Remarks by Assistant Secretary of the Interior John A. Carver, Jr., at the Summer Institute, Center for Programs in Government Administration, University of Wisconsin, Milwaukee -- August 7, 1963

THE ART OF ADMINISTRATIVE PERSUASION

Bernie James tailored the title for this effort. He told me, somewhat cryptically, that it was really on this subject that I had contributed to this program last year in two two-hour support sessions.

Since I hadn't given those sessions that or any title, merely leading the group into some spirited debate around some case studies, knotty problems of resource administration which I had had to face, Mr. James taught me that even the commonplace can be made to sound academic. Taking his remark to heart affected this lecture in three ways:

First, I recast the case approach which was used in relaxed discussion sessions. A written paper for a dinner meeting, which I'm not sure is an improvement in any event, doesn't permit the speaker to rely on the audience to do most of the work.

Second, he fixed a point of reference for both me and you. The art of administrative persuasion can hardly be the science of public administration. If there are styles of leadership, authoritarian and democratic, Mr. James put me in the latter. Authoritarians are not preoccupied with the delicate nuances of persuasion as an art.
Third, I'm not permitted the academic divertissement of playing around with precast components like authority, communication, motivation and decision making, etc. "Art" is not necessarily symmetrical, even the "art" of administrative persuasion. I was told after last year's session that the class remained split between violently opposed views about my contribution. Some of you, like some of them, may be repelled by the absence of orderliness and symmetry.

My job is to supervise six separate bureaus of the Department of the Interior -- Parks, Indians, Lands, Outdoor Recreation, Alaska Railroad, and Territories. This is line supervision, and within the specified program areas I exercise the authority of the Secretary, generally speaking. But it will be seen from the diversity of this list that Interior is not a single mission department. Its bureaus, for example the National Park Service, the Bureau of Reclamation, or the Geological Survey, enjoy a good deal of practical autonomy, deriving from their histories, their technical specialization, and their own support groups in and out of Congress. The Department has been described as a confederation.

Since Interior's bureau programs derive from different and disparate legislative and appropriations authorities, they sometimes overlap, frequently are at odds, and seldom seem to be going in the same direction at the same time. Furthermore, they are accustomed to an uneven level of policy supervision. The bureaus tend to regard the comings and goings of
politically appointed superiors as somewhat transitory -- one of my staff men told me when I came in that I made the eighth assistant secretary he had served in eleven years.

Supervising programs accustomed to autonomy, trying to influence or persuade nominal subordinates who have entrenched positions in Congress, is not a unique responsibility. The Secretary of Defense, the Attorney General, and other Cabinet members, along with the Secretary of the Interior, could and probably do discuss this subject with feeling.

I heard the story, probably apocryphal, about a cabinet officer appointed in mid-administration. He called his bureau chiefs together and laid out his program; at the conclusion one of the cynics inquired, "Who does he think he is, the Secretary of this Department?"

Persuasion, I think, would be recognized by the cabinet officers as the key element of effective supervision. The department heads might not distinguish between the persuasion they had to bring to bear upon the bureaucracy of their own departments, which in theory at least is subject to their authoritarian decrees, and the persuasion they were called upon to bring to bear outside the Departments. Committees of Congress, associations and organizations with quasi-official status (The Board of Rivers and Harbors, the National Reclamation Association, the National Guard Association, etc.), and numerous organizations which represent the public generally -- The Audubon Society, the National Wildlife Federation, the American Civil
Liberties Union, the NAACP -- are from time to time moved onto the organizational chart, to borrow Norton Long's idea. Governors, organizations of counties and cities, labor unions, trade associations, and on and on in our pluralistic society, can be added.

What is true for a cabinet officer can be true of other levels of supervision, down to some quite deep in the organization. In California, a district office of the Bureau of Land Management, which reports to the State Director, did an analysis the other day of the variety of public contacts required in its program, and 134 different organizations were listed.

The government's business is too often thought of as operating in a theoretical vacuum, affected by outside forces only at the policy-making or political level. If we acknowledge at the outset that at every point of contact between the public and a public official there is going to be an interaction, we've laid the foundation for a discussion of administrative persuasion as worthy of an artistic touch or two.

