>

National Center for Education Statistics

There was a widely shared belief in both the educational and statistical communities that the credibility of educational statistics provided by the Department of Education had declined since the functions of the old National Center for Educational Statistics had been moved to the Office of Educational Research and Improvement, headed by an Assistant Secretary. The Advisory Council for Educational Statistics endorsed a National Academy of Sciences' (NAS) recommendation that a "quasi-independent" National Center for Educational Statistics be established within the Department. The head of this unit was to be assigned the title of "Commissioner," a title not normally associated with departmental management, to indicate its independence of the Secretary. A number of features, e.g., "line item budget for personnel and operations", were recommended by the Council to increase the autonomy of the Center.

There is no doubt that the Act, as passed, provides considerable autonomy to the Center and its Commissioner. The authority for the conduct of the programs, which are detailed in the legislation, is vested in the Commissioner, not the Secretary. The Commissioner is given a four-year term although there is nothing in the legislation purporting to limit the power of the President to dismiss the incumbent (if indeed such a limitation were possible under the doctrine of Myers v. United States (272 U.S. 52; {1926})).

The detail in the statute as to the functions of the Center generally reflects the priorities of the Congressional committees involved and the

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<sup>37/</sup> P.L. 100-297. Title III. Congressional Record, April 19, 1988 (daily edition), p. H1776-H1778.

professional education interest groups. If the intent of the legislation was to "freeze out" the Secretary and central departmental administrative review, it will probably prove effective, at least initially. One provision in particular conveys the message of the Act: "No collection of information or data acquisition undertaken by the Center shall be subject to any review, coordination or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code."<sup>38/</sup> A future Secretary of Education may express wonderment at the sweeping nature of this prohibition on what would be a normal procedure in other departments. The "Advisory Council on Education Statistics" is altered by P.L. 100-297 (1988) in several significant ways. First, additional ex-officio members are added to the existing body of seven "public" members and three ex-officio members. The Commissioner, not the Secretary, shall serve as the non-voting presiding officer of the Council, although the Secretary will retain authority to appoint "public" members to the Council. Most important, however, some terminology in the mission of the Council is changed. Prior to passage of P.L. 100-297, the mission of the Council was to "review general policies for the operation of the Center and . . . be responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The wording of the mission of the Council suggests that the Council had some policymaking authority. The phrase, "shall be responsible for establishing standards...", (emphasis added) indicates that the Council had authority to draw up, and presumably require adherence by the Secretary and

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<sup>38/</sup> Sec. 3001(m)(4)(E).

agency, of their standards for statistical gathering and dissemination. In the most recent legislative changes involving the Council, the words "advising on" were inserted in place of the word "establishing." This change conforms to the wording and intent of the Federal Advisory Committee Act, an act which governs the procedures of this Council.

#### National Center for Education Research

The recent enactment by Congress, and approval by the President, of a law establishing the National Center for Education Statistics suggests that, for symmetry sake if no other, there might be created in the Department of Education a National Center for Education Research, headed by a Commissioner appointed to a 4-year term, with its mission and programs assigned directly by Congress to the Commissioner rather than the Secretary. An advisory committee patterned along the lines of the Advisory Council on Education Statistics might also be appropriate. The search for a model to emulate need not go any further than the National Center for Education Statistics. The situation regarding research and development administration in agencies such as NASA or the NIH appears to have little relevance to the current situation in the Department of Education and hence does not provide a relevant model. It should be noted, however, that in all probability the Administrator of NASA and the Director of the NIH would be opposed in principle to a proposal for their agency that would result in a unit similar to that of the National Center for Education Statistics.

#### The Case Against the National Institute of Education Research

There does not appear to be any opposition to education research and development as a governmental function, nor to its assignment to the Department of Education. The issue appears to come down to the following: Should

authority and responsibility for ER&D reside in the Secretary of Education, or should it reside in a subordinate officer of the Department, an officer largely insulated from accountability to the Secretary?

Standard public management doctrine holds that authority and responsibility for the conduct of programs should reside either in the President, the Secretary of a department, or in the chief of an independent agency. In the third instance, the term "independent" means simply that the agency does not reside in a department.

The First Hoover Commission (1949) made a series of basic recommendations on the organization and management of the executive branch. In the chapter entitled "Departmental Management," the Commission recommended: "Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior." <sup>39/</sup> A subsequent recommendation provided that "each department head should receive from the Congress administrative authority to organize his department and to place him in control of its administration."

At the very least, it is clear that the proposal for a National Center on Education Research is designed to achieve purposes at odds with the recommendations of the Hoover Commission. Rather than assign the Secretary full responsibility for the functions of the Department, to include education statistical policy and education research and development, the Secretary is to be effectively prevented ("insulated") from exercising full authority and

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<sup>39/</sup> U.S. Commission on the Organization of the Executive Branch of the Government. The Hoover Commission Report. New York, McGraw-Hill Book Co., 1950, p. 24.

leadership. The Congress and the public may hold the Secretary responsible for the operations of the department, but the Secretary will be denied in statutory terms authority commensurate with the responsibility.

Why would anyone accept the position of Secretary of Education when two of the three major functions of the department are systematically "insulated" from his or her leadership? Rather than being the chief executive officer of the department, the Secretary will be just one combatant for influence. Given this situation, it is reasonable to assume that Secretaries will set about redressing the imbalance between responsibility and authority. The battle lines are being set if there is to be a Commissioner of Education Research whose authority is assigned by Congress and whose continued tenure is not determined by the Secretary. Although it is theoretically possible for the President to remove the Commissioner, this process would require the expenditure of immense political capital, a process rarely worth the cost.

Secretaries, irrespective of partisanship or philosophy of education, are likely to find their ambivalent political and administrative position unacceptable. They will, in all likelihood, seek to limit the discretion of the Commissioner and return the agency to departmental supervision. Budget requests will be closely and critically scrutinized. Personnel policies and vacancies will be seen as a vehicle to enhance the Secretary's position vis-a-vis that of the Commissioner. Numerous administrative tactics will be used by a frustrated Secretary to "bring this agency in line." Even the appointment of members to the Advisory Council will become a source of conflict because the Secretary will continue to appoint the Council, but now the Commissioner will preside over and set the agenda for the Council. In short, Secretaries are likely to be antagonists of the Center rather than being its defender.

Conclusion

It is important, therefore, that long-term structural changes involving fundamental shifts of administrative and political responsibility not be based on short-term, policy differences. To make a department weak, any department, while making its constituent units strong, any constituent unit, is a high risk political and managerial strategy. The policy situation may be such as to warrant the action, but all risks should be made explicit and assessed in advance of any such decision.