This view of administration isn't politics, and it doesn't contravene the civil service laws. It simply faces reality to recognize that administration oblivious to a constant interplay with outside forces can fail for that reason alone.

Let's illustrate: The relationship of a farmer with the Department of Agriculture, or of a livestockman with the Department of the Interior, is only distantly or occasionally focussed on a controverted policy issue.
Most of the time the farmer is concerned with how many acres are in his wheat history, a problem of administration, not with whether the allotments ought to be based on history, a question of policy. But if he has a bad time with his administrative problem, he's likely to vent his spleen to his Congressman, who likely will interpret it as a policy problem and react accordingly.

Thus an administration's success with a particular program is affected quite as much by the way the program is administered as it is by the merits of the program itself, or its cost. I've heard speculation that one Secretary of Agriculture's failure to win real acceptance, in other words to persuade, within his own Department accounted for his failure to convince the American farmer that he should return to a free market. Could it be that some farmers voted NO on the recent wheat referendum to register dissatisfaction, not with the policy, but with the way the program was administered?

But I should climb down from the stratosphere of cabinet responsibility and deal with my own responsibilities, if I am to lay a foundation for the question period I hope will follow.

Every administrator has to have goals. For those of us appointed by the President, the general goal of serving him faithfully, and furthering his policies, has to be amplified by supplementary goals related to our direct responsibilities. For the sake of our own ego, we can't confine these to
efficient administration, leaving either to our superiors or our subordinates the articulation and the emphasis of policy and program. An Assistant Secretary wants to be something more than a conduit, ever preoccupied with being kept informed and with seeing that the dignity of his office is respected by his subordinates.

This is not a characteristic of me or my office. The "task force" is the institutionalization of the idea that things get done because somebody makes a special project out of some component of an already established program objective. Whether you are a Secretary of the Interior, an Assistant Secretary, or an assistant section chief six layers down, you are entitled to frame for yourself one or more objectives in personal terms.

Among my most satisfying experiences in office has been the achievement of a particular goal on a specified time schedule, against organized and worthy opposition.

Grazing fees on the public domain were increased significantly early this year, the first time in many years. Prior to that, in terms of adjusted dollars they weren't even as high as the Department had thought to be the very minimum when Congress enacted the Taylor Grazing Act in 1934. It was costing more to administer the lands than was being realized from grazing fees, and conservation improvements paid for through appropriated funds were several times as much as the total of fees collected. The objective of increasing grazing fees was comparatively simple to state.
It was a program objective of the Bureau of Land Management, and had been for many years. Success had never been attained, all of the reasons for which cannot be detailed here; the reasons were mainly political and regional, reflecting the coefficient of many powerful forces in opposition.

Reading a little history disclosed right away a lot of approaches to raising fees which had failed. They boiled down to the fact that this always was treated as a black and white emotional issue. Bernard deVoto's facile pen castigated the cattlemen; their inarticulate rage didn't get much play in Harper's magazine, but when the chips were down for an appropriation, the Department found it the better part of valor to stick with the status quo. Stirring the old coals would have been easy, but it seemed to me that a case could be made which would be convincing even to the industry, if I could get it to listen.

The fees were very low, about 1/15th as much as some commercial rates, and about 1/3 of the rate for some of the other federal forage sources, so seeing the problem from the viewpoint of the industry affected at first glance seemed not only fruitless, but somewhat improper. Why study such an obvious inequity? Why not act and by order prescribe that all the forage should go to the highest bidder on a competitive basis, or at the very least be sold under an appraisal system applicable to all the federal agencies?

It seemed impossible to conceive that a user of forage under the low BLM prices was not being "subsidized" to the extent of the difference between what he paid and the worth of the forage on the open market. Certainly the contrary was a complex idea.
That ideas are complex don't make them false, and in a speech before the American National Cattlemen in Tampa, Florida, in January, 1962, I undertook to develop why. My studies into the matter had shown me, and I told them, that under the Taylor Act system of priorities, the low fee structure had been capitalized into the private segment of the operator's ranch investment. When low prices are institutionalized, other prices and costs adjust to them, so the so-called base property which any user of the federal range must have is valued upward accordingly. Ranchers who have bought such property have paid full value for the productive capacity of their ranches, the base property being proportionately overvalued to compensate for the low fees. So an increase in grazing fees would, in effect, multiply the price already paid. It amounted to a kind of localized inflation.

The Interior Department, their traditional enemy, was publicly enunciating to the Western livestock industry a rationale for its position which it had not articulated itself. The Westerners were suspicious, and they would remain so. The diehards still are, but one basic step toward my goal was taken. Elementary aspects of administrative persuasion were involved:

One was homework, a whole lot of homework. I studied the available literature and examined and cross-examined the experts within bureaus, not just their chiefs. I started from the suspicion that there must be reasons why these fees remained low other than simple bureaucratic weakness.
Another was having enough flexibility to identify with an opposing or unpopular position for the purpose of seeking understanding and comprehension of all sides of the issue.

I found the common ground on which could be built the argument that a moderate upward increase ought to be undertaken as a matter of the industry's own self-interest -- to squeeze out a little of the water which had crept into the values of base properties apart from grazing privileges, to get a better climate for continued appropriations from the Congress, to bring the amount paid more in line with the increases in costs all along the line, and to forestall potentially more disruptive executive action. The industry was called into the administrative process in this language directed to it:

"The industry must also accept responsibility for the sound planning of its future on the Federal range. It seems to me that it is confronted with two pretty clear alternatives:

"(1) If the range users' appraisal of the situation is anywhere near mine as summarized here, then they ought to cooperate with us in devising realistic adjustments in the fee system. These improvements, I can guarantee, will be undertaken in full realization of the philosophy which I have emphasized -- That we are dealing with the values of ranches. Fees can be adjusted gradually -- but I see no escape from the conclusion that they must be revised upward.

"(2) Now the alternative is to attempt to retain the status quo. As long as the forage rate is substantially different from commercial rates it really doesn't much matter whether the differential is 1:5 or 1:10 or 1:20. But if there is to be an attempt to freeze the present fee system, then its proponents should be prepared to secure an
amendment to remove the Secretary's duty to fix reasonable rates annually."

Two more brush strokes on this canvas are found: The idea of involving as many of the affected components as possible in the decision-making process, and attention to the importance of not abdicating fundamental governmental responsibility.

The bureau whose program this was had to be disciplined a little, also. Grazing fees had been expressed as a percentage, one hundred percent, of the average price of beef and lamb. On this formula, the fees were theoretically adjusted upward or downward as the price of meat went up or down on an annual basis.

A possible mechanism to slip an increase through was seen--change the regulations to express the price of forage as a percentage of the price of a hundredweight, rather than a pound. With this step taken, not by itself affecting the grazing fee, an increase could be ordered safely, or so went the argument, since doubling of the fee would be a change only from 1 percent to 2 percent of the cost of a hundred pounds, rather than from 100 percent to 200 percent of the cost of one pound. A trifling and politically salable 1 percent increase in one case, in the other a whopping 100 percent increase.

This approach was vetoed. Such monkeybusiness would surely undermine the atmosphere of mutual respect and confidence necessary for persuasion. And so we have another point -- don't be cute.
The next technique was delay, to let tempers cool and to get all the groundwork done. Having determined that we wanted the users with us rather than against us, and having determined that we wouldn't use artifice or strategem, I announced categorically that there would be no increase in 1962. The intervening year was to be used by our various advisory boards, with the National Grazing Advisory Board at the top of the pyramid, to undertake a thorough consideration, not directed at whether, but when and how much.

We followed through with the meetings, working with a special committee established for the purpose. One important State, abandoning the constructive approach of the majority segment of the industry in the West generally, determined to resist any upward movement. They relied on the tried and true political approach.

So while we did our work, they did theirs. A Senate hearing in Reno, Nevada, ordered upon their request, brought out all the opposition, all the accumulation of complaints. Its record was the foundation stone for the strategy of opposing the increase not on a justification of the adequacy of the fee, but on the contention that the industry was so hard pressed and unhealthy that further Congressional study should be had. And they asked for Congressional hearings in all the affected States.

The days preceding the issuance of the order, issued almost on the eve of the 1963 grazing season, increasing the fees from 19 cents to 30 cents
had the drama of High Noon. We'd postponed action a week or so at a time pending the reconvening in Washington of the hearings. Another year's delay was clearly the consensus of the Committee when it convened.

But there comes a time to take a stand. To miss the timing on being tough is to lose all the effectiveness of this technique of persuasion. I took the witness stand to present the government's case dramatically alone—to emphasize that this was a policy decision, that the administration was standing firm, that we respected the Congress but had our own executive duty to think of:

"Senator Bible: . . . I would like to have you convey to the Secretary of the Interior my request and the request of those whom you have heard, I believe, for the deferment of a grazing fee increase. Those Senators, and you have heard the record on this score, are Senator Jordan, Senator Bennett, Senator Cannon, Senator Simpson, Senator Allott, Senator McGee and Senator Goldwater, Senator Dominick and Senator Moss. . . . I would appreciate it very much if you would call to the attention of the Secretary of the Interior. We will have a formal statement along this line just as soon as it is possible for the staff to get it.

"Mr. Carver: I will do that, and I speak for him when I say that I consider this to be a Secretarial responsibility which he must deal with on his own responsibility, absent, of course, legislative action.

"Senator Bible: I understand this. I understand that the Congress cannot require him not to make this determination. But I can call it to your attention that this is a respectable list of senators who have
made their request. I certainly want this transmitted to him without delay and it will be formalized at the very earliest moment. This is a request in which I join."

The fees went into effect, on schedule. Our relationships with the cattle industry since then have never been better. An official of the American National Cattlemen's Association said this: "We find it gratifying that an official of the federal department involved has taken the trouble to set the record straight. We are also impressed that he states so well what all the shouting was about: free people in a free society using the processes of debate to establish their viewpoint. Some news media and elements in our society forget that some industries still enjoy old-fashioned 'town meeting' debates over issues, and when it's all over, the participants retain their respect for each other and the final decision."

Editorials, including many in conservation publications, hailed the accomplishment. Russ Lynch, of the Journal here in Milwaukee, wrote a fascinating series on the subject hailing the wind-up with a valued personal commendation for me.

For example, American Forests editorially remarked:

"The important thing is that the first decisive step has now been taken against strong political opposition including individuals in the Secretary's own party. This required courage on the Secretary's part and should quiet those skeptics who have been saying Udall would not sink his teeth into what is actually the major gut conservation issue facing the American public today. The Secretary's action was as welcome as spring to conservationists."
Persuasion is a matter of individual style, like the other arts. My own methods, if they amount to a style, involve certain precepts which from time to time I've tried to articulate.

The most sensitive area for the exercise of the art of persuasion is with the Congress. It does not hurt, I've felt, to let the Congress in on your own thoughts as to how you see your job. Even those members who may differ philosophically on basic issues will be sympathetic with an administrator who uses such an approach. I seized the unique opportunity at a series of hearings which the House Interior Committee held at the beginning of this Congress to brief its new members, to express myself and my approach to mutual problems. Instead of turning over to my bureau chiefs the job of reporting on their programs, I introduced each of them with a sort of policy review of the problems in their areas, beginning with an overall statement.

Here are some quotations:

"Much of the time I capture for thinking is devoted not so much to legislative activities -- reports and testimony on bills and on the executive communications we've sent up -- as to the rule-making and adjudicative functions which fill out the legislative skeleton. Here is where, it seems to me, leadership can rise above a mere recital of program.

"After two years we all have a record. I think my record in this area would be considered good if the measure were what I've said within and without the Department. I've said that we are going to administer, not make law; that if we have standards which govern the exercise of discretion granted by Congress, we ought
to make them known to the public affected by them; that identification of areas needing legislative patching is a responsibility of supervision as well as of adjudication; that the manipulation of pressure groups is an unworthy way to resolve conflicts; and that the surest way to sacrifice a program is to be 'cute' with Congress, its committees, or its members."

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"It is my view that a decent conservation job on the public's lands is possible only with the cooperation of those who share in its use. Cooperation of grazing permittees is indispensable, if a sound range rehabilitation program is to be accomplished; the same is true for the application of good forest practices by purchasers of federal timber as they cut it. Legitimate mining operators recognize the danger to them of misuse of the mining laws for non-mining purposes.

"In this context, I have considered the consumptive users who have a legitimate right to be on the public land as valuable and necessary allies in achieving the kind of total conservation effort which must be mobilized if we are to turn upward the graph of the condition of our public lands -- to prevent waste."

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"The non-commercial conservationists have plenty of controversy in progress among themselves, and they tend to be unforgiving. But this should not and does not tempt us to forget that in the management of the public's land, the public, too, must be heard. Membership in the Izaak Walton League, or the National Parks Association, or the Sierra Club, or one of many dozen other organizations, is the way which millions of Americans choose to evidence interest and make themselves heard on public issues. Our door must be and is open to them and their representatives, and we recognize that what we do must make sense to them, too.
"My rule of thumb is to be able to make the same speech to both the consumptive users and the non-commercial conservationists, and have it received with approximately equivalent reception."

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"I told one of my secretarial colleagues this week that the only safe course in some of these sticky issues is to do nothing. He said he knew a lot of people who had chosen the safe way, and so do I. I do not choose it.

"That is the last general point I would like to make. I at least try to get the sticky issues resolved, to get the business of the Department moving.

"But our business is big, and it's diverse, and the competing forces within it frequently come to rest on dead center. That every decision jarred loose from stalemate will be a right one is unthinkable, because by definition they are the toughest ones. Some of them involve extremely valuable rights or privileges; some of them are of no significance whatever except to the contesting citizens. Some, like the oil shale claims of Colorado, present a complicated mixture of law, economics, history, and governmental vacillation which defies the attention needed to resolve them.

"One of these nettles may have fatal poison. But no one below a Secretarial appointee should be expected to seize the worst of them."

I alluded to my use of the expertise within the department. This is a special aspect of administrative persuasion, for constantly you face the
attitude that the best administration is to let the experts make the decisions. This is not just in resource fields, although it is prevalent here as to forestry in particular; consider the role of the military in questions like banning atomic tests in the atmosphere.

But the administrator who would successfully persuade must also impress with his grasp of the issues, including the technical details. He must impress his own subordinates, and outsiders as well. It is very much like adequate preparation of a lawsuit for trial (a business I was once in). You have to know so much about your client's business that your client can't fool you.

I'm no forester; I have had a forester on my staff, but not for the past year. Yet at a recent hearing before the House Agriculture Committee (which came to my attention only a day or two ago) an official of the National Lumber Manufacturers Association paid me this tribute:

"We have continuous dealings with the Department of the Interior on numerous forestry issues, both of a legislative nature and an administrative nature. You will find that in Interior forestry matters are a high priority part of the Assistant Secretary's duties. We can get an objective and knowledgeable discussion, review, and analysis of our problems at this level, in Interior. We cannot do so in Agriculture. The Assistant Secretary of Interior goes out in the woods and talks to the timber operators and he understands their problems, technically and in detail. In Agriculture this can only be done by the Forest Service. The Interior Assistant Secretary
is quite capable of changing the decisions of his career forest land management personnel when it is necessary to accommodate the needs of the dependent communities and the needs of forest management in the public interest."

Resources on lands which Interior administers include minerals, timber, and forage in the commercial ambit; and recreation opportunities, wildlife habitat, and the like in the growing commercial business of recreation; and their stewardship involves soil and moisture conservation, watershed protection, and other measures for their protection and improvement.

In varying ways, all these interests vie for a special place in the sun. So in addition to homework, there must be a discipline not to get too strongly identified with one program to the exclusion of others. To be identified as a "park man" is well and good at some meetings, just as being identified as a friend of the mining or cattle industry is at other meetings. But what you say at one meeting is likely to be perused rather closely at the other, so a constant review of all the vast amount of correspondence and utterances over your name or authority is necessary.

This review can't be entirely personal. The big task is to shape all components of a family of bureaus to a mutual understanding of each other's problems, and those of other bureaus in the Department as well.

A couple of years ago, fish and wildlife service agents sought to arrest some Eskimo for taking ducks out of season; the Eskimos said they had
always done so, for food, not sport hunting. This issue was rather comical in Alaska, where after one Eskimo was arrested a hundred of his fellow villagers swamped the agent showing up en masse before the harassed agent and U. S. Commissioner, each with an illegal duck. But in New York the matter wasn't comical, where one of the Indian interest organizations were about to make a national issue out of federal action to starve Eskimos. I know we can't grant permission to violate the law; and we shouldn't. But I think a matter like this can be handled to keep the issue from degenerating to a level of people vs. ducks.

Robert McMurtry in an article, Conflicts in Human Values, 1963 Harvard Business Review, pp 130-145, at page 145 distilled the essence of some of the things I've tried to say. They mean simply a recognition on my part, and a persuasion of my bureaus and their personnel, that the traditional government point of view may not be the only one; that there are gray areas even in the issues seemingly the most black and white; that the government technician doesn't enjoy a monopoly of truth or virtue in resource management; and that because those with whom we deal do not share the same system of values does not mean their necessary disloyalty, stupidity, or cupidity.

Most problems of administration don't have a beginning, middle and end like the grazing fee case. I could list for you a dozen which I've thought through, studied, and started to execute, where the result has been unadorned frustration. While I'm trying to exercise the art of
administrative persuasion on the director of a bureau, say of the park service, the bureau chief is practising the same art on me. His techniques are different from mine; every administrator is both the mover and the moved.

Frustration may either stultify, or it may lead to ingenuity and innovation. When experience tells you that on one path lies a roadblock which defies your best persuasive effort, the best thing to do is to seek a different road, even if the different road may be against your own bureaucratic interest, for example turning over the function itself to a different organization. If we truly believe in accomplishments rather than personal power, we can take such action but it is one of the hardest assignments of all -- to eschew bureaucratic power as an unworthy goal of our efforts.

How should you take the foregoing? I'll now say what you've probably deduced -- that I love the scope and sweep of the kind of assignment I have, find challenge and excitement in it, and the opportunity to contribute to the public weal. Enthusiasm for one's assignment is contagious, and maybe that is another aspect of the art which should be added to our list.

I've concealed the generous measure of cantankerousness and impatience which has offended, temporarily only I hope, some of my colleagues and subordinates. There is so much of these and related vices in the world that I hesitate to contend that they can constitute tools in the toolkit of an administrator bent on accomplishment. Yet the most cantankerous of them all was in Interior, the Old Curmudgeon Ickes, and I've secretly enjoyed
an occasional comparison with him, however left-handed the compliment was intended to be. I justify myself by the sincere belief that temper explosions are seldom personal, and blow over quickly.

I mentioned at the outset that you would likely disagree with some of my techniques. Looking back over what I've said, it seems I should highlight what I had in mind. I once told one of my bureau chiefs that although I violated many of the precepts of good administration, I at least knew when I was doing so. He agreed I was right, on both counts.

Slicing through the chain of command, particularly in search of the one expert who can give me rational answers and stand up under cross examination, is the attribute which shows through everything I've said, whether you've noted it or not.

Embarrassment of a subordinate in the chain of command by knowing more about the nuts and bolts of his program than he knows himself is a subtle form of criticism of his performance, no matter how little such a result is intended. It causes bad feelings, particularly if the required accompanying protective measures are not taken. These include being sure not to give orders for action out of channels; keeping the responsible supervisor not only informed, but constantly reassured that what you are after is the fact or facts to assist the decision-making or policy making process, not the assumption of operating responsibility.
It must be obvious, of course, that the level of involvement expressed in the grazing fee case has to be an unusual situation, else there wouldn't be time to do a fraction of the job of supervising all six bureaus. But some aspect of every bureau's work has to be mastered, in depth. You can't really persuade from Olympus.

I violate more rules than I observe, but I will close my formal presentation with announcing one final personal rule I try never to violate -- as a public official it is my duty to be available to the public for cross-examination. I am now your witness.